

By the Appropriations Committee on Health and Human Services;
the Committee on Health Policy; and Senator Garcia

603-02959-26

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1 A bill to be entitled
2 An act relating to the Department of Health; amending
3 s. 381.986, F.S.; revising the definition of the term
4 "low-THC cannabis"; revising requirements for
5 department approval of qualified physicians and
6 medical directors of medical marijuana treatment
7 centers; deleting obsolete language; prohibiting
8 medical marijuana treatment center cultivating,
9 processing, or dispensing facilities from being
10 located within a specified distance of parks, child
11 care facilities, or facilities providing early
12 learning services; authorizing counties and
13 municipalities to approve a dispensing facility within
14 such distance under certain circumstances; providing
15 that the subsequent establishment of any park, child
16 care facility, early learning facility, or school
17 after the approval of a medical marijuana treatment
18 center's cultivating, processing, or dispensing
19 facility does not affect the continued operation or
20 location of the approved cultivating, processing, or
21 dispensing facility; exempting cultivating,
22 processing, or dispensing facilities approved before a
23 specified date from such distance requirements;
24 creating s. 381.994, F.S.; creating the
25 Neurofibromatosis Disease Grant Program within the
26 department; providing the purpose of the program;
27 providing that, subject to legislative appropriation,
28 the program award grants for certain purposes;
29 specifying entities that are eligible to apply for

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30 grants under the program; allowing certain grant
31 proposals to receive preference in the awarding of
32 grants; requiring the department to award grants after
33 consulting with the Rare Disease Advisory Council;
34 specifying the types of applications that may be
35 considered for grant funding; requiring the department
36 to appoint peer review panels to review the scientific
37 merit of grant applications and establish their
38 priority scores; requiring the council to consider the
39 priority scores in determining which proposals are
40 recommended for grant funding under the program;
41 requiring the council and peer review panels to
42 establish and follow certain guidelines when
43 performing their duties under the program; prohibiting
44 members of the council or peer review panels from
45 participating in discussions or decisions if there are
46 certain conflicts of interest; authorizing certain
47 appropriated funds to be carried forward under certain
48 circumstances; amending s. 391.308, F.S.; revising
49 duties of the department in administering the Early
50 Steps Program; revising provisions related to
51 transitioning children from the Early Steps Program to
52 school district programs; amending s. 391.3081, F.S.;
53 revising provisions relating to the Early Steps
54 Extended Option to conform to changes made by the act;
55 amending s. 456.074, F.S.; requiring the department to
56 issue an emergency order suspending the license of a
57 health care practitioner arrested for committing or
58 attempting, soliciting, or conspiring to commit murder

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59 in this state or another jurisdiction; amending s.
60 464.0156, F.S.; authorizing a registered nurse to
61 delegate the administration of certain controlled
62 substances to a home health aide for medically fragile
63 children under certain circumstances; amending s.
64 491.005, F.S.; revising licensure requirements for
65 marriage and family therapists; amending s. 1004.551,
66 F.S.; revising requirements for the micro-credential
67 component of specialized training provided by the
68 University of Florida Center for Autism and
69 Neurodevelopment; providing an effective date.

70

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

72

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

78 381.986 Medical use of marijuana.—

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

80 (f) "Low-THC cannabis" means a plant of the genus *Cannabis*,
81 whether growing or not ~~the dried flowers of which contain 0.8~~
82 ~~percent or less of tetrahydrocannabinol and more than 10 percent~~
83 ~~of cannabidiol weight for weight; the seeds thereof; the resin~~
84 ~~extracted from any part of such plant; and every~~ or any
85 ~~compound, manufacture, salt, derivative, mixture, or preparation~~
86 ~~of such plant or its seeds or resin, excluding edibles; which~~
87 contains 0.8 percent or less of tetrahydrocannabinol and 2

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88 percent cannabidiol, weight for weight, which ~~that~~ is dispensed
89 from a medical marijuana treatment center.

90 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

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

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

113 (4) PHYSICIAN CERTIFICATION.—

114 ~~(h) An active order for low-THC cannabis or medical~~
115 ~~cannabis issued pursuant to former s. 381.986, Florida Statutes~~
116 ~~2016, and registered with the compassionate use registry before~~

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117 ~~June 23, 2017, is deemed a physician certification, and all~~
118 ~~patients possessing such orders are deemed qualified patients~~
119 ~~until the department begins issuing medical marijuana use~~
120 ~~registry identification cards.~~

121 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

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

127 1. As soon as practicable, but no later than July 3, 2017,
128 the department shall license as a medical marijuana treatment
129 center any entity that holds an active, unrestricted license to
130 cultivate, process, transport, and dispense low-THC cannabis,
131 medical cannabis, and cannabis delivery devices, under former s.
132 381.986, Florida Statutes 2016, before July 1, 2017, and which
133 meets the requirements of this section. In addition to the
134 authority granted under this section, these entities are
135 authorized to dispense low-THC cannabis, medical cannabis, and
136 cannabis delivery devices ordered pursuant to former s. 381.986,
137 Florida Statutes 2016, ~~which were entered into the compassionate~~
138 ~~use registry before July 1, 2017,~~ and are authorized to begin
139 dispensing marijuana under this section on July 3, 2017. The
140 department may grant variances from the representations made in
141 such an entity's original application for approval under former
142 s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

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

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146 a. As soon as practicable, but no later than August 1,
147 2017, the department shall license any applicant whose
148 application was reviewed, evaluated, and scored by the
149 department and which was denied a dispensing organization
150 license by the department under former s. 381.986, Florida
151 Statutes 2014; which had one or more administrative or judicial
152 challenges pending as of January 1, 2017, or had a final ranking
153 within one point of the highest final ranking in its region
154 under former s. 381.986, Florida Statutes 2014; which meets the
155 requirements of this section; and which provides documentation
156 to the department that it has the existing infrastructure and
157 technical and technological ability to begin cultivating
158 marijuana within 30 days after registration as a medical
159 marijuana treatment center.

160 b. As soon as practicable, the department shall license one
161 applicant that is a recognized class member of *Pigford v.*
162 *Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers*
163 *Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011). An applicant licensed
164 under this sub-subparagraph is exempt from the requirement of
165 subparagraph (b)2. An applicant that applies for licensure under
166 this sub-subparagraph, pays its initial application fee, is
167 determined by the department through the application process to
168 qualify as a recognized class member, and is not awarded a
169 license under this sub-subparagraph may transfer its initial
170 application fee to one subsequent opportunity to apply for
171 licensure under subparagraph 4.

172 c. As soon as practicable, but no later than October 3,
173 2017, the department shall license applicants that meet the
174 requirements of this section in sufficient numbers to result in

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175 10 total licenses issued under this subparagraph, while
176 accounting for the number of licenses issued under sub-
177 subparagraphs a. and b.

178 3. For up to two of the licenses issued under subparagraph
179 2., the department shall give preference to applicants that
180 demonstrate in their applications that they own one or more
181 facilities that are, or were, used for the canning,
182 concentrating, or otherwise processing of citrus fruit or citrus
183 molasses and will use or convert the facility or facilities for
184 the processing of marijuana.

185 4. Within 6 months after the registration of 100,000 active
186 qualified patients in the medical marijuana use registry, the
187 department shall license four additional medical marijuana
188 treatment centers that meet the requirements of this section.
189 Thereafter, the department shall license four medical marijuana
190 treatment centers within 6 months after the registration of each
191 additional 100,000 active qualified patients in the medical
192 marijuana use registry that meet the requirements of this
193 section.

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

197 (a) A medical marijuana treatment center cultivating or
198 processing facility may not be located within 500 feet of the
199 real property that comprises a park as defined in s. 775.215(1),
200 a child care facility as defined in s. 402.302, a facility that
201 provides early learning services as specified in s. 1000.04(1),
202 or a public or private elementary school, middle school, or
203 secondary school. The subsequent establishment of any such park,

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204 child care facility, early learning facility, or school after
205 the approval of the medical marijuana treatment center
206 cultivating or processing facility does not affect the continued
207 operation or location of the approved cultivating or processing
208 facility. A medical marijuana treatment center cultivating or
209 processing facility that was approved by the department before
210 July 1, 2026, is exempt from the distance restrictions from a
211 park, child care facility, or early learning facility.

212 (c) A medical marijuana treatment center dispensing
213 facility may not be located within 500 feet of the real property
214 that comprises a park as defined in s. 775.215(1), a child care
215 facility as defined in s. 402.302, a facility that provides
216 early learning services as specified in s. 1000.04(1), or a
217 public or private elementary school, middle school, or secondary
218 school unless the county or municipality approves the location
219 through a formal proceeding open to the public at which the
220 county or municipality determines that the location promotes the
221 public health, safety, and general welfare of the community. The
222 subsequent establishment of any such park, child care facility,
223 early learning facility, or school after the approval of the
224 medical marijuana treatment center dispensing facility does not
225 affect the continued operation or location of the approved
226 dispensing facility. A medical marijuana treatment center
227 dispensing facility that was approved by the department before
228 July 1, 2026, is exempt from the distance restrictions from a
229 park, child care facility, or early learning facility.

230 Section 2. Section 381.994, Florida Statutes, is created to
231 read:

232 381.994 Neurofibromatosis Disease Grant Program.-

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233 (1) (a) There is created within the Department of Health the
234 Neurofibromatosis Disease Grant Program. The purpose of the
235 program is to advance the progress of research and cures for
236 neurofibromatosis by awarding grants through a competitive,
237 peer-reviewed process.

238 (b) Subject to legislative appropriation, the program shall
239 award grants for scientific and clinical research to further the
240 search for new diagnostics, treatments, and cures for
241 neurofibromatosis.

242 (2) (a) Applications for grants for neurofibromatosis
243 disease research may be submitted by any university or
244 established research institute in this state. All qualified
245 investigators in this state, regardless of institutional
246 affiliation, shall have equal access and opportunity to compete
247 for the research funding. Preference may be given to grant
248 proposals that foster collaboration among institutions,
249 researchers, and community practitioners, as such proposals
250 support the advancement of treatments and cures of
251 neurofibromatosis through basic or applied research. Grants
252 shall be awarded by the department, after consultation with the
253 Rare Disease Advisory Council under s. 381.99, on the basis of
254 scientific merit, as determined by the competitive, peer-
255 reviewed process to ensure objectivity, consistency, and high
256 quality. The following types of applications may be considered
257 for funding:

- 258 1. Investigator-initiated research grants.
- 259 2. Institutional research grants.
- 260 3. Collaborative research grants, including those that
261 advance the finding of treatment and cures through basic or

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262 applied research.

263 (b) To ensure appropriate and fair evaluation of grant
264 applications based on scientific merit, the department shall
265 appoint peer review panels of independent, scientifically
266 qualified individuals to review the scientific merit of each
267 proposal and establish its priority score. The priority scores
268 shall be forwarded to the council, and the council must consider
269 priority scores in determining which proposals are recommended
270 for funding.

271 (3) For purposes of performing their duties under this
272 section, the Rare Disease Advisory Council and the peer review
273 panels shall establish and follow rigorous guidelines for
274 ethical conduct and adhere to a strict policy with regard to
275 conflicts of interest. A member of the council or panel may not
276 participate in any discussion or decision of the council or
277 panel with respect to a research proposal by any firm, entity,
278 or agency with which the member is associated as a member of the
279 governing body or as an employee or with which the member has
280 entered into a contractual arrangement.

281 (4) Notwithstanding s. 216.301 and pursuant to s. 216.351,
282 the balance of any appropriation from the General Revenue Fund
283 for the Neurofibromatosis Disease Grant Program which is not
284 disbursed but is obligated pursuant to contract or committed to
285 be expended by June 30 of the fiscal year in which the funds are
286 appropriated may be carried forward for up to 5 years after the
287 effective date of the original appropriation.

288 Section 3. Paragraphs (a) and (j) of subsection (2) and
289 paragraphs (a) and (b) of subsection (7) of section 391.308,
290 Florida Statutes, are amended to read:

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291 391.308 Early Steps Program.—The department shall implement
292 and administer part C of the federal Individuals with
293 Disabilities Education Act (IDEA), which shall be known as the
294 “Early Steps Program.”

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

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

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

307 (7) TRANSITION TO EDUCATION.—

308 (a) The department shall establish statewide uniform
309 protocols and procedures for transition to a school district
310 program for children with disabilities or to another program as
311 part of an individual family support plan pursuant to part C of
312 the federal Individuals with Disabilities Education Act ~~At least~~
313 ~~90 days before a child reaches 3 years of age, the local program~~
314 ~~office shall initiate transition planning to ensure the child’s~~
315 ~~successful transition from the Early Steps Program to a school~~
316 ~~district program for children with disabilities or to another~~
317 ~~program as part of an individual family support plan.~~

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

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320 ~~1. Notify the local school district in which the child~~
321 ~~resides and the Department of Education that the child may be~~
322 ~~eligible for special education or related services as determined~~
323 ~~by the local school district pursuant to ss. 1003.21 and~~
324 ~~1003.57, unless the child's parent or legal guardian has opted~~
325 ~~out of such notification; and~~

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

330 Section 4. Subsection (5) of section 391.3081, Florida
331 Statutes, is amended to read:

332 391.3081 Early Steps Extended Option.—

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

339 ~~(a) At least 90 days before the beginning of the school~~
340 ~~year following the fourth birthday of a child enrolled in the~~
341 ~~Early Steps Extended Option, the local program office shall~~
342 ~~initiate transition planning to ensure the child's successful~~
343 ~~transition from the Early Steps Extended Option to a school~~
344 ~~district program under part B of the federal Individuals with~~
345 ~~Disabilities Education Act or to another program as part of an~~
346 ~~individual family support plan. Specifically, the local program~~
347 ~~office shall:~~

348 ~~1. Notify the Department of Education and the local school~~

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349 ~~district in which the child resides that the eligible child is~~
350 ~~exiting the Early Steps Extended Option, unless the child's~~
351 ~~parent or legal guardian has opted out of such notification; and~~

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

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

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

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

374 456.074 Certain health care practitioners; immediate
375 suspension of license.—

376 (5) The department shall issue an emergency order
377 suspending the license of any health care practitioner who is

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378 arrested for committing or attempting, soliciting, or conspiring
379 to commit any act that would constitute a violation of any of
380 the following criminal offenses in this state or similar
381 offenses in another jurisdiction:

382 (d) Section 782.04, relating to murder.

383 Section 6. Paragraph (c) of subsection (2) of section
384 464.0156, Florida Statutes, is amended to read:

385 464.0156 Delegation of duties.—

386 (2)

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

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

394 2. To a home health aide for medically fragile children as
395 defined in s. 400.462 the administration of a Schedule IV
396 controlled substance prescribed for the emergency treatment of
397 an active seizure.

398 Section 7. Paragraph (c) of subsection (3) of section
399 491.005, Florida Statutes, is amended to read:

400 491.005 Licensure by examination.—

401 (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of
402 documentation and payment of a fee not to exceed \$200, as set by
403 board rule, the department shall issue a license as a marriage
404 and family therapist to an applicant whom the board certifies
405 has met all of the following criteria:

406 (c)1. Attained one of the following:

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407 a. A minimum of a master's degree in marriage and family
408 therapy from a program accredited by the Commission on
409 Accreditation for Marriage and Family Therapy Education.

410 b. A minimum of a master's degree with a major emphasis in
411 marriage and family therapy or a closely related field from a
412 university program accredited by the Council on Accreditation of
413 Counseling and Related Educational Programs and graduate courses
414 approved by the board.

415 c. A minimum of a master's degree with an emphasis in
416 marriage and family therapy or a closely related field, with a
417 degree conferred before September 1, 2032 ~~2027~~, from an
418 institutionally accredited college or university and graduate
419 courses approved by the board.

420 2. If the course title that appears on the applicant's
421 transcript does not clearly identify the content of the
422 coursework, the applicant provided additional documentation,
423 including, but not limited to, a syllabus or catalog description
424 published for the course. The required master's degree must have
425 been received in an institution of higher education that, at the
426 time the applicant graduated, was fully accredited by an
427 institutional accrediting body recognized by the Council for
428 Higher Education Accreditation or its successor organization or
429 was a member in good standing with Universities Canada, or an
430 institution of higher education located outside the United
431 States and Canada which, at the time the applicant was enrolled
432 and at the time the applicant graduated, maintained a standard
433 of training substantially equivalent to the standards of
434 training of those institutions in the United States which are
435 accredited by an institutional accrediting body recognized by

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436 the Council for Higher Education Accreditation or its successor
437 organization. Such foreign education and training must have been
438 received in an institution or program of higher education
439 officially recognized by the government of the country in which
440 it is located as an institution or program to train students to
441 practice as professional marriage and family therapists or
442 psychotherapists. The applicant has the burden of establishing
443 that the requirements of this provision have been met, and the
444 board shall require documentation, such as an evaluation by a
445 foreign equivalency determination service, as evidence that the
446 applicant's graduate degree program and education were
447 equivalent to an accredited program in this country. An
448 applicant with a master's degree from a program that did not
449 emphasize marriage and family therapy may complete the
450 coursework requirement in a training institution fully
451 accredited by the Commission on Accreditation for Marriage and
452 Family Therapy Education recognized by the United States
453 Department of Education.

454
455 For the purposes of dual licensure, the department shall license
456 as a marriage and family therapist any person who meets the
457 requirements of s. 491.0057. Fees for dual licensure may not
458 exceed those stated in this subsection.

459 Section 8. Paragraph (f) of subsection (1) of section
460 1004.551, Florida Statutes, is amended to read:

461 1004.551 University of Florida Center for Autism and
462 Neurodevelopment.—There is created at the University of Florida
463 the Center for Autism and Neurodevelopment.

464 (1) The center shall:

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- 465 (f) Develop an autism micro-credential to provide
466 specialized training in supporting students with autism.
- 467 1. The micro-credential must be stackable with the autism
468 endorsement and be available to:
- 469 a. Instructional personnel as defined in s. 1012.01(2);
470 b. Prekindergarten instructors as specified in ss. 1002.55,
471 1002.61, and 1002.63; and
472 c. Child care personnel as defined in ss. 402.302(3) and
473 1002.88(1)(e).
- 474 d. Early intervention service providers credentialed
475 through the Early Steps Program.
- 476 2. The micro-credential must require participants to
477 demonstrate competency in:
- 478 a. Identifying behaviors associated with autism.
479 b. Supporting the learning environment in both general and
480 specialized classroom settings.
481 c. Promoting the use of assistive technologies.
482 d. Applying evidence-based instructional practices.
- 483 3. The micro-credential must:
- 484 a. Be provided at no cost to eligible participants.
485 b. Be competency-based, allowing participants to complete
486 the credentialing process either in person or online.
487 c. Permit participants to receive the micro-credential at
488 any time during training once competency is demonstrated.
- 489 4. Individuals eligible under subparagraph 1. who complete
490 the micro-credential are eligible for a one-time stipend, as
491 determined in the General Appropriations Act. The center shall
492 administer stipends for the micro-credential.
- 493 Section 9. This act shall take effect July 1, 2026.