

#### 64-4.208 MMTC Background Screening

(1) Required Background Screening.

(a) No person may serve as an employee, owner, or manager, as those terms are defined in section 381.986, F.S. ~~by this chapter~~, of an MMTC ~~unless and until the person has undergone and successfully~~ passed a background screening as required by section, as provided in Section 381.986, F.S.

(b) An MMTC that allows a person to serve as an employee, owner, or manager ~~before without successfully~~ passing ~~a required~~ background screening will be subject to discipline under this chapter.

(2) Background Screening Procedures.

(a) An MMTC must request and obtain written notice from the department that a prospective employee, owner, or manager has an individual has successfully passed a ~~required~~ background screening before allowing any such individual to serve as an employee, owner, or manager of the MMTC.

(b) An MMTC must ~~provide, via email to~~ [OMMUBGS@flhealth.gov](mailto:OMMUBGS@flhealth.gov), a request that the department process the prospective employee, owner, or manager's individual's background report. The MMTC's request must be submitted by email to [OMMUBGS@flhealth.gov](mailto:OMMUBGS@flhealth.gov), or via the department's portal at <https://fldohommu.my.site.com/mmtc/s/>, and must include the full name of the person(s) submitting to background screening together with Form DH8016-OMMU-XX/2025 "Medical Marijuana Treatment Center (MMTC) Background Screening Acknowledgement and Information" DH8016-OMMU-05/2020, "Waiver Agreement and Statement" incorporated by reference and available at <https://knowthefactsmmj.com/rules-and-regulations> and at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>. ~~https://www.flrules.org/Gateway/reference.asp?No=Ref-11991, which~~ Form DH8016-OMMU-XX/2025, must be completed, ~~and signed, and dated~~ by the prospective employee, owner, or manager prior to the submission of fingerprints to a Livescan Service Provider. If the form is signed and dated after the submission of fingerprints to a Livescan Service Provider, the department will not process the background screening report.

(c) Persons required to undergo background screening must submit a full set of fingerprints to a Livescan Service Provider and, at the time of submission, give to the Livescan Service Provider the department's ORI number FL924890Z (DOH — OFFICE OF MEDICAL MARIJUANA USE), MMTCs, and prospective MMTC employees, owners, and managers, may request the department's ORI number by sending an email to [OMMUBGS@flhealth.gov](mailto:OMMUBGS@flhealth.gov).

If a person's fingerprints are rejected twice for image quality, the person must participate in the Federal Bureau of Investigation's (FBI) name check procedure for fingerprint submissions rejected twice due to image quality.

(d) After successful submission of fingerprints or successful compliance with FBI name check procedure ~~Once generated~~, FDLE will send a background report directly to the department. The department will not process the background report unless it has received ~~and until it receives~~ a request from an MMTC pursuant to, ~~as provided in paragraph (2)(b).~~ If ~~the request is not received by the department an MMTC does not submit the request as provided in paragraph (2)(b)~~ within six months from the date the prospective employee, owner, or manager submitted fingerprints to a Livescan Service Provider ~~pursuant to paragraph (2)(c)~~, the department will not be unable to process the background report, and the prospective employee, owner, or manager must resubmit ~~individual will again be required to submit~~ fingerprints to a Livescan Service Provider pursuant to paragraph (2)(c).

(e) After receipt of the background report, the department may send issue to the prospective employee, owner, or manager individual requests for additional information or clarification necessary to complete the background screening process. After ~~Upon~~ assessing the background report and any additional information received from the prospective employee, owner, or manager individual, the department will issue notice in writing to that the individual stating whether the individual has passed the background screening and is therefore eligible pursuant to section 381.986, F.S. The department will also issue written notice to the MMTC advising whether the prospective employee, owner, or manager individual has successfully passed the background screening ~~required to serve as an employee, owner, or manager of the MMTC.~~

~~(f) 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.~~

~~(f)(g)~~ An MMTC must retain, in its records, the written background screening notices from the department for all employees, owners, and managers currently serving the MMTC and must retain the written notices for at least seven ~~five~~ years after the employee, owner, or manager is terminated, removed, or otherwise separated from the MMTC. Upon request from the department, an MMTC must provide copies of written background screening notices for the MMTC's current and former employees, owners, or managers. Copies of such notices must be provided within 2 business days of the department's request.

(g) In the event of a change of ownership, the MMTC must request that the department process the background report for new employees, owners, or managers by providing the form and information described in paragraph (2)(b).

(3) Fingerprint Retention Fees and Notifications.

(a) The annual fee for participation in the AFRNP is \$6.00 per individual fingerprint record retained. There is no fee for the initial year of participation. An MMTC must pay the fee via a separate payment mailed to the department within 21 calendar days of receipt of the department's notification that fees are due.

(b) ~~The department will direct FDLE to enter and retain the fingerprints of all MMTC employees, owners, and Managers in the AFRNP.~~ MMTCs must provide written notice to the department within 30 calendar days of the termination or separation of any employee, owner, or manager so that the individual's fingerprints may be removed from the AFRNP.

(c) The department will provide monthly written notice to each MMTC of the AFRNP annual retention fees that the MMTC must pay. Upon receipt of the department's written notice, an MMTC must confirm the status (i.e., "separated" or "retained") of its employees, owners, and managers by submitting such confirmation in an Excel file format to the department by email at [OMMUBGS@flhealth.gov](mailto:OMMUBGS@flhealth.gov). The Excel file must contain the following information for each employee, owner, or manager identified by the department in the notice referenced in this paragraph: Any employee, owner, or manager whose fingerprints were submitted prior to August 22, 2018 must be rescreened in accordance with subsection (2), within 90 days of the effective date of this rule, and must successfully pass the required background screening in order to continue serving as an employee, owner, or manager of the MMTC.

1. Legal name;

2. Date of birth;

3. Fingerprint retention date;

4. Separated or retained; and

5. Employment Location.

(d) If the department determines that the fingerprints of a current MMTC employee, owner, or manager have not been retained in the AFRNP, the employee, owner, or manager must be rescreened in accordance with subsection (2). The department will send written notice to the MMTC informing the MMTC that the employee, owner, or manager must be rescreened pursuant to this rule. The rescreening must be completed within 30 calendar days of the department's written notice.

(4) Disclosure of Arrest Reports and Continuing Background Screening.

(a) After becoming aware of the arrest of any MMTC employee, owner, or manager ~~of the MMTC~~ for any of the disqualifying offenses provided in ~~section~~ Section 435.04, F.S., or for an offense under Chapters 837, 895, and 896, F.S., or similar law of another jurisdiction, the MMTC ~~must~~ shall provide written notice to the department. Such notice ~~must~~ shall be provided to the department within 48 hours of becoming aware of the individual's arrest and ~~must~~ shall include the following information:

1. Legal name ~~Name~~ of the arrested individual;
2. Position or job title of the arrested individual; ~~and~~
3. A copy of the arrest report, if available; ~~and~~
4. Date of birth of the arrested individual.

(b) If the department receives any arrest notification concerning an MMTC employee, owner, or manager such that the employee, owner, or manager no longer passes a background screening and is therefore ineligible pursuant to section 381.986, F.S. ~~that renders the individual ineligible to serve as an MMTC employee, owner, or manager,~~ the department will provide written notice to the MMTC. Within 24 hours of receiving written notice from the department, an MMTC must ensure that such employee, manager, or owner is removed as ~~no longer~~ an employee, manager, or owner of the MMTC.

*Rulemaking Authority* Art. X, § 29, Fla. Const., 381.986(8)(k), 943.05(2)(h)3. FS. Law Implemented Art. X, § 29, Fla. Const., 381.986(8)(b)8., 381.986(8)(e)4., 381.986(9), 943.05 FS. History—New 6-10-20, Amended.