

By Senator Davis

5-01420-26

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A bill to be entitled

An act relating to medical marijuana treatment center licensure; amending s. 11 of chapter 2024-246, Laws of Florida; requiring the Department of Health to consider all deficiencies in an application for a medical marijuana treatment center license cured if the sole remaining deficiency is the fact that the application was submitted by an entity in legal partnership with a certain eligible recognized class member, or his or her heir, rather than by the class member or heir as an individual; prohibiting the department from using such fact as a reason to deny an application for licensure; providing that such applicants are deemed to have satisfied a specified licensure requirement if certain conditions have been met; requiring the department to issue a medical marijuana treatment center license to such an entity if all other applicable licensure requirements have been met; requiring the department to issue such licenses by a specified date; providing an effective date.

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

Section 1. Section 11 of chapter 2024-246, Laws of Florida, is amended to read:

Section 11. (1) Effective upon this act becoming a law and notwithstanding any provision of s. 381.986(8)(a)2.b., Florida Statutes, to the contrary, the Department of Health must grant

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30 an applicant 90 days to cure, pursuant to the errors and
31 omissions process established in department Form DH8035-OMMU-
32 10/2021 as incorporated by the department in rule 64ER21-16,
33 Florida Administrative Code, any remaining deficiencies cited by
34 the department regarding the application if the applicant:

35 (a) Applied for a medical marijuana treatment center
36 license during the application window created by the department
37 to accept applications for licensure pursuant to s.

38 381.986(8)(a)2.b., Florida Statutes; and

39 (b) Has not been awarded a license, either from the initial
40 application process or through the cure process established in
41 section 2 of chapter 2023-292, Laws of Florida.

42 (2) If the applicant cures the deficiencies within the 90-
43 day timeframe, the department must issue a medical marijuana
44 treatment center license to the applicant.

45 (3) For purposes of the cure process detailed in
46 subsections (1) and (2), the department must consider all
47 deficiencies with an applicant's application to be cured if the
48 sole remaining deficiency cited is:

49 (a) A failure to meet the requirement in s.

50 381.986(8)(b)1., Florida Statutes; or

51 (b) The applicant died after March 25, 2022. In the case of
52 the death of an applicant under this paragraph, the department
53 must issue the license to the heirs of the applicant; or

54 (c) The application was submitted by an entity in legal
55 partnership with a recognized class member eligible for
56 licensure under s. 381.986(8)(a)2.b., Florida Statutes, or his
57 or her heir, rather than by the recognized class member or heir
58 as an individual.

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59 (4) If an applicant who was alive as of February 1, 2024,
60 dies before the completion of the cure process detailed in
61 subsections (1) and (2), the death of the applicant may not be a
62 reason to deny the application during the cure process or any
63 resulting legal challenges. In such case, and in the event of a
64 successful cure or challenge, the department must issue the
65 license to the estate of the applicant.

66 (5) If an applicant was an entity in a legal partnership
67 with a recognized class member eligible for licensure under s.
68 381.986(8)(a)2.b., Florida Statutes, or his or her heir, the
69 fact that the recognized class member or his or her heir did not
70 submit the application as an individual may not be a reason to
71 deny the application. Such an applicant satisfies the
72 requirement of s. 381.986(8)(b)1., Florida Statutes, if the
73 entity in legal partnership with a recognized class member or
74 his or her heir had been registered to do business in this state
75 for 5 consecutive years before submitting the application.
76 Provided all other applicable requirements for licensure have
77 been met, the department must issue the license to the applicant
78 no later than July 1, 2026.

79 Section 2. This act shall take effect upon becoming a law.