

Notice of Change/Withdrawal

DEPARTMENT OF HEALTH

RULE NO.: RULE TITLE:

64-4.018 Medical Marijuana Treatment Center Change of Ownership Application

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 44 No. 86, May 2, 2018, issue of the Florida Administrative Register.

The changes are in response to written public comments received. The scope of the proposed rule has been expanded to include any transfer of ownership which does change the holder of the medical marijuana treatment center license. The text of the proposed rule has undergone substantial rewording, see the Florida Administrative Register for previous text.

As to form DH8018-OMMU-05/2018, "Medical Marijuana Treatment Center Request for Transfer of Ownership": The title of the form has been changed to "Medical Marijuana Treatment Center Request for Change of Ownership or License Transfer," in light of the expanded scope of the proposed rule. The body of the form has undergone substantial rewording, see the Florida Administrative Register for previous text.

Substantial rewording of Proposed Rule 64-4.018 follows. See Florida Administrative Register for previous text.

64-4.018 Medical Marijuana Treatment Center Change of Ownership or License Transfer.

(1) For the purposes of this rule the following words and phrases shall have the meanings indicated.

(a) Change of ownership – The change in the holder of any interests in a medical marijuana treatment center to another entity or person, or collective thereof, which does not result in a license transfer.

(b) License transfer – The transfer of a medical marijuana treatment center’s license to a transferee so that the transferor no longer holds the license.

(c) Transferee – An entity or person, or collective thereof, desiring to acquire a medical marijuana treatment center license from a transferor.

(d) Transferor – An entity or person, or collective thereof, holding the right to transfer a medical marijuana treatment center’s license desiring to transfer the license to a transferee.

(2) A medical marijuana treatment center may not proceed with any a change of ownership or license transfer without prior department approval.

(3) In order to change any ownership, a medical marijuana treatment center must submit a request to the department using form DH8018-OMMU-5/2018, "Medical Marijuana Treatment Center Request for Change of Ownership," incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(4) All requests for change of ownership shall follow the timeframes provided in section 120.60, F.S.

(5) In order to transfer its license, a medical marijuana treatment center must submit a request to the department using form DHXXXX-OMMU-XX/2018, "Medical Marijuana Treatment Center Request for License Transfer," incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(6) Within 30 days of the receipt of a DHXXXX-OMMU-XX/2018 requesting a license transfer, the department shall review the request and notify the medical marijuana treatment center in writing of any omission or make a request for additional information regarding any representation or documentation provided with the request. The medical marijuana treatment center shall have 21 days from the date of the department’s notice to provide the requested information or documentation to the department. Within 30 days after the receipt of a complete request, the department shall approve or deny the request. The failure to provide department-requested information or documentation within 21 days of the date of the notice shall result in the denial of the request.

(7) If the medical marijuana treatment center intends to claim any exemption from public records disclosure under section 119.07, F.S., or any other exemption from public records disclosure provided by law, for any part of its request for change of ownership or license transfer, it shall indicate on the request for change of ownership or license transfer the specific sections for which it claims an exemption and the statutory basis for the exemption. The

requestor shall submit a redacted copy of the request, including all attachments, redacting those items identified as exempt concurrently with the submission of the request for change of ownership or license transfer pursuant to subsections (3) and (5) of this rule. Failure to provide a redacted copy of the request for change of ownership or license transfer at the time of submission or failure to identify and redact information claimed as trade secret will result in the release of all information in response to a public records request, unless the information falls under another public records exemption. All identified trade secrets are subject to review by the department in accordance with section 381.83, F.S.

(7) Upon approval of a license transfer, the transferee assumes all responsibility and liability for any violations of statute or department rule by, and any regulatory obligations of, the transferor. The transferee shall operate the medical marijuana treatment center in accordance with the representations made in the initial application for licensure, and any approved variances, on file with the department at the time of the transfer.

(8) For department-approved changes or transfers, the medical marijuana treatment center must provide notification to the department within 10 business day after execution. Such notifications must include copies of the executed change of ownership or license transfer agreement(s).

(9) Once the license transfer is executed, the transferee may file variances to the initial application for licensure, and any approved variances.

(10) In the event a department-approved request for change of ownership or license transfer does not occur or finalize as represented in the submitted request, including all attachments, the requestor shall notify the department within 10 business days of the proposed date the change of ownership or license transfer was to occur.

(11) If the department determines that a medical marijuana treatment center has changed its ownership or transferred its license without department approval, the medical marijuana treatment center's license shall be suspended pending the submission of a complete request pursuant to subsections (3) and (5) of this rule.

Rulemaking Authority 381.986(8)(k) FS. Law Implemented 381.986(8)(e)1. FS. History--New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Courtney Coppola

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Celeste Philip, MD, MPH, Surgeon General and Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 2, 2018