

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Drake offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsections (2) and (3) of section 381.0045, Florida Statutes, are amended to read:

381.0045 Targeted outreach for pregnant women.—

(2) It is the purpose of this section to establish a targeted outreach program for high-risk pregnant women who may not seek proper prenatal care, who suffer from substance abuse or mental health problems, or who have acquired ~~are infected~~ ~~with~~ human immunodeficiency virus (HIV), and to provide these

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13 women with links to much-needed ~~much-needed~~ services and
14 information.

15 (3) The department shall:

16 (a) Conduct outreach programs through contracts with,
17 grants to, or other working relationships with persons or
18 entities where the target population is likely to be found.

19 (b) Provide outreach that is peer-based, culturally
20 sensitive, and performed in a nonjudgmental manner.

21 (c) Encourage high-risk pregnant women of unknown status
22 to be tested for HIV and other sexually transmissible diseases
23 as specified by department rule.

24 (d) Educate women not receiving prenatal care as to the
25 benefits of such care.

26 (e) Provide ~~HIV-infected~~ pregnant women who have HIV with
27 information on the need for antiretroviral medication for their
28 newborn, their medication options, and how they can access the
29 medication after their discharge from the hospital ~~so they can~~
30 ~~make an informed decision about the use of Zidovudine (AZT).~~

31 (f) Link women with substance abuse treatment and mental
32 health services, when available, and act as a liaison with
33 Healthy Start coalitions, children's medical services, Ryan
34 White-funded providers, and other services of the Department of
35 Health.

36 (g) Educate pregnant women who have HIV on the importance
37 of engaging in and continuing HIV care.

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38 (h) Provide continued oversight of any newborn exposed to
39 HIV to determine the newborn's final HIV status and ensure
40 continued linkage to care if the newborn is diagnosed with HIV
41 to HIV-exposed newborns.

42 Section 2. Paragraphs (a) and (c) of subsection (2) of
43 section 381.0303, Florida Statutes, are amended to read:

44 381.0303 Special needs shelters.—

45 (2) SPECIAL NEEDS SHELTER PLAN; STAFFING; STATE AGENCY
46 ASSISTANCE.—If funds have been appropriated to support disaster
47 coordinator positions in county health departments:

48 (a) The department shall assume lead responsibility for
49 the coordination of local medical and health care providers, the
50 American Red Cross, and other interested parties in developing a
51 plan for the staffing and medical management of special needs
52 shelters and. ~~The local Children's Medical Services offices~~
53 ~~shall assume lead responsibility for the coordination of local~~
54 ~~medical and health care providers, the American Red Cross, and~~
55 ~~other interested parties in developing a plan for the staffing~~
56 ~~and medical management of pediatric special needs shelters.~~

57 Plans must conform to the local comprehensive emergency
58 management plan.

59 (c) The appropriate county health department, ~~Children's~~
60 ~~Medical Services office,~~ and local emergency management agency
61 shall jointly decide who has responsibility for medical
62 supervision in each special needs shelter.

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63 Section 3. Effective upon this act becoming a law,
64 paragraph (a) of subsection (8) of section 381.986, Florida
65 Statutes, is amended to read:

66 381.986 Medical use of marijuana.—

67 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

68 (a) The department shall license medical marijuana
69 treatment centers to ensure reasonable statewide accessibility
70 and availability as necessary for qualified patients registered
71 in the medical marijuana use registry and who are issued a
72 physician certification under this section.

73 1. As soon as practicable, but no later than July 3, 2017,
74 the department shall license as a medical marijuana treatment
75 center any entity that holds an active, unrestricted license to
76 cultivate, process, transport, and dispense low-THC cannabis,
77 medical cannabis, and cannabis delivery devices, under former s.
78 381.986, Florida Statutes 2016, before July 1, 2017, and which
79 meets the requirements of this section. In addition to the
80 authority granted under this section, these entities are
81 authorized to dispense low-THC cannabis, medical cannabis, and
82 cannabis delivery devices ordered pursuant to former s. 381.986,
83 Florida Statutes 2016, which were entered into the compassionate
84 use registry before July 1, 2017, and are authorized to begin
85 dispensing marijuana under this section on July 3, 2017. The
86 department may grant variances from the representations made in

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87 such an entity's original application for approval under former
88 s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

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

92 a. As soon as practicable, but no later than August 1,
93 2017, the department shall license any applicant whose
94 application was reviewed, evaluated, and scored by the
95 department and which was denied a dispensing organization
96 license by the department under former s. 381.986, Florida
97 Statutes 2014; which had one or more administrative or judicial
98 challenges pending as of January 1, 2017, or had a final ranking
99 within one point of the highest final ranking in its region
100 under former s. 381.986, Florida Statutes 2014; which meets the
101 requirements of this section; and which provides documentation
102 to the department that it has the existing infrastructure and
103 technical and technological ability to begin cultivating
104 marijuana within 30 days after registration as a medical
105 marijuana treatment center.

106 b. As soon as practicable, the department shall license
107 one applicant that is a recognized class member of *Pigford v.*
108 *Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers*
109 *Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011). An applicant licensed
110 under this sub-subparagraph is exempt from the requirement of
111 subparagraph (b)2. An applicant that applies for licensure under

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112 this sub-subparagraph, pays its initial application fee, is
113 determined by the department through the application process to
114 qualify as a recognized class member, and is not awarded a
115 license under this sub-subparagraph may transfer its initial
116 application fee to one subsequent opportunity to apply for
117 licensure under subparagraph 4.

118 c. As soon as practicable, but no later than October 3,
119 2017, the department shall license applicants that meet the
120 requirements of this section in sufficient numbers to result in
121 10 total licenses issued under this subparagraph, while
122 accounting for the number of licenses issued under sub-
123 subparagraphs a. and b.

124 3. For up to two of the licenses issued under subparagraph
125 2., the department shall give preference to applicants that
126 demonstrate in their applications that they own one or more
127 facilities that are, or were, used for the canning,
128 concentrating, or otherwise processing of citrus fruit or citrus
129 molasses and will use or convert the facility or facilities for
130 the processing of marijuana.

131 4. Within 6 months after the registration of 100,000
132 active qualified patients in the medical marijuana use registry,
133 the department shall license four additional medical marijuana
134 treatment centers that meet the requirements of this section.
135 Thereafter, the department shall license four medical marijuana
136 treatment centers within 6 months after the registration of each

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137 additional 100,000 active qualified patients in the medical
138 marijuana use registry that meet the requirements of this
139 section.

140 Section 4. Paragraphs (e) through (h) of subsection (14)
141 of section 381.986, Florida Statutes, are redesignated as
142 paragraphs (f) through (i), respectively, paragraphs (b) and (e)
143 of subsection (8) are amended, and a new paragraph (e) is added
144 to subsection (14) of that section, to read:

145 381.986 Medical use of marijuana.—

146 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

147 (b) An applicant for licensure as a medical marijuana
148 treatment center shall apply to the department on a form
149 prescribed by the department and adopted in rule. The department
150 shall adopt rules pursuant to ss. 120.536(1) and 120.54
151 establishing a procedure for the issuance and biennial renewal
152 of licenses, including initial application and biennial renewal
153 fees sufficient to cover the costs of implementing and
154 administering this section, and establishing supplemental
155 licensure fees for payment beginning May 1, 2018, sufficient to
156 cover the costs of administering ss. 381.989 and 1004.4351. The
157 department shall identify applicants with strong diversity plans
158 reflecting this state's commitment to diversity and implement
159 training programs and other educational programs to enable
160 minority persons and minority business enterprises, as defined
161 in s. 288.703, and veteran business enterprises, as defined in

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162 s. 295.187, to compete for medical marijuana treatment center
163 licensure and contracts. Subject to the requirements in
164 subparagraphs (a)2.-4., the department shall issue a license to
165 an applicant if the applicant meets the requirements of this
166 section and pays the initial application fee. The department
167 shall renew the licensure of a medical marijuana treatment
168 center biennially if the licensee meets the requirements of this
169 section and pays the biennial renewal fee. However, the
170 department may not renew the license of a medical marijuana
171 treatment center that has not begun to cultivate, process, and
172 dispense marijuana by the date that the medical marijuana
173 treatment center is required to renew its license. An individual
174 may not be an applicant, owner, officer, board member, or
175 manager on more than one application for licensure as a medical
176 marijuana treatment center. An individual or entity may not be
177 awarded more than one license as a medical marijuana treatment
178 center. An applicant for licensure as a medical marijuana
179 treatment center must demonstrate:

180 1. That, for the 5 consecutive years before submitting the
181 application, the applicant has been registered to do business in
182 the state.

183 2. Possession of a valid certificate of registration
184 issued by the Department of Agriculture and Consumer Services
185 pursuant to s. 581.131.

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186 3. The technical and technological ability to cultivate
187 and produce marijuana, including, but not limited to, low-THC
188 cannabis.

189 4. The ability to secure the premises, resources, and
190 personnel necessary to operate as a medical marijuana treatment
191 center.

192 5. The ability to maintain accountability of all raw
193 materials, finished products, and any byproducts to prevent
194 diversion or unlawful access to or possession of these
195 substances.

196 6. An infrastructure reasonably located to dispense
197 marijuana to registered qualified patients statewide or
198 regionally as determined by the department.

199 7. The financial ability to maintain operations for the
200 duration of the 2-year approval cycle, including the provision
201 of certified financial statements to the department.

202 a. Upon approval, the applicant must post a \$5 million
203 performance bond issued by an authorized surety insurance
204 company rated in one of the three highest rating categories by a
205 nationally recognized rating service. However, a medical
206 marijuana treatment center serving at least 1,000 qualified
207 patients is only required to maintain a \$2 million performance
208 bond.

209 b. In lieu of the performance bond required under sub-
210 subparagraph a., the applicant may provide an irrevocable letter

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211 of credit payable to the department or provide cash to the
212 department. If provided with cash under this sub-subparagraph,
213 the department shall deposit the cash in the Grants and
214 Donations Trust Fund within the Department of Health, subject to
215 the same conditions as the bond regarding requirements for the
216 applicant to forfeit ownership of the funds. If the funds
217 deposited under this sub-subparagraph generate interest, the
218 amount of that interest shall be used by the department for the
219 administration of this section.

220 8. That all owners, officers, board members, and managers
221 have passed a background screening pursuant to subsection (9).

222 9. The employment of a medical director to supervise the
223 activities of the medical marijuana treatment center.

224 10. A diversity plan that promotes and ensures the
225 involvement of minority persons and minority business
226 enterprises, as defined in s. 288.703, or veteran business
227 enterprises, as defined in s. 295.187, in ownership, management,
228 and employment. An applicant for licensure renewal must show the
229 effectiveness of the diversity plan by including the following
230 with his or her application for renewal:

231 a. Representation of minority persons and veterans in the
232 medical marijuana treatment center's workforce;

233 b. Efforts to recruit minority persons and veterans for
234 employment; and

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235 c. A record of contracts for services with minority
236 business enterprises and veteran business enterprises.

237 (e) A licensed medical marijuana treatment center shall
238 cultivate, process, transport, and dispense marijuana for
239 medical use. A licensed medical marijuana treatment center may
240 not contract for services directly related to the cultivation,
241 processing, and dispensing of marijuana or marijuana delivery
242 devices, except that a medical marijuana treatment center
243 licensed pursuant to subparagraph (a)1. may contract with a
244 single entity for the cultivation, processing, transporting, and
245 dispensing of marijuana and marijuana delivery devices. A
246 licensed medical marijuana treatment center must, at all times,
247 maintain compliance with the criteria demonstrated and
248 representations made in the initial application and the criteria
249 established in this subsection. Upon request, the department may
250 grant a medical marijuana treatment center a variance from the
251 representations made in the initial application. Consideration
252 of such a request shall be based upon the individual facts and
253 circumstances surrounding the request. A variance may not be
254 granted unless the requesting medical marijuana treatment center
255 can demonstrate to the department that it has a proposed
256 alternative to the specific representation made in its
257 application which fulfills the same or a similar purpose as the
258 specific representation in a way that the department can
259 reasonably determine will not be a lower standard than the

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260 specific representation in the application. A variance may not
261 be granted from the requirements in subparagraph 2. and
262 subparagraphs (b)1. and 2.

263 1. A licensed medical marijuana treatment center may
264 transfer ownership to an individual or entity who meets the
265 requirements of this section. A publicly traded corporation or
266 publicly traded company that meets the requirements of this
267 section is not precluded from ownership of a medical marijuana
268 treatment center. To accommodate a change in ownership:

269 a. The licensed medical marijuana treatment center shall
270 notify the department in writing at least 60 days before the
271 anticipated date of the change of ownership.

272 b. The individual or entity applying for initial licensure
273 due to a change of ownership must submit an application that
274 must be received by the department at least 60 days before the
275 date of change of ownership.

276 c. Upon receipt of an application for a license, the
277 department shall examine the application and, within 30 days
278 after receipt, notify the applicant in writing of any apparent
279 errors or omissions and request any additional information
280 required.

281 d. Requested information omitted from an application for
282 licensure must be filed with the department within 21 days after
283 the department's request for omitted information or the

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284 application shall be deemed incomplete and shall be withdrawn
285 from further consideration and the fees shall be forfeited.

286 e. Within 30 days after the receipt of a complete
287 application, the department shall approve or deny the
288 application.

289 2. A medical marijuana treatment center, and any
290 individual or entity who directly or indirectly owns, controls,
291 or holds with power to vote 5 percent or more of the voting
292 shares of a medical marijuana treatment center, may not acquire
293 direct or indirect ownership or control of any voting shares or
294 other form of ownership of any other medical marijuana treatment
295 center.

296 3. A medical marijuana treatment center may not enter into
297 any form of profit-sharing arrangement with the property owner
298 or lessor of any of its facilities where cultivation,
299 processing, storing, or dispensing of marijuana and marijuana
300 delivery devices occurs.

301 4. All employees of a medical marijuana treatment center
302 must be 21 years of age or older and have passed a background
303 screening pursuant to subsection (9).

304 5. Each medical marijuana treatment center must adopt and
305 enforce policies and procedures to ensure employees and
306 volunteers receive training on the legal requirements to
307 dispense marijuana to qualified patients.

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308 6. When growing marijuana, a medical marijuana treatment
309 center:

310 a. May use pesticides determined by the department, after
311 consultation with the Department of Agriculture and Consumer
312 Services, to be safely applied to plants intended for human
313 consumption, but may not use pesticides designated as
314 restricted-use pesticides pursuant to s. 487.042.

315 b. Must grow marijuana within an enclosed structure and in
316 a room separate from any other plant.

317 c. Must inspect seeds and growing plants for plant pests
318 that endanger or threaten the horticultural and agricultural
319 interests of the state in accordance with chapter 581 and any
320 rules adopted thereunder.

321 d. Must perform fumigation or treatment of plants, or
322 remove and destroy infested or infected plants, in accordance
323 with chapter 581 and any rules adopted thereunder.

324 7. Each medical marijuana treatment center must produce
325 and make available for purchase at least one low-THC cannabis
326 product.

327 8. A medical marijuana treatment center that produces
328 edibles must hold a permit to operate as a food establishment
329 pursuant to chapter 500, the Florida Food Safety Act, and must
330 comply with all the requirements for food establishments
331 pursuant to chapter 500 and any rules adopted thereunder.

332 Edibles may not contain more than 200 milligrams of

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333 tetrahydrocannabinol, and a single serving portion of an edible
334 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles
335 may have a potency variance of no greater than 15 percent.
336 Edibles may not be attractive to children; be manufactured in
337 the shape of humans, cartoons, or animals; be manufactured in a
338 form that bears any reasonable resemblance to products available
339 for consumption as commercially available candy; or contain any
340 color additives. To discourage consumption of edibles by
341 children, the department shall determine by rule any shapes,
342 forms, and ingredients allowed and prohibited for edibles.
343 Medical marijuana treatment centers may not begin processing or
344 dispensing edibles until after the effective date of the rule.
345 The department shall also adopt sanitation rules providing the
346 standards and requirements for the storage, display, or
347 dispensing of edibles.

348 9. Within 12 months after licensure, a medical marijuana
349 treatment center must demonstrate to the department that all of
350 its processing facilities have passed a Food Safety Good
351 Manufacturing Practices, such as Global Food Safety Initiative
352 or equivalent, inspection by a nationally accredited certifying
353 body. A medical marijuana treatment center must immediately stop
354 processing at any facility which fails to pass this inspection
355 until it demonstrates to the department that such facility has
356 met this requirement.

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357 10. A medical marijuana treatment center that produces
358 prerolled marijuana cigarettes may not use wrapping paper made
359 with tobacco or hemp.

360 11. When processing marijuana, a medical marijuana
361 treatment center must:

362 a. Process the marijuana within an enclosed structure and
363 in a room separate from other plants or products.

364 b. Comply with department rules when processing marijuana
365 with hydrocarbon solvents or other solvents or gases exhibiting
366 potential toxicity to humans. The department shall determine by
367 rule the requirements for medical marijuana treatment centers to
368 use such solvents or gases exhibiting potential toxicity to
369 humans.

370 c. Comply with federal and state laws and regulations and
371 department rules for solid and liquid wastes. The department
372 shall determine by rule procedures for the storage, handling,
373 transportation, management, and disposal of solid and liquid
374 waste generated during marijuana production and processing. The
375 Department of Environmental Protection shall assist the
376 department in developing such rules.

377 d. Test the processed marijuana using a medical marijuana
378 testing laboratory before it is dispensed. Results must be
379 verified and signed by two medical marijuana treatment center
380 employees. Before dispensing, the medical marijuana treatment
381 center must determine that the test results indicate that low-

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382 THC cannabis meets the definition of low-THC cannabis, the
383 concentration of tetrahydrocannabinol meets the potency
384 requirements of this section, the labeling of the concentration
385 of tetrahydrocannabinol and cannabidiol is accurate, and all
386 marijuana is safe for human consumption and free from
387 contaminants that are unsafe for human consumption. The
388 department shall determine by rule which contaminants must be
389 tested for and the maximum levels of each contaminant which are
390 safe for human consumption. The Department of Agriculture and
391 Consumer Services shall assist the department in developing the
392 testing requirements for contaminants that are unsafe for human
393 consumption in edibles. The department shall also determine by
394 rule the procedures for the treatment of marijuana that fails to
395 meet the testing requirements of this section, s. 381.988, or
396 department rule. The department may select samples of marijuana
397 ~~a random sample from edibles available for purchase in a medical~~
398 ~~marijuana treatment center dispensing~~ facility which shall be
399 tested by the department to determine whether that the marijuana
400 ~~edible~~ meets the potency requirements of this section, is safe
401 for human consumption, and is accurately labeled with the
402 ~~labeling of~~ the tetrahydrocannabinol and cannabidiol
403 concentration or to verify the result of marijuana testing
404 conducted by a marijuana testing laboratory. The department may
405 also select samples of marijuana delivery devices from a medical
406 marijuana treatment center to determine whether the marijuana

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407 delivery device is safe for use by qualified patients ~~is~~
408 ~~accurate~~. A medical marijuana treatment center may not require
409 payment from the department for the sample. A medical marijuana
410 treatment center must recall marijuana edibles, including all
411 marijuana and marijuana products edibles made from the same
412 batch of marijuana, that fails ~~which fail~~ to meet the potency
413 requirements of this section, that is ~~which are~~ unsafe for human
414 consumption, or for which the labeling of the
415 tetrahydrocannabinol and cannabidiol concentration is
416 inaccurate. The department shall adopt rules to establish
417 marijuana potency variations of no greater than 15 percent using
418 negotiated rulemaking pursuant to s. 120.54(2)(d) which accounts
419 for, but is not limited to, time lapses between testing, testing
420 methods, testing instruments, and types of marijuana sampled for
421 testing. The department may not issue any recalls for product
422 potency as it relates to product labeling before issuing a rule
423 relating to potency variation standards. A medical marijuana
424 treatment center must also recall all marijuana delivery devices
425 determined to be unsafe for use by qualified patients. The
426 medical marijuana treatment center must retain records of all
427 testing and samples of each homogenous batch of marijuana for at
428 least 9 months. The medical marijuana treatment center must
429 contract with a marijuana testing laboratory to perform audits
430 on the medical marijuana treatment center's standard operating
431 procedures, testing records, and samples and provide the results

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432 to the department to confirm that the marijuana or low-THC
433 cannabis meets the requirements of this section and that the
434 marijuana or low-THC cannabis is safe for human consumption. A
435 medical marijuana treatment center shall reserve two processed
436 samples from each batch and retain such samples for at least 9
437 months for the purpose of such audits. A medical marijuana
438 treatment center may use a laboratory that has not been
439 certified by the department under s. 381.988 until such time as
440 at least one laboratory holds the required certification, but in
441 no event later than July 1, 2018.

442 e. Package the marijuana in compliance with the United
443 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
444 1471 et seq.

445 f. Package the marijuana in a receptacle that has a firmly
446 affixed and legible label stating the following information:

447 (I) The marijuana or low-THC cannabis meets the
448 requirements of sub-subparagraph d.

449 (II) The name of the medical marijuana treatment center
450 from which the marijuana originates.

451 (III) The batch number and harvest number from which the
452 marijuana originates and the date dispensed.

453 (IV) The name of the physician who issued the physician
454 certification.

455 (V) The name of the patient.

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456 (VI) The product name, if applicable, and dosage form,
457 including concentration of tetrahydrocannabinol and cannabidiol.
458 The product name may not contain wording commonly associated
459 with products marketed by or to children.

460 (VII) The recommended dose.

461 (VIII) A warning that it is illegal to transfer medical
462 marijuana to another person.

463 (IX) A marijuana universal symbol developed by the
464 department.

465 12. The medical marijuana treatment center shall include
466 in each package a patient package insert with information on the
467 specific product dispensed related to:

- 468 a. Clinical pharmacology.
- 469 b. Indications and use.
- 470 c. Dosage and administration.
- 471 d. Dosage forms and strengths.
- 472 e. Contraindications.
- 473 f. Warnings and precautions.
- 474 g. Adverse reactions.

475 13. In addition to the packaging and labeling requirements
476 specified in subparagraphs 11. and 12., marijuana in a form for
477 smoking must be packaged in a sealed receptacle with a legible
478 and prominent warning to keep away from children and a warning
479 that states marijuana smoke contains carcinogens and may
480 negatively affect health. Such receptacles for marijuana in a

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481 form for smoking must be plain, opaque, and white without
482 depictions of the product or images other than the medical
483 marijuana treatment center's department-approved logo and the
484 marijuana universal symbol.

485 14. The department shall adopt rules to regulate the
486 types, appearance, and labeling of marijuana delivery devices
487 dispensed from a medical marijuana treatment center. The rules
488 must require marijuana delivery devices to have an appearance
489 consistent with medical use.

490 15. Each edible shall be individually sealed in plain,
491 opaque wrapping marked only with the marijuana universal symbol.
492 Where practical, each edible shall be marked with the marijuana
493 universal symbol. In addition to the packaging and labeling
494 requirements in subparagraphs 11. and 12., edible receptacles
495 must be plain, opaque, and white without depictions of the
496 product or images other than the medical marijuana treatment
497 center's department-approved logo and the marijuana universal
498 symbol. The receptacle must also include a list of all the
499 edible's ingredients, storage instructions, an expiration date,
500 a legible and prominent warning to keep away from children and
501 pets, and a warning that the edible has not been produced or
502 inspected pursuant to federal food safety laws.

503 16. When dispensing marijuana or a marijuana delivery
504 device, a medical marijuana treatment center:

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505 a. May dispense any active, valid order for low-THC
506 cannabis, medical cannabis and cannabis delivery devices issued
507 pursuant to former s. 381.986, Florida Statutes 2016, which was
508 entered into the medical marijuana use registry before July 1,
509 2017.

510 b. May not dispense more than a 70-day supply of marijuana
511 within any 70-day period to a qualified patient or caregiver.
512 May not dispense more than one 35-day supply of marijuana in a
513 form for smoking within any 35-day period to a qualified patient
514 or caregiver. A 35-day supply of marijuana in a form for smoking
515 may not exceed 2.5 ounces unless an exception to this amount is
516 approved by the department pursuant to paragraph (4)(f).

517 c. Must have the medical marijuana treatment center's
518 employee who dispenses the marijuana or a marijuana delivery
519 device enter into the medical marijuana use registry his or her
520 name or unique employee identifier.

521 d. Must verify that the qualified patient and the
522 caregiver, if applicable, each have an active registration in
523 the medical marijuana use registry and an active and valid
524 medical marijuana use registry identification card, the amount
525 and type of marijuana dispensed matches the physician
526 certification in the medical marijuana use registry for that
527 qualified patient, and the physician certification has not
528 already been filled.

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529 e. May not dispense marijuana to a qualified patient who
530 is younger than 18 years of age. If the qualified patient is
531 younger than 18 years of age, marijuana may only be dispensed to
532 the qualified patient's caregiver.

533 f. May not dispense or sell any other type of cannabis,
534 alcohol, or illicit drug-related product, including pipes or
535 wrapping papers made with tobacco or hemp, other than a
536 marijuana delivery device required for the medical use of
537 marijuana and which is specified in a physician certification.

538 g. Must, upon dispensing the marijuana or marijuana
539 delivery device, record in the registry the date, time,
540 quantity, and form of marijuana dispensed; the type of marijuana
541 delivery device dispensed; and the name and medical marijuana
542 use registry identification number of the qualified patient or
543 caregiver to whom the marijuana delivery device was dispensed.

544 h. Must ensure that patient records are not visible to
545 anyone other than the qualified patient, his or her caregiver,
546 and authorized medical marijuana treatment center employees.

547 (14) EXCEPTIONS TO OTHER LAWS.—

548 (e) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
549 any other law, but subject to the requirements of this section,
550 the department, including an employee of the department acting
551 within the scope of his or her employment, may acquire, possess,
552 test, transport, and lawfully dispose of marijuana and marijuana

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553 delivery devices as provided in this section, in s. 381.988, and
554 by department rule.

555 Section 5. Paragraphs (b) and (c) of subsection (2) of
556 section 381.99, Florida Statutes, are amended to read:

557 381.99 Rare Disease Advisory Council.—

558 (2) The advisory council is composed of the following
559 members:

560 (b) As appointed by the President of the Senate:

561 1. A representative from an academic research institution
562 in this state which receives grant funding for research
563 regarding rare diseases.

564 2. A physician who is licensed under chapter 458 or
565 chapter 459 and practicing in this state with experience in
566 treating rare diseases.

567 3. An individual who is 18 years of age or older who has a
568 rare disease.

569 4. Two individuals ~~An individual~~ who are, or were
570 previously, caregivers for individuals ~~is a caregiver of an~~
571 ~~individual~~ with a rare disease.

572 5. A representative of an organization operating in this
573 state which provides care or other support to individuals with
574 rare diseases.

575 (c) As appointed by the Speaker of the House of
576 Representatives:

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577 1. A representative from an academic research institution
578 in this state which receives grant funding for research
579 regarding rare diseases.

580 2. A physician who is licensed under chapter 458 or
581 chapter 459 and practicing in this state with experience in
582 treating rare diseases.

583 3. An individual who is 18 years of age or older who has a
584 rare disease.

585 4. Two individuals ~~An individual~~ who are, or were
586 previously, caregivers for individuals ~~is a caregiver of an~~
587 ~~individual~~ with a rare disease.

588 5. A representative of organizations in this state which
589 provide care or other support to individuals with rare diseases.

590
591 Any vacancy on the advisory council must be filled in the same
592 manner as the original appointment.

593 Section 6. Subsection (9) of section 383.216, Florida
594 Statutes, is amended to read:

595 383.216 Community-based prenatal and infant health care.—

596 (9) Local prenatal and infant health care coalitions shall
597 incorporate as not-for-profit corporations for the purpose of
598 seeking and receiving grants from federal, state, and local
599 government and other contributors. However, a coalition need not
600 be designated as a tax-exempt organization under s. 501(c)(3) of
601 the Internal Revenue Code. The administrative services

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602 organization representing all Healthy Start Coalitions under s.
603 409.975(4) may use any method of telecommunication to conduct
604 meetings for any authorized function, provided that the public
605 is given proper notice of and reasonable access to the meeting.

606 Section 7. Subsection (1) of section 406.11, Florida
607 Statutes, is amended to read:

608 406.11 Examinations, investigations, and autopsies.—

609 (1) In any of the following circumstances involving the
610 death of a human being, the medical examiner of the district in
611 which the death occurred or the body was found shall determine
612 the cause of death ~~and certify the death~~ and shall, for that
613 purpose, make or perform such examinations, investigations, and
614 autopsies as he or she deems necessary or as requested by the
615 state attorney:

616 (a) When any person dies in this state:

- 617 1. Of criminal violence.
- 618 2. By accident.
- 619 3. By suicide.
- 620 4. Suddenly, when in apparent good health.
- 621 5. Unattended by a practicing physician or other
622 recognized practitioner.
- 623 6. In any prison or penal institution.
- 624 7. In police custody.
- 625 8. In any suspicious or unusual circumstance.
- 626 9. By criminal abortion.

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- 627 10. By poison.
- 628 11. By disease constituting a threat to public health.
- 629 12. By disease, injury, or toxic agent resulting from
- 630 employment.

631 (b) When a dead body is brought into this state without
632 proper medical certification.

633 (c) When a body is to be cremated, dissected, or buried at
634 sea.

635 Section 8. Subsection (1) of section 456.039, Florida
636 Statutes, is amended to read:

637 456.039 Designated health care professionals; information
638 required for licensure.—

639 (1) Each person who applies for initial licensure or
640 license renewal as a physician under chapter 458, chapter 459,
641 chapter 460, or chapter 461, except a person applying for
642 registration pursuant to ss. 458.345 and 459.021, must furnish
643 the following information to the department, at the time of
644 application or, ~~and each physician who applies for license~~
645 ~~renewal under chapter 458, chapter 459, chapter 460, or chapter~~
646 ~~461, except a person registered pursuant to ss. 458.345 and~~
647 ~~459.021, must,~~ in conjunction with the renewal of such license
648 ~~and~~ under procedures adopted by the department ~~of Health,~~ and in
649 addition to any other information that may be required from the
650 applicant, ~~furnish the following information to the Department~~
651 ~~of Health:~~

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652 (a)1. The name of each medical school that the applicant
653 has attended, with the dates of attendance and the date of
654 graduation, and a description of all graduate medical education
655 completed by the applicant, excluding any coursework taken to
656 satisfy medical licensure continuing education requirements.

657 2. The name of each hospital at which the applicant has
658 privileges.

659 3. The address at which the applicant will primarily
660 conduct his or her practice.

661 4. Any certification that the applicant has received from
662 a specialty board that is recognized by the board to which the
663 applicant is applying.

664 5. The year that the applicant began practicing medicine.

665 6. Any appointment to the faculty of a medical school
666 which the applicant currently holds and an indication as to
667 whether the applicant has had the responsibility for graduate
668 medical education within the most recent 10 years.

669 7. A description of any criminal offense of which the
670 applicant has been found guilty, regardless of whether
671 adjudication of guilt was withheld, or to which the applicant
672 has pled guilty or nolo contendere. A criminal offense committed
673 in another jurisdiction which would have been a felony or
674 misdemeanor if committed in this state must be reported. If the
675 applicant indicates that a criminal offense is under appeal and
676 submits a copy of the notice for appeal of that criminal

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677 offense, the department must state that the criminal offense is
678 under appeal if the criminal offense is reported in the
679 applicant's profile. If the applicant indicates to the
680 department that a criminal offense is under appeal, the
681 applicant must, upon disposition of the appeal, submit to the
682 department a copy of the final written order of disposition.

683 8. A description of any final disciplinary action taken
684 within the previous 10 years against the applicant by the agency
685 regulating the profession that the applicant is or has been
686 licensed to practice, whether in this state or in any other
687 jurisdiction, by a specialty board that is recognized by the
688 American Board of Medical Specialties, the American Osteopathic
689 Association, or a similar national organization, or by a
690 licensed hospital, health maintenance organization, prepaid
691 health clinic, ambulatory surgical center, or nursing home.
692 Disciplinary action includes resignation from or nonrenewal of
693 medical staff membership or the restriction of privileges at a
694 licensed hospital, health maintenance organization, prepaid
695 health clinic, ambulatory surgical center, or nursing home taken
696 in lieu of or in settlement of a pending disciplinary case
697 related to competence or character. If the applicant indicates
698 that the disciplinary action is under appeal and submits a copy
699 of the document initiating an appeal of the disciplinary action,
700 the department must state that the disciplinary action is under

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701 appeal if the disciplinary action is reported in the applicant's
702 profile.

703 9. Relevant professional qualifications as defined by the
704 applicable board.

705 (b) In addition to the information required under
706 paragraph (a), for each applicant seeking ~~who seeks~~ licensure
707 under chapter 458, chapter 459, or chapter 461, ~~and~~ who has
708 practiced previously in this state or in another jurisdiction or
709 a foreign country, ~~must provide~~ the information required of
710 licensees under those chapters pursuant to s. 456.049. An
711 applicant for licensure under chapter 460 who has practiced
712 previously in this state or in another jurisdiction or a foreign
713 country must provide the same information as is required of
714 licensees under chapter 458, pursuant to s. 456.049.

715 (c) For each applicant seeking licensure under chapter 458
716 or chapter 459, proof of payment of the assessment required
717 under s. 766.314, if applicable.

718 Section 9. Subsection (1) of section 460.406, Florida
719 Statutes, is amended to read:

720 460.406 Licensure by examination.—

721 (1) Any person desiring to be licensed as a chiropractic
722 physician must apply to the department to take the licensure
723 examination. There shall be an application fee set by the board
724 not to exceed \$100 which shall be nonrefundable. There shall
725 also be an examination fee not to exceed \$500 plus the actual

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726 per applicant cost to the department for purchase of portions of
727 the examination from the National Board of Chiropractic
728 Examiners or a similar national organization, which may be
729 refundable if the applicant is found ineligible to take the
730 examination. The department shall examine each applicant whom
731 ~~who~~ the board certifies has met all of the following criteria:

732 (a) Completed the application form and remitted the
733 appropriate fee.

734 (b) Submitted proof satisfactory to the department that he
735 or she is not less than 18 years of age.

736 (c) Submitted proof satisfactory to the department that he
737 or she is a graduate of a chiropractic college which is
738 accredited by or has status with the Council on Chiropractic
739 Education or its predecessor agency. However, any applicant who
740 is a graduate of a chiropractic college that was initially
741 accredited by the Council on Chiropractic Education in 1995, who
742 graduated from such college within the 4 years immediately
743 preceding such accreditation, and who is otherwise qualified is
744 ~~shall be~~ eligible to take the examination. An ~~No~~ application for
745 a license to practice chiropractic medicine may not ~~shall~~ be
746 denied solely because the applicant is a graduate of a
747 chiropractic college that subscribes to one philosophy of
748 chiropractic medicine as distinguished from another.

749 (d)1. For an applicant who has matriculated in a
750 chiropractic college before ~~prior to~~ July 2, 1990, completed at

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751 least 2 years of residence college work, consisting of a minimum
752 of one-half the work acceptable for a bachelor's degree granted
753 on the basis of a 4-year period of study, in a college or
754 university accredited by an institutional accrediting agency
755 recognized and approved by the United States Department of
756 Education. However, before ~~prior to~~ being certified by the board
757 to sit for the examination, each applicant who has matriculated
758 in a chiropractic college after July 1, 1990, must ~~shall~~ have
759 been granted a bachelor's degree, based upon 4 academic years of
760 study, by a college or university accredited by an institutional
761 ~~a regional~~ accrediting agency that ~~which~~ is a member of the
762 Commission on Recognition of Postsecondary Accreditation.

763 2. Effective July 1, 2000, completed, before ~~prior to~~
764 matriculation in a chiropractic college, at least 3 years of
765 residence college work, consisting of a minimum of 90 semester
766 hours leading to a bachelor's degree in a liberal arts college
767 or university accredited by an institutional accrediting agency
768 recognized and approved by the United States Department of
769 Education. However, before ~~prior to~~ being certified by the board
770 to sit for the examination, each applicant who has matriculated
771 in a chiropractic college after July 1, 2000, must ~~shall~~ have
772 been granted a bachelor's degree from an institution holding
773 accreditation for that degree from an institutional ~~a regional~~
774 accrediting agency that ~~which~~ is recognized by the United States
775 Department of Education. The applicant's chiropractic degree

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776 must consist of credits earned in the chiropractic program and
777 may not include academic credit for courses from the bachelor's
778 degree.

779 (e) Successfully completed the National Board of
780 Chiropractic Examiners certification examination in parts I, II,
781 III, and IV, and the physiotherapy examination of the National
782 Board of Chiropractic Examiners, with a score approved by the
783 board.

784 (f) Submitted to the department a set of fingerprints on a
785 form and under procedures specified by the department, along
786 with payment in an amount equal to the costs incurred by the
787 Department of Health for the criminal background check of the
788 applicant.

789
790 The board may require an applicant who graduated from an
791 institution accredited by the Council on Chiropractic Education
792 more than 10 years before the date of application to the board
793 to take the National Board of Chiropractic Examiners Special
794 Purposes Examination for Chiropractic, or its equivalent, as
795 determined by the board. The board shall establish by rule a
796 passing score.

797 Section 10. Subsection (4) of section 464.008, Florida
798 Statutes, is amended to read:

799 464.008 Licensure by examination.—

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800 ~~(4) If an applicant who graduates from an approved program~~
801 ~~does not take the licensure examination within 6 months after~~
802 ~~graduation, he or she must enroll in and successfully complete a~~
803 ~~board-approved licensure examination preparatory course. The~~
804 ~~applicant is responsible for all costs associated with the~~
805 ~~course and may not use state or federal financial aid for such~~
806 ~~costs. The board shall by rule establish guidelines for~~
807 ~~licensure examination preparatory courses.~~

808 Section 11. Paragraph (e) of subsection (1) of section
809 464.018, Florida Statutes, is amended to read:

810 464.018 Disciplinary actions.—

811 (1) The following acts constitute grounds for denial of a
812 license or disciplinary action, as specified in ss. 456.072(2)
813 and 464.0095:

814 (e) Having been found guilty of, ~~regardless of~~
815 ~~adjudication,~~ or entered a plea of nolo contendere or guilty to,
816 regardless of adjudication, any offense prohibited under s.
817 435.04 or similar statute of another jurisdiction; or having
818 committed an act which constitutes domestic violence as defined
819 in s. 741.28.

820 Section 12. Subsections (13) and (14) of section 467.003,
821 Florida Statutes, are renumbered as subsections (14) and (15),
822 respectively, subsections (1) and (12) are amended, and a new
823 subsection (13) is added to that section, to read:

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824 467.003 Definitions.—As used in this chapter, unless the
825 context otherwise requires:

826 (1) "Approved midwifery program" means ~~a midwifery school~~
827 ~~or~~ a midwifery training program ~~which is~~ approved by the
828 department pursuant to s. 467.205.

829 (12) "Preceptor" means a physician licensed under chapter
830 458 or chapter 459, a ~~licensed~~ midwife licensed under this
831 chapter, or a certified nurse midwife licensed under chapter
832 464, who has a minimum of 3 years' professional experience, and
833 who directs, teaches, supervises, and evaluates the learning
834 experiences of ~~a the~~ student midwife as part of an approved
835 midwifery program.

836 (13) "Prelicensure course" means a course of study,
837 offered by an accredited midwifery program and approved by the
838 department, which an applicant for licensure must complete
839 before a license may be issued and which provides instruction in
840 the laws and rules of this state and demonstrates the student's
841 competency to practice midwifery under this chapter.

842 Section 13. Section 467.009, Florida Statutes, is amended
843 to read:

844 467.009 Accredited and approved midwifery programs;
845 education and training requirements.—

846 (1) The department shall adopt standards for accredited
847 and approved midwifery programs which must include, but need not
848 be limited to, standards for all of the following:

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849 (a) ~~The standards shall encompass~~ Clinical and classroom
850 instruction in all aspects of prenatal, intrapartal, and
851 postpartal care, including all of the following:

- 852 1. Obstetrics.~~†~~
- 853 2. Neonatal pediatrics.~~†~~
- 854 3. Basic sciences.~~†~~
- 855 4. Female reproductive anatomy and physiology.~~†~~
- 856 5. Behavioral sciences.~~†~~
- 857 6. Childbirth education.~~†~~
- 858 7. Community care.~~†~~
- 859 8. Epidemiology.~~†~~
- 860 9. Genetics.~~†~~
- 861 10. Embryology.~~†~~
- 862 11. Neonatology.~~†~~
- 863 12. Applied pharmacology.~~†~~
- 864 13. The medical and legal aspects of midwifery.~~†~~
- 865 14. Gynecology and women's health.~~†~~
- 866 15. Family planning.~~†~~
- 867 16. Nutrition during pregnancy and lactation.~~†~~
- 868 17. Breastfeeding.~~†~~ and
- 869 18. Basic nursing skills; ~~and any other instruction~~
870 ~~determined by the department and council to be necessary.~~

871 (b) ~~The standards shall incorporate the~~ Core competencies,
872 incorporating those established by the American College of Nurse
873 Midwives and the Midwives Alliance of North America, including

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874 knowledge, skills, and professional behavior in all of the
875 following areas:

876 1. Primary management, collaborative management, referral,
877 and medical consultation.†

878 2. Antepartal, intrapartal, postpartal, and neonatal
879 care.†

880 3. Family planning and gynecological care.†

881 4. Common complications.† and

882 5. Professional responsibilities.

883 (c) Noncurricular ~~The standards shall include~~
884 ~~noncurriculum~~ matters under this section, including, but not
885 limited to, staffing and teacher qualifications.

886 (2) An accredited and approved midwifery program must
887 offer ~~shall include~~ a course of study and clinical training for
888 a minimum of 3 years which incorporates all of the standards,
889 curriculum guidelines, and educational objectives provided in
890 this section and the rules adopted hereunder.

891 (3) An accredited and approved midwifery program may
892 reduce ~~If the applicant is a registered nurse or a licensed~~
893 ~~practical nurse or has previous nursing or midwifery education,~~
894 the required period of training ~~may be reduced~~ to the extent of
895 the student's applicant's qualifications as a registered nurse
896 or licensed practical nurse or based on prior completion of
897 equivalent nursing or midwifery education, as determined ~~under~~

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898 ~~rules adopted by the department rule. In no case shall the~~
899 ~~training be reduced to a period of less than 2 years.~~

900 ~~(4)-(3) An accredited and approved midwifery program may~~
901 ~~accept students who To be accepted into an approved midwifery~~
902 ~~program, an applicant shall have both:~~

903 (a) A high school diploma or its equivalent.

904 (b) Taken three college-level credits each of math and
905 English or demonstrated competencies in communication and
906 computation.

907 ~~(5)-(4) As part of its course of study, an accredited and~~
908 ~~approved midwifery program must require clinical training that~~
909 ~~includes all of the following:~~

910 ~~(a) A student midwife, during training, shall undertake,~~
911 ~~under the supervision of a preceptor, The care of 50 women in~~
912 ~~each of the prenatal, intrapartal, and postpartal periods under~~
913 ~~the supervision of a preceptor., but The same women need not be~~
914 ~~seen through all three periods.~~

915 ~~(b)-(5) Observation of The student midwife shall observe an~~
916 ~~additional 25 women in the intrapartal period before qualifying~~
917 ~~for a license.~~

918 (6) Clinical ~~The~~ training required under this section must
919 include all of the following:

920 (a) ~~shall include~~ Training in ~~either~~ hospitals or
921 alternative birth settings, or both.

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922 (b) A requirement that students demonstrate competency in
923 the assessment of and differentiation, ~~with particular emphasis~~
924 ~~on learning the ability to differentiate~~ between low-risk
925 pregnancies and high-risk pregnancies.

926 (7) A hospital or birthing center receiving public funds
927 shall be required to provide student midwives access to observe
928 labor, delivery, and postpartal procedures, provided the woman
929 in labor has given informed consent. The Department of Health
930 shall assist in facilitating access to hospital training for
931 accredited and approved midwifery programs.

932 (8)-(7) The Department of Education shall adopt curricular
933 frameworks for midwifery programs offered by ~~conducted within~~
934 public educational institutions under ~~pursuant to~~ this section.

935 ~~(8) Nonpublic educational institutions that conduct~~
936 ~~approved midwifery programs shall be accredited by a member of~~
937 ~~the Commission on Recognition of Postsecondary Accreditation and~~
938 ~~shall be licensed by the Commission for Independent Education.~~

939 Section 14. Section 467.011, Florida Statutes, is amended
940 to read:

941 467.011 Licensed midwives; qualifications; examination
942 ~~Licensure by examination.-~~

943 ~~(1) The department shall administer an examination to test~~
944 ~~the proficiency of applicants in the core competencies required~~
945 ~~to practice midwifery as specified in s. 467.009.~~

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946 ~~(2) The department shall develop, publish, and make~~
947 ~~available to interested parties at a reasonable cost a~~
948 ~~bibliography and guide for the examination.~~

949 (3) The department shall issue a license to practice
950 midwifery to an applicant who meets all of the following
951 criteria:

952 (1) Demonstrates that he or she has graduated from one of
953 the following:

954 (a) An accredited and approved midwifery program.

955 (b) A medical or midwifery program offered in another
956 state, jurisdiction, territory, or country whose graduation
957 requirements were equivalent to or exceeded those required by s.
958 467.009 and the rules adopted thereunder at the time of
959 graduation.

960 (2) Demonstrates that he or she has and successfully
961 completed a prelicensure course offered by an accredited and
962 approved midwifery program. Students graduating from an
963 accredited and approved midwifery program may meet this
964 requirement by showing that the content requirements for the
965 prelicensure course were covered as part of their course of
966 study.

967 (3) Submits an application for licensure on a form
968 approved by the department and pays the appropriate fee.

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969 (4) Demonstrates that he or she has received a passing
970 score on an the examination specified by the department, ~~upon~~
971 ~~payment of the required licensure fee.~~

972 Section 15. Section 467.0125, Florida Statutes, is amended
973 to read:

974 467.0125 Licensed midwives; qualifications; Licensure by
975 endorsement; temporary certificates.-

976 (1) The department shall issue a license by endorsement to
977 practice midwifery to an applicant who, upon applying to the
978 department, demonstrates to the department that she or he meets
979 all of the following criteria:

980 ~~(a)1. Holds a valid certificate or diploma from a foreign~~
981 ~~institution of medicine or midwifery or from a midwifery program~~
982 ~~offered in another state, bearing the seal of the institution or~~
983 ~~otherwise authenticated, which renders the individual eligible~~
984 ~~to practice midwifery in the country or state in which it was~~
985 ~~issued, provided the requirements therefor are deemed by the~~
986 ~~department to be substantially equivalent to, or to exceed,~~
987 ~~those established under this chapter and rules adopted under~~
988 ~~this chapter, and submits therewith a certified translation of~~
989 ~~the foreign certificate or diploma; or~~

990 2. Holds an active, unencumbered ~~a valid certificate or~~
991 ~~license to practice midwifery in another state, jurisdiction, or~~
992 territory issued by that state, provided the licensing
993 requirements of that state, jurisdiction, or territory at the

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994 time the license was issued were therefor are deemed by the
995 department to be substantially equivalent to, or exceeded to
996 exceed, those established under this chapter and the rules
997 adopted hereunder under this chapter.

998 (b) Has successfully completed a 4-month prelicensure
999 course conducted by an accredited and approved midwifery program
1000 and has submitted documentation to the department of successful
1001 completion.

1002 (c) Submits an application for licensure on a form
1003 approved by the department and pays the appropriate fee Has
1004 successfully passed the licensed midwifery examination.

1005 (2) The department may issue a temporary certificate to
1006 practice in areas of critical need to an applicant any midwife
1007 who is qualifying for a midwifery license licensure by
1008 endorsement under subsection (1) who meets all of the following
1009 criteria, with the following restrictions:

1010 (a) Submits an application for a temporary certificate on
1011 a form approved by the department and pays the appropriate fee,
1012 which may not exceed \$50 and is in addition to the fee required
1013 for licensure by endorsement under subsection (1).

1014 (b) Specifies on the application that he or she will The
1015 Department of Health shall determine the areas of critical need,
1016 and the midwife so certified shall practice only in one or more
1017 of the following locations:

1018 1. A county health department.

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- 1019 2. A correctional facility.
- 1020 3. A United States Department of Veterans Affairs clinic.
- 1021 4. A community health center funded by s. 329, s. 330, or
1022 s. 340 of the Public Health Service Act.
- 1023 5. Any other agency or institution that is approved by the
1024 State Surgeon General and provides health care to meet the needs
1025 of an underserved population in this state.
- 1026 (c) Will practice only ~~those specific areas,~~ under the
1027 supervision ~~auspices~~ of a physician licensed under ~~pursuant to~~
1028 chapter 458 or chapter 459, a certified nurse midwife licensed
1029 under ~~pursuant to~~ part I of chapter 464, or a midwife licensed
1030 under this chapter, who has a minimum of 3 years' professional
1031 experience.
- 1032 (3) The department may issue a temporary certificate under
1033 this section with the following restrictions:
- 1034 (a) A requirement that a temporary certificateholder
1035 practice only in areas of critical need. The State Surgeon
1036 General shall determine the areas of critical need, which ~~Such~~
1037 ~~areas shall~~ include, but are not ~~be~~ limited to, health
1038 professional shortage areas designated by the United States
1039 Department of Health and Human Services.
- 1040 (b) A requirement that if a temporary certificateholder's
1041 practice area ceases to be an area of critical need, within 30
1042 days after such change the certificateholder must either:

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1043 1. Report a new practice area of critical need to the
1044 department; or

1045 2. Voluntarily relinquish the temporary certificate.

1046 (4) The department shall review a temporary
1047 certificateholder's practice at least annually to determine
1048 whether the certificateholder is meeting the requirements of
1049 subsections (2) and (3) and the rules adopted thereunder. If the
1050 department determines that a certificateholder is not meeting
1051 these requirements, the department must revoke the temporary
1052 certificate.

1053 (5) A temporary certificate issued under this section is
1054 shall be valid only as long as an area for which it is issued
1055 remains an area of critical need, but no longer than 2 years,
1056 and is shall not be renewable.

1057 ~~(c) The department may administer an abbreviated oral~~
1058 ~~examination to determine the midwife's competency, but no~~
1059 ~~written regular examination shall be necessary.~~

1060 ~~(d) The department shall not issue a temporary certificate~~
1061 ~~to any midwife who is under investigation in another state for~~
1062 ~~an act which would constitute a violation of this chapter until~~
1063 ~~such time as the investigation is complete, at which time the~~
1064 ~~provisions of this section shall apply.~~

1065 ~~(e) The department shall review the practice under a~~
1066 ~~temporary certificate at least annually to ascertain that the~~
1067 ~~minimum requirements of the midwifery rules promulgated under~~

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1068 ~~this chapter are being met. If it is determined that the minimum~~
1069 ~~requirements are not being met, the department shall immediately~~
1070 ~~revoke the temporary certificate.~~

1071 ~~(f) The fee for a temporary certificate shall not exceed~~
1072 ~~\$50 and shall be in addition to the fee required for licensure.~~

1073 Section 16. Section 467.205, Florida Statutes, is amended
1074 to read:

1075 467.205 Approval of midwifery programs.—

1076 (1) The department must approve an accredited or state-
1077 licensed public or private institution seeking to provide
1078 midwifery education and training as an approved midwifery
1079 program in this state if the institution meets all of the
1080 following criteria:

1081 (a) Submits an application for approval on a form approved
1082 by the department.

1083 (b) Demonstrates to the department's satisfaction that the
1084 proposed midwifery program complies with s. 467.009 and the
1085 rules adopted thereunder.

1086 (c) For a private institution, demonstrates its
1087 accreditation by a member of the Council for Higher Education
1088 Accreditation or an accrediting agency approved by the United
1089 States Department of Education as an institutional accrediting
1090 agency for direct-entry midwifery education programs and its
1091 licensing or provisional licensing by the Commission for
1092 Independent Education ~~An organization desiring to conduct an~~

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1093 ~~approved program for the education of midwives shall apply to~~
1094 ~~the department and submit such evidence as may be required to~~
1095 ~~show that it complies with s. 467.009 and with the rules of the~~
1096 ~~department. Any accredited or state-licensed institution of~~
1097 ~~higher learning, public or private, may provide midwifery~~
1098 ~~education and training.~~

1099 ~~(2) The department shall adopt rules regarding educational~~
1100 ~~objectives, faculty qualifications, curriculum guidelines,~~
1101 ~~administrative procedures, and other training requirements as~~
1102 ~~are necessary to ensure that approved programs graduate midwives~~
1103 ~~competent to practice under this chapter.~~

1104 ~~(3) The department shall survey each organization applying~~
1105 ~~for approval. If the department is satisfied that the program~~
1106 ~~meets the requirements of s. 467.009 and rules adopted pursuant~~
1107 ~~to that section, it shall approve the program.~~

1108 ~~(2)-(4)~~ The department shall, at least once every 3 years,
1109 certify whether each approved midwifery program is currently
1110 compliant, and has maintained compliance, ~~complies~~ with the
1111 requirements of ~~standards developed under~~ s. 467.009 and the
1112 rules adopted thereunder.

1113 ~~(3)-(5)~~ If the department finds that an approved midwifery
1114 program is not in compliance with the requirements of s. 467.009
1115 or the rules adopted thereunder, or has lost its accreditation
1116 status, the department must provide its finding to the program
1117 in writing and ~~no longer meets the required standards, it may~~

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1118 place the program on probationary status for a specified period
1119 of time, which may not exceed 3 years ~~until such time as the~~
1120 ~~standards are restored.~~

1121 (4) If a program on probationary status does not come into
1122 compliance with the requirements of s. 467.009 or the rules
1123 adopted thereunder, or regain its accreditation status, as
1124 applicable, within the period specified by the department ~~fails~~
1125 ~~to correct these conditions within a specified period of time,~~
1126 the department may rescind the program's approval.

1127 (5) ~~A Any~~ program that has ~~having~~ its approval rescinded
1128 has ~~shall have~~ the right to reapply for approval.

1129 (6) The department may grant provisional approval of a new
1130 program seeking accreditation status, for a period not to exceed
1131 5 years, provided that all other requirements of this section
1132 are met.

1133 (7) The department may rescind provisional approval of a
1134 program that fails to meet the requirements of s. 467.009, this
1135 section, or the rules adopted thereunder, in accordance with
1136 procedures provided in subsections (3) and (4) ~~may be granted~~
1137 ~~pending the licensure results of the first graduating class.~~

1138 Section 17. Subsections (2), (3), and (4) and paragraphs
1139 (a) and (b) of subsection (5) of section 468.803, Florida
1140 Statutes, are amended to read:

1141 468.803 License, registration, and examination
1142 requirements.—

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1143 (2) An applicant for registration, examination, or
1144 licensure must apply to the department on a form prescribed by
1145 the board for consideration of board approval. Each initial
1146 applicant shall submit ~~a set of fingerprints~~ to the department
1147 in accordance with ~~on a form and under~~ procedures specified by
1148 the department, ~~along with payment in an amount equal to the~~
1149 ~~costs incurred by the department~~ for state and national criminal
1150 history checks of the applicant. ~~The department shall submit the~~
1151 ~~fingerprints provided by an applicant to the Department of Law~~
1152 ~~Enforcement for a statewide criminal history check, and the~~
1153 ~~Department of Law Enforcement shall forward the fingerprints to~~
1154 ~~the Federal Bureau of Investigation for a national criminal~~
1155 ~~history check of the applicant.~~ The board shall screen the
1156 results to determine if an applicant meets licensure
1157 requirements. The board shall consider for examination,
1158 registration, or licensure each applicant whom ~~who~~ the board
1159 verifies:

1160 (a) Has submitted the completed application and completed
1161 the fingerprinting requirements ~~fingerprint forms~~ and has paid
1162 the applicable application fee, not to exceed \$500, ~~and the cost~~
1163 ~~of the state and national criminal history checks.~~ The
1164 application fee is ~~and cost of the criminal history checks shall~~
1165 ~~be~~ nonrefundable;

1166 (b) Is of good moral character;

1167 (c) Is 18 years of age or older; and

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1168 (d) Has completed the appropriate educational preparation.
1169 (3) A person seeking to attain the orthotics or
1170 prosthetics experience required for licensure in this state must
1171 be approved by the board and registered as a resident by the
1172 department. Although a registration may be held in both
1173 disciplines, for independent registrations the board may not
1174 approve a second registration until at least 1 year after the
1175 issuance of the first registration. Notwithstanding subsection
1176 (2), a person who has been approved by the board and registered
1177 by the department in one discipline may apply for registration
1178 in the second discipline without an additional state or national
1179 criminal history check during the period in which the first
1180 registration is valid. Each independent registration or dual
1181 registration is valid for 2 years after the date of issuance
1182 unless otherwise revoked by the department upon recommendation
1183 of the board. The board shall set a registration fee not to
1184 exceed \$500 to be paid by the applicant. A registration may be
1185 renewed once by the department upon recommendation of the board
1186 for a period no longer than 1 year, as such renewal is defined
1187 by ~~the board~~ ~~by~~ rule. The renewal fee may not exceed one-half
1188 the current registration fee. To be considered by the board for
1189 approval of registration as a resident, the applicant must have
1190 one of the following:
1191 (a) A Bachelor of Science or higher-level postgraduate
1192 degree in orthotics and prosthetics from an institutionally a

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1193 ~~regionally~~ accredited college or university recognized by the
1194 Commission on Accreditation of Allied Health Education Programs.

1195 (b) A minimum of a bachelor's degree from an
1196 institutionally ~~a regionally~~ accredited college or university
1197 and a certificate in orthotics or prosthetics from a program
1198 recognized by the Commission on Accreditation of Allied Health
1199 Education Programs, or its equivalent, as determined by the
1200 board.

1201 (c) A minimum of a bachelor's degree from an
1202 institutionally ~~a regionally~~ accredited college or university
1203 and a dual certificate in both orthotics and prosthetics from
1204 programs recognized by the Commission on Accreditation of Allied
1205 Health Education Programs, or its equivalent, as determined by
1206 the board.

1207 (4) The department may develop and administer a state
1208 examination for an orthotist or a prosthetist license, or the
1209 board may approve the existing examination of a national
1210 standards organization. The examination must be predicated on a
1211 minimum of a baccalaureate-level education and formalized
1212 specialized training in the appropriate field. Each examination
1213 must demonstrate a minimum level of competence in basic
1214 scientific knowledge, written problem solving, and practical
1215 clinical patient management. The board shall require an
1216 examination fee not to exceed the actual cost to the board in
1217 developing, administering, and approving the examination, which

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1218 fee must be paid by the applicant. To be considered by the board
1219 for examination, the applicant must have:

1220 (a) For an examination in orthotics:

1221 1. A Bachelor of Science or higher-level postgraduate
1222 degree in orthotics and prosthetics from an institutionally a
1223 ~~regionally~~ accredited college or university recognized by the
1224 Commission on Accreditation of Allied Health Education Programs
1225 or, at a minimum, a bachelor's degree from an institutionally a
1226 ~~regionally~~ accredited college or university and a certificate in
1227 orthotics from a program recognized by the Commission on
1228 Accreditation of Allied Health Education Programs, or its
1229 equivalent, as determined by the board; and

1230 2. An approved orthotics internship of 1 year of qualified
1231 experience, as determined by the board, or an orthotic residency
1232 or dual residency program recognized by the board.

1233 (b) For an examination in prosthetics:

1234 1. A Bachelor of Science or higher-level postgraduate
1235 degree in orthotics and prosthetics from an institutionally a
1236 ~~regionally~~ accredited college or university recognized by the
1237 Commission on Accreditation of Allied Health Education Programs
1238 or, at a minimum, a bachelor's degree from an institutionally a
1239 ~~regionally~~ accredited college or university and a certificate in
1240 prosthetics from a program recognized by the Commission on
1241 Accreditation of Allied Health Education Programs, or its
1242 equivalent, as determined by the board; and

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1243 2. An approved prosthetics internship of 1 year of
1244 qualified experience, as determined by the board, or a
1245 prosthetic residency or dual residency program recognized by the
1246 board.

1247 (5) In addition to the requirements in subsection (2), to
1248 be licensed as:

1249 (a) An orthotist, the applicant must pay a license fee not
1250 to exceed \$500 and must have:

1251 1. A Bachelor of Science or higher-level postgraduate
1252 degree in orthotics and prosthetics from an institutionally a
1253 ~~regionally~~ accredited college or university recognized by the
1254 Commission on Accreditation of Allied Health Education Programs,
1255 or a bachelor's degree from an institutionally accredited
1256 college or university and ~~with~~ a certificate in orthotics from a
1257 program recognized by the Commission on Accreditation of Allied
1258 Health Education Programs, or its equivalent, as determined by
1259 the board;

1260 2. An approved ~~appropriate~~ internship of 1 year of
1261 qualified experience, as determined by the board, or a residency
1262 program recognized by the board;

1263 3. Completed the mandatory courses; and

1264 4. Passed the state orthotics examination or the board-
1265 approved orthotics examination.

1266 (b) A prosthetist, the applicant must pay a license fee
1267 not to exceed \$500 and must have:

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1268 | 1. A Bachelor of Science or higher-level postgraduate
1269 | degree in orthotics and prosthetics from an institutionally a
1270 | ~~regionally~~ accredited college or university recognized by the
1271 | Commission on Accreditation of Allied Health Education Programs,
1272 | or a bachelor's degree from an institutionally accredited
1273 | college or university and ~~with~~ a certificate in prosthetics from
1274 | a program recognized by the Commission on Accreditation of
1275 | Allied Health Education Programs, or its equivalent, as
1276 | determined by the board;

1277 | 2. An internship of 1 year of qualified experience, as
1278 | determined by the board, or a residency program recognized by
1279 | the board;

1280 | 3. Completed the mandatory courses; and

1281 | 4. Passed the state prosthetics examination or the board-
1282 | approved prosthetics examination.

1283 | Section 18. Section 483.824, Florida Statutes, is amended
1284 | to read:

1285 | 483.824 Qualifications of clinical laboratory director.—A
1286 | clinical laboratory director must have 4 years of clinical
1287 | laboratory experience with 2 years of experience in the
1288 | specialty to be directed or be nationally board certified in the
1289 | specialty to be directed, and must meet one of the following
1290 | requirements:

1291 | (1) Be a physician licensed under chapter 458 or chapter
1292 | 459;

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1293 (2) Hold an earned doctoral degree in a chemical,
1294 physical, or biological science from an institutionally a
1295 ~~regionally~~ accredited institution and maintain national
1296 certification requirements equal to those required by the
1297 federal Health Care Financing Administration; or

1298 (3) For the subspecialty of oral pathology, be a physician
1299 licensed under chapter 458 or chapter 459 or a dentist licensed
1300 under chapter 466.

1301 Section 19. Subsection (3) of section 490.003, Florida
1302 Statutes, is amended to read:

1303 490.003 Definitions.—As used in this chapter:

1304 (3)(a) "Doctoral degree from an American Psychological
1305 Association accredited program" means ~~Effective July 1, 1999,~~
1306 ~~"doctoral-level psychological education" and "doctoral degree in~~
1307 ~~psychology"~~ mean a Psy.D., an Ed.D. in psychology, or a Ph.D. in
1308 psychology from a psychology program at an educational
1309 institution that, at the time the applicant was enrolled and
1310 graduated:

1311 1.(a) ~~Had~~ institutional accreditation from an agency
1312 recognized and approved by the United States Department of
1313 Education or was recognized as a member in good standing with
1314 Universities Canada ~~the Association of Universities and Colleges~~
1315 ~~of Canada~~; and

1316 2.(b) Had programmatic accreditation from the American
1317 Psychological Association.

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1318 (b) "Doctoral degree in psychology" means a Psy.D., an
1319 Ed.D. in psychology, or a Ph.D. in psychology from a psychology
1320 program at an educational institution that, at the time the
1321 applicant was enrolled and graduated, had institutional
1322 accreditation from an agency recognized and approved by the
1323 United States Department of Education or was recognized as a
1324 member in good standing with Universities Canada.

1325 Section 20. Subsection (1) of section 490.005, Florida
1326 Statutes, is amended to read:

1327 490.005 Licensure by examination.—

1328 (1) Any person desiring to be licensed as a psychologist
1329 shall apply to the department to take the licensure examination.
1330 The department shall license each applicant whom ~~who~~ the board
1331 certifies has met all of the following requirements:

1332 (a) Completed the application form and remitted a
1333 nonrefundable application fee not to exceed \$500 and an
1334 examination fee set by the board sufficient to cover the actual
1335 per applicant cost to the department for development, purchase,
1336 and administration of the examination, but not to exceed \$500.

1337 (b) Submitted proof satisfactory to the board that the
1338 applicant has received:

1339 1. A doctoral degree from an American Psychological
1340 Association accredited program ~~Doctoral-level psychological~~
1341 ~~education;~~ or

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1342 2. The equivalent of a doctoral degree from an American
1343 Psychological Association accredited program ~~doctoral-level~~
1344 ~~psychological education, as defined in s. 490.003(3),~~ from a
1345 ~~program at~~ a school or university located outside the United
1346 States of America which was officially recognized by the
1347 government of the country in which it is located as an
1348 institution or program to train students to practice
1349 professional psychology. The applicant has the burden of
1350 establishing that this requirement has been met.

1351 (c) Had at least 2 years or 4,000 hours of experience in
1352 the field of psychology in association with or under the
1353 supervision of a licensed psychologist meeting the academic and
1354 experience requirements of this chapter or the equivalent as
1355 determined by the board. The experience requirement may be met
1356 by work performed on or off the premises of the supervising
1357 psychologist if the off-premises work is not the independent,
1358 private practice rendering of psychological services that does
1359 not have a psychologist as a member of the group actually
1360 rendering psychological services on the premises.

1361 (d) Passed the examination. However, an applicant who has
1362 obtained a passing score, as established by the board by rule,
1363 on the psychology licensure examination designated by the board
1364 as the national licensure examination need only pass the Florida
1365 law and rules portion of the examination.

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1366 Section 21. Subsection (1) of section 490.0051, Florida
1367 Statutes, is amended to read:

1368 490.0051 Provisional licensure; requirements.—

1369 (1) The department shall issue a provisional psychology
1370 license to each applicant whom ~~who~~ the board certifies has met
1371 all of the following criteria:

1372 (a) Completed the application form and remitted a
1373 nonrefundable application fee not to exceed \$250, as set by
1374 board rule.

1375 (b) Earned a doctoral degree from an American
1376 Psychological Association accredited program in psychology as
1377 defined in s. 490.003(3).

1378 (c) Met any additional requirements established by board
1379 rule.

1380 Section 22. Effective upon this act becoming a law,
1381 subsections (1), (3), and (4) of section 491.005, Florida
1382 Statutes, are amended to read:

1383 491.005 Licensure by examination.—

1384 (1) CLINICAL SOCIAL WORK.—Upon verification of
1385 documentation and payment of a fee not to exceed \$200, as set by
1386 board rule, ~~plus the actual per applicant cost to the department~~
1387 ~~for purchase of the examination from the American Association of~~
1388 ~~State Social Worker's Boards or a similar national organization,~~
1389 the department shall issue a license as a clinical social worker

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1390 to an applicant whom ~~who~~ the board certifies has met all of the
1391 following criteria:

1392 (a) ~~Has~~ Submitted an application and paid the appropriate
1393 fee.

1394 (b)1. ~~Has~~ Received a doctoral degree in social work from a
1395 graduate school of social work which at the time the applicant
1396 graduated was accredited by an accrediting agency recognized by
1397 the United States Department of Education or ~~has~~ received a
1398 master's degree in social work from a graduate school of social
1399 work which at the time the applicant graduated:

1400 a. Was accredited by the Council on Social Work Education;

1401 b. Was accredited by the Canadian Association for ~~of~~
1402 ~~Schools of~~ Social Work Education; or

1403 c. Has been determined to have been a program equivalent
1404 to programs approved by the Council on Social Work Education by
1405 the Foreign Equivalency Determination Service of the Council on
1406 Social Work Education. An applicant who graduated from a program
1407 at a university or college outside of the United States or
1408 Canada must present documentation of the equivalency
1409 determination from the council in order to qualify.

1410 2. The applicant's graduate program ~~must have~~ emphasized
1411 direct clinical patient or client health care services,
1412 including, but not limited to, coursework in clinical social
1413 work, psychiatric social work, medical social work, social
1414 casework, psychotherapy, or group therapy. The applicant's

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1415 graduate program must have included all of the following
1416 coursework:

1417 a. A supervised field placement which was part of the
1418 applicant's advanced concentration in direct practice, during
1419 which the applicant provided clinical services directly to
1420 clients.

1421 b. Completion of 24 semester hours or 32 quarter hours in
1422 theory of human behavior and practice methods as courses in
1423 clinically oriented services, including a minimum of one course
1424 in psychopathology, and no more than one course in research,
1425 taken in a school of social work accredited or approved pursuant
1426 to subparagraph 1.

1427 3. If the course title which appears on the applicant's
1428 transcript does not clearly identify the content of the
1429 coursework, the applicant provided ~~shall be required to provide~~
1430 additional documentation, including, but not limited to, a
1431 syllabus or catalog description published for the course.

1432 (c) Completed ~~Has had~~ at least 2 years of clinical social
1433 work experience, which took place subsequent to completion of a
1434 graduate degree in social work at an institution meeting the
1435 accreditation requirements of this section, under the
1436 supervision of a licensed clinical social worker or the
1437 equivalent who is a qualified supervisor as determined by the
1438 board. An individual who intends to practice in Florida to
1439 satisfy clinical experience requirements must register pursuant

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1440 to s. 491.0045 before commencing practice. If the applicant's
1441 graduate program was not a program which emphasized direct
1442 clinical patient or client health care services as described in
1443 subparagraph (b)2., the supervised experience requirement must
1444 take place after the applicant has completed a minimum of 15
1445 semester hours or 22 quarter hours of the coursework required. A
1446 doctoral internship may be applied toward the clinical social
1447 work experience requirement. A licensed mental health
1448 professional must be on the premises when clinical services are
1449 provided by a registered intern in a private practice setting.

1450 (d) ~~Has~~ Passed a theory and practice examination
1451 designated by board rule ~~provided by the department for this~~
1452 ~~purpose.~~

1453 (e) ~~Has~~ Demonstrated, in a manner designated by board rule
1454 ~~of the board~~, knowledge of the laws and rules governing the
1455 practice of clinical social work, marriage and family therapy,
1456 and mental health counseling.

1457 (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of
1458 documentation and payment of a fee not to exceed \$200, as set by
1459 board rule, ~~plus the actual cost of the purchase of the~~
1460 ~~examination from the Association of Marital and Family Therapy~~
1461 ~~Regulatory Board, or similar national organization,~~ the
1462 department shall issue a license as a marriage and family
1463 therapist to an applicant whom ~~who~~ the board certifies has met
1464 all of the following criteria:

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1465 (a) ~~Has~~ Submitted an application and paid the appropriate
1466 fee.

1467 (b) 1. Attained one of the following:

1468 a. A minimum of a master's degree in marriage and family
1469 therapy from a program accredited by the Commission on
1470 Accreditation for Marriage and Family Therapy Education.

1471 b. A minimum of a master's degree with a major emphasis in
1472 marriage and family therapy or a closely related field from a
1473 university program accredited by the Council on Accreditation of
1474 Counseling and Related Educational Programs and graduate courses
1475 approved by the board.

1476 c. ~~Has~~ A minimum of a master's degree with an major
1477 emphasis in marriage and family therapy or a closely related
1478 field, with a degree conferred before September 1, 2027, from an
1479 institutionally accredited college or university ~~from a program~~
1480 ~~accredited by the Commission on Accreditation for Marriage and~~
1481 ~~Family Therapy Education or from a Florida university program~~
1482 ~~accredited by the Council for Accreditation of Counseling and~~
1483 ~~Related Educational Programs~~ and graduate courses approved by
1484 the board of Clinical Social Work, Marriage and Family Therapy,
1485 and Mental Health Counseling.

1486 2. If the course title that appears on the applicant's
1487 transcript does not clearly identify the content of the
1488 coursework, the applicant provided ~~shall provide~~ additional
1489 documentation, including, but not limited to, a syllabus or

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1490 catalog description published for the course. The required
1491 master's degree must have been received in an institution of
1492 higher education that, at the time the applicant graduated, was
1493 fully accredited by an institutional ~~a regional~~ accrediting body
1494 recognized by the Council for Higher Education Accreditation or
1495 its successor organization ~~Commission on Recognition of~~
1496 ~~Postsecondary Accreditation~~ or was ~~publicly recognized as a~~
1497 member in good standing with Universities Canada ~~the Association~~
1498 ~~of Universities and Colleges of Canada~~, or an institution of
1499 higher education located outside the United States and Canada
1500 which, at the time the applicant was enrolled and at the time
1501 the applicant graduated, maintained a standard of training
1502 substantially equivalent to the standards of training of those
1503 institutions in the United States which are accredited by an
1504 institutional ~~a regional~~ accrediting body recognized by the
1505 Council for Higher Education Accreditation or its successor
1506 organization ~~Commission on Recognition of Postsecondary~~
1507 ~~Accreditation~~. Such foreign education and training must have
1508 been received in an institution or program of higher education
1509 officially recognized by the government of the country in which
1510 it is located as an institution or program to train students to
1511 practice as professional marriage and family therapists or
1512 psychotherapists. The applicant has the burden of establishing
1513 that the requirements of this provision have been met, and the
1514 board shall require documentation, such as an evaluation by a

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1515 foreign equivalency determination service, as evidence that the
1516 applicant's graduate degree program and education were
1517 equivalent to an accredited program in this country. An
1518 applicant with a master's degree from a program that did not
1519 emphasize marriage and family therapy may complete the
1520 coursework requirement in a training institution fully
1521 accredited by the Commission on Accreditation for Marriage and
1522 Family Therapy Education recognized by the United States
1523 Department of Education.

1524 (c) Completed ~~Has had~~ at least 2 years of clinical
1525 experience during which 50 percent of the applicant's clients
1526 were receiving marriage and family therapy services, which must
1527 be at the post-master's level under the supervision of a
1528 licensed marriage and family therapist with at least 5 years of
1529 experience, or the equivalent, who is a qualified supervisor as
1530 determined by the board. An individual who intends to practice
1531 in Florida to satisfy the clinical experience requirements must
1532 register pursuant to s. 491.0045 before commencing practice. If
1533 a graduate has a master's degree with a major emphasis in
1534 marriage and family therapy or a closely related field which did
1535 not include all of the coursework required by paragraph (b),
1536 credit for the post-master's level clinical experience may not
1537 commence until the applicant has completed a minimum of 10 of
1538 the courses required by paragraph (b), as determined by the
1539 board, and at least 6 semester hours or 9 quarter hours of the

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1540 course credits must have been completed in the area of marriage
1541 and family systems, theories, or techniques. Within the 2 years
1542 of required experience, the applicant shall provide direct
1543 individual, group, or family therapy and counseling to cases
1544 including those involving unmarried dyads, married couples,
1545 separating and divorcing couples, and family groups that include
1546 children. A doctoral internship may be applied toward the
1547 clinical experience requirement. A licensed mental health
1548 professional must be on the premises when clinical services are
1549 provided by a registered intern in a private practice setting.

1550 (d) ~~Has~~ Passed a theory and practice examination
1551 designated by board rule ~~provided by the department.~~

1552 (e) ~~Has~~ Demonstrated, in a manner designated by board
1553 rule, knowledge of the laws and rules governing the practice of
1554 clinical social work, marriage and family therapy, and mental
1555 health counseling.

1556
1557 For the purposes of dual licensure, the department shall license
1558 as a marriage and family therapist any person who meets the
1559 requirements of s. 491.0057. Fees for dual licensure may not
1560 exceed those stated in this subsection.

1561 (4) MENTAL HEALTH COUNSELING.—Upon verification of
1562 documentation and payment of a fee not to exceed \$200, as set by
1563 board rule, ~~plus the actual per applicant cost of purchase of~~
1564 ~~the examination from the National Board for Certified Counselors~~

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1565 ~~or its successor organization,~~ the department shall issue a
1566 license as a mental health counselor to an applicant whom ~~who~~
1567 the board certifies has met all of the following criteria:

1568 (a) ~~Has~~ Submitted an application and paid the appropriate
1569 fee.

1570 (b)1. Attained ~~Has~~ a minimum of an earned master's degree
1571 from a mental health counseling program accredited by the
1572 Council for the Accreditation of Counseling and Related
1573 Educational Programs which consists of at least 60 semester
1574 hours or 80 quarter hours of clinical and didactic instruction,
1575 including a course in human sexuality and a course in substance
1576 abuse. If the master's degree is earned from a program related
1577 to the practice of mental health counseling which is not
1578 accredited by the Council for the Accreditation of Counseling
1579 and Related Educational Programs, then the coursework and
1580 practicum, internship, or fieldwork must consist of at least 60
1581 semester hours or 80 quarter hours and meet all of the following
1582 requirements:

1583 a. Thirty-three semester hours or 44 quarter hours of
1584 graduate coursework, which must include a minimum of 3 semester
1585 hours or 4 quarter hours of graduate-level coursework in each of
1586 the following 11 content areas: counseling theories and
1587 practice; human growth and development; diagnosis and treatment
1588 of psychopathology; human sexuality; group theories and
1589 practice; individual evaluation and assessment; career and

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1590 lifestyle assessment; research and program evaluation; social
1591 and cultural foundations; substance abuse; and legal, ethical,
1592 and professional standards issues in the practice of mental
1593 health counseling. Courses in research, thesis or dissertation
1594 work, practicums, internships, or fieldwork may not be applied
1595 toward this requirement.

1596 b. A minimum of 3 semester hours or 4 quarter hours of
1597 graduate-level coursework addressing diagnostic processes,
1598 including differential diagnosis and the use of the current
1599 diagnostic tools, such as the current edition of the American
1600 Psychiatric Association's Diagnostic and Statistical Manual of
1601 Mental Disorders. The graduate program must have emphasized the
1602 common core curricular experience.

1603 c. The equivalent, as determined by the board, of at least
1604 700 hours of university-sponsored supervised clinical practicum,
1605 internship, or field experience that includes at least 280 hours
1606 of direct client services, as required in the accrediting
1607 standards of the Council for Accreditation of Counseling and
1608 Related Educational Programs for mental health counseling
1609 programs. This experience may not be used to satisfy the post-
1610 master's clinical experience requirement.

1611 2. ~~Has~~ Provided additional documentation if a course title
1612 that appears on the applicant's transcript does not clearly
1613 identify the content of the coursework. The documentation must

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1614 include, but is not limited to, a syllabus or catalog
1615 description published for the course.
1616
1617 Education and training in mental health counseling must have
1618 been received in an institution of higher education that, at the
1619 time the applicant graduated, was fully accredited by an
1620 institutional ~~a regional~~ accrediting body recognized by the
1621 Council for Higher Education Accreditation or its successor
1622 organization or was ~~publicly recognized as~~ a member in good
1623 standing with Universities Canada ~~the Association of~~
1624 ~~Universities and Colleges of Canada~~, or an institution of higher
1625 education located outside the United States and Canada which, at
1626 the time the applicant was enrolled and at the time the
1627 applicant graduated, maintained a standard of training
1628 substantially equivalent to the standards of training of those
1629 institutions in the United States which are accredited by an
1630 institutional ~~a regional~~ accrediting body recognized by the
1631 Council for Higher Education Accreditation or its successor
1632 organization. Such foreign education and training must have been
1633 received in an institution or program of higher education
1634 officially recognized by the government of the country in which
1635 it is located as an institution or program to train students to
1636 practice as mental health counselors. The applicant has the
1637 burden of establishing that the requirements of this provision
1638 have been met, and the board shall require documentation, such

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1639 as an evaluation by a foreign equivalency determination service,
1640 as evidence that the applicant's graduate degree program and
1641 education were equivalent to an accredited program in this
1642 country. Beginning July 1, 2025, an applicant must have a
1643 master's degree from a program that is accredited by the Council
1644 for Accreditation of Counseling and Related Educational
1645 Programs, the Masters in Psychology and Counseling Accreditation
1646 Council, or an equivalent accrediting body which consists of at
1647 least 60 semester hours or 80 quarter hours to apply for
1648 licensure under this paragraph.

1649 (c) Completed ~~Has had~~ at least 2 years of clinical
1650 experience in mental health counseling, which must be at the
1651 post-master's level under the supervision of a licensed mental
1652 health counselor or the equivalent who is a qualified supervisor
1653 as determined by the board. An individual who intends to
1654 practice in Florida to satisfy the clinical experience
1655 requirements must register pursuant to s. 491.0045 before
1656 commencing practice. If a graduate has a master's degree with a
1657 major related to the practice of mental health counseling which
1658 did not include all the coursework required under sub-
1659 subparagraphs (b)1.a. and b., credit for the post-master's level
1660 clinical experience may not commence until the applicant has
1661 completed a minimum of seven of the courses required under sub-
1662 subparagraphs (b)1.a. and b., as determined by the board, one of
1663 which must be a course in psychopathology or abnormal

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1664 psychology. A doctoral internship may be applied toward the
1665 clinical experience requirement. A licensed mental health
1666 professional must be on the premises when clinical services are
1667 provided by a registered intern in a private practice setting.

1668 (d) ~~Has~~ Passed a theory and practice examination
1669 designated by board rule ~~provided by the department for this~~
1670 ~~purpose.~~

1671 (e) ~~Has~~ Demonstrated, in a manner designated by board
1672 rule, knowledge of the laws and rules governing the practice of
1673 clinical social work, marriage and family therapy, and mental
1674 health counseling.

1675 Section 23. Effective upon this act becoming a law,
1676 paragraph (d) of subsection (1) of section 766.31, Florida
1677 Statutes, is amended to read:

1678 766.31 Administrative law judge awards for birth-related
1679 neurological injuries; notice of award.—

1680 (1) Upon determining that an infant has sustained a birth-
1681 related neurological injury and that obstetrical services were
1682 delivered by a participating physician at the birth, the
1683 administrative law judge shall make an award providing
1684 compensation for the following items relative to such injury:

1685 (d)1.a. Periodic payments of an award to the parents or
1686 legal guardians of the infant found to have sustained a birth-
1687 related neurological injury, which award may not exceed
1688 \$100,000. However, at the discretion of the administrative law

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1689 judge, such award may be made in a lump sum. Beginning on
1690 January 1, 2021, the award may not exceed \$250,000, and each
1691 January 1 thereafter, the maximum award authorized under this
1692 paragraph shall increase by 3 percent.

1693 b. Parents or legal guardians who received an award
1694 pursuant to this section before January 1, 2021, ~~and whose child~~
1695 ~~currently receives benefits under the plan~~ must receive a
1696 retroactive payment in an amount sufficient to bring the total
1697 award paid to the parents or legal guardians pursuant to sub-
1698 subparagraph a. to \$250,000. This additional payment may be made
1699 in a lump sum or in periodic payments as designated by the
1700 parents or legal guardians and must be paid by July 1, 2021.

1701 2.a. Death benefit for the infant in an amount of \$50,000.

1702 b. Parents or legal guardians who received an award
1703 pursuant to this section, and whose child died since the
1704 inception of the program, must receive a retroactive payment in
1705 an amount sufficient to bring the total award paid to the
1706 parents or legal guardians pursuant to sub-subparagraph a. to
1707 \$50,000. This additional payment may be made in a lump sum or in
1708 periodic payments as designated by the parents or legal
1709 guardians and must be paid by July 1, 2021.

1710

1711 Should there be a final determination of compensability, and the
1712 claimants accept an award under this section, the claimants are
1713 ~~shall~~ not be liable for any expenses, including attorney

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1714 ~~attorney's~~ fees, incurred in connection with the filing of a
1715 claim under ss. 766.301-766.316 other than those expenses
1716 awarded under this section.

1717 Section 24. The amendment made to s. 766.31(1)(d)1.b.,
1718 Florida Statutes, by this act applies retroactively. The Florida
1719 Birth-Related Neurological Injury Compensation Plan must provide
1720 the additional payment required under s. 766.31(1)(d)1.b.,
1721 Florida Statutes, to parents and legal guardians who are
1722 eligible for the additional payment under that sub-subparagraph
1723 as a result of the amendment made by this act. The additional
1724 payment may be made in a lump sum or in periodic payments as
1725 designated by the parents or legal guardians and must be paid by
1726 July 1, 2022. This section shall take effect upon this act
1727 becoming a law.

1728 Section 25. Subsection (6) and paragraph (c) of subsection
1729 (9) of section 766.314, Florida Statutes, are amended to read:

1730 766.314 Assessments; plan of operation.—

1731 (6)(a) The association shall make all assessments required
1732 by this section, except initial assessments of physicians
1733 ~~licensed on or after October 1, 1988, which assessments will be~~
1734 ~~made by the Department of Health Business and Professional~~
1735 ~~Regulation, and except assessments of casualty insurers pursuant~~
1736 ~~to subparagraph (5)(c)1., which assessments will be made by the~~
1737 ~~Office of Insurance Regulation. Beginning October 1, 1989, for~~
1738 ~~any physician licensed between October 1 and December 31 of any~~

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1739 ~~year, the Department of Business and Professional Regulation~~
1740 ~~shall make the initial assessment plus the assessment for the~~
1741 ~~following calendar year.~~ The Department of Health Business and
1742 ~~Professional Regulation~~ shall provide the association, in an
1743 electronic format, with a monthly report such frequency as
1744 ~~determined to be necessary, a listing, in a computer-readable~~
1745 ~~form,~~ of the names and license numbers ~~addresses~~ of all
1746 physicians licensed under chapter 458 or chapter 459.

1747 (b)1. The association may enforce collection of
1748 assessments required to be paid pursuant to ss. 766.301-766.316
1749 by suit filed in county court, or in circuit court if the amount
1750 due could exceed the jurisdictional limits of county court. The
1751 association is ~~shall be~~ entitled to an award of attorney
1752 ~~attorney's~~ fees, costs, and interest upon the entry of a
1753 judgment against a physician for failure to pay such assessment,
1754 with such interest accruing until paid. Notwithstanding ~~the~~
1755 ~~provisions of~~ chapters 47 and 48, the association may file such
1756 suit in either Leon County or the county of the residence of the
1757 defendant. The association shall notify the Department of Health
1758 and the applicable board of any unpaid final judgment against a
1759 physician within 7 days after the entry of final judgment.

1760 2. The Department of Health Business and Professional
1761 ~~Regulation,~~ upon notification by the association that an
1762 assessment has not been paid and that there is an unsatisfied
1763 judgment against a physician, shall refuse to ~~not~~ renew any

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1764 | license issued to ~~practice for~~ such physician under issued
1765 | ~~pursuant to~~ chapter 458 or chapter 459 until the association
1766 | notifies the Department of Health that ~~such time as~~ the judgment
1767 | is satisfied in full.

1768 | (c) The Agency for Health Care Administration shall, upon
1769 | notification by the association that an assessment has not been
1770 | timely paid, enforce collection of such assessments required to
1771 | be paid by hospitals pursuant to ss. 766.301-766.316. Failure of
1772 | a hospital to pay such assessment is grounds for disciplinary
1773 | action pursuant to s. 395.1065 notwithstanding any ~~provision of~~
1774 | law to the contrary.

1775 | (9)

1776 | (c) ~~If in the event~~ the total of all current estimates
1777 | equals 80 percent of the funds on hand and the funds that will
1778 | become available to the association within the next 12 months
1779 | from all sources described in subsections (4) and (5) and
1780 | paragraph (7)(a), the association may ~~shall~~ not accept any new
1781 | claims without express authority from the Legislature. Nothing
1782 | in this section precludes ~~herein shall preclude~~ the association
1783 | from accepting any claim if the injury occurred 18 months or
1784 | more before ~~prior to~~ the effective date of this suspension.
1785 | Within 30 days after ~~of~~ the effective date of this suspension,
1786 | the association shall notify the Governor, the Speaker of the
1787 | House of Representatives, the President of the Senate, the
1788 | Office of Insurance Regulation, the Agency for Health Care

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1789 Administration, and the Department of Health, ~~and the Department~~
1790 ~~of Business and Professional Regulation~~ of this suspension.

1791 Section 26. Except as otherwise expressly provided in this
1792 act and except for this section, which shall take effect upon
1793 this act becoming a law, this act shall take effect July 1,
1794 2022.

1795
1796 -----

1797 **T I T L E A M E N D M E N T**

1798 Remove everything before the enacting clause and insert:

1799 A bill to be entitled

1800 An act relating to the Department of Health; amending
1801 s. 381.0045, F.S.; revising the purpose of the
1802 department's targeted outreach program for certain
1803 pregnant women; requiring the department to encourage
1804 high-risk pregnant women of unknown status to be
1805 tested for sexually transmissible diseases; requiring
1806 the department to provide specified information to
1807 pregnant women who have human immunodeficiency virus
1808 (HIV); requiring the department to link women with
1809 mental health services when available; requiring the
1810 department to educate pregnant women who have HIV on
1811 certain information; requiring the department to
1812 provide, for a specified purpose, continued oversight
1813 of newborns exposed to HIV; amending s. 381.0303,

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1814 F.S.; removing the Children's Medical Services office
1815 from parties required to coordinate in the development
1816 of local emergency management plans for special needs
1817 shelters; amending s. 381.986, F.S.; authorizing
1818 certain applicants for medical marijuana treatment
1819 center licenses to transfer their initial application
1820 fee to one subsequent opportunity to apply for
1821 licensure under certain circumstances; prohibiting the
1822 department from renewing a medical marijuana treatment
1823 center's license under certain circumstances;
1824 authorizing the department to select samples of
1825 marijuana from medical marijuana treatment center
1826 facilities for certain testing; authorizing the
1827 department to select samples of marijuana delivery
1828 devices from medical marijuana treatment centers to
1829 determine whether such devices are safe for use;
1830 requiring the department to adopt certain rules using
1831 negotiated rulemaking procedures; requiring medical
1832 marijuana treatment centers to recall marijuana and
1833 marijuana delivery devices, instead of just edibles,
1834 under certain circumstances; exempting the department
1835 and its employees from criminal provisions if they
1836 acquire, possess, test, transport, or lawfully dispose
1837 of marijuana and marijuana delivery devices under
1838 certain circumstances; amending s. 381.99, F.S.;

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1839 revising the membership of the Rare Disease Advisory
1840 Council; amending s. 383.216, F.S.; authorizing the
1841 organization representing all Healthy Start Coalitions
1842 to use any method of telecommunication to conduct
1843 meetings under certain circumstances; amending s.
1844 406.11, F.S.; revising requirements for medical
1845 examiner death certifications; amending s. 456.039,
1846 F.S.; requiring certain applicants for licensure as
1847 physicians to provide specified documentation to the
1848 department at the time of application; amending s.
1849 460.406, F.S.; revising provisions related to
1850 chiropractic physician licensing; amending s. 464.008,
1851 F.S.; deleting a requirement that certain nursing
1852 program graduates complete a specified preparatory
1853 course; amending s. 464.018, F.S.; revising grounds
1854 for disciplinary action against licensed nurses;
1855 amending s. 467.003, F.S.; revising and defining
1856 terms; amending s. 467.009, F.S.; revising provisions
1857 related to accredited and approved midwifery programs;
1858 amending s. 467.011, F.S.; revising requirements for
1859 licensure of midwives; amending s. 467.0125, F.S.;
1860 revising requirements for licensure by endorsement of
1861 midwives; revising requirements for temporary
1862 certificates to practice midwifery in this state;
1863 amending s. 467.205, F.S.; revising provisions

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1864 relating to approval, continued monitoring,
1865 probationary status, provisional approval, and
1866 approval rescission of midwifery programs; amending s.
1867 468.803, F.S.; revising provisions related to
1868 orthotist and prosthetist registration, examination,
1869 and licensing; amending s. 483.824, F.S.; revising
1870 educational requirements for clinical laboratory
1871 directors; amending s. 490.003, F.S.; defining the
1872 terms "doctoral degree from an American Psychological
1873 Association accredited program" and "doctoral degree
1874 in psychology"; amending ss. 490.005 and 490.0051,
1875 F.S.; revising education requirements for psychologist
1876 licensure and provisional licensure, respectively;
1877 amending s. 491.005, F.S.; revising requirements for
1878 licensure of clinical social workers, marriage and
1879 family therapists, and mental health counselors;
1880 amending s. 766.31, F.S.; revising eligibility
1881 requirements for certain retroactive payments to
1882 parents or legal guardians under the Florida Birth-
1883 Related Neurological Injury Compensation Plan;
1884 providing retroactive applicability; requiring the
1885 plan to make certain retroactive payments to eligible
1886 parents or guardians; authorizing the plan to make
1887 such payments in a lump sum or periodically as
1888 designated by eligible parents or legal guardians;

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1889 requiring the plan to make the payments by a specified
1890 date; amending s. 766.314, F.S.; deleting obsolete
1891 language and updating provisions to conform to current
1892 law; revising the frequency with which the department
1893 must submit certain reports to the Florida Birth-
1894 Related Neurological Injury Compensation Association;
1895 revising the content of such reports; authorizing the
1896 association to enforce the collection of certain
1897 assessments in circuit court under certain
1898 circumstances; requiring the association to notify the
1899 department and the applicable regulatory board of any
1900 unpaid final judgment against a physician within a
1901 specified timeframe; providing effective dates.

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