

Amendment No.2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Health & Human Services  
2 Committee

3 Representative Andrade offered the following:

4  
5 **Amendment to Amendment (051447) by Representative Gerwig**  
6 **(with title amendment)**

7 Between lines 629 and 630 of the amendment, insert:

8 Section 15. **Subsection (17) of section 381.986, Florida**  
9 **Statutes, is amended to read:**

10 381.986 Medical use of marijuana.—

11 (17) Rules adopted pursuant to this section before July 1,  
12 2027 ~~2026~~, are not subject to ss. 120.54(3)(b) and 120.541. This  
13 subsection expires July 1, 2027 ~~2026~~.

14 Section 16. **Effective July 1, 2026, upon the expiration and**  
15 **reversion of the amendments made to subsection (1) of section 14**  
16 **of chapter 2017-232, Laws of Florida, pursuant to section 10 of**

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17 **chapter 2025-199, Laws of Florida, subsection (1) of section 14**  
18 **of chapter 2017-232, Laws of Florida, is amended to read:**

19 Section 14. Department of Health; authority to adopt  
20 rules; cause of action.—

21 (1) EMERGENCY RULEMAKING.—

22 (a) The Department of Health and the applicable boards  
23 shall adopt emergency rules pursuant to s. 120.54(4), Florida  
24 Statutes, and this section necessary to implement s. 381.986 ~~ss.~~  
25 ~~381.986 and 381.988~~, Florida Statutes. If an emergency rule  
26 adopted under this section is held to be unconstitutional or an  
27 invalid exercise of delegated legislative authority, and becomes  
28 void, the department or the applicable boards may adopt an  
29 emergency rule pursuant to this section to replace the rule that  
30 has become void. If the emergency rule adopted to replace the  
31 void emergency rule is also held to be unconstitutional or an  
32 invalid exercise of delegated legislative authority and becomes  
33 void, the department and the applicable boards must follow the  
34 nonemergency rulemaking procedures of the Administrative  
35 Procedures Act to replace the rule that has become void.

36 (b) For emergency rules adopted under this section, the  
37 department and the applicable boards need not make the findings  
38 required by s. 120.54(4)(a), Florida Statutes. Emergency rules  
39 adopted under this section are exempt from ss. 120.54(3)(b) and  
40 120.541, Florida Statutes. The department and the applicable  
41 boards shall meet the procedural requirements in s. 120.54(4)(a)

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42 ~~s. 120.54(a)~~, Florida Statutes, if the department or the  
43 applicable boards have, before July 1, 2019 ~~the effective date~~  
44 ~~of this act~~, held any public workshops or hearings on the  
45 subject matter of the emergency rules adopted under this  
46 subsection. Challenges to emergency rules adopted under this  
47 subsection are subject to the time schedules provided in s.  
48 120.56(5), Florida Statutes.

49 (c) Emergency rules adopted under this section are exempt  
50 from s. 120.54(4)(c), Florida Statutes, and shall remain in  
51 effect until replaced by rules adopted under the nonemergency  
52 rulemaking procedures of the Administrative Procedures Act.  
53 Rules adopted under the nonemergency rulemaking procedures of  
54 the Administrative Procedures Act to replace emergency rules  
55 adopted under this section are exempt from ss. 120.54(3)(b) and  
56 120.541, Florida Statutes. By July 15, 2026 ~~January 1, 2018~~, the  
57 department and the applicable boards shall initiate nonemergency  
58 rulemaking pursuant to the Administrative Procedures Act to  
59 replace all emergency rules adopted under this section by  
60 publishing a notice of rule development in the Florida  
61 Administrative Register. The department and applicable boards  
62 shall publish a notice of proposed rule in the Florida  
63 Administrative Register by July 30, 2026. Notwithstanding s.  
64 120.54(2)(a)2., Florida Statutes, this timeframe may not be  
65 exceeded~~Except as provided in paragraph (a), after January 1,~~  
66 ~~2018, the department and applicable boards may not adopt rules~~

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67 ~~pursuant to the emergency rulemaking procedures provided in this~~  
68 ~~section.~~

69 Section 17. The amendments to subsection (1) of section 14  
70 of chapter 2017-232, Laws of Florida, made by this act expire  
71 January 1, 2026, and the text of that subsection shall revert to  
72 that in existence on June 30, 2019, except that any amendments  
73 to such text enacted other than by this act shall be preserved  
74 and continue to operate to the extent that such amendments are  
75 not dependent upon the portions of text which expire pursuant to  
76 this section.

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**T I T L E A M E N D M E N T**

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Remove line 694 of the amendment and insert:

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extending the exemption of certain rules pertaining to

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the medical use of marijuana from certain rulemaking

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requirements; amending s. 14(1), chapter 2017-232,

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Laws of Florida; exempting certain rules pertaining to

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medical marijuana adopted to replace emergency rules

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from specified rulemaking requirements; providing for

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the future expiration and reversion of specified

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statutory text; providing an effective date.