

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

Sent via Electronic Delivery

May 25, 2023

Bedner Growers, Inc.
c/o I. Jeffrey Pheterson
10066 Lee Road
Boynton Beach, Florida 33473
jpheterson@warddamon.com

Re: Application for MMTC Licensure – Errors and Omissions Letter

Dear Bedner Growers, Inc.,

On April 28, 2023, the Florida Department of Health received your application for MMTC licensure (the “Application”). The Department has identified the following apparent errors or omissions in your Application.

1. Subsection 4.3.3, Level 2 Background Screening

Subsection 4.3.3 of the Medical Marijuana Treatment Center License Application Instructions, Requirements and Forms (the “Application Instructions”) requires an applicant’s owners and managers to submit a full set of fingerprints to a Livescan Service Provider for purposes of level 2 background screening. The Department has not yet received an FDLE background report for the following individual, who is identified as an owner or manager in Subsection 4.3.3 of your Application:

- **435.09**

Please ensure that this individual has successfully submitted a full set of fingerprints to a Livescan Service Provider for purposes of level 2 background screening. Once that is accomplished, the Department will be provided the background report by FDLE.

Additionally, Subsection 4.3.3 of the Application Instructions requires that the applicant submit a completed Form 2 (Waiver Agreement and Statement) for each owner or manager, as those terms are defined by Department rules. The Form 2 contained in Subsection 4.3.3 of your Application is either incomplete or incorrect for the following individual:

- **435.09** – Form 2 is missing a date of birth.

Please provide a corrected and complete Form 2 executed by the above-listed individual.

May 25, 2023

Page 2 of 3

2. Subsection 4.9.5, Medical Director Acknowledgment and Certificate of Course Completion

Subsection 4.9.5 of the Application Instructions requires submission of a completed Form 4 (Medical Director Acknowledgment) executed by the applicant's medical director.

Your Application does not contain a completed Form 4.

Please provide a completed Form 4 executed by your medical director.

3. Subsection 4.12.1, Certified Financial Statements

Section 381.986(8)(b)7., Florida Statutes, requires that an applicant for MMTC licensure demonstrate "the financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financial statements to the Department." Subsection 4.12.1 of the Application Instructions requires certified financial statements for the applicant's most recent fiscal year. Additionally, subsection 4.12.1 requires the financial statements to be prepared in accordance with U.S. Generally Accepted Accounting Principles ("GAAP") and audited in accordance with U.S. Generally Accepted Auditing Standards ("GAAS") by a Certified Public Accountant ("CPA") licensed pursuant to Chapter 473, Florida Statutes, or licensed by another state.

Your Application does not contain certified financial statements as required by section 381.986(8)(b)7., Florida Statutes, and Subsection 4.12.1 of the Application Instructions. Although Subsection 4.12.1 of your Application contains financial statements for Bedner Growers, Inc., the financial statements are not

119.0715

Please provide certified financial statements prepared in accordance with GAAP and GAAS for your most recent fiscal year, as required by Subsection 4.12.1 of the Application Instructions.

4. Subsection 4.13.3, Capitalization Tables, Change of Control, and Related Entities

Subsection 4.13.3 of the Application Instructions requires, among other things, that an applicant identify all entities related to the applicant and provide all documents of these related entities that pertain to the ownership or control of the applicant, if any.

Your Application identifies 119.0715

. However, your Application does not contain 119.0715

. Please provide any such documents or agreements, as required by paragraph d. of Subsection 4.13.3 of the Application Instructions.

Deadline to Respond

The Department must receive the above-requested documentation and information within twenty-one (21) calendar days of the date on which the Department emails this letter to you. See Section 5.1 of the Application Instructions for the submission address and requirements. Failure to supply the requested documentation and information identified above may result in denial of your Application.

If any materials submitted to the Department in response to this letter contain confidential information, you must comply with the requirements of Section 2.4 of the Application Instructions when submitting such information.

May 25, 2023

Page 3 of 3

Sincerely,

Christopher Kimball

Christopher Kimball

Director

Office of Medical Marijuana Use