

By the Committee on Health Policy; and Senator Garcia

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A bill to be entitled

An act relating to the Department of Health; amending s. 381.986, F.S.; revising the definition of the term "low-THC cannabis"; revising requirements for department approval of qualified physicians and medical directors of medical marijuana treatment centers; deleting obsolete language; prohibiting medical marijuana treatment center cultivating, processing, or dispensing facilities from being located within a specified distance of parks, child care facilities, or facilities providing early learning services; authorizing counties and municipalities to approve a dispensing facility within such distance under certain circumstances; providing that the subsequent establishment of any park, child care facility, early learning facility, or school after the approval of a medical marijuana treatment center's cultivating, processing, or dispensing facility does not affect the continued operation or location of the approved cultivating, processing, or dispensing facility; exempting cultivating, processing, or dispensing facilities approved before a specified date from such distance requirements; amending s. 391.308, F.S.; revising duties of the department in administering the Early Steps Program; revising provisions related to transitioning children from the Early Steps Program to school district programs; amending s. 391.3081, F.S.; revising provisions relating to the Early Steps Extended Option

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to conform to changes made by the act; amending s.
456.074, F.S.; requiring the department to issue an
emergency order suspending the license of a health
care practitioner arrested for committing or
attempting, soliciting, or conspiring to commit murder
in this state or another jurisdiction; amending s.
464.0156, F.S.; authorizing a registered nurse to
delegate the administration of certain controlled
substances to a home health aide for medically fragile
children under certain circumstances; amending s.
1004.551, F.S.; revising requirements for the micro-
credential component of specialized training provided
by the University of Florida Center for Autism and
Neurodevelopment; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (f) of subsection (1), paragraphs (a)
and (c) of subsection (3), paragraph (h) of subsection (4),
paragraph (a) of subsection (8), and paragraphs (a) and (c) of
subsection (11) of section 381.986, Florida Statutes, are
amended to read:

381.986 Medical use of marijuana.—

(1) DEFINITIONS.—As used in this section, the term:

(f) “Low-THC cannabis” means a plant of the genus *Cannabis*,
whether growing or not ~~the dried flowers of which contain 0.8~~
~~percent or less of tetrahydrocannabinol and more than 10 percent~~
~~of cannabidiol weight for weight~~; the seeds thereof; the resin
extracted from any part of such plant; and every ~~or any~~

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compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin, excluding edibles; which contains 0.8 percent or less of tetrahydrocannabinol and 2 percent cannabidiol, weight for weight, which ~~that~~ is dispensed from a medical marijuana treatment center.

(3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

(a) Before being approved as a qualified physician ~~and before each license renewal~~, a physician must successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association which encompass the requirements of this section and any rules adopted hereunder. Qualified physicians must renew the course certification biennially. The course and examination must be administered at least annually and may be offered in a distance learning format, including an electronic, online format that is available upon request. The price of the course may not exceed \$500.

(c) Before being employed as a medical director ~~and before each license renewal~~, a medical director must successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association which encompass the requirements of this section and any rules adopted hereunder. Medical directors must renew the course certification biennially. The course and examination must be administered at least annually and may be offered in a distance learning format, including an electronic, online format that is available upon request. The price of the course may not exceed \$500.

(4) PHYSICIAN CERTIFICATION.—

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~~(h) An active order for low-THC cannabis or medical cannabis issued pursuant to former s. 381.986, Florida Statutes 2016, and registered with the compassionate use registry before June 23, 2017, is deemed a physician certification, and all patients possessing such orders are deemed qualified patients until the department begins issuing medical marijuana use registry identification cards.~~

(8) MEDICAL MARIJUANA TREATMENT CENTERS.—

(a) The department shall license medical marijuana treatment centers to ensure reasonable statewide accessibility and availability as necessary for qualified patients registered in the medical marijuana use registry and who are issued a physician certification under this section.

1. As soon as practicable, but no later than July 3, 2017, the department shall license as a medical marijuana treatment center any entity that holds an active, unrestricted license to cultivate, process, transport, and dispense low-THC cannabis, medical cannabis, and cannabis delivery devices, under former s. 381.986, Florida Statutes 2016, before July 1, 2017, and which meets the requirements of this section. In addition to the authority granted under this section, these entities are authorized to dispense low-THC cannabis, medical cannabis, and cannabis delivery devices ordered pursuant to former s. 381.986, Florida Statutes 2016, ~~which were entered into the compassionate use registry before July 1, 2017,~~ and are authorized to begin dispensing marijuana under this section on July 3, 2017. The department may grant variances from the representations made in such an entity's original application for approval under former s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

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117 2. The department shall license as medical marijuana
118 treatment centers 10 applicants that meet the requirements of
119 this section, under the following parameters:

120 a. As soon as practicable, but no later than August 1,
121 2017, the department shall license any applicant whose
122 application was reviewed, evaluated, and scored by the
123 department and which was denied a dispensing organization
124 license by the department under former s. 381.986, Florida
125 Statutes 2014; which had one or more administrative or judicial
126 challenges pending as of January 1, 2017, or had a final ranking
127 within one point of the highest final ranking in its region
128 under former s. 381.986, Florida Statutes 2014; which meets the
129 requirements of this section; and which provides documentation
130 to the department that it has the existing infrastructure and
131 technical and technological ability to begin cultivating
132 marijuana within 30 days after registration as a medical
133 marijuana treatment center.

134 b. As soon as practicable, the department shall license one
135 applicant that is a recognized class member of *Pigford v.*
136 *Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers*
137 *Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011). An applicant licensed
138 under this sub-subparagraph is exempt from the requirement of
139 subparagraph (b)2. An applicant that applies for licensure under
140 this sub-subparagraph, pays its initial application fee, is
141 determined by the department through the application process to
142 qualify as a recognized class member, and is not awarded a
143 license under this sub-subparagraph may transfer its initial
144 application fee to one subsequent opportunity to apply for
145 licensure under subparagraph 4.

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146 c. As soon as practicable, but no later than October 3,
147 2017, the department shall license applicants that meet the
148 requirements of this section in sufficient numbers to result in
149 10 total licenses issued under this subparagraph, while
150 accounting for the number of licenses issued under sub-
151 subparagraphs a. and b.

152 3. For up to two of the licenses issued under subparagraph
153 2., the department shall give preference to applicants that
154 demonstrate in their applications that they own one or more
155 facilities that are, or were, used for the canning,
156 concentrating, or otherwise processing of citrus fruit or citrus
157 molasses and will use or convert the facility or facilities for
158 the processing of marijuana.

159 4. Within 6 months after the registration of 100,000 active
160 qualified patients in the medical marijuana use registry, the
161 department shall license four additional medical marijuana
162 treatment centers that meet the requirements of this section.
163 Thereafter, the department shall license four medical marijuana
164 treatment centers within 6 months after the registration of each
165 additional 100,000 active qualified patients in the medical
166 marijuana use registry that meet the requirements of this
167 section.

168 (11) PREEMPTION.—Regulation of cultivation, processing, and
169 delivery of marijuana by medical marijuana treatment centers is
170 preempted to the state except as provided in this subsection.

171 (a) A medical marijuana treatment center cultivating or
172 processing facility may not be located within 500 feet of the
173 real property that comprises a park as defined in s. 775.215(1),
174 a child care facility as defined in s. 402.302, a facility that

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175 provides early learning services as specified in s. 1000.04(1),
176 or a public or private elementary school, middle school, or
177 secondary school. The subsequent establishment of any such park,
178 child care facility, early learning facility, or school after
179 the approval of the medical marijuana treatment center
180 cultivating or processing facility does not affect the continued
181 operation or location of the approved cultivating or processing
182 facility. A medical marijuana treatment center cultivating or
183 processing facility that was approved by the department before
184 July 1, 2026, is exempt from the distance restrictions from a
185 park, child care facility, or early learning facility.

186 (c) A medical marijuana treatment center dispensing
187 facility may not be located within 500 feet of the real property
188 that comprises a park as defined in s. 775.215(1), a child care
189 facility as defined in s. 402.302, a facility that provides
190 early learning services as specified in s. 1000.04(1), or a
191 public or private elementary school, middle school, or secondary
192 school unless the county or municipality approves the location
193 through a formal proceeding open to the public at which the
194 county or municipality determines that the location promotes the
195 public health, safety, and general welfare of the community. The
196 subsequent establishment of any such park, child care facility,
197 early learning facility, or school after the approval of the
198 medical marijuana treatment center dispensing facility does not
199 affect the continued operation or location of the approved
200 dispensing facility. A medical marijuana treatment center
201 dispensing facility that was approved by the department before
202 July 1, 2026, is exempt from the distance restrictions from a
203 park, child care facility, or early learning facility.

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Section 2. Paragraphs (a) and (j) of subsection (2) and paragraphs (a) and (b) of subsection (7) of section 391.308, Florida Statutes, are amended to read:

391.308 Early Steps Program.—The department shall implement and administer part C of the federal Individuals with Disabilities Education Act (IDEA), which shall be known as the “Early Steps Program.”

(2) DUTIES OF THE DEPARTMENT.—The department shall:

(a) Annually prepare a grant application to the Federal Government requesting ~~the United States Department of Education~~ ~~for funding for~~ early intervention services for infants and toddlers with disabilities and their families pursuant to part C of the federal Individuals with Disabilities Education Act.

(j) Establish procedures for dispute resolution and mediation as outlined in part C of the federal Individuals with Disabilities Education Act ~~Provide a mediation process and if necessary, an appeals process for applicants found ineligible for developmental evaluation or early intervention services or denied financial support for such services.~~

(7) TRANSITION TO EDUCATION.—

(a) The department shall establish statewide uniform protocols and procedures for transition to a school district program for children with disabilities or to another program as part of an individual family support plan pursuant to part C of the federal Individuals with Disabilities Education Act ~~At least 90 days before a child reaches 3 years of age, the local program office shall initiate transition planning to ensure the child's successful transition from the Early Steps Program to a school district program for children with disabilities or to another~~

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~~program as part of an individual family support plan.~~

~~(b) At least 90 days before a child reaches 3 years of age, the local program office shall:~~

~~1. Notify the local school district in which the child resides and the Department of Education that the child may be eligible for special education or related services as determined by the local school district pursuant to ss. 1003.21 and 1003.57, unless the child's parent or legal guardian has opted out of such notification; and~~

~~2. Upon approval by the child's parent or legal guardian, convene a transition conference that includes participation of a local school district representative and the parent or legal guardian to discuss options for and availability of services.~~

Section 3. Subsection (5) of section 391.3081, Florida Statutes, is amended to read:

391.3081 Early Steps Extended Option.—

(5) TRANSITION TO EDUCATION.—The department shall establish statewide uniform protocols and procedures for transition to a school district program for children with disabilities or to another program as part of an individual family support plan pursuant to part C of the federal Individuals with Disabilities Education Act.

~~(a) At least 90 days before the beginning of the school year following the fourth birthday of a child enrolled in the Early Steps Extended Option, the local program office shall initiate transition planning to ensure the child's successful transition from the Early Steps Extended Option to a school district program under part B of the federal Individuals with Disabilities Education Act or to another program as part of an~~

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~~individual family support plan. Specifically, the local program office shall:~~

~~1. Notify the Department of Education and the local school district in which the child resides that the eligible child is exiting the Early Steps Extended Option, unless the child's parent or legal guardian has opted out of such notification; and~~

~~2. Upon approval by the child's parent or legal guardian, convene a transition conference that includes participation of a local school district representative and the parent or legal guardian to discuss options for and availability of services.~~

~~(b) The local program office, in conjunction with the local school district, shall modify a child's individual family support plan, or, if applicable, the local school district shall develop or review an individual education plan for the child pursuant to ss. 1003.57, 1003.571, and 1003.5715 which identifies special education or related services that the child will receive and the providers or agencies that will provide such services.~~

~~(c) If a child is found to be no longer eligible for part B of the federal Individuals with Disabilities Education Act during the review of an individual education plan, the local program office and the local school district must provide the child's parent or legal guardian with written information on other available services or community resources.~~

Section 4. Present paragraphs (d) through (hh) of subsection (5) of section 456.074, Florida Statutes, are redesignated as paragraphs (e) through (ii), respectively, and a new paragraph (d) is added to that subsection, to read:

456.074 Certain health care practitioners; immediate

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291 suspension of license.—

292 (5) The department shall issue an emergency order
293 suspending the license of any health care practitioner who is
294 arrested for committing or attempting, soliciting, or conspiring
295 to commit any act that would constitute a violation of any of
296 the following criminal offenses in this state or similar
297 offenses in another jurisdiction:

298 (d) Section 782.04, relating to murder.

299 Section 5. Paragraph (c) of subsection (2) of section
300 464.0156, Florida Statutes, is amended to read:

301 464.0156 Delegation of duties.—

302 (2)

303 (c) A registered nurse may not delegate the administration
304 of any controlled substance listed in Schedule II, Schedule III,
305 or Schedule IV of s. 893.03 or 21 U.S.C. s. 812, except that a
306 registered nurse may delegate:

307 1. For The administration of an insulin syringe that is
308 prefilled with the proper dosage by a pharmacist or an insulin
309 pen that is prefilled by the manufacturer; and

310 2. To a home health aide for medically fragile children as
311 defined in s. 400.462 the administration of a Schedule IV
312 controlled substance prescribed for the emergency treatment of
313 an active seizure.

314 Section 6. Paragraph (f) of subsection (1) of section
315 1004.551, Florida Statutes, is amended to read:

316 1004.551 University of Florida Center for Autism and
317 Neurodevelopment.—There is created at the University of Florida
318 the Center for Autism and Neurodevelopment.

319 (1) The center shall:

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(f) Develop an autism micro-credential to provide specialized training in supporting students with autism.

1. The micro-credential must be stackable with the autism endorsement and be available to:

a. Instructional personnel as defined in s. 1012.01(2);

b. Prekindergarten instructors as specified in ss. 1002.55, 1002.61, and 1002.63; and

c. Child care personnel as defined in ss. 402.302(3) and 1002.88(1)(e).

d. Early intervention service providers credentialed through the Early Steps Program.

2. The micro-credential must require participants to demonstrate competency in:

a. Identifying behaviors associated with autism.

b. Supporting the learning environment in both general and specialized classroom settings.

c. Promoting the use of assistive technologies.

d. Applying evidence-based instructional practices.

3. The micro-credential must:

a. Be provided at no cost to eligible participants.

b. Be competency-based, allowing participants to complete the credentialing process either in person or online.

c. Permit participants to receive the micro-credential at any time during training once competency is demonstrated.

4. Individuals eligible under subparagraph 1. who complete the micro-credential are eligible for a one-time stipend, as determined in the General Appropriations Act. The center shall administer stipends for the micro-credential.

Section 7. This act shall take effect July 1, 2026.