

PRELIMINARY TEXT

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS:

64-4.211 Supplemental Licensure Fee for MMTCs

(1) Pursuant to section 381.986(8)(b), F.S., an MMTC shall annually submit a supplemental licensure fee to the department.

(2) A supplemental licensure fee is an annual monetary fee remitted by an MMTC to the department that is used to cover administrative costs for the public education campaigns identified in section 381.989, F.S., and medical marijuana research in accordance with s. 1004.4351, F.S.

(a) The amount of the supplemental licensure fee will be calculated for each fiscal year.

1. On July 31 of each year, or as soon thereafter as practical, the department will review the records of the Department of Financial Services (and any other necessary records) to ascertain the actual amounts expended in the state's prior fiscal year to administer ss. 381.989 and 1004.4351, F.S. The department will divide the total amount expended in the prior fiscal year by the total number of MMTCs licensed by the department as of June 30 of the prior fiscal year.

2. The resulting quotient will be the "supplemental licensure fee."

a. In the event that the amount derived from calculating the supplemental licensure fee results in an amount that is more than two decimal places, such amount shall be rounded to the nearest whole cent.

b. If the unrounded thousandths place digit is a five (5) or greater, then the supplemental licensing fee amount shall be rounded up to the next whole cent.

c. If the unrounded thousandths place digit is a four (4) or less, then the supplemental licensing fee shall be rounded down to the nearest whole cent.

(b) No later than September 30 of each year, the department will send written notice by certified mail to MMTCs of the amount of the supplemental licensure fee.

(3) An MMTC shall submit the supplemental licensure fee by remitting a cashier's check made payable to the "Florida Department of Health" no later than October 31 of each year. The check may either be submitted in person to the Florida Department of Health, Office of the General Counsel ATTN: Agency Clerk at 2585 Merchants Row Blvd., Suite 110, Tallahassee, Florida 32399 or sent via postal mail to Florida Department of Health, Office of the General Counsel ATTN: Agency Clerk at 4052 Bald Cypress Way, Bin A-02, Tallahassee, FL 32399.

29 (4) If an MMTC fails to submit payment to the department on or before October 31 of each year, the department
30 will send a written notice of missing payment by certified mail to the MMTC providing a 14-day grace period within
31 which to make payment. The 14-day grace period will begin on the date the MMTC receives the notice of missing
32 payment. If the department does not receive payment by the end of the 14-day grace period, the MMTC will be subject
33 to disciplinary action, up to and including revocation, in accordance with Rule 64-4.210, F.A.C.

34 (5) Prior to December 31, 2026, the department shall review this rule and amend, modify or repeal the rule if it is
35 determined to create barriers to entry for private business competition, is duplicative, outdated, obsolete, overly
36 burdensome, or imposes excessive costs. In the event the department fails to complete this rule review, the department
37 shall begin the rule repeal process in accordance with chapter 120, F.S.

38 *Rulemaking Authority 381.986(8)(b) and 381.986(8)(k), FS. Law Implemented 381.986(8)(b), FS. History—New*

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