

Notice of Emergency Rule

DEPARTMENT OF HEALTH

RULE NO.: RULE TITLE:

64ER22-9: Application for MMTC Licensure

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Pursuant to Chapter 2022-157, § 18, Laws of Florida, the Department is not required to make findings of an immediate danger to the public, health, safety, or welfare.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Department of Health is directed by Chapter 2022-157, § 18, Laws of Florida, to adopt emergency rules to implement section 381.986, Florida Statutes.

SUMMARY: Emergency Rule 64ER22-9 repeals and replaces Emergency Rule 64ER17-2. This emergency rule establishes the medical marijuana treatment center application process for individuals or entities applying for licensure.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Office of Medical Marijuana Use at OMMURules@flhealth.gov.

THE FULL TEXT OF THE EMERGENCY RULE IS:

64ER22-9 Application for MMTC Licensure.

(1) The following definitions apply to this emergency rule.

(a) “Batching cycle” means the grouping for comparative review of applications for MMTC licensure that are submitted for a specified number of available MMTC licenses within the same application window.

(b) “Application window” means the 5-day period during which the department will accept applications for a batching cycle, including the date and time upon which the department will begin accepting applications and the deadline (including the date and time) for submitting applications.

(2) Applications for MMTC licensure will be accepted in batching cycles established by the department. The department will establish MMTC batching cycles by separate rule which will specify:

(a) The application window for the application batching cycle; and

(b) The available number of MMTC licenses to be issued in the batching cycle.

(3) After the department’s publication of an MMTC application batching cycle, any person that desires to apply for licensure as an MMTC must submit the following to the department during the application window:

(a) An application that complies with this rule and the instructions and requirements contained in Form DH8052-OMMU-12/12/2022, “Medical Marijuana Treatment Center License Application Instructions, Requirements, and Forms,” which is incorporated by reference and available at <https://knowthefactsmmj.com/rules-and-regulations/>; and

(b) A non-refundable application fee in the amount of \$146,000.

(4) Applicants seeking to pay the application fee through a transfer of the initial application fee from the *Pigford/BFL* batching cycle pursuant to section 381.986(8)(a)2.b., F.S., must request the transfer by submitting a completed Form 6 of the “Medical Marijuana Treatment Center License Application Instructions, Requirements, and Forms.”

(5) Applications for MMTC licensure will be evaluated and scored by evaluators as described in the “Medical Marijuana Treatment Center License Application Instructions, Requirements, and Forms.” The evaluators will be provided Form DH8051-OMMU-12/12/2022, “Medical Marijuana Treatment Center Evaluator Instructions Manual,” incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations>.

(6) An application for MMTC licensure will be considered only for the batching cycle in which it is submitted.

(7) If additional MMTC licenses become available before a final agency action on applications submitting during any given batching cycle, such additional licenses will be subject to and awarded through a separate batching cycle published by the department. An applicant will not be awarded an MMTC license from an application batching cycle in which the applicant did not apply.

Rulemaking Authority Art. X, Sec. 29, Fla. Const.; and 381.986(8)(b), FS. Law Implemented, Art. X, Sec. 29, Fla. Const.; and 381.986(8)(a) and (b), FS. History–New .

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: December 16, 2022