

Mission:

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



Ron DeSantis
Governor

Vision: To be the Healthiest State in the Nation

Sent via Electronic Delivery

February 18, 2019

Alpha Foliage, Inc.
d/b/a Surterra Therapeutics
c/o Ryan LaRocca
1175 Peachtree St. NE
Atlanta, GA 30361
rlarocca@surterrahholdings.com

Re: Variance – Third Wholesale Purchase

Dear Mr. LaRocca,

The Florida Department of Health ("Department") received a variance request ("Variance") dated January 28, 2019 from Alpha Foliage, Inc. d/b/a Surterra Therapeutics ("Surterra"). In the Variance, Surterra requested Department approval of an additional wholesale purchase of [REDACTED] pursuant to section 381.986(8)(c), Florida Statutes. The proposed wholesale purchase is the third in a series of requests made by Surterra related to a harvest failure that occurred between May 2018 and September 2018 at its cultivation facility located at [REDACTED]

On November 14, 2018, the Department received proof of harvest failure from Surterra, including documentation of a loss [REDACTED]. Additionally, Surterra requested Department approval to make a series of wholesale purchases, with its first being a purchase of [REDACTED]. The Department approved the transaction on November 29, 2018. On December 6, 2018, Surterra requested Department approval to make a second wholesale purchase of [REDACTED]. The Department approved this transaction on December 12, 2018. In sum, the Department has approved Surterra to purchase [REDACTED]

In the Variance, Surterra proposed a third wholesale purchase of [REDACTED]. The Department calculated the sum of all purchases and compared the total to the documentation provided by Surterra as proof of the harvest failure. The following chart summarizes the transactions:

Surterra wholesale purchases:	Purchase 1	Purchase 2	Proposed
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Surterra wholesale purchases - expressed in equivalent kilogram volume of Dried marijuana flower:

	Purchase 1	Purchase 2	Proposed

* In its February 12, 2019, correspondence, Surterra supplied

The total of all proposed purchases is the equivalent of [REDACTED] in Surterra's harvest failure.

Unless further proof is supplied, the Department considers the harvest failure cured by the sum of the three wholesale purchases proposed by Surterra.

The Department finds that the Variance to purchase the additional [REDACTED], serves the purpose of the original representations in Surterra's application for licensure and will not diminish its qualifications to operate as a medical marijuana treatment center. As such, the Variance is approved.

Sincerely,


Courtney F. Coppola
Interim Director
Office of Medical Marijuana Use
(850) 245-4274

cc: Ryan Benjamin, Compliance & Licensing Manager; Ryan.Benjamin@flhealth.gov

NOTICE OF RIGHTS

This letter is agency action for purposes of section 120.569, Florida Statutes. A party whose substantial interest is affected by this 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 received by the Agency Clerk within twenty-one (21) days from receipt of this notice. The petition may be mailed to the Agency Clerk, Department of Health, 4052 Bald Cypress Way, BIN #A-02, Tallahassee, FL 32399-1703; hand delivered to the Agency Clerk, Department of Health, 2585 Merchants Row Blvd., Prather Building, Suite 110, Tallahassee, FL; or sent by facsimile to (850) 413-8743. Such petition must be filed in conformance with Florida Administrative Code Rules 28-106.201 or 28-106.301, as applicable.

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.