

By the Committee on Health Policy; and Senator Garcia

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30 to conform to changes made by the act; amending s.
31 456.074, F.S.; requiring the department to issue an
32 emergency order suspending the license of a health
33 care practitioner arrested for committing or
34 attempting, soliciting, or conspiring to commit murder
35 in this state or another jurisdiction; amending s.
36 464.0156, F.S.; authorizing a registered nurse to
37 delegate the administration of certain controlled
38 substances to a home health aide for medically fragile
39 children under certain circumstances; amending s.
40 1004.551, F.S.; revising requirements for the micro-
41 credential component of specialized training provided
42 by the University of Florida Center for Autism and
43 Neurodevelopment; providing an effective date.
44

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

46
47 Section 1. Paragraph (f) of subsection (1), paragraphs (a)
48 and (c) of subsection (3), paragraph (h) of subsection (4),
49 paragraph (a) of subsection (8), and paragraphs (a) and (c) of
50 subsection (11) of section 381.986, Florida Statutes, are
51 amended to read:

52 381.986 Medical use of marijuana.—

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

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

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

64 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

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

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

87 (4) PHYSICIAN CERTIFICATION.—

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88 (h) An active order for low-THC cannabis or medical
89 cannabis issued pursuant to former s. 381.986, Florida Statutes
90 2016, and registered with the compassionate use registry before
91 June 23, 2017, is deemed a physician certification, and all
92 patients possessing such orders are deemed qualified patients
93 until the department begins issuing medical marijuana use
94 registry identification cards.

95 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

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

101 1. As soon as practicable, but no later than July 3, 2017,
102 the department shall license as a medical marijuana treatment
103 center any entity that holds an active, unrestricted license to
104 cultivate, process, transport, and dispense low-THC cannabis,
105 medical cannabis, and cannabis delivery devices, under former s.
106 381.986, Florida Statutes 2016, before July 1, 2017, and which
107 meets the requirements of this section. In addition to the
108 authority granted under this section, these entities are
109 authorized to dispense low-THC cannabis, medical cannabis, and
110 cannabis delivery devices ordered pursuant to former s. 381.986,
111 Florida Statutes 2016, ~~which were entered into the compassionate~~
112 ~~use registry before July 1, 2017,~~ and are authorized to begin
113 dispensing marijuana under this section on July 3, 2017. The
114 department may grant variances from the representations made in
115 such an entity's original application for approval under former
116 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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204 Section 2. Paragraphs (a) and (j) of subsection (2) and
205 paragraphs (a) and (b) of subsection (7) of section 391.308,
206 Florida Statutes, are amended to read:

207 391.308 Early Steps Program.—The department shall implement
208 and administer part C of the federal Individuals with
209 Disabilities Education Act (IDEA), which shall be known as the
210 "Early Steps Program."

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

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

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

223 (7) TRANSITION TO EDUCATION.—

224 (a) The department shall establish statewide uniform
225 protocols and procedures for transition to a school district
226 program for children with disabilities or to another program as
227 part of an individual family support plan pursuant to part C of
228 the federal Individuals with Disabilities Education Act At least
229 ~~90 days before a child reaches 3 years of age, the local program~~
230 ~~office shall initiate transition planning to ensure the child's~~
231 ~~successful transition from the Early Steps Program to a school~~
232 ~~district program for children with disabilities or to another~~

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

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

236 ~~1. Notify the local school district in which the child~~
237 ~~resides and the Department of Education that the child may be~~
238 ~~eligible for special education or related services as determined~~
239 ~~by the local school district pursuant to ss. 1003.21 and~~
240 ~~1003.57, unless the child's parent or legal guardian has opted~~
241 ~~out of such notification; and~~

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

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

248 391.3081 Early Steps Extended Option.—

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

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

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

264 1. Notify the Department of Education and the local school
265 district in which the child resides that the eligible child is
266 exiting the Early Steps Extended Option, unless the child's
267 parent or legal guardian has opted out of such notification; and
268 2. Upon approval by the child's parent or legal guardian,
269 convene a transition conference that includes participation of a
270 local school district representative and the parent or legal
271 guardian to discuss options for and availability of services.

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

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

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

290 456.074 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; and310 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, 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.