

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

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

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

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

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

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

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

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

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

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

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

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

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