

Notice of Change/Withdrawal

DEPARTMENT OF HEALTH

RULE NO.: RULE TITLE:

64-4.023 Medical Marijuana Treatment Center Variance Procedure

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 text of subsections (2) and (5) of the proposed rule have had non-substantive technical changes.

As to form DH8019-OMMU-05/2018, "Medical Marijuana Treatment Center Request for Application Variance," the body of the form has undergone substantial rewording to provide additional instruction to assist applicants with various common variance requests, see the Florida Administrative Register for previous text.

THE FULL TEXT OF THE PROPOSED RULE IS:

64-4.023 Medical Marijuana Treatment Center Variance Procedure.

(1) A medical marijuana treatment center may request a variance from the representations made in the initial application pursuant to section 381.986(8)(e), F.S.

(2) In order to obtain a variance from the representations made in the initial application, the medical marijuana treatment center shall submit a request to the department using Form DH8019-OMMU-05/2018, "Medical Marijuana Treatment Center Request for Application Variance," incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>.

(3) A medical marijuana treatment center may not proceed with a proposed alternative until receipt of approval from the department.

(4) If the department determines that a medical marijuana treatment center has proceeded with a proposed alternative, prior to receiving approval, the medical marijuana treatment center shall be subject to the penalties set forth in section 381.986(10)(f), F.S.

(5) Except for its medical director, a medical marijuana treatment center is not required to request a variance from the representations made in its initial application to add or remove an ~~owner~~, officer, board member, manager, or employee. A medical marijuana treatment center may add or remove an ~~owner~~, officer, board member, manager, or employee by notifying the ~~Department~~ department in writing at OMMULicenseOperation@flhealth.gov of the name and position of the individual to be added or removed. However, no ~~owner~~, officer, board member, manager, or employee may be added by a medical marijuana treatment center prior to that individual passing a background screening pursuant to section 381.986(9), F.S. Changes to a medical marijuana treatment center's medical director must be requested in accordance with subsection (2).

(6) 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 variance request, it shall indicate on the request 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 variance request redacting those items identified as exempt concurrent with the submission of the variance request for approval under subsection (2) above. Failure to provide a redacted copy of the variance request 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 the department review in accordance with section 381.83, F.S.

Rulemaking Authority Section 381.986(8)(k), 381.986(10)(h) FS. Law Implemented Section 381.986(8)(e), 381.986(10) 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

DRAFT