



## Medical Marijuana Treatment Center Variance Request

A medical marijuana treatment center ("MMTC") must, at all times, maintain compliance with the criteria demonstrated and representations made in its initial application. Upon request, the Florida Department of Health ("Department") may grant a MMTC a variance from the representations made in the initial application. Consideration of such a request will be based upon the individual facts and circumstances surrounding the request. A variance may not be granted unless the requesting MMTC can demonstrate to the department that it has a proposed alternative to the specific representation made in its application which fulfills the same or a similar purpose as the specific representation in a way that the department can reasonably determine will not be a lower standard than the specific representation in the application. Based upon the individual facts and circumstances surrounding the request, requests for additional information may be required.

#### Instructions

This form is designed to allow MMTCs to request a variance from the representations made in the initial application ("**Variance**").

This form is divided into four sections.

Section 1 – General Information Section 2 – Variance Subject Selection Section 3 – Variance Description Section 4 – Variance Documentation

- Complete each section of the form and attach all required documentation in order, based on each section's requirements.
- Label any attachments using the names of each applicable section.
- A variance must be submitted in portable document format ("PDF").
- If mailed to the department at the address listed below, a copy of the variance in PDF format must be included on a USB Flash Drive.
- A variance must be submitted either electronically to:

#### OMMULicense Operation@flhealth.gov

Or mailed to The Office of Medical Marijuana Use at:

4052 Bald Cypress Way, Bin M-01, Tallahassee, Florida 32399

#### Inspections

- If an inspection is required, a MMTC may request an inspection date as part of the variance. All requests must be provided 10 business days prior to the requested inspection date.
- The department will contact the MMTC to either confirm an inspection date or to re-schedule if it is determined that the requested inspection date is unavailable.
- The department may determine that based upon the individual facts and circumstances of the variance request an inspection is necessary. In the event the department determines an inspection is necessary, the department will contact the MMTC to schedule an inspection date.

#### **Public Records**

Variance requests submitted to the department are public records. Any exemption to public records law must be identified at the time the variance is submitted. To claim any public records exemption, the MMTC must provide a redacted copy of the variance and all attachments with a clearly identified statutory basis for each exemption sought.

Unless information falls under another public records exemption, failure to specify and identify information as trade secret or confidential business information, or failure to provide a redacted copy of this variance request, including all attachments, at the time of submission will result in the release in response to public records requests.





### **Section 1 – General Information**

REGISTERED BUSINESS NAME OF MMTC				
DOING BUSINESS AS				
STREET ADDRESS				
СІТУ		COUNTY	STATE	ZIP
			<u>.l</u>	<u> </u>
NAME OF INDIVIDUAL COMPLETING THIS REQUEST  TITLE				
BUSINESS NAME				
STREET ADDRESS				
СІТҮ		COUNTY	STATE	ZIP
EMAIL	PHONE	I NUMBER		1
DATE	ı			





## **Section 2 – Variance Subject Selection**

Select all subjects that apply to the proposed variance. Requested variances may impact or include more than one section. If the
proposed variance introduces new representations or concepts not captured by the listed variance subjects, indicate "Other/New" below.
To identify your selection, clearly mark in the box left of the variance subject.
Example: 🗹

Supporting documentation as listed in Section 4 must be provided for each subject selected.

	Variance Subjects			
	Advertising			
	Cultivation Facility			
	DACS Certificate			
	Derivative Product and Marijuana Delivery Device			
	Dispensing Facility			
	Dispensing Hours			
	Diversity Plan			
	Fulfilment and Storage Facility			
	Marijuana & Low-THC Cannabis Strain List			
	Marijuana Testing Laboratory			
	Medical Director			
	Organizational Structure, Officers, Board Members, and Managers			
	Processing Facility			
	Seed-to-Sale Tracking System			
	Transporting Marijuana			
	Website			
	Other/New			





### **Section 3 – Variance Description**

Attach a detailed description of the proposed variance.

Unless the subject selected in Section 2 is "Other/New," identify the Part and sub-Part, from the MMTC's initial application, or identify a department approved variance that will be replaced or modified by the proposed alternative. Describe in detail how the proposed variance fulfills the same or a similar purpose as the specific representations made in the MMTC's initial application or in a department approved variance and will not be a lower standard than the previously approved specific representation.





### **Section 4 – Variance Documentation**

	Mark and submit documentation for all areas affected by the proposed variance.		
	Additional documents may be submitted or requested by the department to complete review of the requested variance.		
	Indicate all areas affected by the proposed variance by making a clear mark in the area provided.		
	Example: ☑		
Adv	vertising		
	A copy of the proposed advertisement		
	Example of the proposed dispensing location sign, including the location on the facility site plan		
	A description of the locations and method of dissemination of each advertisement		
	Documentation that the proposed advertising is not visible to members of the public from any street, sidewalk, park, or other public place		
	Documentation that the proposed internet advertising is not an unsolicited pop-up advertisement and contains an easy and permanent opt-out feature		
	Documentation that the proposed advertisement does not have any content that specifically targets individuals under the age of 18		
	Any contracts or other agreements related to the proposed advertising		

Cultivation Facility (If requesting a new cultivation facility, an MMTC must provide all documentation below)

	Address of the proposed facility			
	Requested inspection date			
	Inspect	ion site contact name and phone number		
	Site pla	n(s) that is drawn to scale, shows the property boundaries, and includes the	followir	ng detail:
		Secure access points		Easements
		All ingress and egress		Irrigation water supply
		Back-up power system(s)		Potable water supply
		Waste water management		Parking areas
Floor Plan(s) drawn to scale and includes the following detail:				
		Each room or area's uses		Square feet of cultivation area
		Environmental control system(s)		Carbon Dioxide monitoring system(s)
		Back-up power system(s)		Light system(s)
		Irrigation system(s)		Odor mitigation system(s)
	Waste management equipment			

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## **Section 4 – Variance Documentation** (Continued)

#### **Cultivation Facility (Continued)**

	Entrances and exits		Pressure switches	
	Camera locations		Panic alarm(s)	
	Camera coverage		Secure storage area(s)	
	Outdoor lighting		Motion detector(s)	
	Security guard post(s)		Fence line and gated access	
Security	y controls that includes the following detail:			
	Photo identification badge requirements		Site-specific security procedures	
	Visitor pass requirements		Policies for theft, diversion, or loss of marijuana	
	Security alarm system covering all entry points and perimeter windows		Documentation that two (2) employees or security agents will be on the premises at all times	
Docume	entation that the facility has a video surveillance system that meets the follow	ing crit	eria:	
	Records continuously 24 hours a day		Records indoor and outdoor, or ingress and egress, vantage points	
	Clearly and accurately displays the time and date		Shows persons and activities in controlled areas of the premise	
	Retain recordings for at least 45 days			
for the p	r property owned by the MMTC but subject to a mortgage or lien, include doc ourposes of marijuana cultivation. For any property that is leased, include doc ration and documentation that the mortgagor or lienholder has been given no	cument tice of t	ation that the property owner consents to the use of the property for the pur he use of the property for the purposes of marijuana cultivation	
Documentation that the facility is not located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school				
Method	s for storage, handling, transportation, management, and disposal of solid ar	nd liquic	d waste generated during marijuana cultivation	
Standar	rd operating procedures for a computer software tracking system (seed-to-sa	le) that	traces marijuana from seed to sale at the proposed facility	
Standar	rd operating procedures specific to the proposed facility and/or employee trai	ning th	at at a minimum, covers the following topics:	
	Prevention of diversion and trafficking		Contamination and recall of product	
	Recordkeeping		Emergency management plan	
	Seed-to-sale system		Compliance with OSHA regulations for workplace safety	
	Cultivation of marijuana		Alcohol and drug-free workplace policy	
Docume	entation of permitted or approved access to irrigation and waste water dispos	sal, incl	uding:	
	Irrigation Water Supply		City or Municipality plumbing	
	Potable Water Supply		Waste Water Management	
	11.7			
S Certif		•		





### **Section 4 – Variance Documentation** (Continued)

#### **Derivative Product and Marijuana Delivery Device**

Packaging in compliance with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.				
Documentation that the proposed product will be packaged in a receptacle that has a The marijuana or low-THC cannabis meets the requirements of section 381.986(8)(e)10.d., F.S.  The name of the MMTC from which the marijuana originates  The batch number and harvest number from which the marijuana originates and the date dispensed  The name of the physician who issued the physician certification  Patient package inserts with information on the specific product dispensed that inclu	The name of the patient The product name, if applicable, and dosage form, including concentration of tetrahydrocannabinol and cannabidiol A warning that it is illegal to transfer medical marijuana to another person			
Clinical pharmacology Indications and use Dosage and administration Dosage forms and strengths	Contraindications Warnings and precautions Adverse reactions			
For each proposed product, a list of all ingredients  A description of the delivery device, including the instructions for use  All contracts, agreements, or other arrangements related to the use of any trademark  A list of equipment required to produce the proposed product				
An updated floor plan of the facility identifying the areas for manufacturing the proposed product  Updated standard operating procedures related to the manufacturing of the proposed product				
Address of proposed facility  Requested inspection date				
Inspection site contact name and phone number  Floor plan(s) drawn to scale, labels each room or area, including a waiting area with sufficient space and seating to accommodate qualified patients and caregivers and at least one private consultation area that is isolated from the waiting area and area where dispensing occurs				
Security Plan(s) for the Floor Plan(s), drawn to scale and includes the following deta  Entrances and exits  Camera locations  Camera coverage  Outdoor lighting	Pressure switches Panic alarms Secure storage area(s) Motion detector(s)			
Security controls that includes the following detail:  Photo identification badge requirements  Visitor pass requirements  Security alarm system covering all entry points and perimeter windows  (Continued next page)	All other site-specific security procedures  Policies for theft, diversion, or loss of marijuana			





#### Section 4 – Variance Documentation (Continued)

#### Dispensing Facility (Continued) Documentation that the facility has a video surveillance system that meets the following criteria: Records continuously 24 hours a day Records indoor and outdoor, or ingress and egress, vantage points Clearly and accurately displays the time and date Shows persons and activities in controlled areas of the premises For any property owned by the MMTC but subject to a mortgage or lien, include documentation that the mortgagor or lienholder has been notified of the use of the property for the purposes of marijuana dispensing. For any property that is leased, include documentation that the property owner consents to the use of the property for the purposes of cultivation and documentation that the mortgagor or lienholder has been given notice of the use of the property for the purposes of marijuana dispensing Documentation that the facility is not located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school Standard operating procedures for a computer software tracking system (seed-to-sale) that traces marijuana from seed to sale at the proposed facility Standard operating procedures specific to the proposed facility and/or employee training that at a minimum, covers the following topics: Prevention of diversion and trafficking Contamination and recall of product Emergency management plan Recordkeeping Compliance with OSHA regulations for workplace safety Seed-to-sale system Dispensation of marijuana Alcohol and drug-free workplace policy Documentation of municipality zoning A certificate of occupation, or equivalent, for the proposed property **Dispensing Hours** The proposed hours of operations for all locations affected **Diversity Plan** A diversity plan that promotes and ensures the involvement of minority persons and minority business enterprises, as defined in s. 288.703, F.S., or veteran business enterprises, as defined in section 295.187, F.S., in ownership, management, and employment. Include the following: Representation of minority persons and veterans in the MMTC's A record of contracts for services with minority business enterprises and veteran workforce business enterprises Efforts to recruit minority persons and veterans for employment **Fulfillment and Storage Facility** Address of proposed facility Requested inspection date Inspection site contact name and phone number Accurate proposed floor plan(s) drawn to scale, with each room or area labeled

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### **Section 4 – Variance Documentation** (Continued)

#### Fulfillment and Storage Facility (Continued)

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Securi	Security plan(s) for the floor plan(s), drawn to scale and includes the following detail:				
	Entrances and exits		Pressure switches		
	Camera locations		Panic alarms		
	Camera coverage		Secure storage area(s)		
	Outdoor lighting		Motion detector(s)		
Securi	ty controls that includes the following detail:				
	Photo identification badge requirements		All other site-specific security procedures		
	Security alarm system covering all entry points and perimeter windows		Documentation that two (2) employees or security agents will be on the premises at all times		
	Policies for theft, diversion, or loss of marijuana				
Docun	nentation that the facility has a video surveillance system that meets the follow	ing crit	eria:		
	Records continuously 24 hours a day		Records indoor and outdoor, or ingress and egress, vantage points		
	Clearly and accurately displays the time and date		Shows persons and activities in controlled areas of the premises		
for the	For any property owned by the MMTC but subject to a mortgage or lien, include documentation that the mortgagor or lienholder has been notified of the use of the property for the purposes of marijuana storage. For any property that is leased, include documentation that the property owner consents to the use of the property for the purposes of cultivation and documentation that the mortgagor or lienholder has been given notice of the use of the property for the purposes of marijuana storage.				
Docum	Documentation that the facility is not located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school				
Standa	ard operating procedures for a computer software tracking system (seed-to-sa	le) that	traces marijuana from seed to sale at the proposed facility		
Standa	ard operating procedures specific to the proposed facility and/or employee train	ning th	at at a minimum, covers the following topics:		
	Prevention of diversion and trafficking;		Contamination and recall of product		
	Recordkeeping		Emergency management plan		
	Seed-to-sale system		Compliance with OSHA regulations for workplace safety		
	Dispensation of marijuana		Alcohol and drug-free workplace policy		
Docun	Documentation of municipality zoning				
A certi	A certificate of occupation, or equivalent, for the proposed property				
Marijuana & Low-THC Cannabis Strain List					
A full I	ist of strains cultivated by the MMTC, including the proposed strains				
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### **Section 4 – Variance Documentation** (Continued)

#### **Medical Director**

	Resume of the proposed medical director				
	Copy of an active, unrestricted license as an allopathic physician under Chapter 458, F.S., or an osteopathic physician under Chapter 459, F.S.				
	Documentation that the proposed medical director has successfully completed the 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association				
	Docume	ntation that the proposed medical director has passed a background screen	ing pu	rsuant to section 381.986(9), F.S.	
Orgai	nization	al Structure, Officers, Directors, Board Members, and	Mana	agers	
	An organ	izational chart that shows the names and roles of individuals acting as office	ers, di	rectors, board members, and managers of the MMTC	
	Documer	ntation that the proposed officers, board members, and managers have pas	sed a	background screening pursuant to section 381.986(9), F.S.	
Proce	essing F	Facility			
	Address	of proposed facility			
	Requeste	ed inspection date			
	Inspectio	n site contact name and phone number			
	Site Plan	(s) that is drawn to scale, shows the property boundaries, and includes the	follow	ing detail:	
		Secure access points		Easements	
		All ingress and egress		Parking areas	
		Back-up power system(s)		Potable water supply	
		Waste water management			
	Floor Pla	n(s) drawn to scale and includes the following detail:			
		Each room or area's uses		Equipment used to process marijuana	
		Hazardous materials storage		Carbon dioxide monitoring system(s)	
		Back-up power system(s)		Equipment used to package derivative products	
		Waste management equipment		Odor mitigation system(s)	
		Eye wash station		First aid kit	
	Security plan(s) for both the site plan(s) and the floor plan(s), drawn to scale and includes the following detail:				
		Entrances and exits		Pressure switches	
		Camera locations		Panic alarm(s)	
		Camera coverage		Secure storage area(s)	
		Outdoor lighting		Motion detector(s)	
		Security guard post(s)		Fence line and gated access	

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### **Section 4 – Variance Documentation** (Continued)

#### Processing Facility (Continued)

Sec	Security controls that includes the following detail:				
	Photo identification badge requirements		All other site-specific security procedures		
	Visitor pass requirements		Policies for theft, diversion, or loss of marijuana		
	Security alarm system covering all entry points and perimeter windows		Documentation that two (2) employees or security agents will be on the premises at all times		
Doo	cumentation that the facility has a video surveillance system that meets the follow	ing cr	iteria:		
	Records continuously 24 hours a day		Records indoor and outdoor, or ingress and egress, vantage points		
	Clearly and accurately displays the time and date		Shows persons and activities in controlled areas of the premises		
	Retain recordings for at least 45 days				
Doo	cumentation that the facility has a video surveillance system that meets the follow	ing cr	iteria:		
	Records continuously 24 hours a day		Records indoor and outdoor, or ingress and egress, vantage points		
	Clearly and accurately displays the time and date		Shows persons and activities in controlled areas of the premises		
for	For any property owned by the MMTC but subject to a mortgage or lien, include documentation that the mortgagor or lienholder has been notified of the use of the property for the purposes of marijuana processing. For any property that is leased, include documentation that the property owner consents to the use of the property for the purposes of cultivation and documentation that the mortgagor or lienholder has been given notice of the use of the property for the purposes of marijuana processing.				
Doo	cumentation that the facility is not located within 500 feet of the real property that	comp	rises a public or private elementary school, middle school, or secondary school		
Sta	indard operating procedures for a computer software tracking system (seed-to-sa	le) tha	at traces marijuana from seed to sale at the proposed facility		
Sta	ndard operating procedures specific to the proposed facility and/or employee trai	ning tl	nat at a minimum, covers the following topics:		
	Prevention of diversion and trafficking;		Contamination and recall of product		
	Recordkeeping		Emergency management plan		
	Seed-to-sale system		Compliance with OSHA regulations for workplace safety		
	Processing of marijuana		Alcohol and drug-free workplace policy		
Doo	cumentation of municipality zoning				
A c	ertificate of occupation, or equivalent, for the proposed property				
Seed-to-Sale Tracking System					
Ide	Identify the computer software tracking system (seed-to-sale) that traces marijuana from seed to sale.				
Doc	Documentation that the seed-to-sale system has the following capabilities:				
	Notification of when marijuana seeds are planted		Notification when marijuana is stolen		
	Notification when marijuana plants are harvested		Notification when marijuana is diverted		
	Notification when marijuana is transported		Notification when marijuana is lost		
	Notification when marijuana is sold		Notification when marijuana plants are destroyed,		
	Generate transportation manifest		Notification when a crop loss occurs		





#### Section 4 – Variance Documentation (Continued)

#### **Transporting Marijuana** An example marijuana transportation manifest that includes the following detail: Departure date and approximate time of departure Name and address of the recipient of the delivery Quantity and form of any marijuana or marijuana delivery device being Name, location address, and license number of the originating MMTC transported Delivery vehicle make and model and license plate number Arrival date and estimated time of arrival Name and signature of the MMTC employees delivering the product Documentation of the proposed vehicles used to transport marijuana. Include the following detail: Documentation of a separate compartment or container within the vehicle that Photo of the vehicle can be locked VIN number License plate number Standard operating procedures and training that cover the following topics: Employee identification card requirements Safety and security training to employees transporting or delivering marijuana Requirement for two (2) or more persons in a vehicle Diversion and theft training Website Proposed website or web address Each marijuana and low-THC product available for purchase, including the following detail: Form of marijuana Cannabidiol content Strain of marijuana from which it was extracted Tetrahydrocannabinol content Total number of doses available Ratio of cannabidiol to tetrahydrocannabinol for each product The price for a 30-day, 50-day, and 70-day supply at a standard dose for each marijuana and low-THC product available for purchase The price for each marijuana delivery device available for purchase If applicable, any discount policies and eligibility criteria for such discounts Other Any security measures taken to ensure the safety and security of premises where the cultivation, processing, storing, or dispensing of marijuana occurs Any controls against the diversion, theft, and loss of marijuana or marijuana delivery devices Any standard operating procedures related to the cultivation, processing, storing, or dispensing of marijuana occurs Any standard operating procedures or training to prevent the diversion, theft, and loss of marijuana or marijuana delivery devices Any contract related to the management of cultivation, processing, transporting, and dispensing of marijuana and marijuana delivery devices Documentation to support that any variance not directly contemplated above will comply with the requirements of section 381.986, F.S. Documentation to support that any variance that is new in nature and unrelated to any representations made in the initial application or variances thereafter will comply with

the requirements of section 381.986, F.S.