

Bill No. CS for SB 2750

Amendment No. ____ Barcode 464078

CHAMBER ACTION

Senate

House

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Senator Peaden moved the following amendment:

Senate Amendment (with title amendment)

On page 79, lines 4-23, delete those lines

and insert:

Section 56. Section 456.031, Florida Statutes, is amended to read:

456.031 Requirement for instruction on domestic violence.--

(1)(a) The appropriate board shall require each person licensed or certified under chapter 458, chapter 459, part I of chapter 464, chapter 466, chapter 467, chapter 490, or chapter 491 to complete a ~~1-hour~~ continuing education course, approved by the board, on domestic violence, as defined in s. 741.28, as part of initial licensure, biennial relicensure, or recertification. The course shall consist of a skills-based curriculum that includes practice protocols for identifying and treating a victim of domestic violence consistent with the profession and instructions on practical applications. For purposes of this section, the term "skills-based curriculum"

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1 means a curriculum that details methods of practical
2 application to improve responses to domestic violence victims
3 through culturally competent methods of routine screening,
4 assessment, intervention, and health-records documentation.
5 Each licensee must complete 2 hours of continuing education on
6 domestic violence every 4 years, as prescribed by board rule.
7 Initial applicants for licensure must be allowed 1 year
8 following the date of licensure to complete the required
9 course information on the number of patients in that
10 professional's practice who are likely to be victims of
11 domestic violence and the number who are likely to be
12 perpetrators of domestic violence, screening procedures for
13 determining whether a patient has any history of being either
14 a victim or a perpetrator of domestic violence, and
15 instruction on how to provide such patients with information
16 on, or how to refer such patients to, resources in the local
17 community, such as domestic violence centers and other
18 advocacy groups, that provide legal aid, shelter, victim
19 counseling, batterer counseling, or child protection services.

20 ~~(b) Each such licensee or certificateholder shall~~
21 ~~submit confirmation of having completed such course, on a form~~
22 ~~provided by the board, when submitting fees for each biennial~~
23 ~~renewal.~~

24 ~~(c) The board may approve additional equivalent~~
25 ~~courses that may be used to satisfy the requirements of~~
26 ~~paragraph (a). Each licensing board that requires a licensee~~
27 ~~to complete an educational course pursuant to this subsection~~
28 ~~may include the hour required for completion of the course in~~
29 ~~the total hours of continuing education required by law for~~
30 ~~such profession unless the continuing education requirements~~
31 ~~for such profession consist of fewer than 30 hours biennially.~~

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1 ~~(b)(d)~~ Any person holding two or more licenses subject
2 to the provisions of this subsection shall be permitted to
3 show proof of having taken one board-approved course on
4 domestic violence, for purposes of initial licensure,
5 relicensure, or recertification for additional licenses.

6 ~~(e)~~ Failure to comply with the requirements of this
7 subsection shall constitute grounds for disciplinary action
8 under each respective practice act and under s. 456.072(1)(k).
9 In addition to discipline by the board, the licensee shall be
10 required to complete such course.

11 ~~(2)~~ The board shall also require, as a condition of
12 granting a license under any chapter specified in paragraph
13 ~~(1)(a),~~ that each applicant for initial licensure under the
14 appropriate chapter complete an educational course acceptable
15 to the board on domestic violence which is substantially
16 equivalent to the course required in subsection (1). An
17 applicant who has not taken such course at the time of
18 licensure shall, upon submission of an affidavit showing good
19 cause, be allowed 6 months to complete such requirement.

20 ~~(3)(a)~~ In lieu of completing a course as required in
21 subsection (1), a licensee or certificateholder may complete a
22 course in end-of-life care and palliative health care, if the
23 licensee or certificateholder has completed an approved
24 domestic violence course in the immediately preceding
25 biennium.

26 ~~(b)~~ In lieu of completing a course as required by
27 subsection (1), a person licensed under chapter 466 who has
28 completed an approved domestic violence education course in
29 the immediately preceding 2 years may complete a course
30 approved by the Board of Dentistry.

31 ~~(2)(4)~~ Each board may adopt rules to carry out the

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1 provisions of this section.

2 ~~(5) Each board shall report to the President of the~~
3 ~~Senate, the Speaker of the House of Representatives, and the~~
4 ~~chairs of the appropriate substantive committees of the~~
5 ~~Legislature by March 1 of each year as to the implementation~~
6 ~~of and compliance with the requirements of this section.~~

7 Section 57. Paragraph (b) of subsection (4) of section
8 766.314, Florida Statutes, is amended to read:

9 766.314 Assessments; plan of operation.--

10 (4) The following persons and entities shall pay into
11 the association an initial assessment in accordance with the
12 plan of operation:

13 (b)1. On or before October 15, 1988, all physicians
14 licensed pursuant to chapter 458 or chapter 459 as of October
15 1, 1988, other than participating physicians, shall be
16 assessed an initial assessment of \$250, which must be paid no
17 later than December 1, 1988.

18 2. Any such physician who becomes licensed after
19 September 30, 1988, and before January 1, 1989, shall pay into
20 the association an initial assessment of \$250 upon licensure.

21 3. Any such physician who becomes licensed on or after
22 January 1, 1989, shall pay an initial assessment equal to the
23 most recent assessment made pursuant to this paragraph,
24 paragraph (5)(a), or paragraph (7)(b).

25 4. However, if the physician is a physician specified
26 in this subparagraph, the assessment is not applicable:

27 a. A resident physician, assistant resident physician,
28 or intern in an approved postgraduate training program, as
29 defined by the Board of Medicine or the Board of Osteopathic
30 Medicine by rule;

31 b. A retired physician who has withdrawn from the

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1 practice of medicine but who maintains an active license as
2 evidenced by an affidavit filed with the Department of Health.
3 Prior to reentering the practice of medicine in this state, a
4 retired physician as herein defined must notify the Board of
5 Medicine or the Board of Osteopathic Medicine and pay the
6 appropriate assessments pursuant to this section;

7 c. A physician who holds a limited license pursuant to
8 s. 458.315 ~~458.317~~ and who is not being compensated for
9 medical services;

10 d. A physician who is employed full time by the United
11 States Department of Veterans Affairs and whose practice is
12 confined to United States Department of Veterans Affairs
13 hospitals; or

14 e. A physician who is a member of the Armed Forces of
15 the United States and who meets the requirements of s.
16 456.024.

17 f. A physician who is employed full time by the State
18 of Florida and whose practice is confined to state-owned
19 correctional institutions, a county health department, or
20 state-owned mental health or developmental services
21 facilities, or who is employed full time by the Department of
22 Health.

23 Section 58. Paragraph (a) of subsection (1) of section
24 817.567, Florida Statutes, is amended to read:

25 817.567 Making false claims of academic degree or
26 title.--

27 (1) No person in the state may claim, either orally or
28 in writing, to possess an academic degree, as defined in s.
29 1005.02, or the title associated with said degree, unless the
30 person has, in fact, been awarded said degree from an
31 institution that is:

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1 (a) Accredited by a regional or professional
2 accrediting agency recognized by the United States Department
3 of Education or the Council for Higher Education ~~Commission on~~
4 ~~Recognition of Postsecondary~~ Accreditation;

5 Section 59. Subsection (13) of section 1009.992,
6 Florida Statutes, is amended to read:

7 1009.992 Definitions.--As used in this act:

8 (13) "Institution" means any college or university
9 which, by virtue of law or charter, is accredited by and holds
10 membership in the Council for Higher Education ~~Commission on~~
11 ~~Recognition of Postsecondary~~ Accreditation; which grants
12 baccalaureate or associate degrees; which is not a pervasively
13 sectarian institution; and which does not discriminate in the
14 admission of students on the basis of race, color, religion,
15 sex, or creed.

16 Section 60. Section 1012.46, Florida Statutes, is
17 amended to read:

18 1012.46 Athletic trainers.--

19 (1) School districts may establish and implement an
20 athletic injuries prevention and treatment program. Central to
21 this program should be the employment and availability of
22 persons trained in the prevention and treatment of physical
23 injuries which may occur during athletic activities. The
24 program should reflect opportunities for progressive
25 advancement and compensation in employment as provided in
26 subsection (2) and meet certain other minimum standards
27 developed by the Department of Education. ~~The goal of the~~
28 ~~Legislature is to have school districts employ and have~~
29 ~~available a full-time teacher athletic trainer in each high~~
30 ~~school in the state.~~

31 (2) To the extent practicable, a school district

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1 program should include the following employment classification
2 and advancement scheme:

3 (a) First responder.--To qualify as a first responder,
4 a person must possess a professional, temporary, part-time,
5 adjunct, or substitute certificate pursuant to s. 1012.56, be
6 certified in cardiopulmonary resuscitation, first aid, and
7 have 15 semester hours in courses such as care and prevention
8 of athletic injuries, anatomy, physiology, nutrition,
9 counseling, and other similar courses approved by the
10 Commissioner of Education. This person may only administer
11 first aid and similar care, and shall not hold himself or
12 herself out to the school district or public as an athletic
13 trainer pursuant to part XIII of chapter 468.

14 (b) ~~Teacher~~ Athletic trainer.--To qualify as an a
15 teacher athletic trainer, a person must be licensed as
16 required by part XIII of chapter 468 and may be utilized by
17 the school district as ~~possess~~ a professional, temporary,
18 part-time, adjunct, or substitute teacher certificate pursuant
19 to s. 1012.35, s. 1012.56, or s. 1012.57, ~~and be licensed as~~
20 ~~required by part XIII of chapter 468.~~

21 Section 61. Sections 456.033, 456.034, 458.313,
22 458.316, 458.3165, and 458.317, Florida Statutes, are
23 repealed.

24 Section 62. The Division of Administrative Hearings
25 shall designate at least two administrative law judges who
26 shall specifically preside over actions involving the
27 Department of Health or boards within the Department of Health
28 and a health care practitioner or professional as defined in
29 section 456.001, Florida Statutes. Each designated
30 administrative law judge must be a member of The Florida Bar
31 in good standing and must have experience working in the

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1 health care industry or have attained board certification in
2 health care law from The Florida Bar.

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5 ===== T I T L E A M E N D M E N T =====

6 And the title is amended as follows:

7 On page 8, lines 2-16, delete those lines

8

9 and insert:

10 discipline; amending s. 456.031, F.S.; revising
11 requirements for licensed health care
12 practitioners to take continuing education
13 relating to domestic violence; amending s.
14 766.314, F.S.; correcting a cross-reference;
15 amending s. 817.567, F.S.; revising an
16 accrediting agency for institutions awarding
17 academic degrees and titles; amending s.
18 1009.992, F.S.; revising the definition of the
19 term "institution" to update a reference to an
20 accrediting agency; amending s. 1012.46, F.S.;
21 revising provisions relating to athletic
22 trainers in school districts; removing a
23 legislative goal; revising requirements for
24 athletic trainers used by school districts;
25 repealing ss. 456.033, 456.034, 458.313,
26 458.316, 458.3165, and 458.317, F.S., relating
27 to instruction on HIV and AIDS, licensure by
28 endorsement, public health certificates, and
29 limited licenses; requiring the Division of
30 Administrative Hearings to designate
31 administrative law judges with specified

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1 qualifications for hearings involving certain
2 licensed health care practitioners; specifying
3 qualifications; amending

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