

The Florida Department of Health (DOH) continues to focus on the health and safety of Florida's families and is dedicated to ensuring patients have safe access to low-THC cannabis and medical marijuana. We are pleased to provide this weekly update on the DOH Office of Medical Marijuana Use's (OMMU) diligent work implementing the many requirements in Amendment 2 and those set by the Florida Legislature in section 381.986, F.S. (2018).

OMMU UPDATES

Qualified Patients: (Active ID Card): 167,211

Check your application status: <https://mmuregistry.flhealth.gov/>

Total Patients: 209,940

OMMU Call Center: 1-(800) 808-9580

Processing Time for Complete Application*: 5 business days

Processing Time for ID Card Printing: 5 business days

**Applications are not deemed to be complete until payment has successfully cleared – up to 5 business days.*

Qualified Ordering Physicians: 1,917

Verify your qualified ordering physician: <http://www.flhealthsource.gov/>

Weekly Highlights:

§ **Low-THC cannabis and medical marijuana has been and continues to be available for qualified patients.** Patients may search for qualified ordering physicians using the new [search tool](#) on the OMMU Patients Page. Patients and caregivers may fill their orders at any of the 86 dispensing locations, or via delivery from approved MMTCs below.

§ The mailing address for Patient and Caregiver ID card applications is:

Office of Medical Marijuana Use

PO Box 31313

Tampa, FL 33631-3313

Medical Marijuana Treatment Centers Updates:

Approved medical marijuana treatment centers are the only businesses allowed to grow, process, or sell medical marijuana in Florida.

† **Amount of Medical Marijuana**

45,654,490 mgs

Dispensed (December 21 – December 27):

Amount of Low-THC Cannabis Dispensed (December 21 – December 27): 1,698,714 mgs

Approved Dispensing Locations: 83

MMTC Name

[Trulieve](#)

[Surterra Wellness](#)

[Curaleaf](#)

[Knox Medical](#)

[Liberty Health Sciences](#)

[Vidacann](#)

[AltMed Florida \(MüV\)](#)

[GrowHealthy](#)

[Harvest](#)

[Columbia Care Florida](#)

[GTI \(Rise Dispensaries\)](#)

[MedMen](#)

Dispensing Locations

Boynton Beach, Bradenton, Clearwater, Dania Beach, Deerfield Beach, Edgewater, Fort Myers, Gainesville, Jacksonville, Lady Lake, Miami (1), Miami (2), New Port Richey, Orlando, Palm Coast, Pensacola, Sarasota, St. Petersburg, Tallahassee, Tampa, Venice Beach, Vero Beach, West Palm Beach, delivery

Deltona, Jacksonville, Lakeland, Largo, Miami Beach, New Port Richey, North Port, Ocala, Orange Park, Orlando, Palm Bay, Palm Beach, Pensacola, Port Orange, Tallahassee, Tampa, St. Petersburg, delivery

Daytona, Deerfield Beach, Ft. Myers, Fort Pierce, Jacksonville, Kendall, Lakeland, Lake Worth, Lutz, Miami (1), Miami (2), Ocala, Orlando (1), Orlando (2), Palm Bay, Palm Harbor, St. Petersburg, Tallahassee, Tampa, delivery

Fort Walton Beach, Gainesville, Jacksonville, Lake Worth, North Miami Beach, Orlando, St. Petersburg, Tallahassee, delivery

Merritt Island, Miami, Palm Harbor, Port St. Lucie, St. Petersburg, Summerfield, Tampa, Winter Haven, delivery

Bradenton, Deerfield Beach, Holly Hill, Palm Bay, Tampa, delivery

Apollo Beach, Sarasota, Tampa, delivery

Brandon, West Palm Beach, delivery

Kissimmee, delivery

Dispensing via delivery

Dispensing via delivery

Dispensing via delivery

Cultivation Authorization only

Green Owl Pharms

N/A

Legal Updates

The implementation of Amendment 2 and section 381.986, F.S. (2018) continues to be frequently litigated. While some of these lawsuits have little impact on our progress, others – particularly those regarding the constitutionality of the law we are tasked with executing – have significant impact on DOH's ability to implement certain requirements of section 381.986, F.S. (2018).

Home Grow

Redner v. DOH, et. al., 13th Judicial Circuit Case No. 17-CA-5677

Court of Appeal reinstated the stay and noted that Redner was unlikely to succeed on the merits of the case. Redner appealed to the Florida Supreme court by filing a Petition to Invoke "All Writs" Jurisdiction. Florida Supreme Court issued an Order denying the petition to invoke all writs jurisdiction on May 25.

Smoking Ban

People United for Medical Marijuana v. DOH, et. al., 2nd Judicial Circuit Case No. 2017-CA-1394

Court of Appeal reinstated the stay and noted that Plaintiffs were unlikely to succeed on the merits of the case. The lower court's order is not currently in effect. Appellants filed request for oral argument on October 23. Oral argument has been set for January 8, 2019.

Application Process

Bill's Nursery, Inc. v. DOH, 2nd Judicial Circuit Case No. 2017-CA-002411

Order denying the Motion to Dismiss issued on May 24.

MMTC Licensure

Nature's Way v. DOH Case No. 17-5801 and 18-0721

Settlement agreement and Final Order issued on July 13 in Case No. 18-0271, granting Nature's Way a license and registration as a MMTC. Case No. 17-5801 is on appeal (Case No. 1D18-2929).

Constitutionality of Law

Florigrown LLC v. DOH Case No. 2017-CA-002549

Hearing on Plaintiff's Motion for Temporary Restraining Order set for July 19. Hearing on injunctive relief completed. On October 3, the case management conference was held. On October 5, the Court issued a temporary injunction prohibiting the Department from proceeding with issuing MMTC licenses under Section 381.986, Florida Statutes, and requiring the Department to issue MMTC registrations pursuant to Article X, Section 29 of the Florida Constitution, including one to Florigrown, by

October 19, 2018. Florida House of Representatives Motion to Intervene denied on November 29. Order granting in part, denying in part Department's Motion to Dismiss entered on November 29.

The Department filed a Notice of Appeal on October 19 (Case No. 1D18-4471). On December 18, the Order from the Circuit Court vacating the automatic stay was quashed by the First District Court of Appeal; stay provided by rules of appellate procedure remains in place pending final disposition.

Application Process

Patients and Producers Alliance, Inc. v. DOH
Case No. 2018-CA-000336
Case filed February 14, 2018 and has been assigned to Judge Dodson. Reassigned to Judge Cooper on June 30.

Constitutionality of Law

Trulieve v. DOH Case No. 2018-CA-000698
Hearing held on August 27. Proposed orders filed on August 31. Order Requesting Input issued on November 8. Responses due on November 30.

Administrative Challenge to Application Rule

Del Favero v. DOH, DOAH 18-2838
Administrative challenge to citrus preference in application rule. Final order issued by administrative law judge on August 6, finding that Rule 64-4.002 is an invalid exercise of delegated legislative authority. Notice of Appeal was filed by Mecca Farms (intervenor in case below) on September 4 (Case No. 1D18-3761).

Constitutionality of Law (Pigford License)

Tingle v. DOH, 1st Judicial Circuit Case No. 18-CA-3143
Native American Farmer filed complaint for declaratory judgment. (Prior complaint voluntarily dismissed in Case No. 18-CA-2092). Motion to Dismiss filed on October 30.

Petition for Licensure

Spring Oaks v. DOH, DOAH 18-4471
DOH filed a motion to consolidate related cases. Del Favero and East Coast Packers have filed petitions to intervene. Liner Source, Inc. and Caribbean Distillers, LLC filed petitions to intervene. Order to Show Cause Why Jurisdiction should not be relinquished to DOH for issuance

of a Final Order issued on September 28, 2018. Department's Response to Order to Show Cause was filed on October 9. Order Closing File and Relinquishing Jurisdiction to the Department was issued on October 18.

Petition for Licensure

Perkins v. DOH, DOAH 18-4473
DOH filed a motion to consolidate related cases. Del Favero and East Coast Packers have filed petitions to intervene. Liner Source, Inc. and Caribbean Distillers, LLC filed petitions to intervene. Order to Show Cause Why Jurisdiction should not be relinquished to DOH for issuance of a Final Order issued on September 28, 2018. Department's Response to Order to Show Cause was filed on October 9. Order Closing File and Relinquishing Jurisdiction to the Department was issued on October 18.

Petition for Licensure

Bill's Nursery v. DOH, DOAH 18-4474
DOH filed a motion to consolidate related cases. Del Favero and East Coast Packers have filed petitions to intervene. Liner Source, Inc. and Caribbean Distillers, LLC filed petitions to intervene. Order to Show Cause Why Jurisdiction should not be relinquished to DOH for issuance of a Final Order issued on September 28, 2018. Department's Response to Order to Show Cause was filed on October 9. Order Closing File and Relinquishing Jurisdiction to the Department was issued on October 18.

Petition for Licensure

Dewar Nurseries v. DOH, DOAH 18-4463
DOH filed a motion to consolidate related cases. Del Favero and East Coast Packers have filed petitions to intervene. Liner Source, Inc. and Caribbean Distillers, LLC filed petitions to intervene. Order to Show Cause Why Jurisdiction should not be relinquished to DOH for issuance of a Final Order issued on September 28, 2018. Department's Response to Order to Show Cause was filed on October 9. Order Closing File and Relinquishing Jurisdiction to the Department was issued on October 18.

Petition for Licensure

Tree-King Tree Farm Inc. v. DOH, DOAH 18-4472
DOH filed a motion to consolidate related cases. Del Favero and East Coast Packers have filed petitions to intervene. Liner Source, Inc. and Caribbean Distillers, LLC filed petitions to intervene. Order to Show Cause Why Jurisdiction

should not be relinquished to DOH for issuance of a Final Order issued on September 28, 2018. Department's Response to Order to Show Cause was filed on October 9. Order Closing File and Relinquishing Jurisdiction to the Department was issued on October 18.

Petition for Licensure

*Tropiflora v. DOH, DOAH 18-4697
Del Favero and East Coast Packers have filed petitions to intervene. Liner Source, Inc. and Caribbean Distillers, LLC filed petitions to intervene. Order to Show Cause Why Jurisdiction should not be relinquished to DOH for issuance of a Final Order issued on September 28, 2018. Department's Response to Order to Show Cause was filed on October 9. Order Closing File and Relinquishing Jurisdiction to the Department was issued on October 18.*

Petition for Licensure

*DeLeon's Bromeliads v. DOH, DOAH 18-4698
Del Favero and East Coast Packers have filed petitions to intervene. Liner Source, Inc. and Caribbean Distillers, LLC filed petitions to intervene. Order to Show Cause Why Jurisdiction should not be relinquished to DOH for issuance of a Final Order issued on September 28, 2018. Department's Response to Order to Show Cause was filed on October 9. Order Closing File and Relinquishing Jurisdiction to the Department was issued on October 18.*

Administrative Challenge to Application Rule (64-4.026)

*Aardvark Plant Services, Inc., v. DOH, DOAH 18-4585RP
Assigned to Administrative Law Judge on September 6. October 4 hearing postponed, DOH to file status update no later than October 17, 2018. Order Granting Extension of Time issued on October 18, extending date for status update to October 22. Motion to Stay filed by DOH on November 30. Case has been placed in abeyance; parties to advise of status by March 25, 2019.*

*Miller & Sons v. DOH 2016-CA-0700
Department's Motion for Summary Judgment denied.
Writ filed in First DCA (Case No.: 1D18-4110)
The First DCA entered a show cause order, requiring respondents to show cause why the writ should not be granted.*

Case No. 18-CA-1932

Petitioner filed complaint for writ of mandamus and declaratory relief.

Petition for Licensure

K N Y Medical Care, LLC v. DOH, 2nd Judicial Circuit Case No. 18-CA-2372.

Petitioner filed complaint for writ of mandamus and declaratory relief.

General Background Information

Medical Marijuana ID Card Application Process: Once a patient has been diagnosed by a qualified ordering physician and entered into the Medical Marijuana Use Registry, they can **immediately** begin the identification card application process. The department encourages applicants to complete the process online as this decreases processing time. Patients receive an email from OMMU once their email is added to the registry by their qualified ordering physician which directs them to the application. Once an application is reviewed and approved, patients receive an approval email which can be used to fill an order at an approved MMTC while they await their physical card.

Medical Marijuana Use Registry: All orders for medical marijuana are recorded and dispensed via the Medical Marijuana Use Registry. The Medical Marijuana Use Registry is accessible online, with real time information to ordering physicians, law enforcement and medical marijuana treatment center staff. Patients and caregivers may also access the Medical Marijuana Use Registry to submit a Medical Marijuana Use Registry Identification Card application, and check the status of their application.

Medical Marijuana Treatment Centers: Approved medical marijuana treatment centers are the only businesses allowed to grow, process, or sell medical marijuana in Florida. Each medical marijuana treatment center must receive authorization at three stages, (1) cultivation authorization, (2) processing authorization, and (3) dispensing authorization, prior to dispensing low-THC cannabis or medical marijuana. Medical marijuana cannot be mailed.