

**Mission:**

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



**Ron DeSantis**  
Governor

**Joseph A. Ladapo, MD, PhD**  
State Surgeon General

**Vision:** To be the **Healthiest State** in the Nation

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**Sent via Electronic and Certified Mail**

11/26/2024

Esposito Nursery Inc. d/b/a Pharm Pham LLC  
c/o Katherine Viker, Esq.  
2743 Capital Cir NE  
Tallahassee, Florida 32308  
info@pharmpham.com

Re: Application for MMTC License

Dear Esposito Nursery, Inc. d/b/a Pharm Pham LLC:

On April 26, 2023, the Department of Health (Department) received your application for medical marijuana treatment center (MMTC) licensure in the April 2023 batching cycle. The Department also received your additional documents and information in response to the Department's errors and omissions letter.

This is the Department's notice of intent to *deny* your application for licensure as an MMTC for the following reasons:

First, your application failed to demonstrate that you have the financial ability to maintain operations for the duration of the 2-year approval cycle because you failed to provide certified financial statements that satisfy the requirements of section 381.986(8)(b)7., Florida Statutes, and Emergency Rule 64ER22-9 and the incorporated Application Instructions, as evidenced by a score of zero in Subsection 4.12.1.

Lastly, and notwithstanding the reason listed above, your application did *not* receive a score that qualifies you for MMTC licensure in the April 2023 batching cycle. The twenty-two highest scoring applications that are eligible for licensure received scores ranging from 2,826 to 3,273. Your application received a score of 1,781.

Sincerely,

*Christopher Kimball*

Christopher Kimball  
Director  
Office of Medical Marijuana Use

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**Florida Department of Health**  
**Office of Medical Marijuana Use**  
4052 Bald Cypress Way, Bin M-01 • Tallahassee, FL 32399  
PHONE: 850/245-4657  
**FloridaHealth.gov**



**Accredited Health Department**  
Public Health Accreditation Board

### **NOTICE OF RIGHTS**

A party whose substantial interest is affected by this agency action may petition for an administrative hearing pursuant to sections 120.569 and 120.57, Florida Statutes. A petition must be filed in writing and must be in conformance with Rule 28-106.201, 28-106.2015, or 28-106.301, Florida Administrative Code, as applicable. The petition must be in writing and received by the Agency Clerk for the Department within 21 days from receipt of this notice. The petition must be submitted by one of the following delivery methods:

**By Mail:**

Agency Clerk, Florida Department of Health  
4052 Bald Cypress Way, BIN #A-02  
Tallahassee, Florida 32399-1703;

**By Hand Delivery:**

Agency Clerk, Florida Department of Health  
2585 Merchants Row Blvd.  
Prather Building  
Tallahassee, Florida;

By facsimile: 850-413-8743; or

By E-Filing: [https://agency\\_clerk-fdh.mycusthelp.com/WEBAPP/rs/supporthome.aspx?&lp=3](https://agency_clerk-fdh.mycusthelp.com/WEBAPP/rs/supporthome.aspx?&lp=3)

Mediation is not available.

Failure to file a petition within 21 days shall constitute a waiver of the right to a hearing on this agency action. If this notice becomes a Final Order, an adversely affected party is entitled to judicial review pursuant to section 120.68, Florida Statutes. The Florida Rules of Appellate Procedure govern review proceedings. Review is initiated by filing, within 30 days of the date of the Final Order, a Notice of Appeal with the appropriate Court of Appeal in the appropriate District Court, accompanied by the filing fees required by law, and filing a copy of the Notice of Appeal with the Agency Clerk, Department of Health.