

By Senator Grimsley

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1                                   A bill to be entitled  
2       An act relating to the Department of Health; amending  
3       s. 381.4018, F.S.; requiring the Department of Health  
4       to adopt rules to implement a federal program to  
5       further encourage qualified physicians to relocate to  
6       and practice in underserved areas; amending s.  
7       456.013, F.S.; revising health care practitioner  
8       licensure application requirements; amending s.  
9       456.024, F.S.; revising health care practitioner  
10      licensure eligibility requirements for certain members  
11      of the armed forces and their spouses; amending s.  
12      458.309, F.S.; deleting a provision requiring certain  
13      physicians to register an office with the department;  
14      removing departmental responsibilities; creating s.  
15      458.3266, F.S.; defining terms; requiring office  
16      surgery centers to register with the department under  
17      certain circumstances; providing registration  
18      requirements; providing responsibilities for office  
19      surgery center physicians; requiring the department to  
20      inspect office surgery centers; providing an  
21      exception; requiring the Board of Medicine to adopt  
22      rules; providing penalties; amending s. 459.005, F.S.;  
23      deleting a provision requiring certain physicians to  
24      register an office with the department; removing  
25      departmental responsibilities; creating s. 459.0138,  
26      F.S.; defining terms; requiring office surgery centers  
27      to register with the department under certain  
28      circumstances; providing registration requirements;  
29      providing responsibilities for office surgery center

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30 physicians; requiring the department to inspect office  
31 surgery centers; providing an exception; requiring the  
32 Board of Osteopathic Medicine to adopt rules;  
33 providing penalties; repealing s. 460.4166, F.S.,  
34 relating to registered chiropractic assistants;  
35 amending s. 463.006, F.S.; revising examination  
36 requirements for the licensure and certification of  
37 optometrists; creating s. 463.0061, F.S.; authorizing  
38 licensure of optometrists by endorsement and providing  
39 requirements therefor; defining the term "active  
40 licensed practice of optometry"; amending s. 464.006,  
41 F.S.; authorizing the Board of Nursing to establish  
42 certain standards of care; amending s. 464.202, F.S.;  
43 requiring the board to adopt by rule discipline and  
44 standards of care for certified nursing assistants;  
45 amending s. 464.203, F.S.; revising certification  
46 requirements for nursing assistants; amending s.  
47 464.204, F.S.; revising grounds for board-imposed  
48 disciplinary sanctions; amending s. 465.019, F.S.;  
49 requiring an institutional pharmacy to pass an onsite  
50 inspection by the department within a specified time  
51 before the issuance of an initial permit or a permit  
52 for change of location; amending s. 465.0193, F.S.;  
53 requiring a nuclear pharmacy to pass an onsite  
54 inspection by the department within a specified time  
55 before issuance of an initial permit or a permit for  
56 change of location; creating s. 465.0195, F.S.;  
57 requiring certain pharmacies and outsourcing  
58 facilities located in this state to obtain a permit in

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59 order to create, ship, mail, deliver, or dispense  
60 compounded sterile products; providing application  
61 requirements; providing inspection requirements;  
62 providing permit requirements; authorizing the Board  
63 of Pharmacy to adopt certain rules; providing  
64 applicability; amending s. 465.0196, F.S.; requiring a  
65 special pharmacy to pass an onsite inspection by the  
66 department within a specified time before the issuance  
67 of an initial permit or a permit for change of  
68 location; amending s. 465.0197, F.S.; requiring an  
69 Internet pharmacy to pass an onsite inspection by the  
70 department within a specified time before the issuance  
71 of an initial permit or a permit for change of  
72 location; amending s. 466.006, F.S.; revising certain  
73 requirements for examinations to be completed by  
74 applicants seeking dental licensure; amending s.  
75 466.007, F.S.; revising requirements for examinations  
76 of dental hygienists; amending s. 466.017, F.S.;  
77 providing adverse incident reporting requirements;  
78 defining the term "adverse incident"; providing for  
79 disciplinary action by the Board of Dentistry;  
80 authorizing the board to adopt rules; repealing s.  
81 466.032, F.S., relating to registration; repealing s.  
82 466.033, F.S., relating to registration certificates;  
83 repealing s. 466.034, F.S., relating to change of  
84 ownership or address; repealing s. 466.035, F.S.,  
85 relating to advertising; repealing s. 466.036, F.S.,  
86 relating to information, periodic inspections, and  
87 equipment and supplies; repealing s. 466.037, F.S.,

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88 relating to suspension and revocation and  
89 administrative fines; repealing s. 466.038, F.S.,  
90 relating to rules; repealing s. 466.039, F.S.,  
91 relating to violations; amending s. 468.701, F.S.;  
92 revising a definition; amending s. 468.707, F.S.;  
93 revising athletic trainer licensure requirements;  
94 amending s. 468.711, F.S.; revising requirements for  
95 the renewal of a license relating to continuing  
96 education; amending s. 468.723, F.S.; revising a  
97 definition; amending s. 468.803, F.S.; revising  
98 orthotic, prosthetic, and pedorthic licensure,  
99 registration, and examination requirements; amending  
100 s. 480.033, F.S.; revising a definition; amending s.  
101 480.041, F.S.; revising qualifications for licensure  
102 as a massage therapist; repealing s. 480.042, F.S.,  
103 relating to examinations; amending s. 480.046, F.S.;  
104 revising instances under which disciplinary action may  
105 be taken against massage establishments; prohibiting a  
106 certain disciplined massage establishment from  
107 applying for relicensure; providing an exception;  
108 amending s. 483.824, F.S.; revising qualification  
109 requirements for a clinical laboratory director;  
110 amending s. 490.003, F.S.; revising definitions;  
111 amending s. 490.005, F.S.; revising examination  
112 requirements for licensure of a psychologist; amending  
113 s. 490.006, F.S.; revising requirements for licensure  
114 by endorsement of certain psychologists; amending s.  
115 491.0045, F.S.; providing an exemption for intern  
116 registration requirements under certain circumstances;

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117 amending s. 491.005, F.S.; revising education  
118 requirements for the licensure of marriage and family  
119 therapists; revising examination requirements for the  
120 licensure of mental health counselors; amending s.  
121 491.006, F.S.; revising requirements for licensure or  
122 certification by endorsement for certain professions;  
123 amending s. 491.007, F.S.; removing a biennial intern  
124 registration fee; amending s. 491.009, F.S.;  
125 authorizing the Board of Clinical Social Work,  
126 Marriage and Family Therapy, and Mental Health  
127 Counseling, or the department under certain  
128 circumstances, to enter an order denying licensure or  
129 imposing penalties against an applicant for licensure  
130 under certain circumstances; providing penalties;  
131 amending ss. 463.0057, 491.0046, and 945.42, F.S.;  
132 conforming provisions to changes made by the act;  
133 providing an effective date.

134  
135 Be It Enacted by the Legislature of the State of Florida:

136

137 Section 1. Paragraph (f) of subsection (3) of section  
138 381.4018, Florida Statutes, is amended to read:

139 381.4018 Physician workforce assessment and development.—

140 (3) GENERAL FUNCTIONS.—The department shall maximize the  
141 use of existing programs under the jurisdiction of the  
142 department and other state agencies and coordinate governmental  
143 and nongovernmental stakeholders and resources in order to  
144 develop a state strategic plan and assess the implementation of  
145 such strategic plan. In developing the state strategic plan, the

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146 department shall:

147 (f) Develop strategies to maximize federal and state  
148 programs that provide for the use of incentives to attract  
149 physicians to this state or retain physicians within the state.  
150 Such strategies should explore and maximize federal-state  
151 partnerships that provide incentives for physicians to practice  
152 in federally designated shortage areas. Strategies shall also  
153 consider the use of state programs, such as the Medical  
154 Education Reimbursement and Loan Repayment Program pursuant to  
155 s. 1009.65, which provide for education loan repayment or loan  
156 forgiveness and provide monetary incentives for physicians to  
157 relocate to underserved areas of the state. To further encourage  
158 qualified physicians to relocate to and practice in underserved  
159 areas, the department, following federal requirements, shall  
160 adopt any rules necessary for the implementation of the Conrad  
161 30 Waiver Program established under s. 214(1) of the Immigration  
162 and Nationality Act.

163 Section 2. Paragraph (a) of subsection (1) of section  
164 456.013, Florida Statutes, is amended to read:

165 456.013 Department; general licensing provisions.—

166 (1) (a) Any person desiring to be licensed in a profession  
167 within the jurisdiction of the department shall apply to the  
168 department in writing ~~to take the licensure examination~~. The  
169 application shall be made on a form prepared and furnished by  
170 the department. The application form must be available on the  
171 World Wide Web and the department may accept electronically  
172 submitted applications beginning July 1, 2001. The application  
173 shall require the social security number and date of birth of  
174 the applicant, except as provided in paragraphs (b) and (c). The

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175 form shall be supplemented as needed to reflect any material  
176 change in any circumstance or condition stated in the  
177 application which takes place between the initial filing of the  
178 application and the final grant or denial of the license and  
179 which might affect the decision of the department. If an  
180 application is submitted electronically, the department may  
181 require supplemental materials, including an original signature  
182 of the applicant and verification of credentials, to be  
183 submitted in a nonelectronic format. An incomplete application  
184 shall expire 1 year after initial filing. In order to further  
185 the economic development goals of the state, and notwithstanding  
186 any law to the contrary, the department may enter into an  
187 agreement with the county tax collector for the purpose of  
188 appointing the county tax collector as the department's agent to  
189 accept applications for licenses and applications for renewals  
190 of licenses. The agreement must specify the time within which  
191 the tax collector must forward any applications and accompanying  
192 application fees to the department.

193 Section 3. Paragraphs (a) and (b) of subsection (3) and  
194 paragraph (j) of subsection (4) of section 456.024, Florida  
195 Statutes, are amended to read:

196 456.024 Members of Armed Forces in good standing with  
197 administrative boards or the department; spouses; licensure.—

198 (3) (a) A person is eligible for licensure as a health care  
199 practitioner in this state if he or she:

200 1. Serves or has served as a health care practitioner in  
201 the United States Armed Forces, the United States Reserve  
202 Forces, or the National Guard;

203 2. Serves or has served on active duty with the United

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204 States Armed Forces as a health care practitioner in the United  
205 States Public Health Service; or

206 3. Is a health care practitioner, ~~other than a dentist,~~ in  
207 another state, the District of Columbia, or a possession or  
208 territory of the United States and is the spouse of a person  
209 serving on active duty with the United States Armed Forces.

210

211 The department shall develop an application form, and each  
212 board, or the department if there is no board, shall waive the  
213 application fee, licensure fee, and unlicensed activity fee for  
214 such applicants. For purposes of this subsection, "health care  
215 practitioner" means a health care practitioner as defined in s.  
216 456.001 and a person licensed under part III of chapter 401 or  
217 part IV of chapter 468.

218 (b) The board, or the department if there is no board,  
219 shall issue a license to practice in this state to a person who:

220 1. Submits a complete application.

221 2. If he or she is a member of the United States Armed  
222 Forces, the United States Reserve Forces, or the National Guard,  
223 submits proof that he or she has received an honorable discharge  
224 within 6 months before, or will receive an honorable discharge  
225 within 6 months after, the date of submission of the  
226 application.

227 3.a. Holds an active, unencumbered license issued by  
228 another state, the District of Columbia, or a possession or  
229 territory of the United States and who has not had disciplinary  
230 action taken against him or her in the 5 years preceding the  
231 date of submission of the application;

232 b. Is a military health care practitioner in a profession



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233 for which licensure in a state or jurisdiction is not required  
234 to practice in the United States Armed Forces, if he or she  
235 submits to the department evidence of military training or  
236 experience substantially equivalent to the requirements for  
237 licensure in this state in that profession and evidence that he  
238 or she has obtained a passing score on the appropriate  
239 examination of a national or regional standards organization if  
240 required for licensure in this state; or

241 c. Is the spouse of a person serving on active duty in the  
242 United States Armed Forces and is a health care practitioner in  
243 a profession, ~~excluding dentistry,~~ for which licensure in  
244 another state or jurisdiction is not required, if he or she  
245 submits to the department evidence of training or experience  
246 substantially equivalent to the requirements for licensure in  
247 this state in that profession and evidence that he or she has  
248 obtained a passing score on the appropriate examination of a  
249 national or regional standards organization if required for  
250 licensure in this state.

251 4. Attests that he or she is not, at the time of submission  
252 of the application, the subject of a disciplinary proceeding in  
253 a jurisdiction in which he or she holds a license or by the  
254 United States Department of Defense for reasons related to the  
255 practice of the profession for which he or she is applying.

256 5. Actively practiced the profession for which he or she is  
257 applying for the 3 years preceding the date of submission of the  
258 application.

259 6. Submits a set of fingerprints for a background screening  
260 pursuant to s. 456.0135, if required for the profession for  
261 which he or she is applying.

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263 The department shall verify information submitted by the  
264 applicant under this subsection using the National Practitioner  
265 Data Bank.

266 (4)

267 ~~(j) An applicant who is issued a temporary professional~~  
268 ~~license to practice as a dentist pursuant to this section must~~  
269 ~~practice under the indirect supervision, as defined in s.~~  
270 ~~466.003, of a dentist licensed pursuant to chapter 466.~~

271 Section 4. Subsection (3) of section 458.309, Florida  
272 Statutes, is amended to read:

273 458.309 Rulemaking authority.—

274 ~~(3) A physician who performs liposuction procedures in~~  
275 ~~which more than 1,000 cubic centimeters of supernatant fat is~~  
276 ~~removed, level 2 procedures lasting more than 5 minutes, and all~~  
277 ~~level 3 surgical procedures in an office setting must register~~  
278 ~~the office with the department unless that office is licensed as~~  
279 ~~a facility under chapter 395. The department shall inspect the~~  
280 ~~physician's office annually unless the office is accredited by a~~  
281 ~~nationally recognized accrediting agency or an accrediting~~  
282 ~~organization subsequently approved by the Board of Medicine. The~~  
283 ~~actual costs for registration and inspection or accreditation~~  
284 ~~shall be paid by the person seeking to register and operate the~~  
285 ~~office setting in which office surgery is performed.~~

286 Section 5. Section 458.3266, Florida Statutes, is created  
287 to read:

288 458.3266 Office surgery centers.—

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

290 (a) "Designated physician" means a physician licensed under

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291 this chapter or chapter 459 who practices at the office surgery  
292 center location for which the physician has assumed  
293 responsibility for complying with all requirements in this  
294 section and related rules of the board.

295 (b) "Office surgery center" means any facility where a  
296 physician performs liposuction procedures in which more than  
297 1,000 cubic centimeters of supernatant fat are removed, level 2  
298 procedures lasting more than 5 minutes, and all level 3 surgical  
299 procedures in an office setting, or any facility in which  
300 surgery is performed outside of any facility licensed under  
301 chapter 390 or chapter 395.

302 (2) REGISTRATION.—

303 (a) An office surgery center must register with the  
304 department unless the center is:

- 305 1. Licensed as a facility pursuant to chapter 395; or  
306 2. Affiliated with an accredited medical school at which  
307 training is provided for medical students, residents, or  
308 fellows.

309 (b) Office surgery center locations shall be registered  
310 separately regardless of whether the center is operated under  
311 the same business name or management as another center. The  
312 actual costs for registration shall be paid by the person  
313 seeking to register and operate the office surgery center in  
314 which office surgery is performed.

315 (c) As a part of registration, an office surgery center  
316 must have a designated physician. Within 10 days after  
317 termination of a designated physician, the center must notify  
318 the department of the identity of another designated physician  
319 for that center. Failing to have a designated physician

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320 practicing at the location of the registered center may result  
321 in the suspension of the center's certificate of registration,  
322 as described in s. 456.073(8), or agency action under s.  
323 120.60(6).

324 (d) The department shall deny registration to an office  
325 surgery center that is:

326 1. Not fully owned by a physician licensed under this  
327 chapter or chapter 459 or a group of physicians licensed under  
328 this chapter or chapter 459;

329 2. Not a health care center licensed under part X of  
330 chapter 400; or

331 3. Owned by or in any contractual or employment  
332 relationship with a physician licensed under this chapter or  
333 chapter 459 who:

334 a. Had hospital privileges revoked in the last 5 years;

335 b. Does not have a clear and active license with the  
336 department; or

337 c. Had a license disciplined by the department or another  
338 jurisdiction in the last 5 years for an offense related to  
339 standard of care.

340 (e) If the department finds that an office surgery center  
341 does not meet the requirements of paragraph (c) or is owned,  
342 directly or indirectly, by a person meeting criteria listed in  
343 paragraph (d), the department shall revoke the certificate of  
344 registration previously issued by the department.

345 (f) The department may revoke an office surgery center's  
346 certificate of registration and prohibit all physicians  
347 associated with the center from practicing at that location  
348 based upon an annual inspection and evaluation of the factors

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349 described in subsection (4).

350 (g) If the certificate of registration is revoked or  
351 suspended, the designated physician of the center, the owner or  
352 lessor of the center property, the manager, and the proprietor  
353 shall:

354 1. Cease to operate the facility as an office surgery  
355 center as of the effective date of the suspension or revocation.

356 2. Remove any signs and symbols identifying the premises as  
357 an office surgery center.

358 (h) Upon the effective date of the suspension or  
359 revocation, the designated physician of the office surgery  
360 center shall advise the department of the disposition of the  
361 medicinal drugs located on the premises. Such disposition is  
362 subject to the supervision and approval of the department.  
363 Medicinal drugs that are purchased or held by a center that is  
364 not registered may be deemed adulterated pursuant to s. 499.006.

365 (i) If the office surgery center's registration is revoked,  
366 any person named in the registration documents of the center,  
367 including persons owning or operating the center, may not, as an  
368 individual or as a part of a group, apply to operate an office  
369 surgery center for 5 years after the date the registration is  
370 revoked.

371 (j) The period of suspension for the registration of an  
372 office surgery center shall be prescribed by the department, but  
373 may not exceed 2 years.

374 (k) A change of ownership of a registered office surgery  
375 center requires submission of a new registration application. An  
376 office surgery registration may not be transferred.

377 (3) PHYSICIAN RESPONSIBILITIES.—These responsibilities

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378 apply to any physician who provides professional services in an  
379 office surgery center that is required to register with the  
380 department in subsection (2).

381 (a)1. A physician may not practice medicine in an office  
382 surgery center, as described in subsection (5), if the office  
383 surgery center is not registered with the department as required  
384 by this section. A physician who violates this paragraph is  
385 subject to disciplinary action by his or her appropriate medical  
386 regulatory board.

387 2. Surgical procedures performed in an office surgery  
388 center may not include any procedure that may result in blood  
389 loss of more than 10 percent of estimated blood volume in a  
390 patient with a normal hemoglobin level; require major or  
391 prolonged intracranial, intrathoracic, abdominal, or major joint  
392 replacement procedures, except for laparoscopic procedures;  
393 involve major blood vessels when such procedure is performed  
394 with direct visualization by open exposure of the major vessel,  
395 except for percutaneous endovascular intervention; or are  
396 generally emergent or life-threatening in nature.

397 (b) The designated physician of an office surgery center  
398 shall notify the applicable board in writing of the date of  
399 termination of employment within 10 days after terminating his  
400 or her employment with a center registered under subsection (2).  
401 Each physician practicing in an office surgery center shall  
402 notify the board, in writing, within 10 calendar days after  
403 beginning or ending his or her practice at an office surgery  
404 center.

405 (c) Each physician practicing in an office surgery center  
406 is responsible for ensuring compliance with the following:

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- 407       1. Facility and physical operations requirements,  
408 including:
- 409       a. An office surgery center that is located and operated at  
410 a publicly accessible, fixed location.
  - 411       b. The public display of a visible printed sign that  
412 clearly identifies the name, hours of operations, and street  
413 address of the center.
  - 414       c. Maintaining a publicly listed telephone number and other  
415 methods of communication available to the public.
  - 416       d. Emergency lighting and communications.
  - 417       e. A reception and waiting area.
  - 418       f. A restroom.
  - 419       g. An administrative area, including room for storage of  
420 medical records, supplies, and equipment.
  - 421       h. Private patient examination rooms.
  - 422       i. Treatment rooms, if treatment is being provided to the  
423 patients.
  - 424       j. The public display of a visible printed sign located in  
425 a conspicuous place in the waiting room with the name and  
426 contact information of the center's designated physician and the  
427 names of all physicians practicing in the center.
  - 428       k. Compliance with ss. 499.0121 and 893.07, if the center  
429 stores and dispenses prescription drugs.
- 430       2. Infection control requirements, including:
- 431       a. The maintenance of equipment and supplies to support  
432 infection prevention and control.
  - 433       b. The identification of infection risks that shall be  
434 based on the following:
- 435       (I) Geographic location, community, and population served.

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- 436       (II) The provided care, treatment, and services.
- 437       (III) An analysis of its infection surveillance and control  
438 data.
- 439       c. Center maintenance of written infection prevention  
440 policies and procedures that address prioritized risks and limit  
441 the following:
- 442           (I) Unprotected exposure to pathogens.
- 443           (II) Transmission of infections associated with procedures  
444 performed in the center.
- 445           (III) Transmission of infections associated with the  
446 center's use of medical equipment, devices, and supplies.
- 447       3. Health and safety requirements, including:
- 448           a. Being structurally sound, in good repair, clean, and  
449 free from health and safety hazards, including grounds,  
450 buildings, furniture, appliances, and equipment.
- 451           b. Having evacuation procedures in case of the event of an  
452 emergency, which shall include provisions for the evacuation of  
453 disabled patients and employees.
- 454           c. Having a written facility-specific disaster plan setting  
455 forth actions to be taken in the event of center closure due to  
456 unforeseen disasters and which shall include provisions for the  
457 protection of medical records and any controlled substances.
- 458           d. Having at least one employee on the premises during  
459 patient care hours who is certified in basic life support and is  
460 trained in reacting to accidents and medical emergencies until  
461 emergency medical personnel arrive.
- 462       (d) The designated physician of an office surgery center is  
463 responsible for ensuring the center complies with the following  
464 quality assurance requirements:



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465 1. The center shall maintain an ongoing quality assurance  
466 program that objectively and systematically monitors and  
467 evaluates the quality and appropriateness of patient care,  
468 evaluates methods to improve patient care, identifies and  
469 corrects deficiencies within the facility, alerts the designated  
470 physician to identify and resolve recurring problems, and  
471 provides for opportunities to improve the facility's performance  
472 and to enhance and improve the quality of care provided to the  
473 public.

474 2. The designated physician shall establish a quality  
475 assurance program that includes the following components:

476 a. Identification, investigation, and analysis of the  
477 frequency and causes of adverse incidents.

478 b. Identification of trends or patterns of adverse  
479 incidents.

480 c. Development of measures to correct, reduce, minimize, or  
481 eliminate the risk of adverse incidents to patients.

482 d. Documentation of the functions provided in this  
483 subparagraph and periodic review no less than quarterly of such  
484 information by the designated physician.

485 (e) The designated physician for each office surgery center  
486 shall report all adverse incidents to the department as set  
487 forth in s. 458.351.

488  
489 This section does not excuse a physician from providing any  
490 treatment or performing any medical duty without the proper  
491 equipment and materials as required by the standard of care or  
492 rules adopted by the board. This section does not supersede the  
493 level of care, skill, and treatment recognized in general law

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494 related to health care licensure.

495 (4) INSPECTION.—

496 (a) The department shall inspect each office surgery center  
497 annually, including a review of the patient records, to ensure  
498 that it complies with this section and the rules of the board  
499 adopted pursuant to subsection (5) unless the center is  
500 accredited by a nationally recognized accrediting agency or an  
501 accrediting organization approved by the board.

502 (b) The actual costs for inspection or accreditation shall  
503 be paid by the person seeking to register and operate the office  
504 center in which office surgery is performed.

505 (c) During an onsite inspection, the department shall make  
506 a reasonable attempt to discuss each violation with the owner or  
507 designated physician of the office surgery center before issuing  
508 a formal written notification.

509 (d) Any action taken to correct a violation shall be  
510 documented in writing by the owner or designated physician of  
511 the office surgery center and verified by follow-up inspections  
512 by department personnel.

513 (5) RULEMAKING.—The board shall adopt rules:

514 (a) Necessary to administer the registration and inspection  
515 of office surgery centers which establish the specific  
516 requirements, procedures, forms, and fees.

517 (b) Setting forth training requirements for all facility  
518 health care practitioners who are not regulated by another  
519 board.

520 (6) PENALTIES; ENFORCEMENT.—

521 (a) The department may impose an administrative fine on an  
522 office surgery center of up to \$5,000 per violation for

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523 violating the requirements of this section; chapter 499, the  
524 Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the  
525 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,  
526 the Comprehensive Drug Abuse Prevention and Control Act; chapter  
527 893, the Florida Comprehensive Drug Abuse Prevention and Control  
528 Act; or the rules of the department.

529 (b) In determining whether a penalty is to be imposed upon  
530 a center, and in determining the amount of the fine, the  
531 department shall consider the following factors:

532 1. The gravity of the violation, including the probability  
533 that death or serious physical or emotional harm to a patient  
534 has resulted, or could have resulted, from the center's actions  
535 or the actions of the physician; the severity of the action or  
536 potential harm; and the extent to which the applicable laws or  
537 rules were violated.

538 2. What actions, if any, the owner or designated physician  
539 took to correct the violation.

540 3. Whether there were any previous violations at the  
541 center.

542 4. The financial benefits that the center derived from  
543 committing or continuing to commit the violation.

544 (c) Each day a violation continues after the date fixed for  
545 termination of the violation as ordered by the department  
546 constitutes an additional, separate, and distinct violation.

547 (d) The department may impose a fine and, in the case of an  
548 owner-operated office surgery center, revoke or deny a center's  
549 registration if the center's designated physician knowingly and  
550 intentionally misrepresents actions taken to correct a  
551 violation.

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552 (e) An owner or designated physician of an office surgery  
553 center who concurrently operates an unregistered center is  
554 subject to an administrative fine of \$5,000 per day.

555 (f) If the new owner of an office surgery center that  
556 requires registration fails to apply to register the center upon  
557 a change of ownership and operates the center under the new  
558 ownership, the new owner is subject to a fine of \$10,000.

559 Section 6. Subsection (2) of section 459.005, Florida  
560 Statutes, is amended to read:

561 459.005 Rulemaking authority.—

562 ~~(2) A physician who performs liposuction procedures in~~  
563 ~~which more than 1,000 cubic centimeters of supernatant fat is~~  
564 ~~removed, level 2 procedures lasting more than 5 minutes, and all~~  
565 ~~level 3 surgical procedures in an office setting must register~~  
566 ~~the office with the department unless that office is licensed as~~  
567 ~~a facility under chapter 395. The department shall inspect the~~  
568 ~~physician's office annually unless the office is accredited by a~~  
569 ~~nationally recognized accrediting agency or an accrediting~~  
570 ~~organization subsequently approved by the Board of Osteopathic~~  
571 ~~Medicine. The actual costs for registration and inspection or~~  
572 ~~accreditation shall be paid by the person seeking to register~~  
573 ~~and operate the office setting in which office surgery is~~  
574 ~~performed.~~

575 Section 7. Section 459.0138, Florida Statutes, is created  
576 to read:

577 459.0138 Office surgery centers.—

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

579 (a) "Designated physician" means a physician licensed under  
580 this chapter or chapter 458 who practices at the office surgery

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581 center location for which the physician has assumed  
582 responsibility for complying with all requirements in this  
583 section and related rules of the board.

584 (b) "Office surgery center" means any facility where a  
585 physician performs liposuction procedures in which more than  
586 1,000 cubic centimeters of supernatant fat are removed, level 2  
587 procedures lasting more than 5 minutes, and all level 3 surgical  
588 procedures in an office setting, or any facility in which  
589 surgery is performed outside of any facility licensed under  
590 chapter 390 or chapter 395.

591 (2) REGISTRATION.—

592 (a) An office surgery center must register with the  
593 department unless the center is:

- 594 1. Licensed as a facility pursuant to chapter 395; or  
595 2. Affiliated with an accredited medical school at which  
596 training is provided for medical students, residents, or  
597 fellows.

598 (b) Office surgery center locations shall be registered  
599 separately regardless of whether the center is operated under  
600 the same business name or management as another center. The  
601 actual costs for registration shall be paid by the person  
602 seeking to register and operate the office surgery center in  
603 which office surgery is performed.

604 (c) As a part of registration, an office surgery center  
605 must have a designated physician. Within 10 days after  
606 termination of a designated physician, the center must notify  
607 the department of the identity of another designated physician  
608 for that center. Failing to have a designated physician  
609 practicing at the location of the registered center may result

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610 in the suspension of the center's certificate of registration,  
611 as described in s. 456.073(8) or agency action under s.  
612 120.60(6).

613 (d) The department shall deny registration to an office  
614 surgery center that is:

615 1. Not fully owned by a physician licensed under this  
616 chapter or chapter 458 or a group of physicians licensed under  
617 this chapter or chapter 458;

618 2. Not a health care center licensed under part X of  
619 chapter 400; or

620 3. Owned by or in any contractual or employment  
621 relationship with a physician licensed under this chapter or  
622 chapter 458 who:

623 a. Had hospital privileges revoked in the last 5 years.

624 b. Does not have a clear and active license with the  
625 department; or

626 c. Had a license disciplined by the department or another  
627 jurisdiction in the last 5 years for an offense related to  
628 standard of care.

629 (e) If the department finds that an office surgery center  
630 does not meet the requirements of paragraph (c) or is owned,  
631 directly or indirectly, by a person meeting criteria listed in  
632 paragraph (d), the department shall revoke the certificate of  
633 registration previously issued by the department.

634 (f) The department may revoke an office surgery center's  
635 certificate of registration and prohibit all physicians  
636 associated with the center from practicing at that location  
637 based upon an annual inspection and evaluation of the factors  
638 described in subsection (4).

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639 (g) If the certificate of registration is revoked or  
640 suspended, the designated physician of the center, the owner or  
641 lessor of the center property, the manager, and the proprietor  
642 shall:

643 1. Cease to operate the facility as an office surgery  
644 center as of the effective date of the suspension or revocation.

645 2. Remove any signs and symbols identifying the premises as  
646 an office surgery center.

647 (h) Upon the effective date of the suspension or  
648 revocation, the designated physician of the office surgery  
649 center shall advise the department of the disposition of the  
650 medicinal drugs located on the premises. Such disposition is  
651 subject to the supervision and approval of the department.  
652 Medicinal drugs that are purchased or held by a center that is  
653 not registered may be deemed adulterated pursuant to s. 499.006.

654 (i) If the office surgery center's registration is revoked,  
655 any person named in the registration documents of the center,  
656 including persons owning or operating the center, may not, as an  
657 individual or as a part of a group, apply to operate an office  
658 surgery center for 5 years after the date the registration is  
659 revoked.

660 (j) The period of suspension for the registration of an  
661 office surgery center shall be prescribed by the department, but  
662 may not exceed 2 years.

663 (k) A change of ownership of a registered office surgery  
664 center requires submission of a new registration application. An  
665 office surgery registration may not be transferred.

666 (3) PHYSICIAN RESPONSIBILITIES.—These responsibilities  
667 apply to any physician who provides professional services in an

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668 office surgery center that is required to register with the  
669 department in subsection (2).

670 (a)1. A physician may not practice medicine in an office  
671 surgery center, as described in subsection (5), if the office  
672 surgery center is not registered with the department as required  
673 by this section. A physician who violates this paragraph is  
674 subject to disciplinary action by his or her appropriate medical  
675 regulatory board.

676 2. Surgical procedures performed in an office surgery  
677 center may not include any procedure that may result in blood  
678 loss of more than 10 percent of estimated blood volume in a  
679 patient with a normal hemoglobin level; require major or  
680 prolonged intracranial, intrathoracic, abdominal, or major joint  
681 replacement procedures, except for laparoscopic procedures;  
682 involve major blood vessels when such procedure is performed  
683 with direct visualization by open exposure of the major vessel,  
684 except for percutaneous endovascular intervention; or are  
685 generally emergent or life-threatening in nature.

686 (b) The designated physician of an office surgery center  
687 shall notify the applicable board in writing of the date of  
688 termination of employment within 10 days after terminating his  
689 or her employment with a center registered under subsection (2).  
690 Each physician practicing in an office surgery center shall  
691 notify the board, in writing, within 10 calendar days after  
692 beginning or ending his or her practice at an office surgery  
693 center.

694 (c) Each physician practicing in an office surgery center  
695 is responsible for ensuring compliance with the following:

696 1. Facility and physical operations requirements,



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697 including:

698 a. An office surgery center that is located and operated at  
699 a publicly accessible, fixed location.

700 b. The public display of a visible printed sign that  
701 clearly identifies the name, hours of operations, and street  
702 address of the center.

703 c. Maintaining a publicly listed telephone number and other  
704 methods of communication available to the public.

705 d. Emergency lighting and communications.

706 e. A reception and waiting area.

707 f. A restroom.

708 g. An administrative area, including room for storage of  
709 medical records, supplies, and equipment.

710 h. Private patient examination rooms.

711 i. Treatment rooms, if treatment is being provided to the  
712 patients.

713 j. The public display of a visible printed sign located in  
714 a conspicuous place in the waiting room with the name and  
715 contact information of the center's designated physician and the  
716 names of all physicians practicing in the center.

717 k. Compliance with ss. 499.0121 and 893.07, if the center  
718 stores and dispenses prescription drugs.

719 2. Infection control requirements, including:

720 a. The maintenance of equipment and supplies to support  
721 infection prevention and control.

722 b. The identification of infection risks that shall be  
723 based on the following:

724 (I) Geographic location, community, and population served.

725 (II) The provided care, treatment, and services.

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726 (III) An analysis of its infection surveillance and control  
727 data.

728 c. Center maintenance of written infection prevention  
729 policies and procedures that address prioritized risks and limit  
730 the following:

731 (I) Unprotected exposure to pathogens.

732 (II) Transmission of infections associated with procedures  
733 performed in the center.

734 (III) Transmission of infections associated with the  
735 center's use of medical equipment, devices, and supplies.

736 3. Health and safety requirements, including:

737 a. Being structurally sound, in good repair, clean, and  
738 free from health and safety hazards, including grounds,  
739 buildings, furniture, appliances, and equipment.

740 b. Having evacuation procedures in case of the event of an  
741 emergency, which shall include provisions for the evacuation of  
742 disabled patients and employees.

743 c. Having a written facility-specific disaster plan setting  
744 forth actions to be taken in the event of center closure due to  
745 unforeseen disasters and which shall include provisions for the  
746 protection of medical records and any controlled substances.

747 d. Having at least one employee on the premises during  
748 patient care hours who is certified in basic life support and is  
749 trained in reacting to accidents and medical emergencies until  
750 emergency medical personnel arrive.

751 (d) The designated physician of an office surgery center is  
752 responsible for ensuring the center complies with the following  
753 quality assurance requirements:

754 1. The center shall maintain an ongoing quality assurance

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755 program that objectively and systematically monitors and  
756 evaluates the quality and appropriateness of patient care,  
757 evaluates methods to improve patient care, identifies and  
758 corrects deficiencies within the facility, alerts the designated  
759 physician to identify and resolve recurring problems, and  
760 provides for opportunities to improve the facility's performance  
761 and to enhance and improve the quality of care provided to the  
762 public.

763 2. The designated physician shall establish a quality  
764 assurance program that includes the following components:

765 a. Identification, investigation, and analysis of the  
766 frequency and causes of adverse incidents.

767 b. Identification of trends or patterns of adverse  
768 incidents.

769 c. Development of measures to correct, reduce, minimize, or  
770 eliminate the risk of adverse incidents to patients.

771 d. Documentation of the functions provided in this  
772 subparagraph and periodic review no less than quarterly of such  
773 information by the designated physician.

774 (e) The designated physician for each office surgery center  
775 shall report all adverse incidents to the department as set  
776 forth in s. 458.351.

777  
778 This section does not excuse a physician from providing any  
779 treatment or performing any medical duty without the proper  
780 equipment and materials as required by the standard of care or  
781 rules adopted by the board. This section does not supersede the  
782 level of care, skill, and treatment recognized in general law  
783 related to health care licensure.

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784       (4) INSPECTION.—

785       (a) The department shall inspect each office surgery center  
786 annually, including a review of the patient records, to ensure  
787 that it complies with this section and the rules of the board  
788 adopted pursuant to subsection (5) unless the center is  
789 accredited by a nationally recognized accrediting agency or an  
790 accrediting organization approved by the board.

791       (b) The actual costs for inspection or accreditation shall  
792 be paid by the person seeking to register and operate the office  
793 center in which office surgery is performed.

794       (c) During an onsite inspection, the department shall make  
795 a reasonable attempt to discuss each violation with the owner or  
796 designated physician of the office surgery center before issuing  
797 a formal written notification.

798       (d) Any action taken to correct a violation shall be  
799 documented in writing by the owner or designated physician of  
800 the office surgery center and verified by follow-up inspections  
801 by department personnel.

802       (5) RULEMAKING.—The board shall adopt rules:

803       (a) Necessary to administer the registration and inspection  
804 of office surgery centers which establish the specific  
805 requirements, procedures, forms, and fees.

806       (b) Setting forth training requirements for all facility  
807 health care practitioners who are not regulated by another  
808 board.

809       (6) PENALTIES; ENFORCEMENT.—

810       (a) The department may impose an administrative fine on an  
811 office surgery center of up to \$5,000 per violation for  
812 violating the requirements of this section; chapter 499, the

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813 Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the  
814 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,  
815 the Comprehensive Drug Abuse Prevention and Control Act; chapter  
816 893, the Florida Comprehensive Drug Abuse Prevention and Control  
817 Act; or the rules of the department.

818 (b) In determining whether a penalty is to be imposed upon  
819 a center, and in determining the amount of the fine, the  
820 department shall consider the following factors:

821 1. The gravity of the violation, including the probability  
822 that death or serious physical or emotional harm to a patient  
823 has resulted, or could have resulted, from the center's actions  
824 or the actions of the physician; the severity of the action or  
825 potential harm; and the extent to which the applicable laws or  
826 rules were violated.

827 2. What actions, if any, the owner or designated physician  
828 took to correct the violation.

829 3. Whether there were any previous violations at the  
830 center.

831 4. The financial benefits that the center derived from  
832 committing or continuing to commit the violation.

833 (c) Each day a violation continues after the date fixed for  
834 termination of the violation as ordered by the department  
835 constitutes an additional, separate, and distinct violation.

836 (d) The department may impose a fine and, in the case of an  
837 owner-operated office surgery center, revoke or deny a center's  
838 registration if the center's designated physician knowingly and  
839 intentionally misrepresents actions taken to correct a  
840 violation.

841 (e) An owner or designated physician of an office surgery

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842 center who concurrently operates an unregistered center is  
843 subject to an administrative fine of \$5,000 per day.

844 (f) If the new owner of an office surgery center that  
845 requires registration fails to apply to register the center upon  
846 a change of ownership and operates the center under the new  
847 ownership, the new owner is subject to a fine of \$10,000.

848 Section 8. Section 460.4166, Florida Statutes, is repealed.

849 Section 9. Section 463.006, Florida Statutes, is amended to  
850 read:

851 463.006 Licensure and certification ~~by examination.~~-

852 (1) Any person desiring to be a licensed practitioner  
853 pursuant to this chapter shall apply to the department ~~to take~~  
854 ~~the licensure and certification examinations.~~ The department  
855 shall license ~~examine~~ each applicant who the board determines  
856 has:

857 (a) Completed the application forms as required by the  
858 board, remitted an application fee for certification not to  
859 exceed \$250, ~~remitted an examination fee for certification not~~  
860 ~~to exceed \$250,~~ and remitted a ~~an examination~~ fee for licensure  
861 not to exceed \$325, all as set by the board.

862 (b) Submitted proof satisfactory to the department that she  
863 or he:

864 1. Is at least 18 years of age.

865 2. Has graduated from an accredited school or college of  
866 optometry approved by rule of the board.

867 ~~3. Is of good moral character.~~

868 3.4. Has successfully completed at least 110 hours of  
869 transcript-quality coursework and clinical training in general  
870 and ocular pharmacology as determined by the board, at an

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871 institution that:

872 a. Has facilities for both didactic and clinical  
873 instructions in pharmacology; and

874 b. Is accredited by a regional or professional accrediting  
875 organization that is recognized and approved by the Commission  
876 on Recognition of Postsecondary Accreditation or the United  
877 States Department of Education.

878 ~~4.5-~~ Has completed at least 1 year of supervised experience  
879 in differential diagnosis of eye disease or disorders as part of  
880 the optometric training or in a clinical setting as part of the  
881 optometric experience.

882 5. Has obtained a passing score, as established by rule of  
883 the board, on the licensure examination of the National Board of  
884 Examiners in Optometry or a similar nationally recognized  
885 examination approved by the board.

886 ~~(2) The examination shall consist of the appropriate~~  
887 ~~subjects, including applicable state laws and rules and general~~  
888 ~~and ocular pharmacology with emphasis on the use and side~~  
889 ~~effects of ocular pharmaceutical agents. The board may by rule~~  
890 ~~substitute a national examination as part or all of the~~  
891 ~~examination and may by rule offer a practical examination in~~  
892 ~~addition to the written examination.~~

893 (2) ~~(3)~~ Each applicant who successfully passes the  
894 examination and otherwise meets the requirements of this chapter  
895 is entitled to be licensed as a practitioner and to be certified  
896 to administer and prescribe ocular pharmaceutical agents in the  
897 diagnosis and treatment of ocular conditions.

898 Section 10. Section 463.0061, Florida Statutes, is created  
899 to read:

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900 463.0061 Licensure by endorsement; requirements; fees.-

901 (1) Any person desiring to be a licensed practitioner  
902 pursuant to this chapter shall apply to the department. The  
903 department shall issue a license by endorsement to any applicant  
904 who, upon applying to the department on forms furnished by the  
905 department and remitting a nonrefundable application fee set by  
906 the board not to exceed \$250 and a licensure fee not to exceed  
907 \$325, the board certifies:

908 (a) Has graduated from an accredited school or college of  
909 optometry accredited by a regional or professional accrediting  
910 organization that is recognized and approved by the Commission  
911 on Recognition of Postsecondary Accreditation or the United  
912 States Department of Education.

913 (b) Has obtained an overall passing score, as established  
914 by rule of the board, on the licensure examination of the  
915 National Board of Examiners in Optometry or a similar nationally  
916 recognized examination approved by the board.

917 (c) Has submitted evidence of an active, licensed practice  
918 of optometry in another jurisdiction, for at least 5 of the  
919 immediately preceding 7 years, or evidence of successful  
920 completion of a board-approved clinical competency examination  
921 within the year preceding the filing of an application for  
922 licensure. For purposes of this paragraph, "active licensed  
923 practice of optometry" means the practice of optometry by  
924 optometrists, including those employed by any federal or state  
925 governmental entity in community or public health.

926 (d) Has successfully completed the clinical skills portion  
927 of the examination developed by the National Board of Examiners  
928 in Optometry. In addition to an overall passing score on the



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929 clinical skills portion, an applicant must obtain a score of 75  
930 percent or better on each of the biomicroscopy, binocular  
931 indirect ophthalmoscopy, and dilated biomicroscopy and  
932 noncontact fundus lens evaluation skills individually.

933 (e) Has successfully completed a written examination on  
934 applicable general laws and rules governing the practice of  
935 optometry.

936 (f) Has obtained a passing score on either the Treatment  
937 and Management of Ocular Disease examination in the Patient  
938 Assessment and Management portion of the examination developed  
939 by the National Board of Examiners in Optometry or the stand-  
940 alone Treatment and Management of Ocular Disease examination  
941 developed by the National Board of Examiners in Optometry.

942 (2) The applicant shall submit evidence of completing a  
943 total of at least 30 hours of board-approved continuing  
944 education for the 2 calendar years immediately preceding  
945 application.

946 (3) The department shall not issue a license by endorsement  
947 to any applicant who is under investigation in any jurisdiction  
948 for an act or offense which would constitute a violation of this  
949 chapter until such time as the investigation is complete, at  
950 which time the provisions of s. 463.016 shall apply.

951 Furthermore, the department may not issue an unrestricted  
952 license to any individual who has committed any act or offense  
953 in any jurisdiction constituting the basis for disciplining an  
954 optometrist pursuant to s. 463.016. If the board finds that an  
955 individual has committed an act or offense constituting the  
956 basis for disciplining an optometrist pursuant to s. 463.016,  
957 the board may enter an order imposing one or more of the terms

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958 set forth in subsection (4).

959 (4) If the board determines that an applicant for licensure  
960 by endorsement has failed to satisfy the appropriate  
961 requirements in this section, it may enter an order that  
962 requires one or more of the following actions:

963 (a) A refusal to certify to the department an application  
964 for licensure or certification;

965 (b) A certification to the department of an application for  
966 licensure or certification with restrictions on the scope of  
967 practice of the licensee; or

968 (c) A certification to the department of an application for  
969 licensure or certification with a probationary period subject to  
970 conditions specified by the board, including, but not limited  
971 to, requiring the optometrist to submit to treatment, attend  
972 continuing education courses, submit to reexamination, or work  
973 under the supervision of another licensed optometrist.

974 Section 11. Section 464.006, Florida Statutes, is amended  
975 to read:

976 464.006 Rulemaking authority.—The board may ~~has authority~~  
977 ~~to~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to  
978 implement the provisions of this part conferring duties upon it  
979 and establish standards of care.

980 Section 12. Section 464.202, Florida Statutes, is amended  
981 to read:

982 464.202 Duties and powers of the board.—The board shall  
983 maintain, or contract with or approve another entity to  
984 maintain, a state registry of certified nursing assistants. The  
985 registry must consist of the name of each certified nursing  
986 assistant in this state; other identifying information defined

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987 by board rule; certification status; the effective date of  
988 certification; other information required by state or federal  
989 law; information regarding any crime or any abuse, neglect, or  
990 exploitation as provided under chapter 435; and any disciplinary  
991 action taken against the certified nursing assistant. The  
992 registry shall be accessible to the public, the  
993 certificateholder, employers, and other state agencies. The  
994 board shall adopt by rule testing procedures for use in  
995 certifying nursing assistants and shall adopt rules regulating  
996 the practice of certified nursing assistants, including  
997 discipline and establishing standards of care, and specifying  
998 the scope of practice authorized and the level of supervision  
999 required for the practice of certified nursing assistants. The  
1000 board may contract with or approve another entity or  
1001 organization to provide the examination services, including the  
1002 development and administration of examinations. The board shall  
1003 require that the contract provider offer certified nursing  
1004 assistant applications via the Internet, and may require the  
1005 contract provider to accept certified nursing assistant  
1006 applications for processing via the Internet. The board shall  
1007 require the contract provider to provide the preliminary results  
1008 of the certified nursing examination on the date the test is  
1009 administered. The provider shall pay all reasonable costs and  
1010 expenses incurred by the board in evaluating the provider's  
1011 application and performance during the delivery of services,  
1012 including examination services and procedures for maintaining  
1013 the certified nursing assistant registry.

1014 Section 13. Paragraph (c) of subsection (1) of section  
1015 464.203, Florida Statutes, is amended to read:

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1016 464.203 Certified nursing assistants; certification  
1017 requirement.—

1018 (1) The board shall issue a certificate to practice as a  
1019 certified nursing assistant to any person who demonstrates a  
1020 minimum competency to read and write and successfully passes the  
1021 required background screening pursuant to s. 400.215. If the  
1022 person has successfully passed the required background screening  
1023 pursuant to s. 400.215 or s. 408.809 within 90 days before  
1024 applying for a certificate to practice and the person's  
1025 background screening results are not retained in the  
1026 clearinghouse created under s. 435.12, the board shall waive the  
1027 requirement that the applicant successfully pass an additional  
1028 background screening pursuant to s. 400.215. The person must  
1029 also meet one of the following requirements:

1030 (c) Is currently certified in another state or territory or  
1031 the District of Columbia; is listed on that state's certified  
1032 nursing assistant registry; and has not been found to have  
1033 committed abuse, neglect, or exploitation in that state.

1034 Section 14. Subsection (1) of section 464.204, Florida  
1035 Statutes, is amended to read:

1036 464.204 Denial, suspension, or revocation of certification;  
1037 disciplinary actions.—

1038 (1) The following acts constitute grounds for which the  
1039 board may impose disciplinary sanctions as specified in  
1040 subsection (2):

1041 (a) Obtaining or attempting to obtain certification or an  
1042 exemption, or possessing or attempting to possess certification  
1043 or a letter of exemption, by bribery, misrepresentation, deceit,  
1044 or through an error of the board.

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1045 (b) ~~Intentionally~~ Violating any provision of this chapter,  
1046 chapter 456, or the rules adopted by the board.

1047 Section 15. Subsection (7) is added to section 465.019,  
1048 Florida Statutes, to read:

1049 465.019 Institutional pharmacies; permits.—

1050 (7) An institutional pharmacy must pass an onsite  
1051 inspection by the department as a prerequisite to the issuance  
1052 of an initial permit or a permit for a change of location. The  
1053 inspection must be completed within 90 days before the issuance  
1054 of the permit.

1055 Section 16. Section 465.0193, Florida Statutes, is amended  
1056 to read:

1057 465.0193 Nuclear pharmacy permits.—Any person desiring a  
1058 permit to operate a nuclear pharmacy shall apply to the  
1059 department. If the board certifies that the application complies  
1060 with applicable law, the department shall issue the permit. No  
1061 permit shall be issued unless a duly licensed and qualified  
1062 nuclear pharmacist is designated as being responsible for  
1063 activities described in s. 465.0126. A nuclear pharmacy must  
1064 pass an onsite inspection by the department as a prerequisite to  
1065 the issuance of an initial permit or a permit for a change of  
1066 location. The inspection must be completed within 90 days before  
1067 the issuance of the permit. The permittee shall notify the  
1068 department within 10 days of any change of the licensed  
1069 pharmacist responsible for the compounding and dispensing of  
1070 nuclear pharmaceuticals.

1071 Section 17. Section 465.0195, Florida Statutes, is created  
1072 to read:

1073 465.0195 Pharmacy or outsourcing facility; sterile

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1074 compounding permit.—Before a pharmacy or outsourcing facility  
1075 located in this state dispenses, creates, delivers, ships, or  
1076 mails, in any manner, a compounded sterile product, the pharmacy  
1077 or outsourcing facility must hold a sterile compounding permit.

1078 (1) An application for a sterile compounding permit shall  
1079 be submitted on a form furnished by the board. The board may  
1080 require such information as it deems reasonably necessary to  
1081 carry out the purposes of this section.

1082 (2) If the board certifies that the application complies  
1083 with applicable laws and rules of the board governing  
1084 pharmacies, the department shall issue the permit.

1085 (3) A pharmacy or outsourcing facility must pass an onsite  
1086 inspection by the department as a prerequisite to the issuance  
1087 of an initial permit or a permit for a change of location. The  
1088 inspection must be completed within 90 days before the issuance  
1089 of the permit. The board may adopt by rule standards for  
1090 conducting an onsite inspection for issuance of a sterile  
1091 compounding permit.

1092 (4) A permit may not be issued unless a licensed pharmacist  
1093 is designated to undertake the professional supervision of the  
1094 compounding and dispensing of all drugs dispensed by the  
1095 permittee.

1096 (5) A permittee must notify the department within 10 days  
1097 after any change of the licensed pharmacist under subsection  
1098 (4). Each permittee that employs or otherwise uses registered  
1099 pharmacy technicians shall have a written policy and procedures  
1100 manual specifying those duties, tasks, and functions that a  
1101 registered pharmacy technician is authorized to perform.

1102 (6) The board may adopt by rule standards of practice for

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1103 sterile compounding. In adopting such rules, the board shall  
1104 give due consideration to the standards and requirements  
1105 provided in chapter 797 of the United States Pharmacopeia, or  
1106 other professionally accepted standards deemed authoritative by  
1107 the board. In adopting such rules for an outsourcing facility,  
1108 the board shall consider the standards and requirements of  
1109 current good manufacturing practices as set forth by federal law  
1110 and any other professionally accepted standards deemed  
1111 authoritative by the board.

1112 (7) All provisions relating to pharmacy permits found in  
1113 ss. 465.022 and 465.023 apply to permits issued pursuant to this  
1114 section.

1115 Section 18. Section 465.0196, Florida Statutes, is amended  
1116 to read:

1117 465.0196 Special pharmacy permits.—Any person desiring a  
1118 permit to operate a special pharmacy shall apply to the  
1119 department for a special pharmacy permit. If the board certifies  
1120 that the application complies with the applicable laws and rules  
1121 of the board governing the practice of the profession of  
1122 pharmacy, the department shall issue the permit. A special  
1123 pharmacy must pass an onsite inspection by the department as a  
1124 prerequisite to the issuance of an initial permit or a permit  
1125 for a change of location. The inspection must be completed  
1126 within 90 days before the issuance of the permit. A permit may  
1127 not be issued unless a licensed pharmacist is designated to  
1128 undertake the professional supervision of the compounding and  
1129 dispensing of all drugs dispensed by the pharmacy. The licensed  
1130 pharmacist shall be responsible for maintaining all drug records  
1131 and for providing for the security of the area in the facility

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1132 in which the compounding, storing, and dispensing of medicinal  
1133 drugs occurs. The permittee shall notify the department within  
1134 10 days after any change of the licensed pharmacist responsible  
1135 for such duties. Each permittee that employs or otherwise uses  
1136 registered pharmacy technicians shall have a written policy and  
1137 procedures manual specifying those duties, tasks, and functions  
1138 that a registered pharmacy technician is allowed to perform.

1139 Section 19. Subsection (2) of section 465.0197, Florida  
1140 Statutes, is amended to read:

1141 465.0197 Internet pharmacy permits.—

1142 (2) An Internet pharmacy must obtain a permit under this  
1143 section to sell medicinal drugs to persons in this state. An  
1144 Internet pharmacy must pass an onsite inspection by the  
1145 department as a prerequisite to the issuance of an initial  
1146 permit or a permit for a change of location. The inspection must  
1147 be completed within 90 days before the issuance of the permit.

1148 Section 20. Subsection (4) of section 466.006, Florida  
1149 Statutes, is amended to read:

1150 466.006 Examination of dentists.—

1151 (4) Notwithstanding any other provision of law in chapter  
1152 456 pertaining to the clinical dental licensure examination or  
1153 national examinations, to be licensed as a dentist in this  
1154 state, an applicant must successfully complete the following:

1155 (a) A written examination on the laws and rules of the  
1156 state regulating the practice of dentistry;

1157 (b)1. A practical or clinical examination, which shall be  
1158 the American Dental Licensing Examination produced by the  
1159 American Board of Dental Examiners, Inc., or its successor  
1160 entity, if any, that is administered in this state ~~and graded by~~



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1161 ~~dentists licensed in this state and employed by the department~~  
1162 ~~for just such purpose,~~ provided that the board has attained, and  
1163 continues to maintain thereafter, representation on the board of  
1164 directors of the American Board of Dental Examiners, the  
1165 examination development committee of the American Board of  
1166 Dental Examiners, and such other committees of the American  
1167 Board of Dental Examiners as the board deems appropriate by rule  
1168 to assure that the standards established herein are maintained  
1169 organizationally. A passing score on the American Dental  
1170 Licensing Examination administered in this state ~~and graded by~~  
1171 ~~dentists who are licensed in this state~~ is valid for 365 days  
1172 after the date the official examination results are published.

1173 2.a. As an alternative to the requirements of subparagraph  
1174 1., an applicant may submit scores from an American Dental  
1175 Licensing Examination previously administered in a jurisdiction  
1176 other than this state after October 1, 2011, and such  
1177 examination results shall be recognized as valid for the purpose  
1178 of licensure in this state. A passing score on the American  
1179 Dental Licensing Examination administered out-of-state shall be  
1180 the same as the passing score for the American Dental Licensing  
1181 Examination administered in this state ~~and graded by dentists~~  
1182 ~~who are licensed in this state~~. The examination results are  
1183 valid for 365 days after the date the official examination  
1184 results are published. The applicant must have completed the  
1185 examination after October 1, 2011.

1186 b. This subparagraph may not be given retroactive  
1187 application.

1188 3. If the date of an applicant's passing American Dental  
1189 Licensing Examination scores from an examination previously

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1190 administered in a jurisdiction other than this state under  
1191 subparagraph 2. is older than 365 days, then such scores shall  
1192 nevertheless be recognized as valid for the purpose of licensure  
1193 in this state, but only if the applicant demonstrates that all  
1194 of the following additional standards have been met:

1195 a. (I) The applicant completed the American Dental Licensing  
1196 Examination after October 1, 2011.

1197 (II) This sub-subparagraph may not be given retroactive  
1198 application;

1199 b. The applicant graduated from a dental school accredited  
1200 by the American Dental Association Commission on Dental  
1201 Accreditation or its successor entity, if any, or any other  
1202 dental accrediting organization recognized by the United States  
1203 Department of Education. Provided, however, if the applicant did  
1204 not graduate from such a dental school, the applicant may submit  
1205 proof of having successfully completed a full-time supplemental  
1206 general dentistry program accredited by the American Dental  
1207 Association Commission on Dental Accreditation of at least 2  
1208 consecutive academic years at such accredited sponsoring  
1209 institution. Such program must provide didactic and clinical  
1210 education at the level of a D.D.S. or D.M.D. program accredited  
1211 by the American Dental Association Commission on Dental  
1212 Accreditation;

1213 c. The applicant currently possesses a valid and active  
1214 dental license in good standing, with no restriction, which has  
1215 never been revoked, suspended, restricted, or otherwise  
1216 disciplined, from another state or territory of the United  
1217 States, the District of Columbia, or the Commonwealth of Puerto  
1218 Rico;

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1219 d. The applicant submits proof that he or she has never  
1220 been reported to the National Practitioner Data Bank, the  
1221 Healthcare Integrity and Protection Data Bank, or the American  
1222 Association of Dental Boards Clearinghouse. This sub-  
1223 subparagraph does not apply if the applicant successfully  
1224 appealed to have his or her name removed from the data banks of  
1225 these agencies;

1226 e.(I) In the 5 years immediately preceding the date of  
1227 application for licensure in this state, the applicant must  
1228 submit proof of having been consecutively engaged in the full-  
1229 time practice of dentistry in another state or territory of the  
1230 United States, the District of Columbia, or the Commonwealth of  
1231 Puerto Rico, or, if the applicant has been licensed in another  
1232 state or territory of the United States, the District of  
1233 Columbia, or the Commonwealth of Puerto Rico for less than 5  
1234 years, the applicant must submit proof of having been engaged in  
1235 the full-time practice of dentistry since the date of his or her  
1236 initial licensure.

1237 (II) As used in this section, "full-time practice" is  
1238 defined as a minimum of 1,200 hours per year for each and every  
1239 year in the consecutive 5-year period or, where applicable, the  
1240 period since initial licensure, and must include any combination  
1241 of the following:

1242 (A) Active clinical practice of dentistry providing direct  
1243 patient care.

1244 (B) Full-time practice as a faculty member employed by a  
1245 dental or dental hygiene school approved by the board or  
1246 accredited by the American Dental Association Commission on  
1247 Dental Accreditation.

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1248 (C) Full-time practice as a student at a postgraduate  
1249 dental education program approved by the board or accredited by  
1250 the American Dental Association Commission on Dental  
1251 Accreditation.

1252 (III) The board shall develop rules to determine what type  
1253 of proof of full-time practice is required and to recoup the  
1254 cost to the board of verifying full-time practice under this  
1255 section. Such proof must, at a minimum, be:

1256 (A) Admissible as evidence in an administrative proceeding;

1257 (B) Submitted in writing;

1258 (C) Submitted by the applicant under oath with penalties of  
1259 perjury attached;

1260 (D) Further documented by an affidavit of someone unrelated  
1261 to the applicant who is familiar with the applicant's practice  
1262 and testifies with particularity that the applicant has been  
1263 engaged in full-time practice; and

1264 (E) Specifically found by the board to be both credible and  
1265 admissible.

1266 (IV) An affidavit of only the applicant is not acceptable  
1267 proof of full-time practice unless it is further attested to by  
1268 someone unrelated to the applicant who has personal knowledge of  
1269 the applicant's practice. If the board deems it necessary to  
1270 assess credibility or accuracy, the board may require the  
1271 applicant or the applicant's witnesses to appear before the  
1272 board and give oral testimony under oath;

1273 f. The applicant must submit documentation that he or she  
1274 has completed, or will complete, prior to licensure in this  
1275 state, continuing education equivalent to this state's  
1276 requirements for the last full reporting biennium;

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1277 g. The applicant must prove that he or she has never been  
1278 convicted of, or pled nolo contendere to, regardless of  
1279 adjudication, any felony or misdemeanor related to the practice  
1280 of a health care profession in any jurisdiction;

1281 h. The applicant must successfully pass a written  
1282 examination on the laws and rules of this state regulating the  
1283 practice of dentistry and must successfully pass the computer-  
1284 based diagnostic skills examination; and

1285 i. The applicant must submit documentation that he or she  
1286 has successfully completed the National Board of Dental  
1287 Examiners dental examination.

1288 Section 21. Paragraph (b) of subsection (4) and paragraph  
1289 (a) of subsection (6) of section 466.007, Florida Statutes, are  
1290 amended to read:

1291 466.007 Examination of dental hygienists.—

1292 (4) Effective July 1, 2012, to be licensed as a dental  
1293 hygienist in this state, an applicant must successfully complete  
1294 the following:

1295 (b) A practical or clinical examination approved by the  
1296 board. The examination shall be the Dental Hygiene Examination  
1297 produced by the American Board of Dental Examiners, Inc. (ADEX)  
1298 or its successor entity, if any, if the board finds that the  
1299 successor entity's clinical examination meets or exceeds the  
1300 provisions of this section. The board shall approve the ADEX  
1301 Dental Hygiene Examination if the board has attained and  
1302 continues to maintain representation on the ADEX House of  
1303 Representatives, the ADEX Dental Hygiene Examination Development  
1304 Committee, and such other ADEX Dental Hygiene committees as the  
1305 board deems appropriate through rulemaking to ensure that the

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1306 standards established in this section are maintained  
 1307 organizationally. The ADEX Dental Hygiene Examination or the  
 1308 examination produced by its successor entity is a comprehensive  
 1309 examination in which an applicant must demonstrate skills within  
 1310 the dental hygiene scope of practice on a live patient and any  
 1311 other components that the board deems necessary for the  
 1312 applicant to successfully demonstrate competency for the purpose  
 1313 of licensure. ~~The ADEX Dental Hygiene Examination or the~~  
 1314 ~~examination by the successor entity administered in this state~~  
 1315 ~~shall be graded by dentists and dental hygienists licensed in~~  
 1316 ~~this state who are employed by the department for this purpose.~~

1317 (6) (a) A passing score on the ADEX Dental Hygiene  
 1318 Examination administered out of state shall be considered the  
 1319 same as a passing score for the ADEX Dental Hygiene Examination  
 1320 administered in this state ~~and graded by licensed dentists and~~  
 1321 ~~dental hygienists.~~

1322 Section 22. Subsections (9) through (15) are added to  
 1323 section 466.017, Florida Statutes, to read:

1324 466.017 Prescription of drugs; anesthesia.—

1325 (9) Any adverse incident that occurs in an office  
 1326 maintained by a dentist must be reported to the department. The  
 1327 required notification to the department must be submitted in  
 1328 writing by certified mail and postmarked within 48 hours after  
 1329 the incident occurs.

1330 (10) A dentist practicing in this state must notify the  
 1331 board in writing by certified mail within 48 hours of any  
 1332 mortality or other adverse incident that occurs in the dentist's  
 1333 outpatient facility. A complete written report must be filed  
 1334 with the board within 30 days after the mortality or other

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1335 adverse incident.

1336 (11) For purposes of notification to the department  
1337 pursuant to this section, the term "adverse incident" means any  
1338 mortality that occurs during or as the result of a dental  
1339 procedure, or an incident that results in a temporary or  
1340 permanent physical or mental injury that requires  
1341 hospitalization or emergency room treatment of a dental patient  
1342 which occurred during or as a direct result of the use of  
1343 general anesthesia, deep sedation, conscious sedation, pediatric  
1344 conscious sedation, oral sedation, minimal sedation  
1345 (anxiolysis), nitrous oxide, or local anesthesia.

1346 (12) Any certified registered dental hygienist  
1347 administering local anesthesia must notify the board, in writing  
1348 by registered mail within 48 hours of any adverse incident that  
1349 was related to or the result of the administration of local  
1350 anesthesia. A complete written report must be filed with the  
1351 board within 30 days after the mortality or other adverse  
1352 incident.

1353 (13) A failure by the dentist or dental hygienist to timely  
1354 and completely comply with all the reporting requirements in  
1355 this section is the basis for disciplinary action by the board  
1356 pursuant to s. 466.028(1).

1357 (14) The department shall review each incident and  
1358 determine whether it involved conduct by a health care  
1359 professional subject to disciplinary action, in which case s.  
1360 456.073 applies. Disciplinary action, if any, shall be taken by  
1361 the board under which the health care professional is licensed.

1362 (15) The board may adopt rules to administer this section.  
1363 Section 23. Sections 466.032, 466.033, 466.034, 466.035,

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1364 466.036, 466.037, 466.038, and 466.039, Florida Statutes, are  
1365 repealed.

1366 Section 24. Subsection (1) of section 468.701, Florida  
1367 Statutes, is amended to read:

1368 468.701 Definitions.—As used in this part, the term:

1369 (1) "Athletic trainer" means a person licensed under this  
1370 part who has met the requirements under this part, including  
1371 education requirements as set forth by the Commission on  
1372 Accreditation of Athletic Training Education or its successor  
1373 and necessary credentials from the Board of Certification. An  
1374 athletic trainer must work within his or her scope of practice  
1375 as established in the rules adopted by the board under s.  
1376 468.705. An individual who is licensed as an athletic trainer  
1377 may not otherwise provide, offer to provide, or represent that  
1378 he or she is qualified to provide any care or services beyond  
1379 his or her scope of practice, or that he or she lacks the  
1380 education, training, or experience to provide, or that he or she  
1381 is otherwise prohibited by law from providing.

1382 Section 25. Section 468.707, Florida Statutes, is amended  
1383 to read:

1384 468.707 Licensure requirements.—Any person desiring to be  
1385 licensed as an athletic trainer shall apply to the department on  
1386 a form approved by the department. An applicant shall also  
1387 provide records or other evidence, as determined by the board,  
1388 to prove he or she has met the requirements of this section. The  
1389 department shall license each applicant who:

1390 (1) Has completed the application form and remitted the  
1391 required fees.

1392 (2) ~~For a person who applies on or after July 1, 2016,~~ Has



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1393 submitted to background screening pursuant to s. 456.0135. The  
1394 board may require a background screening for an applicant whose  
1395 license has expired or who is undergoing disciplinary action.

1396 (3) (a) Has obtained a baccalaureate or higher degree from a  
1397 college or university professional athletic training degree  
1398 program accredited by the Commission on Accreditation of  
1399 Athletic Training Education or its successor recognized and  
1400 approved by the United States Department of Education or the  
1401 Commission on Recognition of Postsecondary Accreditation,  
1402 approved by the board, or recognized by the Board of  
1403 Certification, and has passed the national examination to be  
1404 certified by the Board of Certification; or-

1405 (b) ~~(4)~~ Has obtained, at a minimum, a bachelor's degree and  
1406 has completed the Board of Certification internship requirements  
1407 and ~~if graduated before 2004,~~ has a current certification from  
1408 the Board of Certification.

1409 (4) ~~(5)~~ Has current certification in both cardiopulmonary  
1410 resuscitation and the use of an automated external defibrillator  
1411 set forth in the continuing education requirements as determined  
1412 by the board pursuant to s. 468.711.

1413 (5) ~~(6)~~ Has completed any other requirements as determined  
1414 by the department and approved by the board.

1415 Section 26. Subsection (3) of section 468.711, Florida  
1416 Statutes, is amended to read:

1417 468.711 Renewal of license; continuing education.—

1418 (3) If initially licensed after January 1, 1998, the  
1419 licensee must be currently certified by the Board of  
1420 Certification or its successor agency and maintain that  
1421 certification in good standing without lapse.

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1422 Section 27. Subsection (2) of section 468.723, Florida  
1423 Statutes, is amended to read:

1424 468.723 Exemptions.—This part does not prevent or restrict:

1425 (2) An athletic training student acting under the direct  
1426 supervision of a licensed athletic trainer. For purposes of this  
1427 subsection, "direct supervision" means the physical presence of  
1428 an athletic trainer so that the athletic trainer is immediately  
1429 available to the athletic training student and able to intervene  
1430 on behalf of the athletic training student. The supervision must  
1431 be in accordance with rules adopted by the board ~~the standards~~  
1432 ~~set forth by the Commission on Accreditation of Athletic~~  
1433 ~~Training Education or its successor.~~

1434 Section 28. Subsections (1), (3), and (4) of section  
1435 468.803, Florida Statutes, are amended to read:

1436 468.803 License, registration, and examination  
1437 requirements.—

1438 (1) The department shall issue a license to practice  
1439 orthotics, prosthetics, or pedorthics, or a registration for a  
1440 resident to practice orthotics or prosthetics, to qualified  
1441 applicants. Licenses shall be granted independently in  
1442 orthotics, prosthetics, or pedorthics, but a person may be  
1443 licensed in more than one such discipline, and a prosthetist-  
1444 orthotist license may be granted to persons meeting the  
1445 requirements for both a prosthetist and an orthotist license.  
1446 Registrations shall be granted independently in orthotics or  
1447 prosthetics, and a person may be registered in both fields at  
1448 the same time or jointly in orthotics and prosthetics as a dual  
1449 registration.

1450 (3) A person seeking to attain the required orthotics or

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1451 prosthetics experience in this state must be approved by the  
1452 board and registered as a resident by the department. Although a  
1453 registration may be held in both practice fields, for  
1454 independent registrations, the board shall not approve a second  
1455 registration until at least 1 year after the issuance of the  
1456 first registration. Notwithstanding subsection (2), an applicant  
1457 for independent registrations who has been approved by the board  
1458 and registered by the department in one practice field may apply  
1459 for registration in the second practice field without an  
1460 additional state or national criminal history check during the  
1461 period in which the first registration is valid. Each  
1462 independent registration or dual registration is valid for 2  
1463 years from the date of issuance unless otherwise revoked by the  
1464 department upon recommendation of the board. The board shall set  
1465 a registration fee not to exceed \$500 to be paid by the  
1466 applicant. A registration may be renewed once by the department  
1467 upon recommendation of the board for a period no longer than 1  
1468 year, as such renewal is defined by the board by rule. The  
1469 registration renewal fee shall not exceed one-half the current  
1470 registration fee. To be considered by the board for approval of  
1471 registration as a resident, the applicant must have:

1472 (a) A Bachelor of Science or higher-level postgraduate  
1473 degree in Orthotics and Prosthetics from a regionally accredited  
1474 college or university recognized by the Commission on  
1475 Accreditation of Allied Health Education Programs or, at a  
1476 minimum, a bachelor's degree from a regionally accredited  
1477 college or university and a certificate in orthotics from a  
1478 program recognized by the Commission on Accreditation of Allied  
1479 Health Education Programs, or its equivalent, as determined by

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1480 the board; ~~or~~

1481 (b) A Bachelor of Science or higher-level postgraduate  
1482 degree in Orthotics and Prosthetics from a regionally accredited  
1483 college or university recognized by the Commission on  
1484 Accreditation of Allied Health Education Programs or, at a  
1485 minimum, a bachelor's degree from a regionally accredited  
1486 college or university and a certificate in prosthetics from a  
1487 program recognized by the Commission on Accreditation of Allied  
1488 Health Education Programs, or its equivalent, as determined by  
1489 the board; or

1490 (c) A Bachelor of Science or higher-level postgraduate  
1491 degree in Orthotics and Prosthetics from a regionally accredited  
1492 college or university recognized by the Commission on  
1493 Accreditation of Allied Health Education Programs or, at a  
1494 minimum, a bachelor's degree from a regionally accredited  
1495 college or university and a dual certificate in both orthotics  
1496 and prosthetics from a program recognized by the Commission on  
1497 Accreditation of Allied Health Education Programs, or its  
1498 equivalent, as determined by the board.

1499 (4) The department may develop and administer a state  
1500 examination for an orthotist or a prosthetist license, or the  
1501 board may approve the existing examination of a national  
1502 standards organization. The examination must be predicated on a  
1503 minimum of a baccalaureate-level education and formalized  
1504 specialized training in the appropriate field. Each examination  
1505 must demonstrate a minimum level of competence in basic  
1506 scientific knowledge, written problem solving, and practical  
1507 clinical patient management. The board shall require an  
1508 examination fee not to exceed the actual cost to the board in

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1509 developing, administering, and approving the examination, which  
1510 fee must be paid by the applicant. To be considered by the board  
1511 for examination, the applicant must have:

1512 (a) For an examination in orthotics:

1513 1. A Bachelor of Science or higher-level postgraduate  
1514 degree in Orthotics and Prosthetics from a regionally accredited  
1515 college or university recognized by the Commission on  
1516 Accreditation of Allied Health Education Programs or, at a  
1517 minimum, a bachelor's degree from a regionally accredited  
1518 college or university and a certificate in orthotics from a  
1519 program recognized by the Commission on Accreditation of Allied  
1520 Health Education Programs, or its equivalent, as determined by  
1521 the board; and

1522 2. An approved orthotics internship of 1 year of qualified  
1523 experience, as determined by the board, or an orthotic residency  
1524 program or a dual residency program recognized by the board.

1525 (b) For an examination in prosthetics:

1526 1. A Bachelor of Science or higher-level postgraduate  
1527 degree in Orthotics and Prosthetics from a regionally accredited  
1528 college or university recognized by the Commission on  
1529 Accreditation of Allied Health Education Programs or, at a  
1530 minimum, a bachelor's degree from a regionally accredited  
1531 college or university and a certificate in prosthetics from a  
1532 program recognized by the Commission on Accreditation of Allied  
1533 Health Education Programs, or its equivalent, as determined by  
1534 the board; and

1535 2. An approved prosthetics internship of 1 year of  
1536 qualified experience, as determined by the board, or a  
1537 prosthetic residency program or dual residency program

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1538 recognized by the board.

1539 Section 29. Subsection (5) of section 480.033, Florida  
1540 Statutes, is amended to read:

1541 480.033 Definitions.—As used in this act:

1542 (5) "Apprentice" means a person approved by the board to  
1543 study colonic irrigation ~~massage~~ under the instruction of a  
1544 licensed massage therapist practicing colonic irrigation.

1545 Section 30. Subsections (1) and (2) of section 480.041,  
1546 Florida Statutes, are amended, and subsection (8) is added to  
1547 that section, to read:

1548 480.041 Massage therapists; qualifications; licensure;  
1549 endorsement.—

1550 (1) Any person is qualified for licensure as a massage  
1551 therapist under this act who:

1552 (a) Is at least 18 years of age or has received a high  
1553 school diploma or high school equivalency diploma;

1554 (b) Has completed a course of study at a board-approved  
1555 massage school ~~or has completed an apprenticeship program~~ that  
1556 meets standards adopted by the board; and

1557 (c) Has received a passing grade on a national ~~an~~  
1558 examination designated ~~administered~~ by the board ~~department~~.

1559 (2) Every person desiring to be examined for licensure as a  
1560 massage therapist shall apply to the department in writing upon  
1561 forms prepared and furnished by the department. Such applicants  
1562 shall be subject to the provisions of s. 480.046(1). ~~Applicants~~  
1563 ~~may take an examination administered by the department only upon~~  
1564 ~~meeting the requirements of this section as determined by the~~  
1565 ~~board.~~

1566 (8) A person issued a license as a massage apprentice

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1567 before July 1, 2018, may continue that apprenticeship and  
1568 perform massage therapy as permitted under that license until it  
1569 expires. Upon completion of the apprenticeship, before July 1,  
1570 2021, a massage apprentice may apply to the board for full  
1571 licensure and be granted a license if all other applicable  
1572 licensure requirements are met.

1573 Section 31. Section 480.042, Florida Statutes, is repealed.

1574 Section 32. Subsection (3) of section 480.046, Florida  
1575 Statutes, is amended, and subsection (5) is added to that  
1576 section, to read:

1577 480.046 Grounds for disciplinary action by the board.—

1578 (3) The board may ~~shall have the power to~~ revoke or suspend  
1579 the license of a massage establishment licensed under this act,  
1580 or ~~to~~ deny subsequent licensure of such an establishment, if the  
1581 establishment is owned by an individual or entity who has had a  
1582 prior establishment license revoked, in either of the following  
1583 cases:

1584 (a) Upon proof that a license has been obtained by fraud or  
1585 misrepresentation.

1586 (b) Upon proof that the holder of a license is guilty of  
1587 fraud or deceit or of gross negligence, incompetency, or  
1588 misconduct in the operation of the establishment so licensed.

1589 (c) Upon proof that the owner of the massage establishment  
1590 or any individual or individuals providing massage therapy  
1591 services within the establishment, in the aggregate or  
1592 individually, have had three convictions of, or pleas of guilty  
1593 or nolo contendere to, or dismissals of a criminal action after  
1594 a successful completion of a pretrial intervention, diversion,  
1595 or substance abuse program for any misdemeanor or felony,

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1596 regardless of adjudication, a crime in any jurisdiction related  
1597 to prostitution and related acts as defined in s. 796.07, which  
1598 occurred at or within the establishment.

1599 (5) An establishment may not apply for relicensure if  
1600 disciplined under this section unless there is a change in  
1601 ownership.

1602 Section 33. Section 483.824, Florida Statutes, is amended  
1603 to read:

1604 483.824 Qualifications of clinical laboratory director.—A  
1605 clinical laboratory director must qualify as a clinical  
1606 laboratory director according to 42 C.F.R. part 493, must be a  
1607 currently licensed laboratory director, have 4 years of clinical  
1608 laboratory experience with 2 years of experience in the  
1609 specialty to be directed or be nationally board certified in the  
1610 specialty to be directed, and must meet one of the following  
1611 requirements:

1612 (1) Be a physician licensed under chapter 458 or chapter  
1613 459;

1614 (2) Hold an earned doctoral degree in a chemical, physical,  
1615 or biological science from a regionally accredited institution  
1616 and maintain national certification requirements equal to those  
1617 required by the federal Centers for Medicare and Medicaid  
1618 Services or the federal Health Care Financing Administration; or

1619 (3) For the subspecialty of oral pathology, be a physician  
1620 licensed under chapter 458 or chapter 459 or a dentist licensed  
1621 under chapter 466. The laboratory director, if qualified, may  
1622 perform the duties of the technical supervisor, clinical  
1623 consultant, general supervisor, and testing personnel, or  
1624 delegate these responsibilities to personnel meeting the



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1625 qualifications under 42 C.F.R. ss. 493.1447, 493.1453, 493.1459,  
1626 and 493.1487.

1627 Section 34. Subsection (3) of section 490.003, Florida  
1628 Statutes, is amended to read:

1629 490.003 Definitions.—As used in this chapter:

1630 (3) ~~(a) Prior to July 1, 1999, "doctoral-level psychological~~  
1631 ~~education" and "doctoral degree in psychology" mean a Psy.D., an~~  
1632 ~~Ed.D. in psychology, or a Ph.D. in psychology from:~~

1633 ~~1. An educational institution which, at the time the~~  
1634 ~~applicant was enrolled and graduated, had institutional~~  
1635 ~~accreditation from an agency recognized and approved by the~~  
1636 ~~United States Department of Education or was recognized as a~~  
1637 ~~member in good standing with the Association of Universities and~~  
1638 ~~Colleges of Canada; and~~

1639 ~~2. A psychology program within that educational institution~~  
1640 ~~which, at the time the applicant was enrolled and graduated, had~~  
1641 ~~programmatic accreditation from an accrediting agency recognized~~  
1642 ~~and approved by the United States Department of Education or was~~  
1643 ~~comparable to such programs.~~

1644 ~~(b) Effective July 1, 1999, "doctoral-level psychological~~  
1645 ~~education" and "doctoral degree in psychology" mean a Psy.D., an~~  
1646 ~~Ed.D. in psychology, or a Ph.D. in psychology from:~~

1647 (a)1. An educational institution that ~~which~~, at the time  
1648 the applicant was enrolled and graduated, had institutional  
1649 accreditation from an agency recognized and approved by the  
1650 United States Department of Education or was recognized as a  
1651 member in good standing with the Association of Universities and  
1652 Colleges of Canada; and

1653 (b)2. A psychology program within that educational

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1654 institution which, at the time the applicant was enrolled and  
1655 graduated, had programmatic accreditation from the American  
1656 Psychological Association ~~an agency recognized and approved by~~  
1657 ~~the United States Department of Education.~~

1658 Section 35. Paragraph (b) of subsection (1) and paragraph  
1659 (b) of subsection (2) of section 490.005, Florida Statutes, are  
1660 amended to read:

1661 490.005 Licensure by examination.—

1662 (1) Any person desiring to be licensed as a psychologist  
1663 shall apply to the department to take the licensure examination.  
1664 The department shall license each applicant who the board  
1665 certifies has:

1666 (b) Submitted proof satisfactory to the board that the  
1667 applicant has:

1668 1. Received doctoral-level psychological education, as  
1669 defined in s. 490.003(3); or

1670 2. Received the equivalent of a doctoral-level  
1671 psychological education, as defined in s. 490.003(3), from a  
1672 program at a school or university located outside the United  
1673 States of America ~~and Canada~~, which was officially recognized by  
1674 the government of the country in which it is located as an  
1675 institution or program to train students to practice  
1676 professional psychology. The burden of establishing that the  
1677 requirements of this provision have been met shall be upon the  
1678 applicant;

1679 ~~3. Received and submitted to the board, prior to July 1,~~  
1680 ~~1999, certification of an augmented doctoral-level psychological~~  
1681 ~~education from the program director of a doctoral-level~~  
1682 ~~psychology program accredited by a programmatic agency~~

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1683 ~~recognized and approved by the United States Department of~~  
1684 ~~Education; or~~

1685 ~~4. Received and submitted to the board, prior to August 31,~~  
1686 ~~2001, certification of a doctoral-level program that at the time~~  
1687 ~~the applicant was enrolled and graduated maintained a standard~~  
1688 ~~of education and training comparable to the standard of training~~  
1689 ~~of programs accredited by a programmatic agency recognized and~~  
1690 ~~approved by the United States Department of Education. Such~~  
1691 ~~certification of comparability shall be provided by the program~~  
1692 ~~director of a doctoral-level psychology program accredited by a~~  
1693 ~~programmatic agency recognized and approved by the United States~~  
1694 ~~Department of Education.~~

1695 (2) Any person desiring to be licensed as a school  
1696 psychologist shall apply to the department to take the licensure  
1697 examination. The department shall license each applicant who the  
1698 department certifies has:

1699 (b) Submitted satisfactory proof to the department that the  
1700 applicant:

1701 1. Has received a doctorate, specialist, or equivalent  
1702 degree from a program primarily psychological in nature and has  
1703 completed 60 semester hours or 90 quarter hours of graduate  
1704 study, in areas related to school psychology as defined by rule  
1705 of the department, from a college or university which at the  
1706 time the applicant was enrolled and graduated was accredited by  
1707 an accrediting agency recognized and approved by the Council for  
1708 Higher Education Accreditation, its successor, Commission on  
1709 Recognition of Postsecondary Accreditation or an institution  
1710 which is publicly recognized as a member in good standing with  
1711 the Association of Universities and Colleges of Canada.

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1712           2. Has had a minimum of 3 years of experience in school  
 1713 psychology, 2 years of which must be supervised by an individual  
 1714 who is a licensed school psychologist or who has otherwise  
 1715 qualified as a school psychologist supervisor, by education and  
 1716 experience, as set forth by rule of the department. A doctoral  
 1717 internship may be applied toward the supervision requirement.

1718           3. Has passed an examination provided by the department.

1719           Section 36. Subsection (1) of section 490.006, Florida  
 1720 Statutes, is amended to read:

1721           490.006 Licensure by endorsement.—

1722           (1) The department shall license a person as a psychologist  
 1723 or school psychologist who, upon applying to the department and  
 1724 remitting the appropriate fee, demonstrates to the department  
 1725 or, in the case of psychologists, to the board that the  
 1726 applicant:

1727           ~~(a) Holds a valid license or certificate in another state~~  
 1728 ~~to practice psychology or school psychology, as applicable,~~  
 1729 ~~provided that, when the applicant secured such license or~~  
 1730 ~~certificate, the requirements were substantially equivalent to~~  
 1731 ~~or more stringent than those set forth in this chapter at that~~  
 1732 ~~time; and, if no Florida law existed at that time, then the~~  
 1733 ~~requirements in the other state must have been substantially~~  
 1734 ~~equivalent to or more stringent than those set forth in this~~  
 1735 ~~chapter at the present time;~~

1736           (a)~~(b)~~ Is a diplomate in good standing with the American  
 1737 Board of Professional Psychology, Inc.; or

1738           (b)~~(c)~~ Possesses a doctoral degree in psychology ~~as~~  
 1739 ~~described in s. 490.003~~ and has at least 10 ~~20~~ years of  
 1740 experience as a licensed psychologist in any jurisdiction or

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1741 territory of the United States within 25 years preceding the  
1742 date of application.

1743 Section 37. Subsection (6) of section 491.0045, Florida  
1744 Statutes, as amended by chapter 2016-80 and chapter 2016-241,  
1745 Laws of Florida, is amended to read:

1746 491.0045 Intern registration; requirements.—

1747 (6) A registration issued on or before March 31, 2017,  
1748 expires March 31, 2022, and may not be renewed or reissued. Any  
1749 registration issued after March 31, 2017, expires 60 months  
1750 after the date it is issued. The board may make a one-time  
1751 exception from the requirements of this section in emergency or  
1752 hardship cases, as defined by board rule, if ~~A subsequent intern~~  
1753 registration may not be issued unless the candidate has passed  
1754 the theory and practice examination described in s.  
1755 491.005(1)(d), (3)(d), and (4)(d).

1756 Section 38. Subsections (3) and (4) of section 491.005,  
1757 Florida Statutes, are amended to read:

1758 491.005 Licensure by examination.—

1759 (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of  
1760 documentation and payment of a fee not to exceed \$200, as set by  
1761 board rule, plus the actual cost ~~to the department~~ for the  
1762 purchase of the examination from the Association of Marital and  
1763 Family Therapy Regulatory Board, or similar national  
1764 organization, the department shall issue a license as a marriage  
1765 and family therapist to an applicant who the board certifies:

1766 (a) Has submitted an application and paid the appropriate  
1767 fee.

1768 (b)1. Has a minimum of a master's degree with major  
1769 emphasis in marriage and family therapy from a program

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1770 accredited by the Commission on Accreditation for Marriage and  
1771 Family Therapy Education or from a Florida university program  
1772 accredited by the Council for Accreditation of Counseling and  
1773 Related Educational Programs, or a closely related field, and  
1774 has completed graduate courses approved by the Board of Clinical  
1775 Social Work, Marriage and Family Therapy, and Mental Health  
1776 Counseling. ~~has completed all of the following requirements:~~

1777       ~~a. Thirty six semester hours or 48 quarter hours of~~  
1778 ~~graduate coursework, which must include a minimum of 3 semester~~  
1779 ~~hours or 4 quarter hours of graduate-level course credits in~~  
1780 ~~each of the following nine areas: dynamics of marriage and~~  
1781 ~~family systems; marriage therapy and counseling theory and~~  
1782 ~~techniques; family therapy and counseling theory and techniques;~~  
1783 ~~individual human development theories throughout the life cycle;~~  
1784 ~~personality theory or general counseling theory and techniques;~~  
1785 ~~psychopathology; human sexuality theory and counseling~~  
1786 ~~techniques; psychosocial theory; and substance abuse theory and~~  
1787 ~~counseling techniques. Courses in research, evaluation,~~  
1788 ~~appraisal, assessment, or testing theories and procedures;~~  
1789 ~~thesis or dissertation work; or practicums, internships, or~~  
1790 ~~fieldwork may not be applied toward this requirement.~~

1791       ~~b. A minimum of one graduate-level course of 3 semester~~  
1792 ~~hours or 4 quarter hours in legal, ethical, and professional~~  
1793 ~~standards issues in the practice of marriage and family therapy~~  
1794 ~~or a course determined by the board to be equivalent.~~

1795       ~~c. A minimum of one graduate-level course of 3 semester~~  
1796 ~~hours or 4 quarter hours in diagnosis, appraisal, assessment,~~  
1797 ~~and testing for individual or interpersonal disorder or~~  
1798 ~~dysfunction; and a minimum of one 3 semester hour or 4 quarter~~

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1799 ~~hour graduate level course in behavioral research which focuses~~  
1800 ~~on the interpretation and application of research data as it~~  
1801 ~~applies to clinical practice. Credit for thesis or dissertation~~  
1802 ~~work, practicums, internships, or fieldwork may not be applied~~  
1803 ~~toward this requirement.~~

1804 ~~d. A minimum of one supervised clinical practicum,~~  
1805 ~~internship, or field experience in a marriage and family~~  
1806 ~~counseling setting, during which the student provided 180 direct~~  
1807 ~~client contact hours of marriage and family therapy services~~  
1808 ~~under the supervision of an individual who met the requirements~~  
1809 ~~for supervision under paragraph (c). This requirement may be met~~  
1810 ~~by a supervised practice experience which took place outside the~~  
1811 ~~academic arena, but which is certified as equivalent to a~~  
1812 ~~graduate level practicum or internship program which required a~~  
1813 ~~minimum of 180 direct client contact hours of marriage and~~  
1814 ~~family therapy services currently offered within an academic~~  
1815 ~~program of a college or university accredited by an accrediting~~  
1816 ~~agency approved by the United States Department of Education, or~~  
1817 ~~an institution which is publicly recognized as a member in good~~  
1818 ~~standing with the Association of Universities and Colleges of~~  
1819 ~~Canada or a training institution accredited by the Commission on~~  
1820 ~~Accreditation for Marriage and Family Therapy Education~~  
1821 ~~recognized by the United States Department of Education.~~  
1822 ~~Certification shall be required from an official of such~~  
1823 ~~college, university, or training institution.~~

1824 2. If the course title which appears on the applicant's  
1825 transcript does not clearly identify the content of the  
1826 coursework, the applicant shall be required to provide  
1827 additional documentation, including, but not limited to, a

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1828 syllabus or catalog description published for the course.  
1829  
1830 The required master's degree must have been received in an  
1831 institution of higher education which at the time the applicant  
1832 graduated was: fully accredited by a regional accrediting body  
1833 recognized by the Commission on Recognition of Postsecondary  
1834 Accreditation; publicly recognized as a member in good standing  
1835 with the Association of Universities and Colleges of Canada; or  
1836 an institution of higher education located outside the United  
1837 States and Canada, which at the time the applicant was enrolled  
1838 and at the time the applicant graduated maintained a standard of  
1839 training substantially equivalent to the standards of training  
1840 of those institutions in the United States which are accredited  
1841 by a regional accrediting body recognized by the Commission on  
1842 Recognition of Postsecondary Accreditation. Such foreign  
1843 education and training must have been received in an institution  
1844 or program of higher education officially recognized by the  
1845 government of the country in which it is located as an  
1846 institution or program to train students to practice as  
1847 professional marriage and family therapists or psychotherapists.  
1848 The burden of establishing that the requirements of this  
1849 provision have been met shall be upon the applicant, and the  
1850 board shall require documentation, such as, but not limited to,  
1851 an evaluation by a foreign equivalency determination service, as  
1852 evidence that the applicant's graduate degree program and  
1853 education were equivalent to an accredited program in this  
1854 country. An applicant with a master's degree from a program  
1855 which did not emphasize marriage and family therapy may complete  
1856 the coursework requirement in a training institution fully



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1857 accredited by the Commission on Accreditation for Marriage and  
1858 Family Therapy Education recognized by the United States  
1859 Department of Education.

1860 (c) Has had at least 2 years of clinical experience during  
1861 which 50 percent of the applicant's clients were receiving  
1862 marriage and family therapy services, which must be at the post-  
1863 master's level under the supervision of a licensed marriage and  
1864 family therapist with at least 5 years of experience, or the  
1865 equivalent, who is a qualified supervisor as determined by the  
1866 board. An individual who intends to practice in Florida to  
1867 satisfy the clinical experience requirements must register  
1868 pursuant to s. 491.0045 before commencing practice. If a  
1869 graduate has a master's degree with a major emphasis in marriage  
1870 and family therapy or a closely related field that did not  
1871 include all the coursework required under subparagraph (b)1.  
1872 ~~sub-subparagraphs (b)1.a.-c.~~, credit for the post-master's level  
1873 clinical experience shall not commence until the applicant has  
1874 completed a minimum of 10 of the courses required under  
1875 subparagraph (b)1. ~~sub-subparagraphs (b)1.a.-c.~~, as determined  
1876 by the board, and at least 6 semester hours or 9 quarter hours  
1877 of the course credits must have been completed in the area of  
1878 marriage and family systems, theories, or techniques. Within the  
1879 2 ~~3~~ years of required experience, the applicant shall provide  
1880 direct individual, group, or family therapy and counseling, to  
1881 include the following categories of cases: unmarried dyads,  
1882 married couples, separating and divorcing couples, and family  
1883 groups including children. A doctoral internship may be applied  
1884 toward the clinical experience requirement. A licensed mental  
1885 health professional must be on the premises when clinical

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1886 services are provided by a registered intern in a private  
1887 practice setting.

1888 (d) Has passed a theory and practice examination provided  
1889 by the department for this purpose.

1890 (e) Has demonstrated, in a manner designated by rule of the  
1891 board, knowledge of the laws and rules governing the practice of  
1892 clinical social work, marriage and family therapy, and mental  
1893 health counseling.

1894 (f) For the purposes of dual licensure, the department  
1895 shall license as a marriage and family therapist any person who  
1896 meets the requirements of s. 491.0057. Fees for dual licensure  
1897 shall not exceed those stated in this subsection.

1898 (4) MENTAL HEALTH COUNSELING.—Upon verification of  
1899 documentation and payment of a fee not to exceed \$200, as set by  
1900 board rule, plus the actual per applicant cost to the department  
1901 for purchase of the examination from the National Board for  
1902 Certified Counselors or its successor ~~Professional Examination~~  
1903 ~~Service for the National Academy of Certified Clinical Mental~~  
1904 ~~Health Counselors or a similar national organization~~, the  
1905 department shall issue a license as a mental health counselor to  
1906 an applicant who the board certifies:

1907 (a) Has submitted an application and paid the appropriate  
1908 fee.

1909 (b)1. Has a minimum of an earned master's degree from a  
1910 mental health counseling program accredited by the Council for  
1911 the Accreditation of Counseling and Related Educational Programs  
1912 that consists of at least 60 semester hours or 80 quarter hours  
1913 of clinical and didactic instruction, including a course in  
1914 human sexuality and a course in substance abuse. If the master's

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1915 degree is earned from a program related to the practice of  
1916 mental health counseling that is not accredited by the Council  
1917 for the Accreditation of Counseling and Related Educational  
1918 Programs, then the coursework and practicum, internship, or  
1919 fieldwork must consist of at least 60 semester hours or 80  
1920 quarter hours and meet the following requirements:

1921       a. Thirty-three semester hours or 44 quarter hours of  
1922 graduate coursework, which must include a minimum of 3 semester  
1923 hours or 4 quarter hours of graduate-level coursework in each of  
1924 the following 11 content areas: counseling theories and  
1925 practice; human growth and development; diagnosis and treatment  
1926 of psychopathology; human sexuality; group theories and  
1927 practice; individual evaluation and assessment; career and  
1928 lifestyle assessment; research and program evaluation; social  
1929 and cultural foundations; counseling in community settings; and  
1930 substance abuse. Courses in research, thesis or dissertation  
1931 work, practicums, internships, or fieldwork may not be applied  
1932 toward this requirement.

1933       b. A minimum of 3 semester hours or 4 quarter hours of  
1934 graduate-level coursework in legal, ethical, and professional  
1935 standards issues in the practice of mental health counseling,  
1936 which includes goals, objectives, and practices of professional  
1937 counseling organizations, codes of ethics, legal considerations,  
1938 standards of preparation, certifications and licensing, and the  
1939 role identity and professional obligations of mental health  
1940 counselors. Courses in research, thesis or dissertation work,  
1941 practicums, internships, or fieldwork may not be applied toward  
1942 this requirement.

1943       c. The equivalent, as determined by the board, of at least

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1944 700 ~~1,000~~ hours of university-sponsored supervised clinical  
1945 practicum, internship, or field experience as required in the  
1946 accrediting standards of the Council for Accreditation of  
1947 Counseling and Related Educational Programs for mental health  
1948 counseling programs. This experience may not be used to satisfy  
1949 the post-master's clinical experience requirement.

1950       2. If the course title which appears on the applicant's  
1951 transcript does not clearly identify the content of the  
1952 coursework, the applicant shall be required to provide  
1953 additional documentation, including, but not limited to, a  
1954 syllabus or catalog description published for the course.

1955  
1956 Education and training in mental health counseling must have  
1957 been received in an institution of higher education which at the  
1958 time the applicant graduated was: fully accredited by a regional  
1959 accrediting body recognized by the Commission on Recognition of  
1960 Postsecondary Accreditation; publicly recognized as a member in  
1961 good standing with the Association of Universities and Colleges  
1962 of Canada; or an institution of higher education located outside  
1963 the United States and Canada, which at the time the applicant  
1964 was enrolled and at the time the applicant graduated maintained  
1965 a standard of training substantially equivalent to the standards  
1966 of training of those institutions in the United States which are  
1967 accredited by a regional accrediting body recognized by the  
1968 Commission on Recognition of Postsecondary Accreditation. Such  
1969 foreign education and training must have been received in an  
1970 institution or program of higher education officially recognized  
1971 by the government of the country in which it is located as an  
1972 institution or program to train students to practice as mental

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1973 health counselors. The burden of establishing that the  
 1974 requirements of this provision have been met shall be upon the  
 1975 applicant, and the board shall require documentation, such as,  
 1976 but not limited to, an evaluation by a foreign equivalency  
 1977 determination service, as evidence that the applicant's graduate  
 1978 degree program and education were equivalent to an accredited  
 1979 program in this country.

1980 (c) Has had at least 2 years of clinical experience in  
 1981 mental health counseling, which must be at the post-master's  
 1982 level under the supervision of a licensed mental health  
 1983 counselor or the equivalent who is a qualified supervisor as  
 1984 determined by the board. An individual who intends to practice  
 1985 in Florida to satisfy the clinical experience requirements must  
 1986 register pursuant to s. 491.0045 before commencing practice. If  
 1987 a graduate has a master's degree with a major related to the  
 1988 practice of mental health counseling that did not include all  
 1989 the coursework required under sub-subparagraphs (b)1.a.-b.,  
 1990 credit for the post-master's level clinical experience shall not  
 1991 commence until the applicant has completed a minimum of seven of  
 1992 the courses required under sub-subparagraphs (b)1.a.-b., as  
 1993 determined by the board, one of which must be a course in  
 1994 psychopathology or abnormal psychology. A doctoral internship  
 1995 may be applied toward the clinical experience requirement. A  
 1996 licensed mental health professional must be on the premises when  
 1997 clinical services are provided by a registered intern in a  
 1998 private practice setting.

1999 (d) Has passed a theory and practice examination provided  
 2000 by the department for this purpose.

2001 (e) Has demonstrated, in a manner designated by rule of the

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board, knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.

Section 39. Paragraph (b) of subsection (1) of section 491.006, Florida Statutes, is amended to read:

491.006 Licensure or certification by endorsement.—

(1) The department shall license or grant a certificate to a person in a profession regulated by this chapter who, upon applying to the department and remitting the appropriate fee, demonstrates to the board that he or she:

(b)1. Holds an active valid license to practice and has actively practiced the profession for which licensure is applied in another state for 3 of the last 5 years immediately preceding licensure.

~~2. Meets the education requirements of this chapter for the profession for which licensure is applied.~~

2.3. Has passed a substantially equivalent licensing examination in another state or has passed the licensure examination in this state in the profession for which the applicant seeks licensure.

~~3.4.~~ Holds a license in good standing, is not under investigation for an act that would constitute a violation of this chapter, and has not been found to have committed any act that would constitute a violation of this chapter. The fees paid by any applicant for certification as a master social worker under this section are nonrefundable.

Section 40. Subsection (3) of section 491.007, Florida Statutes, is amended to read:

491.007 Renewal of license, registration, or certificate.—

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2031 ~~(3) The board or department shall prescribe by rule a~~  
 2032 ~~method for the biennial renewal of an intern registration at a~~  
 2033 ~~fee set by rule, not to exceed \$100.~~

2034 Section 41. Subsection (2) of section 491.009, Florida  
 2035 Statutes, is amended to read:

2036 491.009 Discipline.—

2037 (2) The board ~~department~~, or, in the case of certified  
 2038 master social workers ~~psychologists~~, the department ~~board~~, may  
 2039 enter an order denying licensure or imposing any of the  
 2040 penalties in s. 456.072(2) against any applicant for licensure  
 2041 or licensee who is found guilty of violating any provision of  
 2042 subsection (1) of this section or who is found guilty of  
 2043 violating any provision of s. 456.072(1).

2044 Section 42. Subsection (3) of section 463.0057, Florida  
 2045 Statutes, is amended to read:

2046 463.0057 Optometric faculty certificate.—

2047 (3) The holder of a faculty certificate may engage in the  
 2048 practice of optometry as permitted by this section but may not  
 2049 administer or prescribe topical ocular pharmaceutical agents  
 2050 unless the certificateholder has satisfied the requirements of  
 2051 s. 463.006(1)(b)3. and 4. ~~s. 463.006(1)(b)4. and 5.~~ If a  
 2052 certificateholder wishes to administer or prescribe oral ocular  
 2053 pharmaceutical agents, the certificateholder must also satisfy  
 2054 the requirements of s. 463.0055(1)(b).

2055 Section 43. Paragraph (c) of subsection (2) of section  
 2056 491.0046, Florida Statutes, is amended to read:

2057 491.0046 Provisional license; requirements.—

2058 (2) The department shall issue a provisional clinical  
 2059 social worker license, provisional marriage and family therapist

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2060 license, or provisional mental health counselor license to each  
2061 applicant who the board certifies has:

2062 (c) Has met the following minimum coursework requirements:

2063 1. For clinical social work, a minimum of 15 semester hours  
2064 or 22 quarter hours of the coursework required by s.

2065 491.005(1)(b)2.b.

2066 2. For marriage and family therapy, 10 of the courses  
2067 required by s. 491.005(3)(b)1. ~~s. 491.005(3)(b)1.a.-c.~~, as  
2068 determined by the board, and at least 6 semester hours or 9  
2069 quarter hours of the course credits must have been completed in  
2070 the area of marriage and family systems, theories, or  
2071 techniques.

2072 3. For mental health counseling, a minimum of seven of the  
2073 courses required under s. 491.005(4)(b)1.a.-c.

2074 Section 44. Subsection (11) of section 945.42, Florida  
2075 Statutes, is amended to read:

2076 945.42 Definitions; ss. 945.40-945.49.—As used in ss.  
2077 945.40-945.49, the following terms shall have the meanings  
2078 ascribed to them, unless the context shall clearly indicate  
2079 otherwise:

2080 (11) "Psychological professional" means a behavioral  
2081 practitioner who has an approved doctoral degree in psychology  
2082 as defined in s. 490.003(3) ~~s. 490.003(3)(b)~~ and is employed by  
2083 the department or who is licensed as a psychologist pursuant to  
2084 chapter 490.

2085 Section 45. This act shall take effect July 1, 2018.