



MEDICAL MARIJUANA TREATMENT CENTER

# License Application Instructions, Requirements, and Forms for *Pigford/BFL* Applicants

**OMMU** Office of **MEDICAL**  
**MARIJUANA** Use



Florida  
HEALTH

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## PART 1: INTRODUCTION

### Section 1.1 Overview

The Florida Department of Health (Department) invites recognized class members of *Pigford v. Glickman*, 185 F.R.D. 82 (D.D.C. 1999) (“*Pigford*”) and recognized class members of *In re Black Farmers Litigation*, 856 F. Supp. 2d 1 (D.D.C. 2011) (“*BFL*”) to submit applications for licensure as a Medical Marijuana Treatment Center (MMTC) in the manner described in this *License Application Instructions, Requirements, and Forms for Pigford/BFL Applicants* document (Application Instructions). These Application Instructions explain how to complete and submit an application, outline the evaluation process, and implement the framework for selecting and licensing a qualified *Pigford* class member or *BFL* class member as an MMTC. Because there is only one *Pigford/BFL* license available under section 381.986(8)(a)2.b., Florida Statutes (F.S.), and the Department expects to receive more than one application, the selection of an applicant for licensure will be on a competitive basis, designed to identify the applicant that best satisfies the requirements for licensure. *See MedPure, LLC v. Department of Health*, 295 So. 3d 318 (Fla. 1st DCA 2020).

### Section 1.2 Regulatory Background

Every licensed MMTC is required, among other things, to cultivate, process, and dispense marijuana for medical use. § 381.986(8)(e), F.S. MMTCs are the sole source from which qualified patients may legally obtain medical marijuana. *See* § 381.986(8)(j), F.S. The cultivation, processing, and dispensing of medical marijuana by an MMTC must, at all times, comply with the requirements stated in section 381.986, F.S., and Department rules. Specific definitions are set forth in section 381.986, F.S., and the Department’s rules (Chapter 64-4, Florida Administrative Code (F.A.C.)) and emergency rules (located at <https://knowthefactsmmj.com/rules-and-regulations/>). Those definitions apply to these Application Instructions.

In addition to the definitions set forth in the Department’s rules, the term “entity,” for purposes of these Application Instructions, means a business corporation; a nonprofit corporation; a general partnership, including a limited liability partnership; a limited partnership, including a limited liability limited partnership; a limited liability company; a real estate investment trust; or any other domestic or foreign entity of any kind that is organized or established under an organic law. The term “person” means a natural person or an entity.

Please read these Application Instructions carefully and fully before submitting an application. If licensed, an applicant must, at all times of licensure, maintain compliance with the representations made in the application submitted to the Department, subject to compliance with section 381.986, F.S., and Department rules. § 381.986(8)(e), F.S.

## **PART 2: THE APPLICATION PROCESS**

### **Section 2.1 General Overview**

The application process consists of three phases: 1) Phase One Review, 2) Phase Two Review, and 3) Phase Three Review. Phase One Review involves the Department's initial review of applications for apparent errors and omissions. If your application contains apparent errors or omissions, you will be notified in writing of the apparent errors or omissions, or if additional information is needed, and you will be afforded an opportunity to timely correct the errors or omissions and supply additional information, as requested. After completion of Phase One Review, applications will be submitted for Phase Two Review. During Phase Two Review, the Department's evaluators will qualitatively review and score the scored sections of the applications, and other Department personnel will assess the non-scored portions of the applications. Upon completion of Phase Two Review, the Department will proceed to Phase Three Review during which it will calculate the Total Application Score for each application and approve the selected applicant for licensure.

### **Section 2.2 Communications During the Application Process**

All questions relating to these Application Instructions or a pending MMTC application must be directed to the Department at the following email address: [MMTCApplication@flhealth.gov](mailto:MMTCApplication@flhealth.gov). The Department will also use this email address to communicate with applicants concerning a pending application. Applicants are encouraged to remove any filters that may delay or block emails from this address.

All contact with the Department regarding these Application Instructions or an application for MMTC licensure must be in writing and transmitted via email only. No facsimiles or telephone calls will be accepted for any reason. In addition, no oral representations by OMMU, the Department, or any other person concerning or relating to an MMTC application or the MMTC application process are binding on the Department. Only written communications by the Director of the Office of Medical Marijuana Use or the Department's Deputy Secretary for Health will be binding on the Department.

Applications may not be submitted via email and must be submitted in the manner described in Section 2.3 below.

### **Section 2.3 Application Window**

The Department will adopt a separate rule establishing the application window for the *Pigford/BFL* batching cycle. "Application Window" means the 5-day period during which the Department will accept applications for the *Pigford/BFL* license, including the date and time upon which the Department will begin accepting applications and the deadline (including date and time) for submitting applications.

Applications must be delivered to the Department’s Agency Clerk during the Application Window, as provided in these Application Instructions. An application will be considered delivered when it is physically tendered to the Agency Clerk. **Submissions by facsimile, email, or other forms of electronic delivery will not be accepted.** Only the Agency Clerk is authorized to accept applications. The Agency Clerk will date and time-stamp Form 1 (Applicant General Information) of your application as of the date and time the application is delivered to the Agency Clerk along with a “timely” or “untimely” stamp. Applications delivered within the Application Window will be deemed and stamped “timely.” Applications delivered before the Application Window opens or after the Application Window closes will be deemed and stamped “untimely.”

Use of U.S. mail for the submission of an application will result in delivery of the application to the Department’s central mailroom, not the Agency Clerk in the suite specified below. Delivery to the central mailroom will not constitute delivery of the application to the Agency Clerk in accordance with this Section. If an applicant delivers the application to the central mailroom, the central mailroom staff will deliver the application, along with other mail directed to the Agency Clerk, in the ordinary course of business, which may be several days after initial delivery to the mailroom. Timely delivery of an application to the Department’s Agency Clerk is exclusively the responsibility of the applicant and the risk of non-delivery, delayed delivery, or delivery outside of the Application Window will be borne exclusively by the applicant. Accordingly, applicants are warned that use of U.S. mail for submission of an application may result in delivery outside of the Application Window.

**Applications must be delivered to the Department’s Agency Clerk at the address specified below, and in the format prescribed in Section 3. The Department will not accept applications delivered before the Application Window opens; however, such applications may be resubmitted to the Department after the Application Window opens. The Department will deny applications delivered after the Application Window closes without further consideration.**

The delivery address for applications is as follows:

Agency Clerk  
Florida Department of Health  
2585 Merchants Row Blvd., **Suite 110**  
Tallahassee, FL 32399

**Subsection 2.3.1 Applications Delivered Monday through Thursday of the 5-Day Application Window**

Applications delivered Monday through Thursday of the Application Window may be delivered to the Department’s Agency Clerk anytime **between 9:00 a.m. and 5:00 p.m. eastern time.** Suite 110 will be locked at 5:00 p.m. Any applicant that attempts to deliver an application after 5:00 p.m. Monday through Thursday of the Application Window should return the next business day.



### **Subsection 2.3.2 Applications Delivered on Friday (i.e., the last day) of the 5-day Application Window**

Applications delivered on Friday, the last day of the Application Window, may be delivered to the Department's Agency Clerk anytime **between 9:00 a.m. and 5:00 p.m. eastern time.**

Applications delivered on the last day of the Application Window will be deemed timely only if delivered to **Suite 110** at or before 5:00 p.m. **Suite 110 will be locked at 5:00 p.m. on the last day of the Application Window.** All applications present inside Suite 110 at or before 5:00 p.m. eastern time on the last day of the Application Window will be deemed timely delivered (and stamped as such), regardless of whether the application is actually time-stamped after 5:00 p.m. eastern time on that day.

If an applicant attempts to deliver an application after the Application Window closes on Friday, the application will be deemed untimely and denied.

## **Section 2.4 Public Records and Applicant's Confidential Information**

### **Subsection 2.4.1 Public Records**

All electronic and written communications pertaining to an MMTC application, whether sent from or received by the Department, are subject to the Florida Public Records Law laid out in Chapter 119, F.S. Section 2.4.3 below addresses procedures for submission of an application containing trade secret and other information an applicant contends is exempt from public inspection.

### **Subsection 2.4.2 Applications Are Public Record**

All applications (and material and information contained therein) will be a public record subject to the provisions of Chapter 119, F.S. Approval or denial of an application for licensure does not affect the public record status of the materials.

### **Subsection 2.4.3 How to Claim Protection for Exempt Materials**

If an applicant considers any portion of application-related documents, information, or records submitted to the Department to be a trade secret and/or otherwise exempt from public inspection or disclosure pursuant to Florida's Public Records Law, the applicant should prominently and conspicuously mark all such information as "Confidential-Exempt from Public Disclosure." The applicant should submit a brief, written description of the grounds for each exemption claimed under the Public Records Law, including the specific statutory citation for such exemption.

If an applicant submits to the Department application-related documents, information, or records that it believes to be a trade secret and/or otherwise exempt from public

inspection or disclosure, the applicant must also simultaneously provide the Department with a separate, electronic, redacted copy of the documents, information, or records, redacting all information claimed to be exempt from public disclosure. The first page of the electronic redacted copy and each page on which information is redacted must prominently display the phrase “Redacted Copy.” Except for the redactions, the redacted copy must be an exact duplicate of the original, unredacted material. This submission must be made simultaneously with the original document, information, or record.

#### **Subsection 2.4.4 Public Records Requests**

Failure to provide a redacted copy of the application at the time of submission, or failure to identify and redact information claimed as trade secret or otherwise exempt information, will result in the release of all application-related information in response to a public records request unless the information is confidential or falls under another public records exemption. Applicants exclusively bear the burden of ensuring exempt information is appropriately marked.

#### **Subsection 2.4.5 Department Not Obligated to Agree with an Applicant’s Claim**

The Department is not obligated to agree with an applicant’s claim of exemption, and by submitting an application claiming an exemption from disclosure, the applicant agrees to defend its claim that any or some portion of its application is exempt from inspection and copying under Florida’s Public Records Law. Further, by submitting an application claiming an exemption from disclosure, the applicant agrees to protect, defend, indemnify, and hold harmless the Department for any and all claims and litigation (including litigation initiated by the Department), including attorney’s fees and costs, arising from or in any way relating to the applicant’s assertion that the redacted portions of its application are exempt from public disclosure under Chapter 119, F.S.

### **PART 3: PREPARING AND SUBMITTING AN APPLICATION**

#### **Section 3.1 Submittal of Application**

An application must be submitted in a properly marked box or envelope containing the following:

- a. One electronic application in PDF format and electronically **bookmarked** on a portable drive. The application must be electronically bookmarked as provided in Section 3.2 below. Acceptable portable drives include a portable hard drive, USB flash drive, and similar devices. The portable drive must have a USB connection and must be compatible with Microsoft operating systems. The PDF file containing the unredacted application must be named in the following format: “*Applicant Name*” (e.g., “John Smith, Inc.”);
- b. Applicants claiming protection for exempt materials must also submit one electronic, **redacted** application, as described in Subsection 2.4.3. The redacted application must

be in PDF format and electronically **bookmarked** on a portable drive. The PDF file containing the redacted application must be named in the following format: “*Applicant Name – Redacted*” (e.g., “John Smith, Inc. – Redacted”);

- c. A hardcopy of completed Form 1 (Applicant General Information) for the Agency Clerk to stamp as provided in Section 2.3 above; and
- d. A cashier’s check made payable to “Florida Department of Health” for the required application fee. Application fees are non-refundable.

The face of each box or envelope submitted must be addressed to the attention of the Agency Clerk and indicate the Agency Clerk’s address, as provided in Section 2.3 above. In addition, the face of each box or envelope must state “[*Applicant Name*] – *Application for MMTC Licensure.*”

### **Section 3.2 Format of Application**

Applicants must submit an application that contains the information and materials requested in Part 4 of these Application Instructions and arranged in the following format and order. Applications must be electronically bookmarked by section or subsection in the order below. The electronic bookmark’s name must match the names below (for example, “*Section 4.1 – Applicant Information*”).

- Section 4.1 – Applicant Information
- Section 4.2 – Declaration of Exempt Information
- Subsection 4.3.1 – Florida Business Registration
- Subsection 4.3.2 – Level 2 Background Screening
- Subsection 4.4.1 – Cultivation Plan
- Subsection 4.4.2 – Cultivation Infrastructure
- Subsection 4.4.3 – Ability to Secure Cultivation Infrastructure
- Subsection 4.5.1 – Processing Plan
- Subsection 4.5.2 – Processing Infrastructure
- Subsection 4.5.3 – Ability to Secure Processing Infrastructure

- Subsection 4.6.1 – Dispensing Plan
- Subsection 4.6.2 – Dispensing Infrastructure
  - Subsection 4.6.2 Addendum
- Subsection 4.6.3 – Ability to Secure Dispensing Infrastructure
- Subsection 4.7.1– Premises Security
  - Subsection 4.7.1 Addendum
- Subsection 4.7.2 – IT Security
- Subsection 4.7.3 – Diversion, Unlawful Access, and Transportation
- Subsection 4.7.4 – Personnel Screening and Training
- Subsection 4.7.5 – Recalls
- Subsection 4.8.1 – Experience in the Marijuana Industry (Applicant)
- Subsection 4.8.2 – Other Relevant Experience
- Subsection 4.8.3 – Business Plan
- Subsection 4.8.4 – Prior Enforcement Action
- Subsection 4.9.1 – Experience in the Marijuana Industry (Medical Director)
- Subsection 4.9.2 – Other Relevant Experience
  - Subsection 4.9.2 Addendum
- Subsection 4.9.3 – Oversight
- Subsection 4.9.4 – Managing Conflicts of Interest
- Subsection 4.9.5 – Medical Director Acknowledgment and Certificate of Course Completion

- Subsection 4.10.1 – Personnel Qualifications
  - Subsection 4.10.1 Addendum
- Subsection 4.10.2 – Drug Free Workplace
- Subsection 4.10.3 – Personnel Training
- Subsection 4.11.1 – Diversity Plan
- Subsection 4.11.2 – Implementation of Diversity Plan
- Subsection 4.12.1 – Certified Financial Statements
- Subsection 4.12.2 – Available Funding
  - Subsection 4.12.2 Addendum
- Subsection 4.12.3 – Projected Budget
  - Subsection 4.12.3 Addendum
- Subsection 4.13.1 – Ownership Information for Individual (Natural Person) Applicants
- Subsection 4.13.2 – Ownership Information for Entity Applicants
- Subsection 4.13.3 – Capitalization Tables, Change of Control, and Related Entities
- Section 4.14 – Applicant Acknowledgment
- Section 4.15 – *Pigford* and *BFL* Documentation

**Applicants must insert a page break between each electronically bookmarked section and subsection such that each section and subsection begins on a new page.**

All narrative responses included in the application must be double spaced in Times New Roman, 12-point font, with one-inch margins, and set to 8½ by 11-inch paper size. Where applicable, applicants must abide by the page limit specified for the section or subsection. Images and graphics may, in the applicant’s discretion, be included in the applicant’s narrative response; however, all images and graphics in the narrative response will count against the specified page limit. Pages in excess of the page limit will be ignored and will not be considered in evaluation and scoring.

Subsections 4.6.2, 4.7.1, 4.9.2, 4.10.1, 4.12.2, and 4.12.3 request submission of floorplans, organizational charts, resumes, CVs, documentation of assets, and similar documentation (collectively, “addenda”). These materials are requested in addition to a narrative response. Addenda do not count against the specified page limits. An applicant may not include in the addenda any information or documentation other than the specific information or documentation requested. An addendum must be separately bookmarked and placed at the end of the subsection in which the addendum was requested. The electronic bookmark name for the addendum must state the subsection name and the word “Addendum” (for example, “*Subsection 4.7.1 Addendum*”).

## **PART 4: CONTENT OF APPLICATION**

**Each of the following sections and subsections contain requests for information and documents to be provided by applicants. Carefully review each and supply the requested information and documents. Applicants must adhere to the formatting convention provided in Part 3 of the Application Instructions.**

In all responses, clarity is important, as evaluators are not expected to decipher vague, ambiguous, overly complex, or otherwise difficult to understand responses. An evaluator may assign a lower score to any narrative response that is not clearly articulated.

### **Section 4.1 Applicant Information (requested form only)**

Applicants must complete each section in Form 1 (Applicant General Information) and include the completed Form 1.

### **Section 4.2 Declaration of Exempt Information (no page limit)**

Applicants must provide a listing of information that is claimed to be exempt from public disclosure. This listing shall identify each section of the application that has been excluded from the Redacted Copy provided with the application, as described in Section 2.4 of these Application Instructions.

If an applicant is not declaring any information as exempt, then it must include a statement to that effect.

### **Section 4.3 Certificate of Registration and Background Screening (no page limit)**

Applicants must provide the documentation and information requested in Subsections 4.3.1 and 4.3.2 below.

There is no page limit for these subsections. However, only the requested documents and information may be included.

### **Subsection 4.3.1 Florida Business Registration (no page limit)**

Applicants must provide documentation, as described below, demonstrating that the applicant, whether an individual (natural person) or entity, has been registered to do business in Florida for the previous five consecutive years.

If the applicant is an *entity*, other than a sole proprietor or general partnership, the applicant must provide documentation from the Florida Department of State (DOS) demonstrating that the applicant has been registered to do business in the state of Florida for the previous five consecutive years. Such documentation must include a letter or other certification directly originating from the DOS certifying the applicant's registration to do business in Florida for the previous five consecutive years.

The name of the applicant, as listed in Form 1 (Applicant General Information), must match the name appearing in the documentation from DOS. However, if you have not been registered to do business under the same name for the duration of the five-year period, you must submit documents from DOS establishing and documenting any name changes that have occurred and demonstrating that the entity submitting the application for licensure has been registered to do business in Florida for the previous five consecutive years.

If the applicant is a *natural person/sole proprietor or a general partnership*, the applicant must provide at least one of the following:

1. A letter or other certification directly originating from the DOS demonstrating the applicant's registration to do business in Florida for the previous five consecutive years;
2. A letter or other certification directly originating from the DOS demonstrating the applicant's registration with DOS for the previous five consecutive years as an officer, member, partner, or director of an entity for the previous five consecutive years;
3. A letter or other certification directly originating from the Florida Department of Revenue (DOR) demonstrating the applicant's registration to do business in Florida for the previous five consecutive years; or
4. Documentation directly originating from any Florida state agency or regional or local government entity in Florida demonstrating that the applicant has been registered with such agency or government entity to do business for the previous five consecutive years, which may be in the form of permits, certificates, or similar documentation related to the applicant's transaction of business in Florida.

The name of the applicant, as listed in Form 1 (Applicant General Information), must match the name appearing in the documentation from DOS, DOR, or other Florida state agency or local government entity, as applicable. However, if you have not been registered to do

business under the same name for the duration of the five-year period, you must submit documents demonstrating any name changes that have occurred and demonstrating that the natural person or general partnership applicant submitting the application for licensure is the same natural person or general partnership that has been registered to do business in Florida for the previous five consecutive years.

**Subsection 4.3.2      Level 2 Background Screening (no page limit)**

An applicant is ineligible for licensure unless the applicant’s owners and managers have passed a level 2 background screening, as required by section 381.986(9), F.S. The terms “owner” and “manager” are defined in the Department’s Definitions Rule. For individual (natural person) applicants, ownership attribution shall extend beyond the natural person applicant to include any person with an option in the prospective license or prospective MMTc.

Each owner and manager of the applicant must submit a full set of fingerprints to a Livescan Service Provider for purposes of background screening. At the time of fingerprint submission, owners and managers must give to the Livescan Service Provider the **ORI number FL924890Z** (DOH – OFFICE OF MEDICAL MARIJUANA USE) and specify “APPLICATION” in the Attention Indicator (ATN) field. FDLE will send background reports directly to the Department. If an individual’s fingerprints are rejected twice for image quality, the individual shall participate in the Federal Bureau of Investigation’s name check procedure for fingerprint submissions rejected twice due to image quality.

**Applicants must provide the following information:**

1. A complete list of the applicant’s owners and managers;
2. For each identified individual (whether an owner or manager), include the following:
  - a. The date the individual submitted fingerprints to a Livescan Service Provider for purposes of the level 2 background screening; and
  - b. A completed Form 2 (Waiver Agreement and Statement) executed by the individual.

The Department will not begin reviewing FDLE background reports until after receipt of applications. Applicants should be aware that, after receipt of a background report from FDLE, the Department may issue directly to the individual owner or manager requests for additional information or clarification necessary for the Department to complete the background screening process. Such additional information or clarification is not part of an applicant’s application for licensure. However, failure of the individual to timely submit the information or materials requested by the Department may result in the individual’s inability to pass the level 2 background screening and, therefore, the denial of the applicant’s license application.



Upon assessing the background report and any additional information received from the individual owner or manager, the Department will issue notice in writing to the individual stating whether the individual passed the background screening.

#### **Section 4.4 Cultivation of Marijuana and Supporting Infrastructure**

Applicants must supply a response to Subsections 4.4.1, 4.4.2, and 4.4.3 below. These subsections are designed to elicit information that will allow the Department to compare the applicants through scoring to ultimately determine which applicant best satisfies the requirements for licensure. The individual subjects listed within each subsection are not exclusive, and an applicant may supply any additional information the applicant believes best addresses the request for information in each subsection.

##### **Subsection 4.4.1 – Cultivation Plan (10 pages maximum)**

**Describe your plan for cultivating marijuana in accordance with the requirements of section 381.986(8), F.S. (Maximum 80 raw points)**

Your response must not exceed 10 pages. Your plan should, at a minimum, address the following subjects. Failure to address these subjects may result in a lower score for this subsection.

- Processes, methods, and techniques for cultivating marijuana, including, but not limited to, low-THC cannabis;
- The strains of marijuana you intend to cultivate and an explanation of how those strains relate to your cultivation plan and timeline;
- The amount of marijuana you reasonably expect to cultivate on an annual basis;
- How the amount of marijuana you expect to cultivate will adequately supply the dispensing locations you propose in Section 4.6;
- Any additives, pesticides, fungicides and herbicides you will use for the cultivation of marijuana consistent with the Department’s Pesticide Use on Medical Marijuana Rule;
- Plan for inspecting seeds and growing plants for plant pests that endanger or threaten the horticulture or agriculture of the state, as defined by section 581.011(26), F.S. and identified in Rule 5B-2.0025, F.A.C.;
- Plan for tracking marijuana plants within a harvest, including your seed-to-sale tracking system;
- Plan for the fumigation or treatment of plants and the removal and destruction of infested or infected plants; and
- Methods of ensuring cultivation facilities and practices comply with federal and state regulations regarding sanitation and waste disposal, including the requirements of the Department’s MMTc Marijuana Waste Management and Disposal Rule.

In addition to the foregoing subjects, you may supply in your narrative response any additional information that you believe informs the Department of the details of your plan to cultivate marijuana in accordance with section 381.986(8), F.S.

**Subsection 4.4.2 – Cultivation Infrastructure (7 pages maximum)**

**Describe the areas and infrastructure proposed for the cultivation of marijuana and explain how that infrastructure will be sufficient to execute your cultivation plan. (Maximum 60 raw points)**

Your response must not exceed 7 pages. Your response should, at a minimum, address the following subjects. Failure to address these subjects may result in a lower score for this subsection.

- Your proposed cultivation facility(ies);
- Capacity, in square feet, of growing area(s) for each proposed facility;
- The cultivation environment (e.g., indoor greenhouse, clean room, etc.);
- Facility odor mitigation;
- Cultivation systems (e.g., lighting, nutrient dispersal, data collection, power);
- Irrigation systems and access to water resources that ensure sufficient irrigation;
- Environmental control systems; and
- Backup plans for all systems identified.

In addition to the foregoing subjects, you may supply in your narrative response any additional information that you believe informs the Department of the areas and infrastructure proposed for the cultivation of marijuana.

**Subsection 4.4.3 – Ability to Secure Cultivation Infrastructure (7 pages maximum)**

**With respect to the cultivation infrastructure described in response to Subsection 4.4.2, identify the cultivation infrastructure you have already secured and the cultivation infrastructure you intend to secure upon licensure. (Maximum 60 raw points)**

Your response must not exceed 7 pages. Your response should, at a minimum, address the following subjects. Failure to address these subjects may result in a lower score for this subsection.

- The cultivation facility(ies), systems, and infrastructure that you have secured, if any, as of the date of submission of the application;
- The cultivation facility(ies), systems, and infrastructure you have not yet secured, but intend to secure upon licensure, and your plan for securing such infrastructure, including your timeline or schedule, and any assumptions upon which the schedule is based;

- Your timeframe for obtaining cultivation authorization from the Department, as required by the Department’s MMTC Authorization Procedures Rule. Your cultivation timeframe should estimate the number of days post-licensure in which you will request cultivation authorization from the Department; and
- Identify any assumptions upon which your cultivation authorization timeframe is based, and describe the bases for those assumptions.

In addition to the foregoing subjects, you may supply in your narrative response any additional information that you believe informs the Department of the cultivation infrastructure you have already secured and the infrastructure you intend to secure upon licensure.

#### **Section 4.5 Plan for Processing Marijuana and Supporting Infrastructure**

Applicants must supply a response to Subsections 4.5.1, 4.5.2, and 4.5.3 below. These subsections are designed to elicit information that will allow the Department to compare the applicants through scoring to ultimately determine which applicant best satisfies the requirements for licensure. The individual subjects listed within each subsection are not exclusive, and an applicant may supply any additional information the applicant believes best addresses the request for information in each subsection.

##### **Subsection 4.5.1 – Processing Plan (10 pages maximum)**

**Describe your plan for processing marijuana in accordance with the requirements of section 381.986(8), F.S. and Department rules. (Maximum 80 raw points)**

Your response must not exceed 10 pages. Your plan should, at a minimum, address the following subjects. Failure to address these subjects may result in a lower score for this subsection.

- Methods of extraction, including extraction techniques and processes;
- The solvents and gases you intend to use for processing marijuana and methods for handling solvents and gases that exhibit potential toxicity in compliance with the Department’s MMTC Solvent-Based Extraction Rule;
- Methods and processes for ensuring Final Product, as defined in the Department’s CMTL Definitions Rule, does not exceed the enumerated Acceptable Limits, as provided in the Department’s CMTL Sample Testing Rule;
- Record maintenance for all testing and samples of each Retail Batch, as defined in the Department’s CMTL Definitions Rule;
- Procedures for the treatment of marijuana or Final Product that fails to meet the testing requirements provided in sections 381.986, 381.988, F.S., and the Department’s CMTL Sample Testing Rule;
- Quality assurance program to track contamination incidents and document identified causes of such incidents and corrective action(s) taken;

- Ability of each proposed processing facility to pass a Food Safety Good Manufacturing Practices inspection by a nationally accredited certifying body within twelve months of licensure, as required by section 381.986(8)(e)9., F.S.;
- The nationally accredited certifying body you intend to use for the Food Safety Good Manufacturing Practices inspection and how you intend to meet its guidelines/standards;
- Plan for packaging and labeling of usable products, as defined in the Department’s Definitions Rule, in compliance with the requirements of section 381.986(8)(e)11.f., F.S., and the Department’s MMTC Packaging and Labeling Rule;
- Methods of ensuring processing facilities and practices comply with federal and state regulations regarding sanitation and waste disposal, including the Department’s MMTC Marijuana Waste Management and Disposal Rule;
- If pre-rolled marijuana cigarettes are included in your product offerings, a description of the wrapping paper you intend to use for the cigarettes;
- If edibles are included in your product offerings, the processing plan must also describe:
  - Ability to obtain a food establishment permit pursuant to Chapter 500, F.S. and Chapter 5K-11, F.A.C.;
  - Methods of ensuring compliance with all requirements for food establishment permits pursuant to Chapter 500, F.S. and Chapter 5K-11, F.A.C.;
  - Control systems to regulate the milligrams of THC in each edible and maintain potency variances of no greater than 15 percent as provided in section 381.986(8)(e)8., F.S.; and
  - Compliance with the requirements of the Department’s Standards for Production of Edibles Rule.

In addition to the foregoing subjects, you may supply in your narrative response any additional information that you believe informs the Department of the details of your plan to process marijuana in accordance with section 381.986(8).

**Subsection 4.5.2 – Processing Infrastructure (7 pages maximum)**

**Describe the areas and infrastructure proposed for the processing of marijuana and explain how that infrastructure will be sufficient to execute your processing plan. (Maximum 60 raw points)**

Your response must not exceed 7 pages. Your response should, at a minimum, address the following subjects. Failure to address these subjects may result in a lower score for this subsection.

- Your proposed processing facility(ies);
- Proposed processing areas within the facility(ies);
- Extraction equipment and location;
- Concentration equipment and location;

- Analytical equipment, including separators and detectors, and location;
- Safety equipment, facilities and location;
- Access to sufficient potable water and hot water;
- Odor mitigation;
- Processing systems (e.g. data collection, power, packaging and labeling);
- Computer systems and software;
- Ventilation and exhaust system(s); and
- Back-up plans for all identified systems.

In addition to the foregoing subjects, you may supply in your narrative response any additional information that you believe informs the Department of the areas and infrastructure proposed for the processing of marijuana.

**Subsection 4.5.3 – Ability to Secure Processing Infrastructure (7 pages maximum)**

**With respect to the processing infrastructure described in response to Subsection 4.5.2, identify the processing infrastructure you have already secured and the processing infrastructure you intend to secure upon licensure. (Maximum 60 raw points)**

Your response must not exceed 7 pages. Your response should, at a minimum, address the following subjects. Failure to address these subjects may result in a lower score for this subsection.

- The processing facilities, systems, and infrastructure that you have secured, if any, as of the date of submission of the application;
- The processing facilities, systems, and infrastructure you have not yet secured, but intend to secure upon licensure, and your plan for securing such infrastructure, including your timeline or schedule, and any assumptions upon which the schedule is based;
- Your timeframe for obtaining processing authorization from the Department, as required by the Department’s MMTC Authorization Procedures Rule. Your processing operations timeframe should provide the number of days post-licensure in which you will request processing authorization from the Department; and
- Identify any assumptions upon which your processing authorization timeframe is based, and describe the bases for those assumptions.

In addition to the foregoing subjects, you may supply in your narrative response any additional information that you believe informs the Department of the processing infrastructure you have already secured and the infrastructure you intend to secure upon licensure.

## **Section 4.6 Plan for Dispensing Marijuana and Supporting Infrastructure**

Applicants must supply a response to Subsections 4.6.1, 4.6.2, and 4.6.3 below. These subsections are designed to elicit information that will allow the Department to compare the applicants through scoring to ultimately determine which applicant best satisfies the requirements for licensure. The individual subjects listed within each subsection are not exclusive, and an applicant may supply any additional information the applicant believes best addresses the request for information in each subsection.

### **Subsection 4.6.1 – Dispensing Plan (10 pages maximum)**

**Describe your plan for dispensing marijuana in accordance with the requirements of section 381.986(8), F.S., and Department rules. (Maximum 80 raw points)**

Your response must not exceed 10 pages. Your plan should, at a minimum, address the following subjects. Failure to address these subjects may result in a lower score for this subsection.

- Product offering, including a list of all usable products (to include at least one low-THC cannabis product) and marijuana delivery devices you intend to offer and a description of each usable product and marijuana delivery device;
- Number of proposed dispensing facilities (meaning dispensing premises) and ability to consistently maintain an adequate supply of usable product at each intended dispensing facility;
- Hours of operation at each intended dispensing facility;
- Delivery methods, including the extent to which you will offer home delivery services;
- Patient education concerning safe use, legal use, safe storage, and accidental ingestion of marijuana;
- Plan to maintain confidentiality of patients' medical conditions, health status, and purchases of marijuana;
- Plan to document and investigate patients' complaints and reports of adverse incidents;
- Method for ensuring that all qualified patients and caregivers have an active profile in the medical marijuana use registry and present medical marijuana use registry identification cards prior to purchasing marijuana;
- Method for tracking the dispensation of marijuana to qualified patients and caregivers, including steps for ensuring qualified patients do not receive more than the statutory-maximum supply in a given period;
- Method for ensuring all usable products and marijuana delivery devices are dispensed in accordance with section 381.986(8)(e)16., F.S.; and
- How you will ensure your dispensing of edibles complies with the Department's Standards for Production of Edibles Rule.

In addition to the foregoing subjects, you may supply in your narrative response any additional information that you believe informs the Department of the details of your plan to dispense marijuana in accordance with the requirements of section 381.986(8), F.S.

**Subsection 4.6.2 – Dispensing Infrastructure (7 pages maximum)**

**Describe the areas and infrastructure proposed for dispensing marijuana and explain how that infrastructure will be sufficient to execute your dispensing plan. (Maximum 60 raw points)**

Your response must not exceed 7 pages. Your response should, at a minimum, address the following subjects. Failure to address these subjects may result in a lower score for this subsection.

- Your proposed dispensing facility(ies), including physical address(es) of the proposed dispensing facilities;
- The accessibility of your proposed dispensing facilities, including the proximity to patient populations and major roadways;
- Computer network systems, including measures to secure electronic data containing patient information and patient confidentiality security protocols that will be utilized by facilities that dispense marijuana or take patient orders;
- Your vehicles for transporting marijuana; and
- Systems for communicating with persons transporting marijuana.

In addition to the foregoing subjects, you may supply in your narrative response any additional information that you believe informs the Department of the areas and infrastructure proposed for the dispensing of marijuana.

In addition to your narrative response, supply as an addendum the floorplans of the actual or proposed building(s) where dispensing activities will occur, showing: (i) areas designated to protect patient privacy, including the provision of an appropriately-sized waiting area and at least one private patient consultation room; and (ii) areas designated for retail sales. The floorplans do not count against the page limit.

**Subsection 4.6.3 – Ability to Secure Dispensing Infrastructure (7 pages maximum)**

**With respect to the dispensing infrastructure described in response to Subsection 4.6.2, identify the dispensing infrastructure you have already secured and the dispensing infrastructure you intend to secure upon licensure. (Maximum 60 raw points)**

Your response must not exceed 7 pages. Your response should, at a minimum, address the following subjects. Failure to address these subjects may result in a lower score for this subsection.

- The dispensing facilities, systems, and infrastructure that you have secured, if any, as of the date of submission of the application;
- The dispensing facilities, systems, and infrastructure you have not yet secured, but intend to secure upon licensure, and your plan for securing such infrastructure, including your timeline or schedule, and any assumptions upon which the schedule is based;
- Your timeframe for obtaining dispensing authorization from the Department, as required by the Department's MMTC Authorization Procedures Rule. Your dispensing authorization timeframe should provide the number of days post-licensure in which you will request dispensing authorization from the Department; and
- Identify any assumptions upon which your dispensing authorization timeframe is based and describe the bases for those assumptions.

In addition to the foregoing subjects, you may supply in your narrative response any additional information that you believe informs the Department of the dispensing infrastructure you have already secured and the dispensing infrastructure you intend to secure upon licensure.

#### **Section 4.7 Plan for Security and Accountability**

Applicants must supply a response to Subsections 4.7.1, 4.7.2, 4.7.3, 4.7.4, and 4.7.5 below. These subsections are designed to elicit information that will allow the Department to compare the applicants through scoring to ultimately determine which applicant best satisfies the requirements for licensure. The individual subjects listed within the subsections are not exclusive, and an applicant may supply any additional information the applicant believes best addresses the request for information in each subsection.

##### **Subsection 4.7.1 – Premises Security (6 pages maximum)**

**Describe your plan to ensure the safety and security of the premises where the cultivation, processing, storing, or dispensing of marijuana will occur. (Maximum 40 raw points)**

Your response must not exceed 6 pages. Your plan should, at a minimum, address the following subjects. Failure to address these subjects may result in a lower score for this subsection.

- Manner of securely storing marijuana at each cultivation, processing, and dispensing facility;
- Emergency management plan for securing marijuana during and after natural disasters (e.g., hurricanes);



- The security alarm system(s) and video surveillance system(s) that you propose to use at each cultivation, processing, and dispensing facility to meet the requirements of section 381.986(8)(f), F.S.;
- Facility entry points, windows, skylights, and roof hatches;
- Locking options for each means of ingress and egress;
- Location of all security cameras and their field of view;
- Outdoor lighting fixtures; and
- Location of alarm inputs, including any motion detectors, pressure switches, and duress, panic or hold-up alarms.

In addition to the foregoing subjects, you may supply in your narrative response any additional information that you believe informs the Department of your plan to ensure the safety and security of the premises where the cultivation, processing, storing, or dispensing of marijuana will occur.

In addition to your narrative response, supply as an addendum the schematics, or floorplans, of the cultivation, processing, and dispensing facilities identified in Subsections 4.4.2, 4.5.2, and 4.6.2. The floorplans, or schematics, should reflect the locations of the subjects listed above (for example, location of all security cameras). The floorplans or schematics do not count against the page limit.

**Subsection 4.7.2 – IT Security (6 pages maximum)**

**Describe your plan for securing your information technology system and infrastructure, including how you intend to secure the physical infrastructure and how you intend to secure and protect the system from outside intrusion and hacking. (Maximum 40 raw points)**

Your response must not exceed 6 pages.

**Subsection 4.7.3 – Diversion, Unlawful Access, and Transportation (6 pages maximum)**

**Describe your plan to prevent the diversion of, and unlawful access to, marijuana and to ensure the safe and secure transport of marijuana during all phases of the MMTC business. (Maximum 40 raw points)**

Your response must not exceed 6 pages. Your response should, at a minimum, address the following subjects. Failure to address these subjects may result in a lower score for this subsection.

- Inventory tracking and control systems, including systems for tracking marijuana throughout cultivation, processing, and dispensing (i.e., from seed to sale);
- Waste disposal in accordance with the Department’s MMTC Marijuana Waste Management and Disposal Rule;

- Proposed security systems and features for vehicles used for the transportation of marijuana or usable product, including separate locking compartments or containers to store marijuana or usable product;
- Vehicle tracking systems;
- Vehicle maintenance plans; and
- Use of transportation manifests in accordance with the requirements of section 381.986(8)(g), F.S.

In addition to the foregoing subjects, you may supply in your narrative response any additional information that you believe informs the Department of your plan to prevent the diversion of, and unlawful access to, marijuana and to ensure the safe and secure transport of marijuana during all phases of the MMTC business.

**Subsection 4.7.4 – Personnel Screening and Training (3 pages maximum)**

**Describe your plan to background screen all owners, managers, and employees and to provide safety and security training to such persons. (Maximum 40 raw points)**

Your response must not exceed 3 pages. Your response should, at a minimum, address the following subjects. Failure to address these subjects may result in a lower score for this subsection.

- Background screening procedures in compliance with Rule 64-4.208, F.A.C.;
- Manner of documenting background screening compliance to the Department;
- Conflict resolution training;
- Training for the proper handling of violent incidents and other emergencies;
- Training to prevent unregistered individuals from purchasing medical marijuana; and
- Training for the proper documentation of medical marijuana transactions.

In addition to the foregoing subjects, you may supply in your narrative response any additional information that you believe informs the Department of your plan to background screen all owners, managers, and employees and to provide safety and security training to such persons.

**Subsection 4.7.5 – Recalls (3 pages maximum)**

**Describe your plan for the recall of any marijuana or usable product that is, or may be, unsafe for human consumption (as evidenced by testing results, patient reactions, or otherwise); fails to meet the potency requirements of section 381.986(8)(e)8., F.S.; or for which the labeling of tetrahydrocannabinol and cannabidiol concentration is inaccurate. (Maximum 40 raw points)**

Your response must not exceed 3 pages.

## **Section 4.8 Ability to Execute Proposed Plans**

Applicants must supply a response to Subsections 4.8.1, 4.8.2, 4.8.3, and 4.8.4 below. These subsections are designed to elicit information that will allow the Department to compare the applicants through scoring to ultimately determine which applicant best satisfies the requirements for licensure.

### **Subsection 4.8.1 – Experience in the Marijuana Industry (5 pages maximum)**

**Describe your experience, or that of your personnel, (whether in Florida or another jurisdiction) cultivating, processing, dispensing, or securing marijuana. (Maximum 60 raw points)**

Your response must not exceed 5 pages. Include in your response (if applicable) examples where you (or your personnel) have implemented (or participated in the implementation of) a cultivation, processing, dispensing, or security plan similar to the plan you described in response to Subsections 4.4.1, 4.5.1, 4.6.1, and 4.7.1. Include the lessons learned, what was successful, and what you would do differently. If you do not have experience cultivating, processing, dispensing, or securing marijuana, please so state.

### **Subsection 4.8.2 – Other Relevant Experience (5 pages maximum)**

**Describe your experience (regardless of industry or type), or that of your personnel, which demonstrates your ability to implement the plans described in response to Subsections 4.4.1, 4.5.1, 4.6.1, and 4.7.1. (Maximum 60 raw points)**

Your response must not exceed 5 pages. Relevant experience may include experience in regulated industries, agriculture, horticulture, commercial manufacturing, analytical chemistry, microbiology, retail sales, secure inventory tracking and control, or any other business experience you deem relevant to the implementation of your proposed plans.

### **Subsection 4.8.3 – Business Plan (5 pages maximum)**

**Describe your business plan, including each of the specific steps you intend to take to implement your proposed MMTC business upon licensure by the Department. (Maximum 60 raw points)**

Your response must not exceed 5 pages. Your plan should, at a minimum, address the following subjects. Failure to address these subjects may result in a lower score for this subsection.

- A step-by-step explanation of how you intend to move from licensure by the Department to a fully operational MMTC dispensing usable product to qualified patients and caregivers; and

- Any assumptions upon which estimates provided are based and a description of the bases for those assumptions.

In addition to the foregoing subjects, you may supply in your narrative response any additional information that you believe informs the Department of your business plan and the steps you intend to take to implement your proposed MMTC business.

**Subsection 4.8.4 – Prior Enforcement Action (no page limit)**

**Disclose and describe prior enforcement action taken against the applicant, or the applicant’s owners and managers, relating to: (i) a dispensing organization or MMTC license in Florida, (ii) a marijuana license in another jurisdiction, and (iii) any other business or operational license in Florida or another jurisdiction within the past ten years. (Maximum 20 raw points)**

For purposes of this subsection, enforcement action means notices of violation, citations, fines, suspensions, revocations, or other adverse actions taken by a regulatory body against your license(s). There is no page limit for this subsection. Your response should address the following subjects. Failure to address these subjects may result in a lower score for this subsection.

1. State whether the applicant has previously held a Florida dispensing organization license or MMTC license and, if so, disclose and describe all enforcement action taken against the previously licensed applicant.
2. State whether the applicant has been previously licensed in another jurisdiction to cultivate, process, or dispense marijuana, and if so, disclose and describe the following:
  - a. All enforcement action, taken against the applicant in such other jurisdiction(s); and
  - b. Whether the applicant has been compelled to recall marijuana or marijuana product in such other jurisdiction(s), and if so, the circumstances relating to the recall of marijuana.
3. For each owner and manager of an entity-applicant, disclose the following:
  - a. Whether the owner or manager has previously served as an owner or manager of a Florida-licensed dispensing organization or MMTC that has been subject to any enforcement action by the Department, and if so, provide the name of the owner or manager, the identity of the dispensing organization or MMTC, and the circumstances relating to the enforcement action taken against the MMTC or dispensing organization;
  - b. Whether the owner or manager has previously served as an owner or manager of an entity licensed in another jurisdiction to cultivate, process or dispense marijuana that has been subject to any enforcement action by the applicable licensing body, and if so, provide the name of the owner or manager, the identity of the entity licensed to cultivate, process, or dispense marijuana, and the circumstances relating to the enforcement action.

- c. Whether the owner or manager has previously served as an owner or manager of an entity licensed in another jurisdiction to cultivate, process, or dispense marijuana that has been compelled to recall marijuana or marijuana product, and if so, provide the name of the owner or manager, the name of the entity, and the circumstances relating to the entity's recall of marijuana or marijuana product.
4. State whether the applicant has possessed any business or operational license or permit in any field other than the marijuana industry, including:
  - a. The jurisdiction and type of license the applicant possessed; and
  - b. For each such license or permit, disclose and describe all enforcement action taken against the applicant in such other jurisdiction(s) and describe any penalty imposed.

Applicants are reminded that misrepresentations in an application may result in revocation of the license.

## **Section 4.9 Medical Director**

Applicants must supply a response to Subsections 4.9.1, 4.9.2, 4.9.3, 4.9.4, and 4.9.5 below. These subsections are designed to elicit information that will allow the Department to compare the applicants through scoring to ultimately determine which applicant best satisfies the requirements for licensure.

### **Subsection 4.9.1 – Experience in the Marijuana Industry (4 pages maximum)**

**Describe your medical director's experience, if any, related to patient use of medical marijuana, including any prior employment by an entity authorized to cultivate, process, or dispense marijuana in Florida or other jurisdiction. (Maximum 80 raw points)**

Your response to this subsection must not exceed 4 pages. If your medical director does not have experience in the marijuana industry, please so state.

### **Subsection 4.9.2 – Other Relevant Experience (2 pages maximum)**

**Describe any other relevant experience that you believe demonstrates your medical director's ability to adequately supervise the activities of the MMTTC. (Maximum 40 raw points)**

Your response must not exceed 2 pages. Your response should, at a minimum, address the following subjects. If your medical director does not have any experience in these areas, please so state. Failure to address these subjects may result in a lower score for this subsection.

- Treatment of patients suffering from: cancer, epilepsy, glaucoma, positive status for human immunodeficiency status (HIV), acquired immune deficiency syndrome (AIDS), post-traumatic stress disorder (PTSD), amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, or multiple sclerosis;
- Treatment of patients suffering from terminal conditions;
- Recognizing and treating drug dependency, abuse, and addiction;
- Diagnosing and treating substance use disorder;
- Patient education;
- Pharmaceutical formulations and dosage forms;
- Experience dispensing medications;
- Clinical trials or observational studies; and
- Analytical laboratory methods and quality control.

In addition to the foregoing subjects, you may supply in your narrative response any additional information that you believe informs the Department of the relevant experience that demonstrates your medical director's ability to adequately supervise the activities of the MMTC.

In addition to your narrative response, supply as an addendum a copy of the medical director's resume or CV. The medical director's resume or CV does not count against the page limit.

**Subsection 4.9.3 – Oversight (3 pages maximum)**

**Describe the scope of the medical director's responsibilities, supervision, and oversight over the activities of the licensed MMTC. In addition, describe your plans to ensure the MMTC has a medical director without lapse (i.e., if your medical director unexpectedly resigns). (Maximum 60 raw points)**

Your response must not exceed 3 pages.

**Subsection 4.9.4 – Managing Conflicts of Interests (1 page maximum)**

**Describe your plan for ensuring that your medical director does not engage in behavior that creates, or may create, a conflict of interest with ordering physicians, including, but not limited to, kickbacks. (Maximum 20 raw points)**

Your response must not exceed 1 page.

**Subsection 4.9.5 – Medical Director Acknowledgment and Certificate of Course Completion (requested documentation only)**

Applicants must provide the following:

1. A completed Form 4 (Medical Director Acknowledgment) executed by the applicant's medical director; and
2. A certificate demonstrating the medical director's successful completion of the 2-hour course and subsequent examination administered by the Florida Medical Association or the Florida Osteopathic Medical Association.

The Medical Director Acknowledgment and certificate of course completion will not be scored. However, failure to include the completed Form 4 (Medical Director Acknowledgment) and certificate of course completion will result in denial of the application.

## **Section 4.10 Personnel**

Applicants must supply a response to Subsections 4.10.1, 4.10.2, and 4.10.3 below. These subsections are designed to elicit information that will allow the Department to compare the applicants through scoring to ultimately determine which applicant best satisfies the requirements for licensure. The individual subjects listed within the subsections are not exclusive, and an applicant may supply any additional information the applicant believes best addresses the requests for information in each subsection.

### **Subsection 4.10.1 – Personnel Qualifications (10 pages maximum)**

**Describe the organizational structure of your proposed MMTC; identify the persons you deem as necessary to the implementation of your cultivation, processing, dispensing, and security and accountability plans; and describe the qualifications of those persons. (Maximum 100 raw points)**

Your response must not exceed 10 pages. Your response should, at a minimum, address the following subjects. Failure to address these subjects may result in a lower score for this subsection.

Applicants must ensure that any person identified in this Subsection 4.10.1. who meets the definition of owner or manager in the Department's Definitions Rule, is also identified in response to Subsection 4.3.2.

- Identify the positions you deem as necessary for the implementation of your cultivation, processing, dispensing, and security and accountability plans (Necessary Positions);
- Describe the duties and responsibilities of the Necessary Positions you identified;
- Provide the names of the persons you have already retained to fill the Necessary Positions you identified, and describe each person's education, relevant experience, or other qualifications for the position; and
- Describe your plan to secure personnel to fill the remaining Necessary Positions that you have not already filled.

In addition to the foregoing subjects, you may supply in your narrative response any additional information that you believe informs the Department of the identity and qualifications of those persons you deem necessary to the implementation of your cultivation, processing, dispensing, and security and accountability plans.

In addition to your narrative response, supply as an addendum an organizational chart identifying Necessary Positions for your proposed MMTC. The organizational chart does not count against the page limit.

**Subsection 4.10.2 – Drug-Free Workplace (2 pages maximum)**

**Describe your plan to implement and maintain an alcohol- and drug-free workplace. (Maximum 40 raw points)**

Your response must not exceed 2 pages.

**Subsection 4.10.3 – Personnel Training (6 pages maximum)**

**Describe your plan to train employees concerning compliance with section 381.986, F.S. and Department rules. (Maximum 60 raw points)**

Your response must not exceed 6 pages. Your response should, at a minimum, address the following subjects. Failure to address these subjects may result in a lower score for this subsection.

- Patient confidentiality;
- Patient education;
- Collection of patient information and the confidentiality of such information; and
- Regulatory compliance, including the legal requirements to dispense marijuana to qualified patients.

In addition to the foregoing subjects, you may supply in your narrative response any additional information that you believe informs the Department of your plan to train employees concerning compliance with section 381.986 and Department rules.

**Section 4.11 Diversity Plan**

Applicants must supply a response to Subsections 4.11.1 and 4.11.2.

**Subsection 4.11.1 – Diversity Plan (4 pages maximum)**

**Describe your plan to promote and ensure the involvement of minority persons and minority business enterprises, as defined in section 288.703, F.S., and veteran business**



**enterprises, as defined in section 295.187, F.S., in ownership, management, employment, and contracting. (Maximum 100 raw points)**

Your response must not exceed 4 pages. Your response should, at a minimum, address the following subjects. Failure to address these subjects may result in a lower score for this subsection.

- How you will promote the involvement of minority persons who are lawful residents of Florida, including African Americans, Hispanic Americans, Asian Americans, Native Americans, and American women, and minority business enterprises and veteran business enterprises, domiciled in Florida, in the operations of your MMTC;
- How you will promote the representation of minority persons and veterans in the MMTC's workforce;
- The efforts you will undertake to recruit minority persons and veterans for employment;
- Your plan to contract for services with minority business enterprises and veteran business enterprises;
- The specific goals, programs, and metrics you will use once licensed as an MMTC such that, at the time of renewal, you will be able to demonstrate the effectiveness of your diversity plan as required by section 381.986(8)(b)10., F.S.

In addition to the foregoing subjects, you may supply in your narrative response any additional information that you believe informs the Department of your diversity plan.

**Subsection 4.11.2 – Implementation of Diversity Plan (4 pages maximum)**

**Describe how you intend to implement your proposed diversity plan and identify the steps you have taken, if any, to implement the plan. (Maximum 100 raw points)**

Your response must not exceed 4 pages.

**Section 4.12 Certified Financial Documents and Available Funding**

Applicants must supply a response to Subsections 4.12.1, 4.12.2, and 4.12.3 below.

**Subsection 4.12.1 – Certified Financial Statements (requested documents only)**

**Provide annual certified financial statements for the applicant's most recent fiscal year. Certified financial statements must be prepared in accordance with U.S. Generally Accepted Accounting Principles (GAAP) and audited in accordance with U.S. Generally Accepted Auditing Standards (GAAS) by a Certified Public Accountant, licensed pursuant to Chapter 473, F.S., or licensed by another state. (Maximum 100 raw points)**

There is no page limit for this subsection. However, only the requested certified financial statements may be included.

The certified financials included in this section must be of the applicant *itself*, as listed in Form 1 (Applicant General Information). Certified financials or financial information for parent companies, subsidiaries, sister companies, affiliates, or other entities or persons that are not the identified applicant will not be accepted. In addition, consolidated and combined financial statements will not be accepted. Subject to the process in Section 5.1, failure to include certified financials of the applicant, as required in this Subsection, will render an applicant ineligible for licensure.

**Subsection 4.12.2 – Available Funding (6 pages maximum)**

**Describe how you will obtain the funding needed to implement the cultivation, processing, dispensing, and security and accountability plans you described in response to Subsections 4.4.1, 4.5.1, 4.6.1, and 4.7.1. (Maximum 60 raw points)**

Your response must not exceed 6 pages. Your response should, at a minimum, address the following subjects. Failure to address these subjects may result in a lower score for this subsection.

- An estimate of the funds required for each phase of your business plan (i.e., each step of the implementation process);
- The availability and source of funds for each phase of the business plan;
- Explain whether you have dedicated and committed funding available to implement the plans (as of the date of submission of the application) or whether you intend to obtain required funding upon licensure;
- Identify any pending lawsuits (including case number and jurisdiction where the lawsuit is pending) to which the applicant is a party and describe the nature of the dispute and your potential liability for damages, including the amount;
- Identify any outstanding judgments that have not been satisfied by the applicant; and
- Identify all financial obligations of the applicant, contingent or otherwise, that are not listed as a “liability” in the certified financials, including loans, notes, or any other debt that could be converted to ownership in the applicant. This includes options as described in the definition of “owner” in the Department’s Definitions Rule. For each identified item, provide documentation of such obligations.

In addition to the foregoing subjects, you may supply in your narrative response any additional information that you believe informs the Department of how you will obtain the funding needed to implement your cultivation, processing, dispensing, and security and accountability plans.

In addition to your narrative response, supply as an addendum 1) documentation evidencing your ability to provide the financial assurance, as described in section

381.986(8)(b)7., F.S., and Department rule, and 2) documentation evidencing the availability and commitment of the dedicated funds identified in your narrative response. This documentation does not count against the page limit.

**Subsection 4.12.3 – Projected Budget (4 pages maximum)**

**Describe your projected financial budget for the first two years after licensure, including how the projected budget is consistent with your plans described in response to Subsections 4.4.1, 4.5.1, 4.6.1, and 4.7.1. (Maximum 40 raw points)**

Your response must not exceed 4 pages. In addition to your narrative response, supply as an addendum a projected two-year operating budget for the proposed MMTC and projected income statements for the first two years after licensure in chart format. This documentation does not count against the page limit.

**Section 4.13 Business Ownership and Structure**

Applicants must provide the documentation and information, as applicable, that is requested in Subsections 4.13.1, 4.13.2, and 4.13.3 below. Subject to the process in Section 5.1, if an applicant does not supply this documentation and information in its application, then the application will be denied.

An applicant’s response to Section 4.13 will *not* be scored during Phase Two of the application process. The information supplied in response to this section will be used by the Department to assess and compare ownership of applicants to determine whether applicants have any ownership prohibited by section 381.986(8)(e)2., F.S., and whether the application demonstrates a violation of section 381.986(8)(b), F.S., providing that an individual may not be an applicant, owner, officer, board member, or manager on more than one application for licensure as an MMTC.

There is no page limit for this section. However, only the requested documents and information may be included. Any materials or information submitted or included other than (or in addition to) the specifically requested material will be ignored and will not be considered by the Department.

**Subsection 4.13.1 – Ownership Information for Individual (Natural Person) Applicants (requested documents and information only)**

**If the applicant is an individual (natural person/sole proprietor), provide the following documents and information:**

- a. Full name of the individual;
- b. Date of birth;
- c. Residential or business address;
- d. Taxpayer identification number; and

- e. Creation documents (for sole proprietorship), if any.

As provided in Subsection 4.3.2, for individual (natural person) applicants, ownership attribution shall extend beyond the natural person applicant to include any person with an option in the prospective license or prospective MMTC. If there is attribution of ownership to an entity pursuant to this requirement, then the applicant must also provide the information requested in Subsection 4.13.4 for the entity that is attributed ownership of the prospective license or prospective MMTC.

**Subsection 4.13.2 – Ownership Information for Entity Applicants (requested documents and information only)**

**If the applicant is an entity, provide the following documents and information, where applicable:**

- a. Full names of managing partner and all other partner(s);
- b. Percentage of ownership interests in partnership;
- c. Business/corporate address(es);
- d. Taxpayer identification number;
- e. Incorporation date;
- f. Articles of incorporation;
- g. Partnership agreements, joint venture documents, articles of partnership, operating agreements, shareholder agreements, buy/sell agreements, if any; and
- h. Charter, bylaws, and any other governance documents, if any.

**Subsection 4.13.3 – Capitalization Tables, Change of Control, and Related Entities (requested documents and information only)**

**All applicants must provide sufficient documentation to the Department to provide reasonable assurance that the applicant seeking licensure as an MMTC is not owned and/or controlled by another MMTC applicant or an existing MMTC. To this end, entity applicants and natural person applicants with ownership attributable to an entity must, in addition to the information requested in Subsections 4.13.1 and 4.13.2 also provide the following:**

- a. A fully diluted capitalization table listing all share types and the aggregate sum of shares associated with or flowing to any natural persons, whether considered owners or investors. In addition, identify the natural person owners and natural person beneficiaries of all entities listed on the capitalization table. See the Department's Definitions Rule for the applicable definitions and attribution of ownership.
- b. If the applicant or an owner of the applicant is a publicly traded corporation, the capitalization table must:
  - i. List all share types and aggregate sum of shares associated to any officers and directors;

- ii. List the share types and aggregate sum of shares associated to any investor who acquired shares during the issuance of a private placement offering or any other type of offering in which shares were acquired by pre-selected investors and institutions (private equity investors), as opposed to shares acquired on the open market by public investors; and
  - iii. List the share types and aggregate sum of shares associated to the entirety of public investors (“shares held in public float”), as opposed to company officers, directors, private equity investors, or any other shareholder considered an owner.
- c. All agreements concerning control of the applicant, or change of control (if any), including changes to management, owners, partners, or investors, regardless of whether the change is contingent or vested; and
  - d. Identify all entities related to the applicant (if any), including parent companies, subsidiary companies, sister companies, and any other affiliated companies and provide all documents of these related entities that pertain to the ownership or control of the applicant.

**Section 4.14 Applicant Acknowledgment (requested form only)**

**Complete each section in the applicable Form 3 (Form 3(A), “Entity Applicant Acknowledgment and Statement of Understanding,” or Form 3(B), “Individual Applicant Acknowledgment and Statement of Understanding”) and include the applicable completed Form 3 in Section 4.14.**

If the applicant is an entity, the applicant must complete and include Form 3(A) (Entity Applicant Acknowledgment and Statement of Understanding). Entity for purposes of Form 3(A) means all applicants other than an individual (meaning a natural person) applicant. If the applicant is an individual (natural person), the applicant must complete and include Form 3(B) (Individual Applicant Acknowledgment and Statement of Understanding). This information will *not* be scored. Subject to the process of Section 5.1, if an applicant fails to supply the applicable completed Form 3, then the application will be denied.

**Section 4.15 Pigford and BFL Documentation (requested documentation only)**

Provide documentation, as described below, establishing that the applicant is a *Pigford* member or *BFL* member. An applicant’s response to this request for information will *not* be scored during Phase Two of the application process. The information requested will be used only to assess whether an applicant qualifies for licensure under section 381.986(8)(a)2.b., F.S. There is no page limit for this section. However, only the requested documents may be included. Any materials or information submitted or included other than (or in addition to) the specifically requested material will be ignored and will not be considered by the Department.

To demonstrate recognized class member status in *Pigford v. Glickman*, 185 F.R.D. 82 (D.D.C. 1999), an applicant must provide one of the following:

1. The written decision by the *Pigford* adjudicator resolving the merits of the applicant's claim (for *Pigford* class members who selected Track A);
2. The written decision by the *Pigford* arbitrator resolving the merits of the applicant's claim (for *Pigford* class members who selected Track B); or
3. Documentation showing the applicant was assigned a consent decree case number by the *Pigford* facilitator.

To demonstrate recognized class member status in *In Re Black Farmers Litigation*, 856 F. Supp. 2d 1 (D.D.C. 2011), an applicant must provide one of the following:

1. The completed "Track A" Claim Determination Form that was completed upon resolution of the applicant's claim; or
2. The completed "Track B" Claim Determination Form that was completed upon resolution of the applicant's claim.

Applicants are encouraged to contact the *Pigford* facilitator (Poorman-Douglass Corporation and/or Epiq Systems, Inc.), the *In Re Black Farmers* claims administrator (Epiq Systems, Inc.), the court-approved class counsel, or the National Archives and Records Administration to obtain copies of the documentation that is required above to be submitted with the application.

The name of the applicant, as listed on Form 1 (Applicant General Information), must match the name appearing on the documentation listed above. If the applicant is an entity and is no longer operating under the same name as reflected in the class membership documentation, the applicant must submit documents from DOS establishing and documenting any name changes that have occurred and demonstrating that the entity submitting the application for licensure is the same entity that was a recognized class member of *Pigford* or *BFL*.

Similarly, if the applicant is an individual (i.e., natural person) and has undergone a name change since participating in *Pigford* or *BFL*, the applicant must submit documents establishing and documenting any name changes that have occurred and demonstrating that the individual submitting the application for licensure is the same individual that was a recognized class member of *Pigford* or *BFL*.

## **PART 5: REVIEW, EVALUATION, AND SCORING METHODOLOGY**

### **Section 5.1 Phase One Review: Apparent Errors and Omissions**

During Phase One Review, the Department will review applications for apparent errors and omissions in the following areas:

1. Documentation demonstrating that the applicant has been registered to do business in Florida for the previous five consecutive years;

2. Submission of certified financial statements for the applicant;
3. A list of the applicant's owners and managers and a completed Form 2 (Waiver Agreement and Statement) and the receipt of a background report from FDLE for each owner and manager;
4. Apparent errors or omissions in the applicant's responses to Sections 4.4 through 4.12;
5. Apparent errors or omissions in the applicant's response to Section 4.13;
6. Completed Forms 1 (Applicant General Information) and 3 (Form 3(A), "Entity Applicant Acknowledgment and Statement of Understanding," or Form 3(B), "Individual Applicant Acknowledgment and Statement of Understanding");
7. Completed Form 4 (Medical Director Acknowledgment) and a medical director certificate of course completion;
8. Documentation demonstrating that the applicant is a *Pigford* member or *BFL* member; and
9. A cashier's check for the required application fee.

If the Department identifies apparent errors or omissions as to items 1 through 9 above, the applicant will be notified in writing and afforded an opportunity to correct the errors or omissions and supply additional information, responses, or materials (Errors and Omissions Letter). The Department's Errors and Omissions Letter will be sent to applicants by email at the designated email address supplied on Form 1 (Applicant General Information). The Department must receive the additional information, responses, or materials requested in the Department's Errors and Omissions Letter within twenty-one (21) calendar days of the date on which the Department emails the Errors and Omissions Letter. However, this deadline may be extended upon request and for good cause shown. The Department will disregard information, responses, or materials received after the time for supplying such information has expired, and as a result, your application may be denied. Additionally, failure to correct the apparent errors and omissions identified by the Department may result in denial of the application.

After receipt of the information, responses, or materials requested in the Department's Errors and Omissions Letter, or after the deadline for supplying such information has expired, your application will proceed to Phase Two. **An applicant may not change, amend, or supplement the application after the deadline for responding to the Department's Errors and Omissions Letter has expired. Only information, responses, or materials responsive to the Department's Errors and Omissions Letter may change, amend, or supplement an application. Approval or denial of an application shall be based on the application information, responses, and materials submitted to the Department before expiration of the deadline for responding to the Department's Errors and Omissions Letter.**

**An applicant that does not provide the required application fee, after an opportunity to cure, will not proceed to Phase Two and will be denied without further consideration.**

## **Section 5.2 Phase Two Review: Evaluation and Scoring**

The Department will select and assign nine (9) evaluators who will substantively review, evaluate, and score Sections 4.4 through 4.12 of the MMTC applications. The evaluators will include persons with experience or expertise in relevant disciplines. Each evaluator will score only one specific section of the applications as follows:

1. One evaluator for Section 4.4 (Plan for Cultivation of Marijuana and Supporting Infrastructure) of the applications;
2. One evaluator for Section 4.5 (Plan for Processing Marijuana and Supporting Infrastructure) of the applications.
3. One evaluator for Section 4.6 (Plan for Dispensing Marijuana and Supporting Infrastructure) of the applications.
4. One evaluator for Section 4.7 (Plan for Security and Accountability) of the applications.
5. One evaluator for Section 4.8 (Ability to Execute Proposed Plans) of the applications. Prior to assigning scores to Section 4.8, this Evaluator must review (but not score) Sections 4.4, 4.5, 4.6, and 4.7 of the MMTC application.
6. One evaluator for Section 4.9 (Medical Director) of the applications.
7. One evaluator for Section 4.10 (Personnel and Staffing) of the applications. Prior to assigning scores to Section 4.10, this Evaluator must review (but not score) Sections 4.4, 4.5, 4.6, and 4.7 of the MMTC application.
8. One evaluator for Section 4.11 (Diversity Plan) of the applications.
9. One evaluator for Section 4.12 (Certified Financial Documents and Available Funding) of the applications. Prior to assigning scores to Section 4.12, this Evaluator must review (but not score) Sections 4.4, 4.5, 4.6, 4.7, and 4.8 of the MMTC application.

### **Subsection 5.2.1 Evaluation Criteria and Process**

To be awarded the *Pigford/BFL* license, an applicant must demonstrate that the applicant meets the requirements of section 381.986(8)(b)1. and 3. – 10., F.S. In other words, the Department will not approve for licensure an applicant that fails to demonstrate that it satisfies these statutory requirements. However, there is only one available license in the *Pigford/BFL* batching cycle. Accordingly, these Application Instructions are designed to allow applicants to demonstrate that, as compared to other applicants, they best satisfy the



applicable requirements of section 381.986(8)(b), F.S., and that they are best prepared to comply with the operational requirements imposed on licensed MMTCs in section 381.986(8)(e) – (i), F.S., and Department rules.

To promote consistency in the evaluation and scoring process, applications will be processed through a text recognition software to identify similar responses to the scored sections of the application (Sections 4.4–4.12). The Department will advise the evaluators of similar responses for the evaluators to consider, as instructed in the Evaluator Instructions Manual.

Evaluators will evaluate and score their assigned sections by comparing the relative quality of an application section to the same section in all other applications. Although evaluators are responsible for scoring only one section of the application, each evaluator may review, but not score, other sections of the application as may be necessary to fully understand her assigned section. Evaluators will be provided the Evaluator Instructions Manual along with the materials indicated in the Evaluator Instructions Manual.

While evaluators are evaluating and scoring the scored sections of the application (Sections 4.4–4.12), other Department personnel will simultaneously proceed with the review and evaluation of the non-scored sections of the application (Sections 4.1, 4.3, 4.13, 4.14, and 4.15).

### **Subsection 5.2.2      Evaluator Score Ranges**

Application responses will be scored based on either a 100-point, 80-point, 60-point, 40-point or 20-point scale as provided in Subsection 5.2.3. Evaluators will assign scores within the score ranges set forth below in the Evaluator Score Ranges chart. Category A reflects the best or highest quality, followed by Category B, and so on in descending order, with Category F reflecting the poorest quality response.

<b>Evaluator Score Ranges</b>					
	<b>100-Point Scale</b>	<b>80-Point Scale</b>	<b>60-Point Scale</b>	<b>40-Point Scale</b>	<b>20-Point Scale</b>
<b>Category A</b>	76 to 100 points	61 to 80 points	45 to 60 points	31 to 40 points	16 to 20 points
<b>Category B</b>	51 to 75 points	41 to 60 points	30 to 44 points	21 to 30 points	11 to 15 points
<b>Category C</b>	26 to 50 points	21 to 40 points	16 to 29 points	11 to 20 points	6 to 10 points
<b>Category D</b>	1 to 25 points	1 to 20 points	1 to 15 points	1 to 10 points	1 to 5 points
<b>Category F</b>	Zero points	Zero points	Zero points	Zero points	Zero points

When scoring applications, the evaluator will first determine within which qualitative category a particular application response falls (category A, B, C, D, or F). Then, the evaluator will assign a specific score within the applicable score range based on the evaluator’s individual assessment of the comparative merit of the application response. Evaluators will use the Scoring Rubric Charts (*see* Subsection 5.2.4) to guide them in determining the quality of a response.

**Subsection 5.2.3 Maximum Raw Section Points and Weighted Section Total Points**

The Maximum Points and Weighting charts below set forth 1) the maximum raw points achievable in each subsection, 2) the maximum total raw score achievable in each section, 3) the overall section weight, and 4) the maximum total weighted score achievable for each section.

**MAXIMUM POINTS AND WEIGHTING CHARTS**

<b>Section 4.4 Plan for Cultivating Marijuana and Supporting Infrastructure</b>	
	Maximum Available Raw Points
Subsection 4.4.1	80
Subsection 4.4.2	60
Subsection 4.4.3	60
Maximum Total Section Raw Score	200
Section Weight	2.25
Maximum Weighted Section Total	450

<b>Section 4.5 Plan for Processing Marijuana and Supporting Infrastructure</b>	
	Maximum Available Raw Points
Subsection 4.5.1	80
Subsection 4.5.2	60
Subsection 4.5.3	60
Maximum Total Section Raw Score	200
Section Weight	2.25
Maximum Weighted Section Total	450

<b>Section 4.6 Plan for Dispensing Marijuana and Supporting Infrastructure</b>	
	Maximum Available Raw Points
Subsection 4.6.1	80
Subsection 4.6.2	60
Subsection 4.6.3	60
Maximum Total Section Raw Score	200
Section Weight	2.25
Maximum Weighted Section Total	450

<b>Section 4.7 Plan for Security and Accountability</b>	
	Maximum Available Raw Points
Subsection 4.7.1	40
Subsection 4.7.2	40
Subsection 4.7.3	40
Subsection 4.7.4	40
Subsection 4.7.5	40
Maximum Total Section Raw Score	200
Section Weight	2.25
Maximum Weighted Section Total	450

<b>Section 4.8 Ability to Execute Proposed Plans</b>	
	Maximum Available Raw Points
Subsection 4.8.1	60
Subsection 4.8.2	60
Subsection 4.8.3	60
Subsection 4.8.4	20
Maximum Total Section Raw Score	200
Section Weight	2.25
Maximum Weighted Section Total	450

<b>Section 4.9 Medical Director</b>	
	Maximum Available Raw Points
Subsection 4.9.1	80
Subsection 4.9.2	40
Subsection 4.9.3	60
Subsection 4.9.4	20
Maximum Total Section Raw Score	200
Section Weight	1
Maximum Weighted Section Total	200

<b>Section 4.10 Personnel</b>	
	Maximum Available Raw Points
Subsection 4.10.1	100
Subsection 4.10.2	40
Subsection 4.10.3	60
Maximum Total Section Raw Score	200
Section Weight	1.5
Maximum Weighted Section Total	300

<b>Section 4.11 Diversity Plan</b>	
	Maximum Available Raw Points
Subsection 4.11.1	100
Subsection 4.11.2	100
Maximum Total Section Raw Score	200
Section Weight	1.5
Maximum Weighted Section Total	300

<b>Section 4.12 Certified Financial Documents and Available Funding</b>	
	Maximum Available Raw Points
Subsection 4.12.1	100
Subsection 4.12.2	60
Subsection 4.12.3	40
Maximum Total Section Raw Score	200
Section Weight	2.25
Maximum Weighted Section Total	450

**Subsection 5.2.4 Scoring Rubrics**

Each scored subsection of the application has a qualitative rubric (referred to as a “Scoring Rubric”) that applies to that particular subsection.

Evaluators will use the applicable Scoring Rubric when determining under which qualitative category (A, B, C, D, or F – *see* Evaluator Score Ranges) an application subsection falls.

<b>Scoring Rubric for Section 4.4 Plan for Cultivating Marijuana and Supporting Infrastructure</b>			
	<b>Subsection 4.4.1 (80-point scale)</b>	<b>Subsection 4.4.2 (60-point scale)</b>	<b>Subsection 4.4.3 (60-point scale)</b>
<b>Category A</b>	Response demonstrates a superior ability to cultivate marijuana.	Response demonstrates high-quality infrastructure that completely correlates to and supports the cultivation plan described in Subsection 4.4.1.	Response demonstrates that applicant has already secured some or all cultivation infrastructure and has an excellent ability to secure any remaining infrastructure needed to begin cultivating marijuana in accordance with the Department’s MMTC Authorization Procedures Rule.
<b>Category B</b>	Response demonstrates an above-average ability to cultivate marijuana.	Response demonstrates above-average infrastructure that substantially correlates to and supports the cultivation plan described in Subsection 4.4.1.	Response demonstrates an above-average ability to secure the cultivation infrastructure needed to begin cultivating marijuana in accordance with the Department’s MMTC Authorization Procedures Rule.
<b>Category C</b>	Response demonstrates an average ability to cultivate marijuana.	Response demonstrates average infrastructure that adequately correlates to and supports the cultivation plan described in Subsection 4.4.1.	Response demonstrates an average ability to secure the cultivation infrastructure needed to begin cultivating marijuana in accordance with the Department’s MMTC Authorization Procedures Rule.

<p><b>Category D</b></p>	<p>Response demonstrates a below-average ability to cultivate marijuana.</p>	<p>Response demonstrates a below-average infrastructure that minimally correlates to and supports the cultivation plan described in Subsection 4.4.1.</p>	<p>Response demonstrates a below-average ability to secure the cultivation infrastructure needed to begin cultivating marijuana in accordance with the Department’s MMTC Authorization Procedures Rule.</p>
<p><b>Category F</b></p>	<p>Response fails to demonstrate an ability to cultivate marijuana.</p>	<p>Response fails to demonstrate any infrastructure that correlates to or supports the cultivation plan described in Subsection 4.4.1.</p>	<p>Response fails to demonstrate an ability to secure the necessary infrastructure to cultivate marijuana.</p>

**Scoring Rubric for Section 4.5  
Plan for Processing Marijuana and Supporting Infrastructure**

	<b>Subsection 4.5.1 (80-point scale)</b>	<b>Subsection 4.5.2 (60-point scale)</b>	<b>Subsection 4.5.3 (60-point scale)</b>
<b>Category A</b>	Response demonstrates a superior ability to process marijuana and produce usable product.	Response demonstrates high-quality infrastructure that completely correlates to and supports the processing plan described in Subsection 4.5.1.	Response demonstrates that applicant has already secured some or all processing infrastructure and has an excellent ability to secure any remaining infrastructure needed to begin processing marijuana in accordance with the Department’s MMTC Authorization Procedures Rule.
<b>Category B</b>	Response demonstrates an above-average ability to process marijuana and produce usable product.	Response demonstrates above-average infrastructure that substantially correlates to and supports the processing plan described in Subsection 4.5.1.	Response demonstrates an above-average ability to secure the processing infrastructure needed to begin processing marijuana in accordance with the Department’s MMTC Authorization Procedures Rule.
<b>Category C</b>	Response demonstrates an average ability to process marijuana and produce usable product.	Response demonstrates average infrastructure that adequately correlates to and supports the processing plan described in Subsection 4.5.1.	Response demonstrates an average ability to secure the processing infrastructure needed to begin processing marijuana in accordance with the Department’s MMTC Authorization Procedures Rule.



<b>Category D</b>	Response demonstrates a below-average ability to process marijuana and produce usable product.	Response demonstrates below-average infrastructure that minimally correlates to and supports the processing plan described in Subsection 4.5.1.	Response demonstrates a below-average ability to secure the processing infrastructure needed to begin processing marijuana in accordance with the Department's MMTC Authorization Procedures Rule.
<b>Category F</b>	Response fails to demonstrate the ability to process marijuana and produce usable product.	Response fails to demonstrate any infrastructure that correlates to or supports the processing plan described in Subsection 4.5.1.	Response fails to demonstrate the ability to secure the necessary infrastructure to process marijuana and produce usable product.

**Scoring Rubric for Section 4.6  
Plan for Dispensing Marijuana and Supporting Infrastructure**

	<b>Subsection 4.6.1 (80-point scale)</b>	<b>Subsection 4.6.2 (60-point scale)</b>	<b>Subsection 4.6.3 (60-point scale)</b>
<b>Category A</b>	Response demonstrates a superior ability to dispense marijuana.	Response demonstrates highly accessible dispensing facilities and high-quality infrastructure that completely correlates to and supports the dispensing plan described in Subsection 4.6.1.	Response demonstrates that applicant has already secured some or all dispensing infrastructure and has a superior ability to secure any remaining infrastructure needed to begin dispensing marijuana in accordance with the Department’s MMTC Authorization Procedures Rule.
<b>Category B</b>	Response demonstrates an above-average ability to dispense marijuana.	Response demonstrates above-average accessibility to dispensing facilities and above-average infrastructure that substantially correlates to and supports the dispensing plan described in Subsection 4.6.1.	Response demonstrates an above-average ability to secure the dispensing infrastructure needed to begin dispensing marijuana in accordance with the Department’s MMTC Authorization Procedures Rule.
<b>Category C</b>	Response demonstrates an average ability to dispense marijuana	Response demonstrates average accessibility to dispensing facilities and average infrastructure that adequately correlates to and supports the dispensing plan described in Subsection 4.6.1.	Response demonstrates an average ability to secure the dispensing infrastructure needed to begin dispensing marijuana in accordance with the Department’s MMTC Authorization Procedures Rule.

<b>Category D</b>	Response demonstrates a below-average ability to dispense marijuana.	Response demonstrates poor accessibility to dispensing facilities and below average infrastructure that minimally correlates to and supports the dispensing plan described in Subsection 4.6.1.	Response demonstrates a below-average ability to secure the dispensing infrastructure needed to begin dispensing marijuana in accordance with the Department's MMTC Authorization Procedures Rule.
<b>Category F</b>	Response fails to demonstrate the ability to dispense marijuana.	Response fails to demonstrate accessible dispensing facilities and infrastructure.	Response fails to demonstrate the ability to secure the necessary infrastructure to dispense marijuana.

**Scoring Rubric for Section 4.7  
Plan for Security and Accountability**

	<b>Subsection 4.7.1 (40-point scale)</b>	<b>Subsection 4.7.2 (40-point scale)</b>	<b>Subsection 4.7.3 (40-point scale)</b>	<b>Subsection 4.7.4 (40-point scale)</b>	<b>Subsection 4.7.5 (40-point scale)</b>
<b>Category A</b>	Response demonstrates a superior ability to ensure the safety and security of the premises where the cultivation, processing, storing, or dispensing of marijuana will occur.	Response demonstrates a superior ability to secure IT systems, both physically and from outside intrusion and hacking.	Response demonstrates a superior and innovative ability to prevent diversion of, and unlawful access to, marijuana and to ensure the safe transport of marijuana.	Response demonstrates a superior ability to screen and train personnel.	Response demonstrates a superior ability to recall marijuana and usable product.
<b>Category B</b>	Response demonstrates an above-average ability to ensure the safety and security of the premises where the cultivation, processing, storing, or dispensing of marijuana will occur.	Response demonstrates an above-average ability to secure IT systems, both physically and from outside intrusion and hacking.	Response demonstrates an above-average ability to prevent diversion of, and unlawful access to, marijuana and to ensure the safe transport of marijuana.	Response demonstrates an above-average ability to screen and train personnel.	Response demonstrates an above-average ability to recall marijuana and usable product.

<b>Category C</b>	Response demonstrates an average ability to ensure the safety and security of the premises where the cultivation, processing, storing, or dispensing of marijuana will occur.	Response demonstrates an average ability to secure IT systems, both physically and from outside intrusion and hacking.	Response demonstrates an average ability to prevent diversion of, and unlawful access to, marijuana and to ensure the safe transport of marijuana.	Response demonstrates an average ability to screen and train personnel.	Response demonstrates an average ability to recall marijuana and usable product.
<b>Category D</b>	Response demonstrates a below-average ability to ensure the safety and security of the premises where the cultivation, processing, storing, or dispensing of marijuana will occur.	Response demonstrates a below-average ability to secure IT systems, both physically and from outside intrusion and hacking.	Response demonstrates a below-average ability to prevent diversion of, and unlawful access to, marijuana and to ensure the safe transport of marijuana.	Response demonstrates a below-average ability to screen and train personnel.	Response demonstrates a below-average ability to recall marijuana and usable product.
<b>Category F</b>	Response fails to demonstrate the ability to ensure the safety and security of the premises where the cultivation, processing, storing, or dispensing of marijuana will occur.	Response fails to demonstrate the ability to secure IT systems, both physically and from outside intrusion and hacking.	Response fails to demonstrate the ability to prevent diversion of, and unlawful access to, marijuana and to ensure the safe transport of marijuana.	Response fails to demonstrate the ability to screen and train personnel.	Response fails to demonstrate the ability to recall marijuana and usable product.

**Scoring Rubric for Section 4.8  
Ability to Execute Proposed Plans**

	<b>Subsection 4.8.1 (60-point scale)</b>	<b>Subsection 4.8.2 (60-point scale)</b>	<b>Subsection 4.8.3 (60-point scale)</b>	<b>Subsection 4.8.4 (20-point scale)</b>
<b>Category A</b>	Response demonstrates superior experience and knowledge of cultivating, processing and dispensing marijuana that completely correlates to proposed plans.	Response demonstrates superior experience and knowledge outside of the marijuana industry that completely correlates to proposed plans.	Response demonstrates a superior business plan.	Response demonstrates no enforcement action imposed against applicant or any of its owners or managers.
<b>Category B</b>	Response demonstrates above-average prior experience and knowledge of cultivating, processing and dispensing marijuana that substantially correlates to proposed plans.	Response demonstrates above-average experience and knowledge outside of the marijuana industry that substantially correlates to proposed plans.	Response demonstrates an above-average business plan.	Response demonstrates enforcement action that is insignificant or minor in nature and does not raise doubt about the applicant's ability to maintain operational compliance with relevant statutes and rules.
<b>Category C</b>	Response demonstrates average experience and knowledge of cultivating, processing and dispensing marijuana that adequately correlates to proposed plans.	Response demonstrates average experience and knowledge outside of the marijuana industry that adequately correlates to proposed plans.	Response demonstrates an average business plan.	Response demonstrates enforcement action that raises some doubt about the applicant's ability to maintain operational compliance with relevant statutes and rules.

<b>Category D</b>	Response demonstrates below-average experience and knowledge of cultivating, processing and dispensing marijuana that minimally correlates to proposed plans.	Response demonstrates below-average experience and knowledge outside of the marijuana industry that minimally correlates to proposed plans.	Response demonstrates a below-average business plan.	Response demonstrates enforcement action that raises significant doubt about the applicant's ability to maintain operational compliance with relevant statutes and rules.
<b>Category F</b>	Response fails to demonstrate any prior experience or knowledge of cultivating, processing and dispensing marijuana.	Response fails to identify any prior experience or knowledge outside of the marijuana industry.	Response demonstrates a poor business plan.	Response demonstrates enforcement action that reflects an inability to maintain operational compliance with relevant statutes and rules.

**Scoring Rubric for Section 4.9  
Medical Director**

	<b>Subsection 4.9.1 (80-point scale)</b>	<b>Subsection 4.9.2 (40-point scale)</b>	<b>Subsection 4.9.3 (60-point scale)</b>	<b>Subsection 4.9.4 (20-point scale)</b>
<b>Category A</b>	Response demonstrates superior experience and knowledge in the marijuana industry.	Response demonstrates superior medical and health care experience and knowledge relevant to the activities of an MMTC.	Response demonstrates a superior ability to oversee MMTC activities.	Response demonstrates a superior ability to manage and prevent conflicts of interest.
<b>Category B</b>	Response demonstrates above-average experience and knowledge in the marijuana industry.	Response demonstrates above-average medical and health care experience and knowledge relevant to the activities of an MMTC.	Response demonstrates an above-average ability to oversee MMTC activities.	Response demonstrates an above-average ability to manage and prevent conflicts of interest.
<b>Category C</b>	Response demonstrates average experience and knowledge in the marijuana industry.	Response demonstrates average medical and health care experience and knowledge relevant to the activities of an MMTC.	Response demonstrates an average ability to oversee MMTC activities.	Response demonstrates an average ability to manage and prevent conflicts of interest.
<b>Category D</b>	Response demonstrates below-average prior experience and knowledge in the marijuana industry.	Response demonstrates below-average medical and health care experience and knowledge relevant to the activities of an MMTC.	Response demonstrates a below-average ability to oversee MMTC activities.	Response demonstrates a below-average ability to manage and prevent conflicts of interest.



<b>Category F</b>	Response fails to identify any experience or knowledge in the marijuana industry.	Response fails to identify any medical or health care experience or knowledge relevant to the operation of an MMTC.	Response fails to demonstrate the ability to oversee activities of an MMTC.	Response fails to demonstrate the ability to manage and prevent conflicts of interest.
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**Scoring Rubric for Section 4.10  
Personnel**

	<b>Subsection 4.10.1 (100-point scale)</b>	<b>Subsection 4.10.2 (40-point scale)</b>	<b>Subsection 4.10.3 (60-point scale)</b>
<b>Category A</b>	Response demonstrates: (1) a superior and robust staffing model that completely correlates to the applicant’s proposed plans; (2) persons retained to fill Necessary Positions have superior experience and knowledge that completely correlates to proposed plans; and (3) applicant has already filled some or all of the Necessary Positions and has a superior ability to fill any remaining Necessary Positions with qualified personnel.	Response demonstrates a superior ability to implement and maintain a drug-free workplace.	Response demonstrates a superior ability to train employees concerning compliance with section 381.986, F.S., and Department rules.
<b>Category B</b>	Response demonstrates: (1) an above-average staffing model that substantially correlates to the applicant’s proposed plans; (2) persons retained to fill Necessary Positions have above-average experience and knowledge that substantially correlates to proposed plans; and (3) applicant has an above-average ability to fill Necessary Positions with qualified personnel.	Response demonstrates an above-average ability to implement and maintain a drug-free workplace.	Response demonstrates an above-average ability to train employees concerning compliance with section 381.986, F.S., and Department rules.

<b>Category C</b>	Response demonstrates: (1) an average staffing model that partially correlates to the applicant’s proposed plans; (2) persons retained to fill Necessary Positions have average experience and knowledge that adequately correlates to proposed plans; and (3) applicant has an average ability to fill Necessary Positions with qualified personnel.	Response demonstrates an average ability to implement and maintain a drug-free workplace.	Response demonstrates an average ability to train employees concerning compliance with section 381.986, F.S., and Department rules.
<b>Category D</b>	Response demonstrates: (1) a below-average staffing model that does not correlate to the applicant’s proposed plans; (2) persons retained to fill Necessary Positions have below-average experience and knowledge that minimally correlates to proposed plans; and (3) applicant has a below-average ability to fill Necessary Positions with qualified personnel.	Response demonstrates a below-average ability to implement and maintain a drug-free workplace.	Response demonstrates a below-average ability to train employees concerning compliance with section 381.986, F.S., and Department rules.
<b>Category F</b>	Response fails to demonstrate the ability to secure any of the personnel necessary to operate as an MMTTC.	Response fails to demonstrate the ability to implement and maintain a drug-free workplace.	Response fails to demonstrate the ability to train employees concerning compliance with section 381.986, F.S., and Department rules.

**Scoring Rubric for Section 4.11  
Diversity Plan**

	<b>Subsection 4.11.1 (100-point scale)</b>	<b>Subsection 4.11.2 (100-point scale)</b>
<b>Category A</b>	Response demonstrates a superior plan to promote and ensure the involvement of minority persons and minority business enterprises in ownership, management, employment, and contracting.	Response demonstrates that applicant is presently diverse and has already implemented its diversity plan.
<b>Category B</b>	Response demonstrates an above-average plan to promote and ensure the involvement of minority persons and minority business enterprises in ownership, management, employment, and contracting.	Response demonstrates that applicant is partially diverse and substantial steps have already been taken to implement the diversity plan upon licensure.
<b>Category C</b>	Response demonstrates an average plan to promote and ensure the involvement of minority persons and minority business enterprises in ownership, management, employment, and contracting.	Response demonstrates some steps taken to implement the diversity plan upon licensure.
<b>Category D</b>	Response demonstrates a below average ability to promote and ensure the involvement of minority persons and minority business enterprises in ownership, management, employment, and contracting.	Response demonstrates minimal steps taken to implement the diversity plan upon licensure.
<b>Category F</b>	Response fails to demonstrate a diversity plan that promotes and ensures the involvement of minority persons and minority business enterprises in ownership, management, employment, and contracting.	Response demonstrates no steps taken to implement a diversity plan upon licensure.

**Scoring Rubric for Section 4.12  
Certified Financial Documents and Available Funding**

	<b>Subsection 4.12.1 (100-point scale)</b>	<b>Subsection 4.12.2 (60-point scale)</b>	<b>Subsection 4.12.3 (40-point scale)</b>
<b>Category A</b>	Response reflects robust financial resources for the plans reflected in the application.	Response demonstrates dedicated and abundant resources to implement the plans reflected in the application and the resources are well-documented.	Response demonstrates an excellent proposed two-year budget for the plans in Subsections 4.4.1, 4.5.1, and 4.6.1, and in light of the information supplied in Subsections 4.12.1 and 4.12.2, and the budget is well-documented
<b>Category B</b>	Response reflects strong financial resources for the plans reflected in the application.	Response demonstrates resources that are more than sufficient to implement the plans reflected in the application and the resources are mostly well-documented.	Response demonstrates an above-average proposed budget for the plans in Subsections 4.4.1, 4.5.1, and 4.6.1 and in light of the information supplied in Subsections 4.12.1 and 4.12.2, and the budget is mostly well-documented.
<b>Category C</b>	Response does not reflect robust financial resources but does not raise doubts of applicant's financial viability for the plans reflected in the application.	Response demonstrates resources that are sufficient to implement the plans reflected in the application and the resources are partially documented.	Response demonstrates a viable proposed budget for the plans in Subsections 4.4.1, 4.5.1, and 4.6.1 and in light of the information supplied in Subsections 4.12.1 and 4.12.2, with adequate documentation.
<b>Category D</b>	Response raises doubts about the applicant's financial viability for the plans reflected in the application.	Response demonstrates insufficient resources to implement the plans reflected in the application and the resources are not well-documented.	Response demonstrates a proposed budget that lacks viability for the plans in Subsections 4.4.1, 4.5.1, and 4.6.1 and in light of the information supplied in Subsections 4.12.1 and 4.12.2.

<b>Category F</b>	Response fails to demonstrate the applicant’s ability to maintain operations for the duration of the 2-year approval cycle because the applicant is insolvent or otherwise lacks resources to execute proposed plans.	Response demonstrates that applicant lacks any resources to maintain operations as an MMTC for the duration of the 2-year approval cycle.	Response demonstrates an unviable proposed budget for the plans in Subsections 4.4.1, 4.5.1, and 4.6.1 and in light of the information supplied in Subsections 4.12.1 and 4.12.2.
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**PART 6: PHASE THREE REVIEW – FINAL SELECTION FOR LICENSURE**

**Section 6.1 Calculation of Total Application Scores**

After each evaluator has completed her scoring, the Department will calculate the applicant’s Total Application Score as follows:

- Step 1: Each evaluator’s score for each subsection of an application section will be added together to generate the Section Raw Score.
- Step 2: The Section Raw Score will be multiplied by the Section Weight to generate a Weighted Section Total.
- Step 3: Each of the Weighted Section Totals for an application will be added together to generate the Applicant’s Total Application Score. The Total Application Score will be rounded if fractional. If the fractional part is 0 through 0.49, it will be rounded down; and if the fractional part is 0.50 through 0.99, it will be rounded up.
- Step 4: Total Application Scores will then be sorted from highest to lowest.
- Step 5: Proceed to determine the winning applicant per Section 6.2 of these Application Instructions.

**Section 6.2 Final Selection for Licensure**

The Department will select the highest scoring applicant for licensure. However, the Department will not approve any applicant for licensure, regardless of score, if:

1. The applicant fails to demonstrate that the applicant has been registered to do business in Florida for the previous five consecutive years;
2. The applicant fails to demonstrate the technical and technological ability to cultivate and produce marijuana, as evidenced by a score of zero in any of the following Subsections: 4.4.1, 4.4.2, 4.5.1, or 4.5.2;

3. The applicant fails to demonstrate the ability to secure the premises, resources, and personnel necessary to operate as a MMTC, as evidenced by a score of zero in any of the following Subsections: 4.4.3, 4.5.3, 4.6.3, or 4.10.1;
4. The applicant fails to demonstrate the ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances, as evidenced by a score of zero in any of the following Subsections: 4.7.1, 4.7.2, or 4.7.3;
5. The applicant fails to demonstrate an infrastructure reasonably located to dispense marijuana to registered qualified patients, as evidenced by a score of zero in any of the following Subsections: 4.6.1 or 4.6.2;
6. The applicant fails to demonstrate the financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financial statements for the applicant, as evidenced by a score of zero in any of the following Subsections: 4.12.1 or 4.12.2;
7. The applicant fails to demonstrate that the applicant's owners and managers have passed a background screening pursuant to section 381.986(9), F.S.;
8. The applicant fails to demonstrate the employment of a medical director to supervise the activities of the MMTC, as evidenced by the applicant's failure to submit completed Form 4 (Medical Director Acknowledgment) or certificate of course completion in Subsection 4.9.5;
9. The applicant fails to demonstrate a diversity plan that promotes and ensures the involvement of minority persons and minority business enterprises, as defined in section 288.703, F.S., or veteran business enterprises, as defined in section 295.187, F.S., in ownership, management, and employment, as evidenced by a score of zero in Subsection 4.11.1;
10. The applicant fails to submit the applicable information requested in Section 4.13;
11. The applicant fails to submit completed Forms 1 and 3 (Form 3(A), "Entity Applicant Acknowledgment and Statement of Understanding," or Form 3(B), "Individual Applicant Acknowledgment and Statement of Understanding");
12. An individual identified in the application as the applicant, or an owner, officer, board member, or manager of the applicant, is also identified as an applicant, owner, officer, board member, or manager in another application in the *Pigford/BFL* batching cycle; or
13. The application demonstrates a violation of section 381.986(8)(e)2., F.S.

14. The application demonstrates a violation of section 381.986(8)(b), F.S., providing that an individual may not be an applicant, owner, officer, board member, or manager on more than one application for licensure as an MMTC.

The Department will issue each applicant written notice by letter stating whether the Department intends to grant or deny the application for licensure. The letter will be issued via certified mail. The Department will issue the letters upon final completion of the competitive licensure process, which is not subject to the 90-day default-license provision of section 120.60(1), F.S. *See MedPure, LLC v. Department of Health*, 295 So. 3d 318 (Fla. 1st DCA 2020).

### **Section 6.3 Initial Tie Breaker**

In the event of a tie for the *Pigford/BFL* license (the only license available in the *Pigford/BFL* batching cycle), the following tiebreakers will be applied:

1. The first tiebreaker shall be the score for Section 4.4– Financial Information and Available Funding. The applicant with the highest score in Section 4.4 among the tied applicants shall be awarded the license. In the event that this does not resolve the tie, then
2. The second tiebreaker shall be the score for Section 4.8 – Ability to Execute Proposed Cultivation, Processing, Dispensing, and Security and Accountability Plans. The applicant with the highest score in Section 4.8 among the tied applicants shall be awarded the license. In the event that this does not resolve the tie, then
3. The third tiebreaker shall be the score for Section 4.7 – Plan for Security and Accountability. The applicant with the highest score in Section 4.7 among the tied applicants shall be awarded the license. In the event that this does not resolve the tie, then
4. The fourth tiebreaker shall be the score for Section 4.6 – Plan for Dispensing Marijuana and Supporting Infrastructure. The applicant with the highest score in Section 4.6 among the tied applicants shall be awarded the license. In the event that this does not resolve the tie, then
5. The fifth tiebreaker shall be the score for Section 4.5 – Plan for Processing Marijuana and Supporting Infrastructure. The applicant with the highest score in Section 4.5 among the tied applicants shall be awarded the license. In the event that this does not resolve the tie, then
6. The sixth tiebreaker shall be the score for Section 4.4 – Plan for Cultivating Marijuana and Supporting Infrastructure. The applicant with the highest score in Section 4.4 among the tied applicants shall be awarded the license. In the event that this does not resolve the tie, then
7. The seventh tiebreaker shall be the score for Section 4.10 – Personnel. The applicant with the highest score in Section 4.10 among the tied applicants shall be awarded the license. In the event that this does not resolve the tie, then



8. The eighth tiebreaker shall be the score for Section 4.11 – Diversity. The applicant with the highest score in Section 4.11 among the tied applicants shall be awarded the license. In the event that this does not resolve the tie, then
9. The ninth tiebreaker shall be the score for Section 4.9 – Medical Director. The applicant with the highest score in Section 4.9 among the tied applicants shall be awarded the license. In the event that this does not resolve the tie, then the final tie breaker shall be as provided in Section 6.4.

#### **Section 6.4 Final Tie Breaker**

If the tie-breaker process described in Section 6.3 does not resolve a tie for the *Pigford/BFL* license, the following process will be used. The tied applicants' applications will be independently reviewed again by the evaluators for the sole purpose of determining which of the tied applicants is best as between the tied applicants only. Each evaluator will be asked to select the best of the tied applicants in the evaluator's designated applicant section. No scoring will be performed. The applicant who is selected as best by the highest number of evaluators will be awarded the license.



**FORM 1: APPLICANT GENERAL INFORMATION**

<b>Applicant Information</b>				
Applicant Name				
Fictitious Name (if any)				
Mailing Address				
City	Apt/Ste #	State	ZIP Code	Country

<b>Contact Information</b>		
First Name	Last Name	Middle Initial
Telephone Number	Designated Email (for Department/Applicant Communications)	

<b>Medical Director Information</b>		
First Name	Last Name	Middle Initial
Florida Physician (MD or DO) License Number	Telephone Number	Email



**FORM 2: WAIVER AGREEMENT AND STATEMENT  
For Criminal History Record Checks**

I hereby authorize the Livescan Service Provider of my choosing to submit a set of my fingerprints to the Florida Department of Law Enforcement (FDLE) for the purpose of accessing and reviewing Florida and national criminal history records that may pertain to me. I understand that my background report will be sent to the Florida Department of Health, Office of Medical Marijuana Use (OMMU), and that I would be able to receive any national criminal history record that may pertain to me directly from the Federal Bureau of Investigation (FBI) pursuant to Title 28, Code of Federal Regulations (CFR), sections 16.30-16.34, and that I could then freely disclose any such information to whomever I choose.

I understand that my fingerprints may be retained at FDLE and the FBI for the purpose of providing any subsequent arrest notifications to the OMMU. I further understand that, upon request, the OMMU may provide me a copy of the criminal history record report, if any, it receives concerning me and that I am entitled to challenge the accuracy and completeness of any information contained in any such report. I am aware that procedures for obtaining a change, correction, or updating of the FDLE or FBI criminal history are set forth in section 943.056, F.S., and Title 28, CFR, section 16.34.

I understand that the OMMU may disclose to the applicant for Medical Marijuana Treatment Center (MMTC) licensure listed below whether I have passed the required background screening to serve as an owner or manager for the MMTC upon licensure, as provided in section 381.986, F.S., and Florida Administrative Code Chapter 64-4.

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Signature \_\_\_\_\_ Date \_\_\_\_\_

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Printed Name \_\_\_\_\_ Date of Birth (MM/DD/YYYY) \_\_\_\_\_

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MMTC Applicant Name \_\_\_\_\_

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MMTC Applicant Address \_\_\_\_\_



**FORM 3(A): ENTITY APPLICANT ACKNOWLEDGMENT AND STATEMENT OF UNDERSTANDING**

I, \_\_\_\_\_, the undersigned representative, hereby represent and warrant that I am authorized to submit this application on behalf of the entity listed on the application (the Applicant) and to attest to the following on behalf of the Applicant.

- All information included in the application is true and correct. Applicant understands that the Department will rely on such information, and that any material misrepresentation in this application is grounds for licensure denial. Further, applicant understands that if the applicant knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty, the applicant may be found guilty of a misdemeanor of the second degree, punishable as provided in sections 775.082 or 775.083, F.S.
- Applicant understands that this application for licensure creates neither an entitlement to, nor a vested right in, licensure.
- No individual or entity that owns, controls, or holds power to vote 5 percent or more of the voting shares of the applicant has any direct or indirect ownership or control of a voting share of any currently licensed MMTC.
- No individual or entity that owns, controls, or holds power to vote 5 percent or more of the voting shares of any currently licensed MMTC has any direct or indirect ownership or control of a voting share of the applicant.
- No currently licensed MMTC has any direct or indirect ownership or control of any voting shares or other form of ownership of the applicant.
- The applicant does not have any direct or indirect ownership or control of any voting shares or other form of ownership of a currently licensed MMTC.
- Notwithstanding the contents of the application, upon licensure, Applicant agrees to abide by, and be bound to, all the requirements of section 381.986, F.S., and all Department rules relating to medical marijuana and medical marijuana treatment centers.
- Applicant understands and agrees that if the Department determines at any point after licensure that the application contained a material misrepresentation, then the license will be revoked.

Applicant Name (Printed): \_\_\_\_\_

Applicant Signature: \_\_\_\_\_

Position of Signatory: \_\_\_\_\_



**FORM 3(B): INDIVIDUAL APPLICANT ACKNOWLEDGMENT AND STATEMENT  
OF UNDERSTANDING**

I, \_\_\_\_\_, the undersigned applicant, hereby attest as follows:

- All information included in the application is true and correct.
- I understand that the Department will rely on such information, and that any material misrepresentation in this application is grounds for licensure denial. Further, I understand that if I knowingly make a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty, that I may be found guilty of a misdemeanor of the second degree, punishable as provided in sections 775.082 or 775.083, F.S.
- I understand that this application for licensure creates neither an entitlement to, nor a vested right in, licensure.
- I do not have any direct or indirect ownership or control of any voting shares or other form of ownership of any currently licensed MMTC.
- Notwithstanding the contents of my application, upon licensure, I agree to abide by, and be bound to, all the requirements of section 381.986, F.S., and all Department rules relating to medical marijuana and medical marijuana treatment centers.
- I understand and agree that if the Department determines at any point after licensure that the application contained a material misrepresentation, then the license will be revoked.

\_\_\_\_\_  
Name of Applicant

\_\_\_\_\_  
Signature



**FORM 4: MEDICAL DIRECTOR ACKNOWLEDGMENT**

I, \_\_\_\_\_, have consented to be employed as the medical director for \_\_\_\_\_, an applicant for MMTC licensure pursuant to section 381.986, F.S. I have successfully completed the 2-hour course and examination offered by the Florida Medical Association or Florida Osteopathic Medical Association concerning the requirements of section 381.986, F.S. I understand and agree that, upon licensure by the Department, I am responsible for supervising the activities of the MMTC. I understand that if I knowingly make a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty, that I may be found guilty of a misdemeanor of the second degree, punishable as provided in sections 775.082 or 775.083, F.S.

Name (Printed):

\_\_\_\_\_

Signature:

\_\_\_\_\_

Florida MD or DO License #:

\_\_\_\_\_