



26 400.021, 400.462, 400.487, 400.506, 400.9973,  
 27 400.9974, 400.9976, 400.9979, 401.445, 409.905,  
 28 409.908, 409.973, 429.918, 456.0391, 456.0392,  
 29 456.041, 456.048, 456.072, 456.44, 458.3265, 458.331,  
 30 458.348, 459.0137, 459.015, 459.025, 464.003, 464.004,  
 31 464.013, 464.015, 464.016, 464.018, 464.0205, 467.003,  
 32 480.0475, 483.041, 483.801, 486.021, 490.012,  
 33 491.0057, 491.012, 493.6108, 627.357, 627.6471,  
 34 627.6472, 627.736, 633.412, 641.3923, 766.103,  
 35 766.1115, 766.1116, 794.08, 893.02, 893.05, 943.13,  
 36 948.03, 1002.20, 1002.42, 1006.062, 1009.65, 1009.66,  
 37 1009.67, F.S.; conforming provisions to changes made  
 38 by the act; providing an effective date.

39

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

41

42 Section 1. Subsections (3) and (6) of section 464.003,  
 43 Florida Statutes are amended, and subsections (7) through (23)  
 44 are redesignated as subsections (6) through (22), respectively,  
 45 to read:

46 464.003 Definitions.—As used in this part, the term:

47 (3) "Advanced practice registered nurse" ~~"Advanced~~  
 48 ~~registered nurse practitioner"~~ means any person licensed in this  
 49 state to practice professional nursing and licensed ~~certified~~ in  
 50 advanced ~~or specialized~~ nursing practice, including certified

51 registered nurse anesthetists, certified nurse midwives,  
 52 clinical nurse specialists, and certified nurse practitioners.

53 ~~(6) "Clinical nurse specialist" means any person licensed~~  
 54 ~~in this state to practice professional nursing and certified in~~  
 55 ~~clinical nurse specialist practice.~~

56 Section 2. Section 464.0115, Florida Statutes, is  
 57 repealed.

58 Section 3. Section 464.012, Florida Statutes, is amended  
 59 to read:

60 464.012 Licensure ~~Certification~~ of advanced practice  
 61 registered nurses ~~advanced registered nurse practitioners~~; fees;  
 62 controlled substance prescribing.-

63 (1) Any nurse desiring to be licensed ~~certified~~ as an  
 64 advanced practice registered nurse ~~must advanced registered~~  
 65 ~~nurse practitioner~~ shall apply to the department and submit  
 66 proof that he or she holds a current license to practice  
 67 professional nursing and that he or she meets one or more of the  
 68 following requirements as determined by the board:

69 (a) Completion of a postbasic educational program.  
 70 Satisfactory completion of a formal postbasic educational  
 71 program of at least 1 academic year, the primary purpose of  
 72 which is to prepare nurses for advanced or specialized practice.

73 (b) Certification by an appropriate specialty board. Such  
 74 certification shall be required for initial state licensure  
 75 ~~certification~~ and any licensure renewal ~~recertification~~ as a

76 certified registered nurse anesthetist, psychiatric nurse,  
77 certified nurse practitioner, clinical nurse specialist, or  
78 certified nurse midwife. The board may by rule provide for  
79 provisional state licensure ~~certification~~ of graduate registered  
80 nurse anesthetists, clinical nurse specialists, certified nurse  
81 practitioners ~~psychiatric nurses~~, and certified nurse midwives  
82 for a period of time determined to be appropriate for preparing  
83 for and passing the national certification examination.

84 (c) ~~(b)~~ Graduation from a program leading to a master's  
85 degree in a nursing clinical specialty area with preparation in  
86 specialized practitioner skills. For applicants graduating on or  
87 after October 1, 1998, graduation from a master's degree program  
88 is ~~shall be~~ required for initial licensure ~~certification~~ as a  
89 certified nurse practitioner under paragraph (4) (c). For  
90 applicants graduating on or after October 1, 2001, graduation  
91 from a master's degree program is ~~shall be~~ required for initial  
92 licensure ~~certification~~ as a certified registered nurse  
93 anesthetist under paragraph (4) (a). For applicants graduating on  
94 or after October 1, 1998, graduation from a master's degree  
95 program is required for the initial licensure of a certified  
96 nurse midwife or clinical nurse specialist as an advanced  
97 practice registered nurse.

98 (2) The board shall provide by rule the appropriate  
99 requirements for advanced practice registered nurses ~~advanced~~  
100 ~~registered nurse practitioners~~ in the categories of certified

101 registered nurse anesthetist, certified nurse midwife, and nurse  
102 practitioner.

103 (3) An advanced practice registered nurse ~~advanced~~  
104 ~~registered nurse practitioner~~ shall perform those functions  
105 authorized in this section within the framework of an  
106 established protocol, which must be maintained on site at the  
107 location or locations at which an advanced practice registered  
108 nurse ~~advanced registered nurse practitioner~~ practices. In the  
109 case of multiple supervising physicians in the same group, an  
110 advanced practice registered nurse ~~advanced registered nurse~~  
111 ~~practitioner~~ must enter into a supervisory protocol with at  
112 least one physician within the physician group practice. A  
113 practitioner currently licensed under chapter 458, chapter 459,  
114 or chapter 466 shall maintain supervision for directing the  
115 specific course of medical treatment. Within the established  
116 framework, an advanced practice registered nurse ~~advanced~~  
117 ~~registered nurse practitioner~~ may:

118 (a) Prescribe, dispense, administer, or order any drug;  
119 however, an advanced practice registered nurse ~~advanced~~  
120 ~~registered nurse practitioner~~ may prescribe or dispense a  
121 controlled substance as defined in s. 893.03 only if the  
122 advanced practice registered nurse ~~advanced registered nurse~~  
123 ~~practitioner~~ has graduated from a program leading to a master's  
124 or doctoral degree in a clinical nursing specialty area with  
125 training in specialized practitioner skills.

126 (b) Initiate appropriate therapies for certain conditions.

127 (c) Perform additional functions as may be determined by  
 128 rule in accordance with s. 464.003(2).

129 (d) Order diagnostic tests and physical and occupational  
 130 therapy.

131 (e) Order any medication for administration to a patient  
 132 in a facility licensed under chapter 395 or part II of chapter  
 133 400, notwithstanding any provisions in chapter 465 or chapter  
 134 893.

135 (4) In addition to the general functions specified in  
 136 subsection (3), an advanced practice registered nurse ~~advanced~~  
 137 ~~registered nurse practitioner~~ may perform the following acts  
 138 within his or her specialty:

139 (a) The certified registered nurse anesthetist may, to the  
 140 extent authorized by established protocol approved by the  
 141 medical staff of the facility in which the anesthetic service is  
 142 performed, perform any or all of the following:

143 1. Determine the health status of the patient as it  
 144 relates to the risk factors and to the anesthetic management of  
 145 the patient through the performance of the general functions.

146 2. Based on history, physical assessment, and supplemental  
 147 laboratory results, determine, with the consent of the  
 148 responsible physician, the appropriate type of anesthesia within  
 149 the framework of the protocol.

150 3. Order under the protocol preanesthetic medication.

151           4. Perform under the protocol procedures commonly used to  
 152 render the patient insensible to pain during the performance of  
 153 surgical, obstetrical, therapeutic, or diagnostic clinical  
 154 procedures. These procedures include ordering and administering  
 155 regional, spinal, and general anesthesia; inhalation agents and  
 156 techniques; intravenous agents and techniques; and techniques of  
 157 hypnosis.

158           5. Order or perform monitoring procedures indicated as  
 159 pertinent to the anesthetic health care management of the  
 160 patient.

161           6. Support life functions during anesthesia health care,  
 162 including induction and intubation procedures, the use of  
 163 appropriate mechanical supportive devices, and the management of  
 164 fluid, electrolyte, and blood component balances.

165           7. Recognize and take appropriate corrective action for  
 166 abnormal patient responses to anesthesia, adjunctive medication,  
 167 or other forms of therapy.

168           8. Recognize and treat a cardiac arrhythmia while the  
 169 patient is under anesthetic care.

170           9. Participate in management of the patient while in the  
 171 postanesthesia recovery area, including ordering the  
 172 administration of fluids and drugs.

173           10. Place special peripheral and central venous and  
 174 arterial lines for blood sampling and monitoring as appropriate.

175           (b) The certified nurse midwife may, to the extent

176 authorized by an established protocol which has been approved by  
177 the medical staff of the health care facility in which the  
178 midwifery services are performed, or approved by the nurse  
179 midwife's physician backup when the delivery is performed in a  
180 patient's home, perform any or all of the following:

- 181 1. Perform superficial minor surgical procedures.
- 182 2. Manage the patient during labor and delivery to include  
183 amniotomy, episiotomy, and repair.
- 184 3. Order, initiate, and perform appropriate anesthetic  
185 procedures.
- 186 4. Perform postpartum examination.
- 187 5. Order appropriate medications.
- 188 6. Provide family-planning services and well-woman care.
- 189 7. Manage the medical care of the normal obstetrical  
190 patient and the initial care of a newborn patient.

191 (c) The certified nurse practitioner may perform any or  
192 all of the following acts within the framework of established  
193 protocol:

- 194 1. Manage selected medical problems.
- 195 2. Order physical and occupational therapy.
- 196 3. Initiate, monitor, or alter therapies for certain  
197 uncomplicated acute illnesses.
- 198 4. Monitor and manage patients with stable chronic  
199 diseases.
- 200 5. Establish behavioral problems and diagnosis and make



201 treatment recommendations.

202 (5) A psychiatric nurse, as defined in s. 394.455, within  
203 the framework of an established protocol with a psychiatrist,  
204 may prescribe psychotropic controlled substances for the  
205 treatment of mental disorders.

206 (6) The board shall certify, and the department shall  
207 issue a certificate to, any nurse meeting the qualifications in  
208 this section. The board shall establish an application fee not  
209 to exceed \$100 and a biennial renewal fee not to exceed \$50. The  
210 board is authorized to adopt such other rules as are necessary  
211 to implement the provisions of this section.

212 (7) (a) The board shall establish a committee to recommend  
213 a formulary of controlled substances that an advanced practice  
214 registered nurse ~~advanced registered nurse practitioner~~ may not  
215 prescribe or may prescribe only for specific uses or in limited  
216 quantities. The committee must consist of three advanced  
217 practice registered nurses ~~advanced registered nurse~~  
218 ~~practitioners~~ licensed under this section, recommended by the  
219 board; three physicians licensed under chapter 458 or chapter  
220 459 who have work experience with advanced practice registered  
221 nurses ~~advanced registered nurse practitioners~~, recommended by  
222 the Board of Medicine; and a pharmacist licensed under chapter  
223 465 who is a doctor of pharmacy, recommended by the Board of  
224 Pharmacy. The committee may recommend an evidence-based  
225 formulary applicable to all advanced practice registered nurses

226 ~~advanced registered nurse practitioners~~ which is limited by  
227 specialty certification, is limited to approved uses of  
228 controlled substances, or is subject to other similar  
229 restrictions the committee finds are necessary to protect the  
230 health, safety, and welfare of the public. The formulary must  
231 restrict the prescribing of psychiatric mental health controlled  
232 substances for children younger than 18 years of age to advanced  
233 practice registered nurses ~~advanced registered nurse~~  
234 ~~practitioners~~ who also are psychiatric nurses as defined in s.  
235 394.455. The formulary must also limit the prescribing of  
236 Schedule II controlled substances as listed in s. 893.03 to a 7-  
237 day supply, except that such restriction does not apply to  
238 controlled substances that are psychiatric medications  
239 prescribed by psychiatric nurses as defined in s. 394.455.

240 (b) The board shall adopt by rule the recommended  
241 formulary and any revision to the formulary which it finds is  
242 supported by evidence-based clinical findings presented by the  
243 Board of Medicine, the Board of Osteopathic Medicine, or the  
244 Board of Dentistry.

245 (c) The formulary required under this subsection does not  
246 apply to a controlled substance that is dispensed for  
247 administration pursuant to an order, including an order for  
248 medication authorized by subparagraph (4)(a)3., subparagraph  
249 (4)(a)4., or subparagraph (4)(a)9.

250 (d) The board shall adopt the committee's initial

251 recommendation no later than October 31, 2016.

252 (8) This section shall be known as "The Barbara Lumpkin  
253 Prescribing Act."

254 Section 4. Effective December 31, 2018, or upon enactment  
255 of the Nurse Licensure Compact into law by 26 states, whichever  
256 occurs first, subsection (1) of section 464.012, Florida  
257 Statutes, as amended by section 3 of chapter 2017-134, section 8  
258 of chapter 2016-139, section 12 of chapter 2016-224, and section  
259 7 of chapter 2016-231, Laws of Florida, is amended to read:

260 464.012 Licensure ~~Certification~~ of advanced practice  
261 registered nurses ~~registered nurse practitioners~~; fees;  
262 controlled substance prescribing.-

263 (1) Any nurse desiring to be licensed ~~certified~~ as an  
264 advanced practice registered nurse ~~must advanced registered~~  
265 ~~nurse practitioner~~ shall apply to the department and submit  
266 proof that he or she holds a current license to practice  
267 professional nursing or holds an active multistate license to  
268 practice professional nursing pursuant to s. 464.0095, and that  
269 he or she meets one or more of the following requirements as  
270 determined by the board:

271 (a) Completion of a postbasic educational program.  
272 Satisfactory completion of a formal postbasic educational  
273 program of at least 1 academic year, the primary purpose of  
274 which is to prepare nurses for advanced or specialized practice.

275 (b) Certification by an appropriate specialty board. Such

276 certification shall be required for initial state licensure  
277 ~~certification~~ and any licensure renewal ~~recertification~~ as a  
278 certified registered nurse anesthetist, psychiatric nurse,  
279 clinical nurse specialist, certified nurse practitioner or  
280 certified nurse midwife. The board shall ~~may~~ by rule provide for  
281 provisional state licensure ~~certification~~ of graduate registered  
282 nurse anesthetists, clinical nurse specialist, certified nurse  
283 practitioners ~~psychiatric nurses~~, and certified nurse midwives  
284 for a period of time determined to be appropriate for preparing  
285 for and passing the national certification examination.

286 (c) ~~(b)~~ Graduation from a program leading to a master's  
287 degree in a nursing clinical specialty area with preparation in  
288 specialized practitioner skills. For applicants graduating on or  
289 after October 1, 1998, graduation from a master's degree program  
290 is ~~shall be~~ required for initial licensure ~~certification~~ as a  
291 certified nurse practitioner under paragraph (4) (c). For  
292 applicants graduating on or after October 1, 2001, graduation  
293 from a master's degree program is ~~shall be~~ required for initial  
294 licensure ~~certification~~ as a certified registered nurse  
295 anesthetist under paragraph (4) (a). For applicants graduating on  
296 or after October 1, 1998, graduation from a master's degree  
297 program is required for the initial licensure of a certified  
298 nurse midwife or clinical nurse specialist as an advanced  
299 practice registered nurse.

300 Section 5. Subsection (2) of section 960.28, Florida

301 Statutes, is amended to read:

302       960.28 Payment for victims' initial forensic physical  
303 examinations.-

304       (2) The Crime Victims' Services Office of the department  
305 shall pay for medical expenses connected with an initial  
306 forensic physical examination of a victim of sexual battery as  
307 defined in chapter 794 or a lewd or lascivious offense as  
308 defined in chapter 800. Such payment shall be made regardless of  
309 whether the victim is covered by health or disability insurance  
310 and whether the victim participates in the criminal justice  
311 system or cooperates with law enforcement. The payment shall be  
312 made only out of moneys allocated to the Crime Victims' Services  
313 Office for the purposes of this section, and the payment may not  
314 exceed \$500 with respect to any violation. The department shall  
315 develop and maintain separate protocols for the initial forensic  
316 physical examination of adults and children. Payment under this  
317 section is limited to medical expenses connected with the  
318 initial forensic physical examination, and payment may be made  
319 to a medical provider using an examiner qualified under part I  
320 of chapter 464, excluding s. 464.003(15) ~~s. 464.003(16)~~; chapter  
321 458; or chapter 459. Payment made to the medical provider by the  
322 department shall be considered by the provider as payment in  
323 full for the initial forensic physical examination associated  
324 with the collection of evidence. The victim may not be required  
325 to pay, directly or indirectly, the cost of an initial forensic

326 | physical examination performed in accordance with this section.

327 |       Section 6. Paragraph (c) of subsection (5) and paragraph  
328 | (a) of subsection (6) of section 39.303, Florida Statutes, are  
329 | amended to read:

330 |       39.303 Child protection teams and sexual abuse treatment  
331 | programs; services; eligible cases.—

332 |       (5) All abuse and neglect cases transmitted for  
333 | investigation to a circuit by the hotline must be simultaneously  
334 | transmitted to the child protection team for review. For the  
335 | purpose of determining whether a face-to-face medical evaluation  
336 | by a child protection team is necessary, all cases transmitted  
337 | to the child protection team which meet the criteria in  
338 | subsection (4) must be timely reviewed by:

339 |       (c) An advanced practice registered nurse ~~advanced~~  
340 | ~~registered nurse practitioner~~ licensed under chapter 464 who has  
341 | a specialty in pediatrics or family medicine and is a member of  
342 | a child protection team;

343 |       (6) A face-to-face medical evaluation by a child  
344 | protection team is not necessary when:

345 |       (a) The child was examined for the alleged abuse or  
346 | neglect by a physician who is not a member of the child  
347 | protection team, and a consultation between the child protection  
348 | team medical director or a child protection team board-certified  
349 | pediatrician, advanced practice registered nurse ~~advanced~~  
350 | ~~registered nurse practitioner~~, physician assistant working under

351 the supervision of a child protection team medical director or a  
352 child protection team board-certified pediatrician, or  
353 registered nurse working under the direct supervision of a child  
354 protection team medical director or a child protection team  
355 board-certified pediatrician, and the examining physician  
356 concludes that a further medical evaluation is unnecessary;

357

358 Notwithstanding paragraphs (a), (b), and (c), a child protection  
359 team medical director or a child protection team pediatrician,  
360 as authorized in subsection (5), may determine that a face-to-  
361 face medical evaluation is necessary.

362 Section 7. Paragraph (b) of subsection (1) of section  
363 39.304, Florida Statutes, is amended to read:

364 39.304 Photographs, medical examinations, X rays, and  
365 medical treatment of abused, abandoned, or neglected child.—

366 (1)

367 (b) If the areas of trauma visible on a child indicate a  
368 need for a medical examination, or if the child verbally  
369 complains or otherwise exhibits distress as a result of injury  
370 through suspected child abuse, abandonment, or neglect, or is  
371 alleged to have been sexually abused, the person required to  
372 investigate may cause the child to be referred for diagnosis to  
373 a licensed physician or an emergency department in a hospital  
374 without the consent of the child's parents or legal custodian.  
375 Such examination may be performed by any licensed physician or

376 | an advanced practice registered nurse ~~advanced registered nurse~~  
 377 | ~~practitioner~~ licensed pursuant to part I of chapter 464. Any  
 378 | licensed physician~~,~~ or advanced practice registered nurse  
 379 | ~~advanced registered nurse practitioner~~ licensed pursuant to part  
 380 | I of chapter 464~~,~~ who has reasonable cause to suspect that an  
 381 | injury was the result of child abuse, abandonment, or neglect  
 382 | may authorize a radiological examination to be performed on the  
 383 | child without the consent of the child's parent or legal  
 384 | custodian.

385 |       Section 8. Paragraph (a) of subsection (1) of section  
 386 | 90.503, Florida Statutes, is amended to read:

387 |       90.503 Psychotherapist-patient privilege.—

388 |       (1) For purposes of this section:

389 |       (a) A "psychotherapist" is:

390 |           1. A person authorized to practice medicine in any state  
 391 | or nation, or reasonably believed by the patient so to be, who  
 392 | is engaged in the diagnosis or treatment of a mental or  
 393 | emotional condition, including alcoholism and other drug  
 394 | addiction;

395 |           2. A person licensed or certified as a psychologist under  
 396 | the laws of any state or nation, who is engaged primarily in the  
 397 | diagnosis or treatment of a mental or emotional condition,  
 398 | including alcoholism and other drug addiction;

399 |           3. A person licensed or certified as a clinical social  
 400 | worker, marriage and family therapist, or mental health



401 counselor under the laws of this state, who is engaged primarily  
402 in the diagnosis or treatment of a mental or emotional  
403 condition, including alcoholism and other drug addiction;

404 4. Treatment personnel of facilities licensed by the state  
405 pursuant to chapter 394, chapter 395, or chapter 397, of  
406 facilities designated by the Department of Children and Families  
407 pursuant to chapter 394 as treatment facilities, or of  
408 facilities defined as community mental health centers pursuant  
409 to s. 394.907(1), who are engaged primarily in the diagnosis or  
410 treatment of a mental or emotional condition, including  
411 alcoholism and other drug addiction; or

412 5. An advanced practice registered nurse ~~advanced~~  
413 ~~registered nurse practitioner~~ certified under s. 464.012, whose  
414 primary scope of practice is the diagnosis or treatment of  
415 mental or emotional conditions, including chemical abuse, and  
416 limited only to actions performed in accordance with part I of  
417 chapter 464.

418 Section 9. Paragraph (d) of subsection (2) of section  
419 110.12315, Florida Statutes, is amended to read:

420 110.12315 Prescription drug program.—The state employees'  
421 prescription drug program is established. This program shall be  
422 administered by the Department of Management Services, according  
423 to the terms and conditions of the plan as established by the  
424 relevant provisions of the annual General Appropriations Act and  
425 implementing legislation, subject to the following conditions:

426 (2) In providing for reimbursement of pharmacies for  
427 prescription drugs and supplies dispensed to members of the  
428 state group health insurance plan and their dependents under the  
429 state employees' prescription drug program:

430 (d) The department shall establish the reimbursement  
431 schedule for prescription drugs and supplies dispensed under the  
432 program. Reimbursement rates for a prescription drug or supply  
433 must be based on the cost of the generic equivalent drug or  
434 supply if a generic equivalent exists, unless the physician,  
435 advanced practice registered nurse ~~advanced registered nurse~~  
436 ~~practitioner~~, or physician assistant prescribing the drug or  
437 supply clearly states on the prescription that the brand name  
438 drug or supply is medically necessary or that the drug or supply  
439 is included on the formulary of drugs and supplies that may not  
440 be interchanged as provided in chapter 465, in which case  
441 reimbursement must be based on the cost of the brand name drug  
442 or supply as specified in the reimbursement schedule adopted by  
443 the department.

444 Section 10. Paragraph (f) of subsection (3) of section  
445 121.0515, Florida Statutes, is amended to read:

446 121.0515 Special Risk Class.—

447 (3) CRITERIA.—A member, to be designated as a special risk  
448 member, must meet the following criteria:

449 (f) Effective January 1, 2001, the member must be employed  
450 in one of the following classes and must spend at least 75

451 percent of his or her time performing duties which involve  
452 contact with patients or inmates in a correctional or forensic  
453 facility or institution:

- 454 1. Dietitian (class codes 5203 and 5204);
- 455 2. Public health nutrition consultant (class code 5224);
- 456 3. Psychological specialist (class codes 5230 and 5231);
- 457 4. Psychologist (class code 5234);
- 458 5. Senior psychologist (class codes 5237 and 5238);
- 459 6. Regional mental health consultant (class code 5240);
- 460 7. Psychological Services Director—DCF (class code 5242);
- 461 8. Pharmacist (class codes 5245 and 5246);
- 462 9. Senior pharmacist (class codes 5248 and 5249);
- 463 10. Dentist (class code 5266);
- 464 11. Senior dentist (class code 5269);
- 465 12. Registered nurse (class codes 5290 and 5291);
- 466 13. Senior registered nurse (class codes 5292 and 5293);
- 467 14. Registered nurse specialist (class codes 5294 and  
468 5295);
- 469 15. Clinical associate (class codes 5298 and 5299);
- 470 16. Advanced practice registered nurse ~~Advanced registered~~  
471 ~~nurse practitioner~~ (class codes 5297 and 5300);
- 472 17. Advanced practice registered nurse ~~Advanced registered~~  
473 ~~nurse practitioner~~ specialist (class codes 5304 and 5305);
- 474 18. Registered nurse supervisor (class codes 5306 and  
475 5307);

476 19. Senior registered nurse supervisor (class codes 5308  
477 and 5309);

478 20. Registered nursing consultant (class codes 5312 and  
479 5313);

480 21. Quality management program supervisor (class code  
481 5314);

482 22. Executive nursing director (class codes 5320 and  
483 5321);

484 23. Speech and hearing therapist (class code 5406); or

485 24. Pharmacy manager (class code 5251);

486 Section 11. Paragraph (a) of subsection (3) of section  
487 252.515, Florida Statutes, is amended to read:

488 252.515 Postdisaster Relief Assistance Act; immunity from  
489 civil liability.—

490 (3) As used in this section, the term:

491 (a) "Emergency first responder" means:

492 1. A physician licensed under chapter 458.

493 2. An osteopathic physician licensed under chapter 459.

494 3. A chiropractic physician licensed under chapter 460.

495 4. A podiatric physician licensed under chapter 461.

496 5. A dentist licensed under chapter 466.

497 6. An advanced practice registered nurse ~~advanced~~  
498 ~~registered nurse practitioner~~ certified under s. 464.012.

499 7. A physician assistant licensed under s. 458.347 or s.  
500 459.022.

501           8. A worker employed by a public or private hospital in  
502 the state.

503           9. A paramedic as defined in s. 401.23(17).

504           10. An emergency medical technician as defined in s.  
505 401.23(11).

506           11. A firefighter as defined in s. 633.102.

507           12. A law enforcement officer as defined in s. 943.10.

508           13. A member of the Florida National Guard.

509           14. Any other personnel designated as emergency personnel  
510 by the Governor pursuant to a declared emergency.

511           Section 12. Paragraph (c) of subsection (1) of section  
512 310.071, Florida Statutes, is amended to read:

513           310.071 Deputy pilot certification.—

514           (1) In addition to meeting other requirements specified in  
515 this chapter, each applicant for certification as a deputy pilot  
516 must:

517           (c) Be in good physical and mental health, as evidenced by  
518 documentary proof of having satisfactorily passed a complete  
519 physical examination administered by a licensed physician within  
520 the preceding 6 months. The board shall adopt rules to establish  
521 requirements for passing the physical examination, which rules  
522 shall establish minimum standards for the physical or mental  
523 capabilities necessary to carry out the professional duties of a  
524 certificated deputy pilot. Such standards shall include zero  
525 tolerance for any controlled substance regulated under chapter

526 | 893 unless that individual is under the care of a physician, an  
 527 | advanced practice registered nurse ~~advanced registered nurse~~  
 528 | ~~practitioner~~, or a physician assistant and that controlled  
 529 | substance was prescribed by that physician, advanced practice  
 530 | registered nurse ~~advanced registered nurse practitioner~~, or  
 531 | physician assistant. To maintain eligibility as a certificated  
 532 | deputy pilot, each certificated deputy pilot must annually  
 533 | provide documentary proof of having satisfactorily passed a  
 534 | complete physical examination administered by a licensed  
 535 | physician. The physician must know the minimum standards and  
 536 | certify that the certificateholder satisfactorily meets the  
 537 | standards. The standards for certificateholders shall include a  
 538 | drug test.

539 | Section 13. Subsection (3) of section 310.073, Florida  
 540 | Statutes, is amended to read:

541 | 310.073 State pilot licensing.—In addition to meeting  
 542 | other requirements specified in this chapter, each applicant for  
 543 | license as a state pilot must:

544 | (3) Be in good physical and mental health, as evidenced by  
 545 | documentary proof of having satisfactorily passed a complete  
 546 | physical examination administered by a licensed physician within  
 547 | the preceding 6 months. The board shall adopt rules to establish  
 548 | requirements for passing the physical examination, which rules  
 549 | shall establish minimum standards for the physical or mental  
 550 | capabilities necessary to carry out the professional duties of a

551 licensed state pilot. Such standards shall include zero  
552 tolerance for any controlled substance regulated under chapter  
553 893 unless that individual is under the care of a physician, an  
554 advanced practice registered nurse ~~advanced registered nurse~~  
555 ~~practitioner~~, or a physician assistant and that controlled  
556 substance was prescribed by that physician, advanced practice  
557 registered nurse ~~advanced registered nurse practitioner~~, or  
558 physician assistant. To maintain eligibility as a licensed state  
559 pilot, each licensed state pilot must annually provide  
560 documentary proof of having satisfactorily passed a complete  
561 physical examination administered by a licensed physician. The  
562 physician must know the minimum standards and certify that the  
563 licensee satisfactorily meets the standards. The standards for  
564 licensees shall include a drug test.

565 Section 14. Paragraph (b) of subsection (3) of section  
566 310.081, Florida Statutes, is amended to read:

567 310.081 Department to examine and license state pilots and  
568 certificate deputy pilots; vacancies.-

569 (3) Pilots shall hold their licenses or certificates  
570 pursuant to the requirements of this chapter so long as they:

571 (b) Are in good physical and mental health as evidenced by  
572 documentary proof of having satisfactorily passed a physical  
573 examination administered by a licensed physician or physician  
574 assistant within each calendar year. The board shall adopt rules  
575 to establish requirements for passing the physical examination,

576 | which rules shall establish minimum standards for the physical  
577 | or mental capabilities necessary to carry out the professional  
578 | duties of a licensed state pilot or a certificated deputy pilot.  
579 | Such standards shall include zero tolerance for any controlled  
580 | substance regulated under chapter 893 unless that individual is  
581 | under the care of a physician, an advanced practice registered  
582 | nurse ~~advanced registered nurse practitioner~~, or a physician  
583 | assistant and that controlled substance was prescribed by that  
584 | physician, advanced practice registered nurse ~~advanced~~  
585 | ~~registered nurse practitioner~~, or physician assistant. To  
586 | maintain eligibility as a certificated deputy pilot or licensed  
587 | state pilot, each certificated deputy pilot or licensed state  
588 | pilot must annually provide documentary proof of having  
589 | satisfactorily passed a complete physical examination  
590 | administered by a licensed physician. The physician must know  
591 | the minimum standards and certify that the certificateholder or  
592 | licensee satisfactorily meets the standards. The standards for  
593 | certificateholders and for licensees shall include a drug test.

594 |  
595 | Upon resignation or in the case of disability permanently  
596 | affecting a pilot's ability to serve, the state license or  
597 | certificate issued under this chapter shall be revoked by the  
598 | department.

599 |       Section 15. Paragraph (b) of subsection (1) of section  
600 | 320.0848, Florida Statutes, is amended to read:



601 320.0848 Persons who have disabilities; issuance of  
602 disabled parking permits; temporary permits; permits for certain  
603 providers of transportation services to persons who have  
604 disabilities.—

605 (1)

606 (b)1. The person must be currently certified as being  
607 legally blind or as having any of the following disabilities  
608 that render him or her unable to walk 200 feet without stopping  
609 to rest:

610 a. Inability to walk without the use of or assistance from  
611 a brace, cane, crutch, prosthetic device, or other assistive  
612 device, or without the assistance of another person. If the  
613 assistive device significantly restores the person's ability to  
614 walk to the extent that the person can walk without severe  
615 limitation, the person is not eligible for the exemption parking  
616 permit.

617 b. The need to permanently use a wheelchair.

618 c. Restriction by lung disease to the extent that the  
619 person's forced (respiratory) expiratory volume for 1 second,  
620 when measured by spirometry, is less than 1 liter, or the  
621 person's arterial oxygen is less than 60 mm/hg on room air at  
622 rest.

623 d. Use of portable oxygen.

624 e. Restriction by cardiac condition to the extent that the  
625 person's functional limitations are classified in severity as

626 Class III or Class IV according to standards set by the American  
 627 Heart Association.

628 f. Severe limitation in the person's ability to walk due  
 629 to an arthritic, neurological, or orthopedic condition.

630 2. The certification of disability which is required under  
 631 subparagraph 1. must be provided by a physician licensed under  
 632 chapter 458, chapter 459, or chapter 460, by a podiatric  
 633 physician licensed under chapter 461, by an optometrist licensed  
 634 under chapter 463, by an advanced practice registered nurse  
 635 ~~advanced registered nurse practitioner~~ licensed under chapter  
 636 464 under the protocol of a licensed physician as stated in this  
 637 subparagraph, by a physician assistant licensed under chapter  
 638 458 or chapter 459, or by a similarly licensed physician from  
 639 another state if the application is accompanied by documentation  
 640 of the physician's licensure in the other state and a form  
 641 signed by the out-of-state physician verifying his or her  
 642 knowledge of this state's eligibility guidelines.

643 Section 16. Paragraph (c) of subsection (1) of section  
 644 381.00315, Florida Statutes, is amended to read:

645 381.00315 Public health advisories; public health  
 646 emergencies; isolation and quarantines.—The State Health Officer  
 647 is responsible for declaring public health emergencies, issuing  
 648 public health advisories, and ordering isolation or quarantines.

649 (1) As used in this section, the term:

650 (c) "Public health emergency" means any occurrence, or

651 threat thereof, whether natural or manmade, which results or may  
652 result in substantial injury or harm to the public health from  
653 infectious disease, chemical agents, nuclear agents, biological  
654 toxins, or situations involving mass casualties or natural  
655 disasters. Before declaring a public health emergency, the State  
656 Health Officer shall, to the extent possible, consult with the  
657 Governor and shall notify the Chief of Domestic Security. The  
658 declaration of a public health emergency shall continue until  
659 the State Health Officer finds that the threat or danger has  
660 been dealt with to the extent that the emergency conditions no  
661 longer exist and he or she terminates the declaration. However,  
662 a declaration of a public health emergency may not continue for  
663 longer than 60 days unless the Governor concurs in the renewal  
664 of the declaration. The State Health Officer, upon declaration  
665 of a public health emergency, may take actions that are  
666 necessary to protect the public health. Such actions include,  
667 but are not limited to:

668 1. Directing manufacturers of prescription drugs or over-  
669 the-counter drugs who are permitted under chapter 499 and  
670 wholesalers of prescription drugs located in this state who are  
671 permitted under chapter 499 to give priority to the shipping of  
672 specified drugs to pharmacies and health care providers within  
673 geographic areas that have been identified by the State Health  
674 Officer. The State Health Officer must identify the drugs to be  
675 shipped. Manufacturers and wholesalers located in the state must

676 respond to the State Health Officer's priority shipping  
677 directive before shipping the specified drugs.

678 2. Notwithstanding chapters 465 and 499 and rules adopted  
679 thereunder, directing pharmacists employed by the department to  
680 compound bulk prescription drugs and provide these bulk  
681 prescription drugs to physicians and nurses of county health  
682 departments or any qualified person authorized by the State  
683 Health Officer for administration to persons as part of a  
684 prophylactic or treatment regimen.

685 3. Notwithstanding s. 456.036, temporarily reactivating  
686 the inactive license of the following health care practitioners,  
687 when such practitioners are needed to respond to the public  
688 health emergency: physicians licensed under chapter 458 or  
689 chapter 459; physician assistants licensed under chapter 458 or  
690 chapter 459; licensed practical nurses, registered nurses, and  
691 advanced practice registered nurses ~~advanced registered nurse~~  
692 ~~practitioners~~ licensed under part I of chapter 464; respiratory  
693 therapists licensed under part V of chapter 468; and emergency  
694 medical technicians and paramedics certified under part III of  
695 chapter 401. Only those health care practitioners specified in  
696 this paragraph who possess an unencumbered inactive license and  
697 who request that such license be reactivated are eligible for  
698 reactivation. An inactive license that is reactivated under this  
699 paragraph shall return to inactive status when the public health  
700 emergency ends or before the end of the public health emergency

701 if the State Health Officer determines that the health care  
702 practitioner is no longer needed to provide services during the  
703 public health emergency. Such licenses may only be reactivated  
704 for a period not to exceed 90 days without meeting the  
705 requirements of s. 456.036 or chapter 401, as applicable.

706 4. Ordering an individual to be examined, tested,  
707 vaccinated, treated, isolated, or quarantined for communicable  
708 diseases that have significant morbidity or mortality and  
709 present a severe danger to public health. Individuals who are  
710 unable or unwilling to be examined, tested, vaccinated, or  
711 treated for reasons of health, religion, or conscience may be  
712 subjected to isolation or quarantine.

713 a. Examination, testing, vaccination, or treatment may be  
714 performed by any qualified person authorized by the State Health  
715 Officer.

716 b. If the individual poses a danger to the public health,  
717 the State Health Officer may subject the individual to isolation  
718 or quarantine. If there is no practical method to isolate or  
719 quarantine the individual, the State Health Officer may use any  
720 means necessary to vaccinate or treat the individual.

721  
722 Any order of the State Health Officer given to effectuate this  
723 paragraph shall be immediately enforceable by a law enforcement  
724 officer under s. 381.0012.

725 Section 17. Subsection (3) of section 381.00593, Florida

726 Statutes, is amended to read:

727 381.00593 Public school volunteer health care practitioner  
728 program.—

729 (3) For purposes of this section, the term "health care  
730 practitioner" means a physician licensed under chapter 458; an  
731 osteopathic physician licensed under chapter 459; a chiropractic  
732 physician licensed under chapter 460; a podiatric physician  
733 licensed under chapter 461; an optometrist licensed under  
734 chapter 463; an advanced practice registered nurse ~~advanced~~  
735 ~~registered nurse practitioner~~, registered nurse, or licensed  
736 practical nurse licensed under part I of chapter 464; a  
737 pharmacist licensed under chapter 465; a dentist or dental  
738 hygienist licensed under chapter 466; a midwife licensed under  
739 chapter 467; a speech-language pathologist or audiologist  
740 licensed under part I of chapter 468; a dietitian/nutritionist  
741 licensed under part X of chapter 468; or a physical therapist  
742 licensed under chapter 486.

743 Section 18. Paragraph (c) of subsection (1) of section  
744 383.14, Florida Statutes, is amended to read:

745 383.14 Screening for metabolic disorders, other hereditary  
746 and congenital disorders, and environmental risk factors.—

747 (1) SCREENING REQUIREMENTS.—To help ensure access to the  
748 maternal and child health care system, the Department of Health  
749 shall promote the screening of all newborns born in Florida for  
750 metabolic, hereditary, and congenital disorders known to result

751 in significant impairment of health or intellect, as screening  
752 programs accepted by current medical practice become available  
753 and practical in the judgment of the department. The department  
754 shall also promote the identification and screening of all  
755 newborns in this state and their families for environmental risk  
756 factors such as low income, poor education, maternal and family  
757 stress, emotional instability, substance abuse, and other high-  
758 risk conditions associated with increased risk of infant  
759 mortality and morbidity to provide early intervention,  
760 remediation, and prevention services, including, but not limited  
761 to, parent support and training programs, home visitation, and  
762 case management. Identification, perinatal screening, and  
763 intervention efforts shall begin prior to and immediately  
764 following the birth of the child by the attending health care  
765 provider. Such efforts shall be conducted in hospitals,  
766 perinatal centers, county health departments, school health  
767 programs that provide prenatal care, and birthing centers, and  
768 reported to the Office of Vital Statistics.

769 (c) *Release of screening results.*—Notwithstanding any law  
770 to the contrary, the State Public Health Laboratory may release,  
771 directly or through the Children's Medical Services program, the  
772 results of a newborn's hearing and metabolic tests or screenings  
773 to the newborn's health care practitioner, the newborn's parent  
774 or legal guardian, the newborn's personal representative, or a  
775 person designated by the newborn's parent or legal guardian. As

776 used in this paragraph, the term "health care practitioner"  
777 means a physician or physician assistant licensed under chapter  
778 458; an osteopathic physician or physician assistant licensed  
779 under chapter 459; an advanced practice registered nurse  
780 ~~advanced registered nurse practitioner~~, registered nurse, or  
781 licensed practical nurse licensed under part I of chapter 464; a  
782 midwife licensed under chapter 467; a speech-language  
783 pathologist or audiologist licensed under part I of chapter 468;  
784 or a dietician or nutritionist licensed under part X of chapter  
785 468.

786 Section 19. Paragraph (c) of subsection (1) of section  
787 383.141, Florida Statutes, is amended to read:

788 383.141 Prenatally diagnosed conditions; patient to be  
789 provided information; definitions; information clearinghouse;  
790 advisory council.—

791 (1) As used in this section, the term:

792 (c) "Health care provider" means a practitioner licensed  
793 or registered under chapter 458 or chapter 459 or an advanced  
794 practice registered nurse ~~advanced registered nurse practitioner~~  
795 certified under chapter 464.

796 Section 20. Paragraph (a) of subsection (3) of section  
797 390.0111, Florida Statutes, is amended to read:

798 390.0111 Termination of pregnancies.—

799 (3) CONSENTS REQUIRED.—A termination of pregnancy may not  
800 be performed or induced except with the voluntary and informed



801 written consent of the pregnant woman or, in the case of a  
802 mental incompetent, the voluntary and informed written consent  
803 of her court-appointed guardian.

804 (a) Except in the case of a medical emergency, consent to  
805 a termination of pregnancy is voluntary and informed only if:

806 1. The physician who is to perform the procedure, or the  
807 referring physician, has, at a minimum, orally, while physically  
808 present in the same room, and at least 24 hours before the  
809 procedure, informed the woman of:

810 a. The nature and risks of undergoing or not undergoing  
811 the proposed procedure that a reasonable patient would consider  
812 material to making a knowing and willful decision of whether to  
813 terminate a pregnancy.

814 b. The probable gestational age of the fetus, verified by  
815 an ultrasound, at the time the termination of pregnancy is to be  
816 performed.

817 (I) The ultrasound must be performed by the physician who  
818 is to perform the abortion or by a person having documented  
819 evidence that he or she has completed a course in the operation  
820 of ultrasound equipment as prescribed by rule and who is working  
821 in conjunction with the physician.

822 (II) The person performing the ultrasound must offer the  
823 woman the opportunity to view the live ultrasound images and  
824 hear an explanation of them. If the woman accepts the  
825 opportunity to view the images and hear the explanation, a

826 | physician or a registered nurse, licensed practical nurse,  
827 | advanced practice registered nurse ~~advanced registered nurse~~  
828 | ~~practitioner~~, or physician assistant working in conjunction with  
829 | the physician must contemporaneously review and explain the  
830 | images to the woman before the woman gives informed consent to  
831 | having an abortion procedure performed.

832 | (III) The woman has a right to decline to view and hear  
833 | the explanation of the live ultrasound images after she is  
834 | informed of her right and offered an opportunity to view the  
835 | images and hear the explanation. If the woman declines, the  
836 | woman shall complete a form acknowledging that she was offered  
837 | an opportunity to view and hear the explanation of the images  
838 | but that she declined that opportunity. The form must also  
839 | indicate that the woman's decision was not based on any undue  
840 | influence from any person to discourage her from viewing the  
841 | images or hearing the explanation and that she declined of her  
842 | own free will.

843 | (IV) Unless requested by the woman, the person performing  
844 | the ultrasound may not offer the opportunity to view the images  
845 | and hear the explanation and the explanation may not be given  
846 | if, at the time the woman schedules or arrives for her  
847 | appointment to obtain an abortion, a copy of a restraining  
848 | order, police report, medical record, or other court order or  
849 | documentation is presented which provides evidence that the  
850 | woman is obtaining the abortion because the woman is a victim of

851 rape, incest, domestic violence, or human trafficking or that  
852 the woman has been diagnosed as having a condition that, on the  
853 basis of a physician's good faith clinical judgment, would  
854 create a serious risk of substantial and irreversible impairment  
855 of a major bodily function if the woman delayed terminating her  
856 pregnancy.

857 c. The medical risks to the woman and fetus of carrying  
858 the pregnancy to term.

859

860 The physician may provide the information required in this  
861 subparagraph within 24 hours before the procedure if requested  
862 by the woman at the time she schedules or arrives for her  
863 appointment to obtain an abortion and if she presents to the  
864 physician a copy of a restraining order, police report, medical  
865 record, or other court order or documentation evidencing that  
866 she is obtaining the abortion because she is a victim of rape,  
867 incest, domestic violence, or human trafficking.

868 2. Printed materials prepared and provided by the  
869 department have been provided to the pregnant woman, if she  
870 chooses to view these materials, including:

871 a. A description of the fetus, including a description of  
872 the various stages of development.

873 b. A list of entities that offer alternatives to  
874 terminating the pregnancy.

875 c. Detailed information on the availability of medical

876 assistance benefits for prenatal care, childbirth, and neonatal  
877 care.

878 3. The woman acknowledges in writing, before the  
879 termination of pregnancy, that the information required to be  
880 provided under this subsection has been provided.

881  
882 Nothing in this paragraph is intended to prohibit a physician  
883 from providing any additional information which the physician  
884 deems material to the woman's informed decision to terminate her  
885 pregnancy.

886 Section 21. Paragraphs (c), (e), and (f) of subsection (3)  
887 of section 390.012, Florida Statutes, are amended to read:

888 390.012 Powers of agency; rules; disposal of fetal  
889 remains.—

890 (3) For clinics that perform or claim to perform abortions  
891 after the first trimester of pregnancy, the agency shall adopt  
892 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
893 provisions of this chapter, including the following:

894 (c) Rules relating to abortion clinic personnel. At a  
895 minimum, these rules shall require that:

896 1. The abortion clinic designate a medical director who is  
897 licensed to practice medicine in this state, and all physicians  
898 who perform abortions in the clinic have admitting privileges at  
899 a hospital within reasonable proximity to the clinic, unless the  
900 clinic has a written patient transfer agreement with a hospital

901 within reasonable proximity to the clinic which includes the  
 902 transfer of the patient's medical records held by both the  
 903 clinic and the treating physician.

904 2. If a physician is not present after an abortion is  
 905 performed, a registered nurse, licensed practical nurse,  
 906 advanced practice registered nurse ~~advanced registered nurse~~  
 907 ~~practitioner~~, or physician assistant be present and remain at  
 908 the clinic to provide postoperative monitoring and care until  
 909 the patient is discharged.

910 3. Surgical assistants receive training in counseling,  
 911 patient advocacy, and the specific responsibilities associated  
 912 with the services the surgical assistants provide.

913 4. Volunteers receive training in the specific  
 914 responsibilities associated with the services the volunteers  
 915 provide, including counseling and patient advocacy as provided  
 916 in the rules adopted by the director for different types of  
 917 volunteers based on their responsibilities.

918 (e) Rules relating to the abortion procedure. At a  
 919 minimum, these rules shall require:

920 1. That a physician, registered nurse, licensed practical  
 921 nurse, advanced practice registered nurse ~~advanced registered~~  
 922 ~~nurse practitioner~~, or physician assistant is available to all  
 923 patients throughout the abortion procedure.

924 2. Standards for the safe conduct of abortion procedures  
 925 that conform to obstetric standards in keeping with established

926 standards of care regarding the estimation of fetal age as  
 927 defined in rule.

928 3. Appropriate use of general and local anesthesia,  
 929 analgesia, and sedation if ordered by the physician.

930 4. Appropriate precautions, such as the establishment of  
 931 intravenous access at least for patients undergoing post-first  
 932 trimester abortions.

933 5. Appropriate monitoring of the vital signs and other  
 934 defined signs and markers of the patient's status throughout the  
 935 abortion procedure and during the recovery period until the  
 936 patient's condition is deemed to be stable in the recovery room.

937 (f) Rules that prescribe minimum recovery room standards.  
 938 At a minimum, these rules must require that:

939 1. Postprocedure recovery rooms be supervised and staffed  
 940 to meet the patients' needs.

941 2. Immediate postprocedure care consist of observation in  
 942 a supervised recovery room for as long as the patient's  
 943 condition warrants.

944 3. A registered nurse, licensed practical nurse, advanced  
 945 practice registered nurse ~~advanced registered nurse~~  
 946 ~~practitioner~~, or physician assistant who is trained in the  
 947 management of the recovery area and is capable of providing  
 948 basic cardiopulmonary resuscitation and related emergency  
 949 procedures remain on the premises of the abortion clinic until  
 950 all patients are discharged.

951 4. A physician sign the discharge order and be readily  
952 accessible and available until the last patient is discharged to  
953 facilitate the transfer of emergency cases if hospitalization of  
954 the patient or viable fetus is necessary.

955 5. A physician discuss Rho(D) immune globulin with each  
956 patient for whom it is indicated and ensure that it is offered  
957 to the patient in the immediate postoperative period or will be  
958 available to her within 72 hours after completion of the  
959 abortion procedure. If the patient refuses the Rho(D) immune  
960 globulin, she and a witness must sign a refusal form approved by  
961 the agency which must be included in the medical record.

962 6. Written instructions with regard to postabortion  
963 coitus, signs of possible problems, and general aftercare which  
964 are specific to the patient be given to each patient. The  
965 instructions must include information regarding access to  
966 medical care for complications, including a telephone number for  
967 use in the event of a medical emergency.

968 7. A minimum length of time be specified, by type of  
969 abortion procedure and duration of gestation, during which a  
970 patient must remain in the recovery room.

971 8. The physician ensure that, with the patient's consent,  
972 a registered nurse, licensed practical nurse, advanced practice  
973 registered nurse ~~advanced registered nurse practitioner~~, or  
974 physician assistant from the abortion clinic makes a good faith  
975 effort to contact the patient by telephone within 24 hours after

976 surgery to assess the patient's recovery.

977 9. Equipment and services be readily accessible to provide  
 978 appropriate emergency resuscitative and life support procedures  
 979 pending the transfer of the patient or viable fetus to the  
 980 hospital.

981 Section 22. Subsections (35) and (44) of section 394.455,  
 982 Florida Statutes, are amended to read:

983 394.455 Definitions.—As used in this part, the term:

984 (35) "Psychiatric nurse" means an advanced practice  
 985 registered nurse ~~advanced registered nurse practitioner~~  
 986 certified under s. 464.012 who has a master's or doctoral degree  
 987 in psychiatric nursing, holds a national advanced practice  
 988 certification as a psychiatric mental health advanced practice  
 989 nurse, and has 2 years of post-master's clinical experience  
 990 under the supervision of a physician.

991 (44) "Service provider" means a receiving facility, a  
 992 facility licensed under chapter 397, a treatment facility, an  
 993 entity under contract with the department to provide mental  
 994 health or substance abuse services, a community mental health  
 995 center or clinic, a psychologist, a clinical social worker, a  
 996 marriage and family therapist, a mental health counselor, a  
 997 physician, a psychiatrist, an advanced practice registered nurse  
 998 ~~advanced registered nurse practitioner~~, a psychiatric nurse, or  
 999 a qualified professional as defined in s. 39.01.

1000 Section 23. Paragraphs (a) and (b) of subsection (2) and



1001 subsection (4) of section 395.0191, Florida Statutes, are  
 1002 amended to read:

1003 395.0191 Staff membership and clinical privileges.—

1004 (2) (a) Each licensed facility shall establish rules and  
 1005 procedures for consideration of an application for clinical  
 1006 privileges submitted by an advanced practice registered nurse  
 1007 ~~advanced registered nurse practitioner~~ licensed and certified  
 1008 under part I of chapter 464, in accordance with the provisions  
 1009 of this section. No licensed facility shall deny such  
 1010 application solely because the applicant is licensed under part  
 1011 I of chapter 464 or because the applicant is not a participant  
 1012 in the Florida Birth-Related Neurological Injury Compensation  
 1013 Plan.

1014 (b) An advanced practice registered nurse ~~advanced~~  
 1015 ~~registered nurse practitioner~~ who is certified as a registered  
 1016 nurse anesthetist licensed under part I of chapter 464 shall  
 1017 administer anesthesia under the onsite medical direction of a  
 1018 professional licensed under chapter 458, chapter 459, or chapter  
 1019 466, and in accordance with an established protocol approved by  
 1020 the medical staff. The medical direction shall specifically  
 1021 address the needs of the individual patient.

1022 (4) Nothing herein shall restrict in any way the authority  
 1023 of the medical staff of a licensed facility to review for  
 1024 approval or disapproval all applications for appointment and  
 1025 reappointment to all categories of staff and to make

1026 | recommendations on each applicant to the governing board,  
 1027 | including the delineation of privileges to be granted in each  
 1028 | case. In making such recommendations and in the delineation of  
 1029 | privileges, each applicant shall be considered individually  
 1030 | pursuant to criteria for a doctor licensed under chapter 458,  
 1031 | chapter 459, chapter 461, or chapter 466, or for an advanced  
 1032 | practice registered nurse ~~advanced registered nurse practitioner~~  
 1033 | licensed and certified under part I of chapter 464, or for a  
 1034 | psychologist licensed under chapter 490, as applicable. The  
 1035 | applicant's eligibility for staff membership or clinical  
 1036 | privileges shall be determined by the applicant's background,  
 1037 | experience, health, training, and demonstrated competency; the  
 1038 | applicant's adherence to applicable professional ethics; the  
 1039 | applicant's reputation; and the applicant's ability to work with  
 1040 | others and by such other elements as determined by the governing  
 1041 | board, consistent with this part.

1042 |       Section 24. Subsection (34) of section 397.311, Florida  
 1043 | Statutes, is amended to read:

1044 |       397.311 Definitions.—As used in this chapter, except part  
 1045 | VIII, the term:

1046 |       (34) "Qualified professional" means a physician or a  
 1047 | physician assistant licensed under chapter 458 or chapter 459; a  
 1048 | professional licensed under chapter 490 or chapter 491; an  
 1049 | advanced practice registered nurse ~~advanced registered nurse~~  
 1050 | ~~practitioner~~ licensed under part I of chapter 464; or a person

1051 | who is certified through a department-recognized certification  
1052 | process for substance abuse treatment services and who holds, at  
1053 | a minimum, a bachelor's degree. A person who is certified in  
1054 | substance abuse treatment services by a state-recognized  
1055 | certification process in another state at the time of employment  
1056 | with a licensed substance abuse provider in this state may  
1057 | perform the functions of a qualified professional as defined in  
1058 | this chapter but must meet certification requirements contained  
1059 | in this subsection no later than 1 year after his or her date of  
1060 | employment.

1061 |       Section 25. Section 397.4012, Florida Statutes, is amended  
1062 | to read:

1063 |       397.4012 Exemptions from licensure.—The following are  
1064 | exempt from the licensing provisions of this chapter:

1065 |       (1) A hospital or hospital-based component licensed under  
1066 | chapter 395.

1067 |       (2) A nursing home facility as defined in s. 400.021.

1068 |       (3) A substance abuse education program established  
1069 | pursuant to s. 1003.42.

1070 |       (4) A facility or institution operated by the Federal  
1071 | Government.

1072 |       (5) A physician or physician assistant licensed under  
1073 | chapter 458 or chapter 459.

1074 |       (6) A psychologist licensed under chapter 490.

1075 |       (7) A social worker, marriage and family therapist, or

1076 | mental health counselor licensed under chapter 491.

1077 |       (8) A legally cognizable church or nonprofit religious  
 1078 | organization or denomination providing substance abuse services,  
 1079 | including prevention services, which are solely religious,  
 1080 | spiritual, or ecclesiastical in nature. A church or nonprofit  
 1081 | religious organization or denomination providing any of the  
 1082 | licensed service components itemized under s. 397.311(26) is not  
 1083 | exempt from substance abuse licensure but retains its exemption  
 1084 | with respect to all services which are solely religious,  
 1085 | spiritual, or ecclesiastical in nature.

1086 |       (9) Facilities licensed under chapter 393 which, in  
 1087 | addition to providing services to persons with developmental  
 1088 | disabilities, also provide services to persons developmentally  
 1089 | at risk as a consequence of exposure to alcohol or other legal  
 1090 | or illegal drugs while in utero.

1091 |       (10) DUI education and screening services provided  
 1092 | pursuant to ss. 316.192, 316.193, 322.095, 322.271, and 322.291.  
 1093 | Persons or entities providing treatment services must be  
 1094 | licensed under this chapter unless exempted from licensing as  
 1095 | provided in this section.

1096 |       (11) A facility licensed under s. 394.875 as a crisis  
 1097 | stabilization unit.

1098 |  
 1099 | The exemptions from licensure in this section do not apply to  
 1100 | any service provider that receives an appropriation, grant, or

1101 contract from the state to operate as a service provider as  
 1102 defined in this chapter or to any substance abuse program  
 1103 regulated pursuant to s. 397.4014. Furthermore, this chapter may  
 1104 not be construed to limit the practice of a physician or  
 1105 physician assistant licensed under chapter 458 or chapter 459, a  
 1106 psychologist licensed under chapter 490, a psychotherapist  
 1107 licensed under chapter 491, or an advanced practice registered  
 1108 nurse ~~advanced registered nurse practitioner~~ licensed under part  
 1109 I of chapter 464, who provides substance abuse treatment, so  
 1110 long as the physician, physician assistant, psychologist,  
 1111 psychotherapist, or advanced practice registered nurse ~~advanced~~  
 1112 ~~registered nurse practitioner~~ does not represent to the public  
 1113 that he or she is a licensed service provider and does not  
 1114 provide services to individuals pursuant to part V of this  
 1115 chapter. Failure to comply with any requirement necessary to  
 1116 maintain an exempt status under this section is a misdemeanor of  
 1117 the first degree, punishable as provided in s. 775.082 or s.  
 1118 775.083.

1119 Section 26. Subsections (4), (7), and (8) of section  
 1120 397.427, Florida Statutes, are amended to read:

1121 397.427 Medication-assisted treatment service providers;  
 1122 rehabilitation program; needs assessment and provision of  
 1123 services; persons authorized to issue takeout medication;  
 1124 unlawful operation; penalty.—

1125 (4) Notwithstanding s. 465.019(2), a physician assistant,

1126 a registered nurse, an advanced practice registered nurse  
 1127 ~~advanced registered nurse practitioner~~, or a licensed practical  
 1128 nurse working for a licensed service provider may deliver  
 1129 takeout medication for opiate treatment to persons enrolled in a  
 1130 maintenance treatment program for medication-assisted treatment  
 1131 for opiate addiction if:

1132 (a) The medication-assisted treatment program for opiate  
 1133 addiction has an appropriate valid permit issued pursuant to  
 1134 rules adopted by the Board of Pharmacy;

1135 (b) The medication for treatment of opiate addiction has  
 1136 been delivered pursuant to a valid prescription written by the  
 1137 program's physician licensed pursuant to chapter 458 or chapter  
 1138 459;

1139 (c) The medication for treatment of opiate addiction which  
 1140 is ordered appears on a formulary and is prepackaged and  
 1141 prelabeled with dosage instructions and distributed from a  
 1142 source authorized under chapter 499;

1143 (d) Each licensed provider adopts written protocols which  
 1144 provide for supervision of the physician assistant, registered  
 1145 nurse, advanced practice registered nurse ~~advanced registered~~  
 1146 ~~nurse practitioner~~, or licensed practical nurse by a physician  
 1147 licensed pursuant to chapter 458 or chapter 459 and for the  
 1148 procedures by which patients' medications may be delivered by  
 1149 the physician assistant, registered nurse, advanced practice  
 1150 registered nurse ~~advanced registered nurse practitioner~~, or

1151 licensed practical nurse. Such protocols shall be signed by the  
 1152 supervising physician and either the administering registered  
 1153 nurse, the advanced practice registered nurse ~~advanced~~  
 1154 ~~registered nurse practitioner~~, or the licensed practical nurse.

1155 (e) Each licensed service provider maintains and has  
 1156 available for inspection by representatives of the Board of  
 1157 Pharmacy all medical records and patient care protocols,  
 1158 including records of medications delivered to patients, in  
 1159 accordance with the board.

1160 (7) A physician assistant, a registered nurse, an advanced  
 1161 practice registered nurse ~~advanced registered nurse~~  
 1162 ~~practitioner~~, or a licensed practical nurse working for a  
 1163 licensed service provider may deliver medication as prescribed  
 1164 by rule if:

1165 (a) The service provider is authorized to provide  
 1166 medication-assisted treatment;

1167 (b) The medication has been administered pursuant to a  
 1168 valid prescription written by the program's physician who is  
 1169 licensed under chapter 458 or chapter 459; and

1170 (c) The medication ordered appears on a formulary or meets  
 1171 federal requirements for medication-assisted treatment.

1172 (8) Each licensed service provider that provides  
 1173 medication-assisted treatment must adopt written protocols as  
 1174 specified by the department and in accordance with federally  
 1175 required rules, regulations, or procedures. The protocol shall

1176 provide for the supervision of the physician assistant,  
1177 registered nurse, advanced practice registered nurse ~~advanced~~  
1178 ~~registered nurse practitioner~~, or licensed practical nurse  
1179 working under the supervision of a physician who is licensed  
1180 under chapter 458 or chapter 459. The protocol must specify how  
1181 the medication will be used in conjunction with counseling or  
1182 psychosocial treatment and that the services provided will be  
1183 included on the treatment plan. The protocol must specify the  
1184 procedures by which medication-assisted treatment may be  
1185 administered by the physician assistant, registered nurse,  
1186 advanced practice registered nurse ~~advanced registered nurse~~  
1187 ~~practitioner~~, or licensed practical nurse. These protocols shall  
1188 be signed by the supervising physician and the administering  
1189 physician assistant, registered nurse, advanced practice  
1190 registered nurse ~~advanced registered nurse practitioner~~, or  
1191 licensed practical nurse.

1192 Section 27. Section 397.679, Florida Statutes, is amended  
1193 to read:

1194 397.679 Emergency admission; circumstances justifying.—A  
1195 person who meets the criteria for involuntary admission in s.  
1196 397.675 may be admitted to a hospital or to a licensed  
1197 detoxification facility or addictions receiving facility for  
1198 emergency assessment and stabilization, or to a less intensive  
1199 component of a licensed service provider for assessment only,  
1200 upon receipt by the facility of a certificate by a physician, an



1201 advanced practice registered nurse ~~advanced registered nurse~~  
 1202 ~~practitioner~~, a psychiatric nurse, a clinical psychologist, a  
 1203 clinical social worker, a marriage and family therapist, a  
 1204 mental health counselor, a physician assistant working under the  
 1205 scope of practice of the supervising physician, or a master's-  
 1206 level-certified addictions professional for substance abuse  
 1207 services, if the certificate is specific to substance abuse  
 1208 impairment, and the completion of an application for emergency  
 1209 admission.

1210 Section 28. Subsection (1) of section 397.6793, Florida  
 1211 Statutes, is amended to read:

1212 397.6793 Professional's certificate for emergency  
 1213 admission.—

1214 (1) A physician, a clinical psychologist, a physician  
 1215 assistant working under the scope of practice of the supervising  
 1216 physician, a psychiatric nurse, an advanced practice registered  
 1217 nurse ~~advanced registered nurse practitioner~~, a mental health  
 1218 counselor, a marriage and family therapist, a master's-level-  
 1219 certified addictions professional for substance abuse services,  
 1220 or a clinical social worker may execute a professional's  
 1221 certificate for emergency admission. The professional's  
 1222 certificate must include the name of the person to be admitted,  
 1223 the relationship between the person and the professional  
 1224 executing the certificate, the relationship between the  
 1225 applicant and the professional, any relationship between the

1226 professional and the licensed service provider, a statement that  
1227 the person has been examined and assessed within the preceding 5  
1228 days after the application date, and factual allegations with  
1229 respect to the need for emergency admission, including:

1230 (a) The reason for the belief that the person is substance  
1231 abuse impaired;

1232 (b) The reason for the belief that because of such  
1233 impairment the person has lost the power of self-control with  
1234 respect to substance abuse; and

1235 (c)1. The reason for the belief that, without care or  
1236 treatment, the person is likely to suffer from neglect or refuse  
1237 to care for himself or herself; that such neglect or refusal  
1238 poses a real and present threat of substantial harm to his or  
1239 her well-being; and that it is not apparent that such harm may  
1240 be avoided through the help of willing family members or friends  
1241 or the provision of other services, or there is substantial  
1242 likelihood that the person has inflicted or, unless admitted, is  
1243 likely to inflict, physical harm on himself, herself, or  
1244 another; or

1245 2. The reason for the belief that the person's refusal to  
1246 voluntarily receive care is based on judgment so impaired by  
1247 reason of substance abuse that the person is incapable of  
1248 appreciating his or her need for care and of making a rational  
1249 decision regarding his or her need for care.

1250 Section 29. Subsection (8) of section 400.021, Florida

1251 Statutes, is amended to read:

1252 400.021 Definitions.—When used in this part, unless the  
1253 context otherwise requires, the term:

1254 (8) "Geriatric outpatient clinic" means a site for  
1255 providing outpatient health care to persons 60 years of age or  
1256 older, which is staffed by a registered nurse, a physician  
1257 assistant, or a licensed practical nurse under the direct  
1258 supervision of a registered nurse, advanced practice registered  
1259 nurse ~~advanced registered nurse practitioner~~, physician  
1260 assistant, or physician.

1261 Section 30. Subsection (3) of section 400.462, Florida  
1262 Statutes, is amended to read:

1263 400.462 Definitions.—As used in this part, the term:

1264 (3) "Advanced practice registered nurse" ~~"Advanced~~  
1265 ~~registered nurse practitioner"~~ means a person licensed in this  
1266 state to practice professional nursing and certified in advanced  
1267 or specialized nursing practice, as defined in s. 464.003.

1268 Section 31. Section 400.487, Florida Statutes, is amended  
1269 to read:

1270 400.487 Home health service agreements; physician's,  
1271 physician assistant's, and advanced practice registered nurse's  
1272 ~~advanced registered nurse practitioner's~~ treatment orders;  
1273 patient assessment; establishment and review of plan of care;  
1274 provision of services; orders not to resuscitate.—

1275 (1) Services provided by a home health agency must be

1276 covered by an agreement between the home health agency and the  
1277 patient or the patient's legal representative specifying the  
1278 home health services to be provided, the rates or charges for  
1279 services paid with private funds, and the sources of payment,  
1280 which may include Medicare, Medicaid, private insurance,  
1281 personal funds, or a combination thereof. A home health agency  
1282 providing skilled care must make an assessment of the patient's  
1283 needs within 48 hours after the start of services.

1284 (2) When required by the provisions of chapter 464; part  
1285 I, part III, or part V of chapter 468; or chapter 486, the  
1286 attending physician, physician assistant, or advanced practice  
1287 registered nurse ~~advanced registered nurse practitioner~~, acting  
1288 within his or her respective scope of practice, shall establish  
1289 treatment orders for a patient who is to receive skilled care.  
1290 The treatment orders must be signed by the physician, physician  
1291 assistant, or advanced practice registered nurse ~~advanced~~  
1292 ~~registered nurse practitioner~~ before a claim for payment for the  
1293 skilled services is submitted by the home health agency. If the  
1294 claim is submitted to a managed care organization, the treatment  
1295 orders must be signed within the time allowed under the provider  
1296 agreement. The treatment orders shall be reviewed, as frequently  
1297 as the patient's illness requires, by the physician, physician  
1298 assistant, or advanced practice registered nurse ~~advanced~~  
1299 ~~registered nurse practitioner~~ in consultation with the home  
1300 health agency.

1301 (3) A home health agency shall arrange for supervisory  
1302 visits by a registered nurse to the home of a patient receiving  
1303 home health aide services in accordance with the patient's  
1304 direction, approval, and agreement to pay the charge for the  
1305 visits.

1306 (4) Each patient has the right to be informed of and to  
1307 participate in the planning of his or her care. Each patient  
1308 must be provided, upon request, a copy of the plan of care  
1309 established and maintained for that patient by the home health  
1310 agency.

1311 (5) When nursing services are ordered, the home health  
1312 agency to which a patient has been admitted for care must  
1313 provide the initial admission visit, all service evaluation  
1314 visits, and the discharge visit by a direct employee. Services  
1315 provided by others under contractual arrangements to a home  
1316 health agency must be monitored and managed by the admitting  
1317 home health agency. The admitting home health agency is fully  
1318 responsible for ensuring that all care provided through its  
1319 employees or contract staff is delivered in accordance with this  
1320 part and applicable rules.

1321 (6) The skilled care services provided by a home health  
1322 agency, directly or under contract, must be supervised and  
1323 coordinated in accordance with the plan of care.

1324 (7) Home health agency personnel may withhold or withdraw  
1325 cardiopulmonary resuscitation if presented with an order not to

1326 resuscitate executed pursuant to s. 401.45. The agency shall  
 1327 adopt rules providing for the implementation of such orders.  
 1328 Home health personnel and agencies shall not be subject to  
 1329 criminal prosecution or civil liability, nor be considered to  
 1330 have engaged in negligent or unprofessional conduct, for  
 1331 withholding or withdrawing cardiopulmonary resuscitation  
 1332 pursuant to such an order and rules adopted by the agency.

1333 Section 32. Paragraph (a) of subsection (13) of section  
 1334 400.506, Florida Statutes, is amended to read:

1335 400.506 Licensure of nurse registries; requirements;  
 1336 penalties.—

1337 (13) All persons referred for contract in private  
 1338 residences by a nurse registry must comply with the following  
 1339 requirements for a plan of treatment:

1340 (a) When, in accordance with the privileges and  
 1341 restrictions imposed upon a nurse under part I of chapter 464,  
 1342 the delivery of care to a patient is under the direction or  
 1343 supervision of a physician or when a physician is responsible  
 1344 for the medical care of the patient, a medical plan of treatment  
 1345 must be established for each patient receiving care or treatment  
 1346 provided by a licensed nurse in the home. The original medical  
 1347 plan of treatment must be timely signed by the physician,  
 1348 physician assistant, or advanced practice registered nurse  
 1349 ~~advanced registered nurse practitioner~~, acting within his or her  
 1350 respective scope of practice, and reviewed in consultation with

1351 the licensed nurse at least every 2 months. Any additional order  
1352 or change in orders must be obtained from the physician,  
1353 physician assistant, or advanced practice registered nurse  
1354 ~~advanced registered nurse practitioner~~ and reduced to writing  
1355 and timely signed by the physician, physician assistant, or  
1356 advanced practice registered nurse ~~advanced registered nurse~~  
1357 ~~practitioner~~. The delivery of care under a medical plan of  
1358 treatment must be substantiated by the appropriate nursing notes  
1359 or documentation made by the nurse in compliance with nursing  
1360 practices established under part I of chapter 464.

1361 Section 33. Subsections (5) and (7) of section 400.9973,  
1362 Florida Statutes, are amended to read:

1363 400.9973 Client admission, transfer, and discharge.—

1364 (5) A client admitted to a transitional living facility  
1365 must be admitted upon prescription by a licensed physician,  
1366 physician assistant, or advanced practice registered nurse  
1367 ~~advanced registered nurse practitioner~~ and must remain under the  
1368 care of a licensed physician, physician assistant, or advanced  
1369 practice registered nurse ~~advanced registered nurse practitioner~~  
1370 for the duration of the client's stay in the facility.

1371 (7) A person may not be admitted to a transitional living  
1372 facility if the person:

1373 (a) Presents significant risk of infection to other  
1374 clients or personnel. A health care practitioner must provide  
1375 documentation that the person is free of apparent signs and

1376 symptoms of communicable disease;

1377 (b) Is a danger to himself or herself or others as  
 1378 determined by a physician, physician assistant, ~~or~~ advanced  
 1379 practice registered nurse, ~~advanced registered nurse~~  
 1380 ~~practitioner~~ or a mental health practitioner licensed under  
 1381 chapter 490 or chapter 491, unless the facility provides  
 1382 adequate staffing and support to ensure patient safety;

1383 (c) Is bedridden; or

1384 (d) Requires 24-hour nursing supervision.

1385 Section 34. Subsection (1) and paragraphs (a) and (b) of  
 1386 subsection (2) of section 400.9974, Florida Statutes, are  
 1387 amended to read:

1388 400.9974 Client comprehensive treatment plans; client  
 1389 services.—

1390 (1) A transitional living facility shall develop a  
 1391 comprehensive treatment plan for each client as soon as  
 1392 practicable but no later than 30 days after the initial  
 1393 comprehensive treatment plan is developed. The comprehensive  
 1394 treatment plan must be developed by an interdisciplinary team  
 1395 consisting of the case manager, the program director, the  
 1396 advanced practice registered nurse ~~advanced registered nurse~~  
 1397 ~~practitioner~~, and appropriate therapists. The client or, if  
 1398 appropriate, the client's representative must be included in  
 1399 developing the comprehensive treatment plan. The comprehensive  
 1400 treatment plan must be reviewed and updated if the client fails



1401 to meet projected improvements outlined in the plan or if a  
 1402 significant change in the client's condition occurs. The  
 1403 comprehensive treatment plan must be reviewed and updated at  
 1404 least once monthly.

1405 (2) The comprehensive treatment plan must include:

1406 (a) Orders obtained from the physician, physician  
 1407 assistant, or advanced practice registered nurse ~~advanced~~  
 1408 ~~registered nurse practitioner~~ and the client's diagnosis,  
 1409 medical history, physical examination, and rehabilitative or  
 1410 restorative needs.

1411 (b) A preliminary nursing evaluation, including orders for  
 1412 immediate care provided by the physician, physician assistant,  
 1413 or advanced practice registered nurse ~~advanced registered nurse~~  
 1414 ~~practitioner~~, which shall be completed when the client is  
 1415 admitted.

1416 Section 35. Section 400.9976, Florida Statutes, is amended  
 1417 to read:

1418 400.9976 Administration of medication.—

1419 (1) An individual medication administration record must be  
 1420 maintained for each client. A dose of medication, including a  
 1421 self-administered dose, shall be properly recorded in the  
 1422 client's record. A client who self-administers medication shall  
 1423 be given a pill organizer. Medication must be placed in the pill  
 1424 organizer by a nurse. A nurse shall document the date and time  
 1425 that medication is placed into each client's pill organizer. All

1426 medications must be administered in compliance with orders of a  
 1427 physician, physician assistant, or advanced practice registered  
 1428 nurse ~~advanced registered nurse practitioner~~.

1429 (2) If an interdisciplinary team determines that self-  
 1430 administration of medication is an appropriate objective, and if  
 1431 the physician, physician assistant, or advanced practice  
 1432 registered nurse ~~advanced registered nurse practitioner~~ does not  
 1433 specify otherwise, the client must be instructed by the  
 1434 physician, physician assistant, or advanced practice registered  
 1435 nurse ~~advanced registered nurse practitioner~~ to self-administer  
 1436 his or her medication without the assistance of a staff person.  
 1437 All forms of self-administration of medication, including  
 1438 administration orally, by injection, and by suppository, shall  
 1439 be included in the training. The client's physician, physician  
 1440 assistant, or advanced practice registered nurse ~~advanced~~  
 1441 ~~registered nurse practitioner~~ must be informed of the  
 1442 interdisciplinary team's decision that self-administration of  
 1443 medication is an objective for the client. A client may not  
 1444 self-administer medication until he or she demonstrates the  
 1445 competency to take the correct medication in the correct dosage  
 1446 at the correct time, to respond to missed doses, and to contact  
 1447 the appropriate person with questions.

1448 (3) Medication administration discrepancies and adverse  
 1449 drug reactions must be recorded and reported immediately to a  
 1450 physician, physician assistant, or advanced practice registered

1451 nurse ~~advanced registered nurse practitioner~~.

1452 Section 36. Subsections (2) through (5) of section  
1453 400.9979, Florida Statutes, are amended to read:

1454 400.9979 Restraint and seclusion; client safety.—

1455 (2) The use of physical restraints must be ordered and  
1456 documented by a physician, physician assistant, or advanced  
1457 practice registered nurse ~~advanced registered nurse practitioner~~  
1458 and must be consistent with the policies and procedures adopted  
1459 by the facility. The client or, if applicable, the client's  
1460 representative shall be informed of the facility's physical  
1461 restraint policies and procedures when the client is admitted.

1462 (3) The use of chemical restraints shall be limited to  
1463 prescribed dosages of medications as ordered by a physician,  
1464 physician assistant, or advanced practice registered nurse  
1465 ~~advanced registered nurse practitioner~~ and must be consistent  
1466 with the client's diagnosis and the policies and procedures  
1467 adopted by the facility. The client and, if applicable, the  
1468 client's representative shall be informed of the facility's  
1469 chemical restraint policies and procedures when the client is  
1470 admitted.

1471 (4) Based on the assessment by a physician, physician  
1472 assistant, or advanced practice registered nurse ~~advanced~~  
1473 ~~registered nurse practitioner~~, if a client exhibits symptoms  
1474 that present an immediate risk of injury or death to himself or  
1475 herself or others, a physician, physician assistant, or advanced

1476 practice registered nurse ~~advanced registered nurse practitioner~~  
1477 may issue an emergency treatment order to immediately administer  
1478 rapid-response psychotropic medications or other chemical  
1479 restraints. Each emergency treatment order must be documented  
1480 and maintained in the client's record.

1481 (a) An emergency treatment order is not effective for more  
1482 than 24 hours.

1483 (b) Whenever a client is medicated under this subsection,  
1484 the client's representative or a responsible party and the  
1485 client's physician, physician assistant, or advanced practice  
1486 registered nurse ~~advanced registered nurse practitioner~~ shall be  
1487 notified as soon as practicable.

1488 (5) A client who is prescribed and receives a medication  
1489 that can serve as a chemical restraint for a purpose other than  
1490 an emergency treatment order must be evaluated by his or her  
1491 physician, physician assistant, or advanced practice registered  
1492 nurse ~~advanced registered nurse practitioner~~ at least monthly to  
1493 assess:

1494 (a) The continued need for the medication.

1495 (b) The level of the medication in the client's blood.

1496 (c) The need for adjustments to the prescription.

1497 Section 37. Subsections (1) and (2) of section 401.445,  
1498 Florida Statutes, are amended to read:

1499 401.445 Emergency examination and treatment of  
1500 incapacitated persons.—

1501 (1) No recovery shall be allowed in any court in this  
1502 state against any emergency medical technician, paramedic, or  
1503 physician as defined in this chapter, any advanced practice  
1504 registered nurse ~~advanced registered nurse practitioner~~  
1505 certified under s. 464.012, or any physician assistant licensed  
1506 under s. 458.347 or s. 459.022, or any person acting under the  
1507 direct medical supervision of a physician, in an action brought  
1508 for examining or treating a patient without his or her informed  
1509 consent if:

1510 (a) The patient at the time of examination or treatment is  
1511 intoxicated, under the influence of drugs, or otherwise  
1512 incapable of providing informed consent as provided in s.  
1513 766.103;

1514 (b) The patient at the time of examination or treatment is  
1515 experiencing an emergency medical condition; and

1516 (c) The patient would reasonably, under all the  
1517 surrounding circumstances, undergo such examination, treatment,  
1518 or procedure if he or she were advised by the emergency medical  
1519 technician, paramedic, physician, advanced practice registered  
1520 nurse ~~advanced registered nurse practitioner~~, or physician  
1521 assistant in accordance with s. 766.103(3).

1522  
1523 Examination and treatment provided under this subsection shall  
1524 be limited to reasonable examination of the patient to determine  
1525 the medical condition of the patient and treatment reasonably

1526 necessary to alleviate the emergency medical condition or to  
 1527 stabilize the patient.

1528 (2) In examining and treating a person who is apparently  
 1529 intoxicated, under the influence of drugs, or otherwise  
 1530 incapable of providing informed consent, the emergency medical  
 1531 technician, paramedic, physician, advanced practice registered  
 1532 nurse ~~advanced registered nurse practitioner~~, or physician  
 1533 assistant, or any person acting under the direct medical  
 1534 supervision of a physician, shall proceed wherever possible with  
 1535 the consent of the person. If the person reasonably appears to  
 1536 be incapacitated and refuses his or her consent, the person may  
 1537 be examined, treated, or taken to a hospital or other  
 1538 appropriate treatment resource if he or she is in need of  
 1539 emergency attention, without his or her consent, but  
 1540 unreasonable force shall not be used.

1541 Section 38. Subsection (1) of section 409.905, Florida  
 1542 Statutes, is amended to read:

1543 409.905 Mandatory Medicaid services.—The agency may make  
 1544 payments for the following services, which are required of the  
 1545 state by Title XIX of the Social Security Act, furnished by  
 1546 Medicaid providers to recipients who are determined to be  
 1547 eligible on the dates on which the services were provided. Any  
 1548 service under this section shall be provided only when medically  
 1549 necessary and in accordance with state and federal law.  
 1550 Mandatory services rendered by providers in mobile units to

HB 1337

2018

1551 Medicaid recipients may be restricted by the agency. Nothing in  
1552 this section shall be construed to prevent or limit the agency  
1553 from adjusting fees, reimbursement rates, lengths of stay,  
1554 number of visits, number of services, or any other adjustments  
1555 necessary to comply with the availability of moneys and any  
1556 limitations or directions provided for in the General  
1557 Appropriations Act or chapter 216.

1558 (1) ADVANCED PRACTICE REGISTERED NURSE ~~ADVANCED REGISTERED~~  
1559 ~~NURSE PRACTITIONER~~ SERVICES.—The agency shall pay for services  
1560 provided to a recipient by a licensed advanced practice  
1561 registered nurse ~~advanced registered nurse practitioner~~ who has  
1562 a valid collaboration agreement with a licensed physician on  
1563 file with the Department of Health or who provides anesthesia  
1564 services in accordance with established protocol required by  
1565 state law and approved by the medical staff of the facility in  
1566 which the anesthetic service is performed. Reimbursement for  
1567 such services must be provided in an amount that equals not less  
1568 than 80 percent of the reimbursement to a physician who provides  
1569 the same services, unless otherwise provided for in the General  
1570 Appropriations Act.

1571 Section 39. Paragraph (a) of subsection (3) and subsection  
1572 (7) of section 409.908, Florida Statutes, are amended to read:

1573 409.908 Reimbursement of Medicaid providers.—Subject to  
1574 specific appropriations, the agency shall reimburse Medicaid  
1575 providers, in accordance with state and federal law, according

1576 to methodologies set forth in the rules of the agency and in  
1577 policy manuals and handbooks incorporated by reference therein.  
1578 These methodologies may include fee schedules, reimbursement  
1579 methods based on cost reporting, negotiated fees, competitive  
1580 bidding pursuant to s. 287.057, and other mechanisms the agency  
1581 considers efficient and effective for purchasing services or  
1582 goods on behalf of recipients. If a provider is reimbursed based  
1583 on cost reporting and submits a cost report late and that cost  
1584 report would have been used to set a lower reimbursement rate  
1585 for a rate semester, then the provider's rate for that semester  
1586 shall be retroactively calculated using the new cost report, and  
1587 full payment at the recalculated rate shall be effected  
1588 retroactively. Medicare-granted extensions for filing cost  
1589 reports, if applicable, shall also apply to Medicaid cost  
1590 reports. Payment for Medicaid compensable services made on  
1591 behalf of Medicaid eligible persons is subject to the  
1592 availability of moneys and any limitations or directions  
1593 provided for in the General Appropriations Act or chapter 216.  
1594 Further, nothing in this section shall be construed to prevent  
1595 or limit the agency from adjusting fees, reimbursement rates,  
1596 lengths of stay, number of visits, or number of services, or  
1597 making any other adjustments necessary to comply with the  
1598 availability of moneys and any limitations or directions  
1599 provided for in the General Appropriations Act, provided the  
1600 adjustment is consistent with legislative intent.



1601           (3) Subject to any limitations or directions provided for  
 1602 in the General Appropriations Act, the following Medicaid  
 1603 services and goods may be reimbursed on a fee-for-service basis.  
 1604 For each allowable service or goods furnished in accordance with  
 1605 Medicaid rules, policy manuals, handbooks, and state and federal  
 1606 law, the payment shall be the amount billed by the provider, the  
 1607 provider's usual and customary charge, or the maximum allowable  
 1608 fee established by the agency, whichever amount is less, with  
 1609 the exception of those services or goods for which the agency  
 1610 makes payment using a methodology based on capitation rates,  
 1611 average costs, or negotiated fees.

1612           (a) Advanced practice registered nurse ~~Advanced registered~~  
 1613 ~~nurse practitioner~~ services.

1614           (7) A provider of family planning services shall be  
 1615 reimbursed the lesser of the amount billed by the provider or an  
 1616 all-inclusive amount per type of visit for physicians and  
 1617 advanced practice registered nurses ~~advanced registered nurse~~  
 1618 ~~practitioners~~, as established by the agency in a fee schedule.

1619           Section 40. Paragraph (a) of subsection (1) of section  
 1620 409.973, Florida Statutes, is amended to read:

1621           409.973 Benefits.—

1622           (1) MINIMUM BENEFITS.—Managed care plans shall cover, at a  
 1623 minimum, the following services:

1624           (a) Advanced practice registered nurse ~~Advanced registered~~  
 1625 ~~nurse practitioner~~ services.

1626 Section 41. Effective March 1, 2019, subsection (1) of  
1627 section 409.973, Florida Statutes, as amended by section 1 of  
1628 chapter 2016-109, Laws of Florida, is amended to read:

1629 409.973 Benefits.—

1630 (1) MINIMUM BENEFITS.—Managed care plans shall cover, at a  
1631 minimum, the following services:

1632 (a) Advanced practice registered nurse ~~Advanced registered~~  
1633 ~~nurse-practitioner~~ services.

1634 (b) Ambulatory surgical treatment center services.

1635 (c) Birthing center services.

1636 (d) Chiropractic services.

1637 (e) Early periodic screening diagnosis and treatment  
1638 services for recipients under age 21.

1639 (f) Emergency services.

1640 (g) Family planning services and supplies. Pursuant to 42  
1641 C.F.R. s. 438.102, plans may elect to not provide these services  
1642 due to an objection on moral or religious grounds, and must  
1643 notify the agency of that election when submitting a reply to an  
1644 invitation to negotiate.

1645 (h) Healthy start services, except as provided in s.  
1646 409.975(4).

1647 (i) Hearing services.

1648 (j) Home health agency services.

1649 (k) Hospice services.

1650 (l) Hospital inpatient services.

- 1651 (m) Hospital outpatient services.
- 1652 (n) Laboratory and imaging services.
- 1653 (o) Medical supplies, equipment, prostheses, and orthoses.
- 1654 (p) Mental health services.
- 1655 (q) Nursing care.
- 1656 (r) Optical services and supplies.
- 1657 (s) Optometrist services.
- 1658 (t) Physical, occupational, respiratory, and speech
- 1659 therapy services.
- 1660 (u) Physician services, including physician assistant
- 1661 services.
- 1662 (v) Podiatric services.
- 1663 (w) Prescription drugs.
- 1664 (x) Renal dialysis services.
- 1665 (y) Respiratory equipment and supplies.
- 1666 (z) Rural health clinic services.
- 1667 (aa) Substance abuse treatment services.
- 1668 (bb) Transportation to access covered services.
- 1669 Section 42. Paragraph (a) of subsection (2) and paragraph
- 1670 (a) of subsection (7) of section 429.918, Florida Statutes, are
- 1671 amended to read:
- 1672 429.918 Licensure designation as a specialized Alzheimer's
- 1673 services adult day care center.—
- 1674 (2) As used in this section, the term:
- 1675 (a) "ADRD participant" means a participant who has a

1676 | documented diagnosis of Alzheimer's disease or a dementia-  
1677 | related disorder (ADRD) from a licensed physician, licensed  
1678 | physician assistant, or a licensed advanced practice registered  
1679 | nurse ~~advanced registered nurse practitioner~~.

1680 |         (7) (a) An ADRD participant admitted to an adult day care  
1681 | center having a license designated under this section, or the  
1682 | caregiver when applicable, must:

1683 |             1. Require ongoing supervision to maintain the highest  
1684 | level of medical or custodial functioning and have a  
1685 | demonstrated need for a responsible party to oversee his or her  
1686 | care.

1687 |             2. Not actively demonstrate aggressive behavior that  
1688 | places himself, herself, or others at risk of harm.

1689 |             3. Provide the following medical documentation signed by a  
1690 | licensed physician, licensed physician assistant, or a licensed  
1691 | advanced practice registered nurse ~~advanced registered nurse~~  
1692 | ~~practitioner~~:

1693 |                 a. Any physical, health, or emotional conditions that  
1694 | require medical care.

1695 |                 b. A listing of the ADRD participant's current prescribed  
1696 | and over-the-counter medications and dosages, diet restrictions,  
1697 | mobility restrictions, and other physical limitations.

1698 |             4. Provide documentation signed by a health care provider  
1699 | licensed in this state which indicates that the ADRD participant  
1700 | is free of the communicable form of tuberculosis and free of

1701 signs and symptoms of other communicable diseases.

1702 Section 43. Section 456.0391, Florida Statutes, is amended  
1703 to read:

1704 456.0391 Advanced practice registered nurses ~~Advanced~~  
1705 ~~registered nurse practitioners~~; information required for  
1706 certification.—

1707 (1) (a) Each person who applies for initial certification  
1708 under s. 464.012 must, at the time of application, and each  
1709 person certified under s. 464.012 who applies for certification  
1710 renewal must, in conjunction with the renewal of such  
1711 certification and under procedures adopted by the Department of  
1712 Health, and in addition to any other information that may be  
1713 required from the applicant, furnish the following information  
1714 to the Department of Health:

1715 1. The name of each school or training program that the  
1716 applicant has attended, with the months and years of attendance  
1717 and the month and year of graduation, and a description of all  
1718 graduate professional education completed by the applicant,  
1719 excluding any coursework taken to satisfy continuing education  
1720 requirements.

1721 2. The name of each location at which the applicant  
1722 practices.

1723 3. The address at which the applicant will primarily  
1724 conduct his or her practice.

1725 4. Any certification or designation that the applicant has

1726 received from a specialty or certification board that is  
1727 recognized or approved by the regulatory board or department to  
1728 which the applicant is applying.

1729 5. The year that the applicant received initial  
1730 certification and began practicing the profession in any  
1731 jurisdiction and the year that the applicant received initial  
1732 certification in this state.

1733 6. Any appointment which the applicant currently holds to  
1734 the faculty of a school related to the profession and an  
1735 indication as to whether the applicant has had the  
1736 responsibility for graduate education within the most recent 10  
1737 years.

1738 7. A description of any criminal offense of which the  
1739 applicant has been found guilty, regardless of whether  
1740 adjudication of guilt was withheld, or to which the applicant  
1741 has pled guilty or nolo contendere. A criminal offense committed  
1742 in another jurisdiction which would have been a felony or  
1743 misdemeanor if committed in this state must be reported. If the  
1744 applicant indicates that a criminal offense is under appeal and  
1745 submits a copy of the notice for appeal of that criminal  
1746 offense, the department must state that the criminal offense is  
1747 under appeal if the criminal offense is reported in the  
1748 applicant's profile. If the applicant indicates to the  
1749 department that a criminal offense is under appeal, the  
1750 applicant must, within 15 days after the disposition of the

1751 appeal, submit to the department a copy of the final written  
1752 order of disposition.

1753 8. A description of any final disciplinary action taken  
1754 within the previous 10 years against the applicant by a  
1755 licensing or regulatory body in any jurisdiction, by a specialty  
1756 board that is recognized by the board or department, or by a  
1757 licensed hospital, health maintenance organization, prepaid  
1758 health clinic, ambulatory surgical center, or nursing home.  
1759 Disciplinary action includes resignation from or nonrenewal of  
1760 staff membership or the restriction of privileges at a licensed  
1761 hospital, health maintenance organization, prepaid health  
1762 clinic, ambulatory surgical center, or nursing home taken in  
1763 lieu of or in settlement of a pending disciplinary case related  
1764 to competence or character. If the applicant indicates that the  
1765 disciplinary action is under appeal and submits a copy of the  
1766 document initiating an appeal of the disciplinary action, the  
1767 department must state that the disciplinary action is under  
1768 appeal if the disciplinary action is reported in the applicant's  
1769 profile.

1770 (b) In addition to the information required under  
1771 paragraph (a), each applicant for initial certification or  
1772 certification renewal must provide the information required of  
1773 licensees pursuant to s. 456.049.

1774 (2) The Department of Health shall send a notice to each  
1775 person certified under s. 464.012 at the certificateholder's

1776 last known address of record regarding the requirements for  
1777 information to be submitted by advanced practice registered  
1778 nurses ~~advanced registered nurse practitioners~~ pursuant to this  
1779 section in conjunction with the renewal of such certificate.

1780 (3) Each person certified under s. 464.012 who has  
1781 submitted information pursuant to subsection (1) must update  
1782 that information in writing by notifying the Department of  
1783 Health within 45 days after the occurrence of an event or the  
1784 attainment of a status that is required to be reported by  
1785 subsection (1). Failure to comply with the requirements of this  
1786 subsection to update and submit information constitutes a ground  
1787 for disciplinary action under chapter 464 and s. 456.072(1)(k).  
1788 For failure to comply with the requirements of this subsection  
1789 to update and submit information, the department or board, as  
1790 appropriate, may:

1791 (a) Refuse to issue a certificate to any person applying  
1792 for initial certification who fails to submit and update the  
1793 required information.

1794 (b) Issue a citation to any certificateholder who fails to  
1795 submit and update the required information and may fine the  
1796 certificateholder up to \$50 for each day that the  
1797 certificateholder is not in compliance with this subsection. The  
1798 citation must clearly state that the certificateholder may  
1799 choose, in lieu of accepting the citation, to follow the  
1800 procedure under s. 456.073. If the certificateholder disputes



1801 the matter in the citation, the procedures set forth in s.  
1802 456.073 must be followed. However, if the certificateholder does  
1803 not dispute the matter in the citation with the department  
1804 within 30 days after the citation is served, the citation  
1805 becomes a final order and constitutes discipline. Service of a  
1806 citation may be made by personal service or certified mail,  
1807 restricted delivery, to the subject at the certificateholder's  
1808 last known address.

1809 (4) (a) An applicant for initial certification under s.  
1810 464.012 must submit a set of fingerprints to the Department of  
1811 Health on a form and under procedures specified by the  
1812 department, along with payment in an amount equal to the costs  
1813 incurred by the Department of Health for a national criminal  
1814 history check of the applicant.

1815 (b) An applicant for renewed certification who has not  
1816 previously submitted a set of fingerprints to the Department of  
1817 Health for purposes of certification must submit a set of  
1818 fingerprints to the department as a condition of the initial  
1819 renewal of his or her certificate after the effective date of  
1820 this section. The applicant must submit the fingerprints on a  
1821 form and under procedures specified by the department, along  
1822 with payment in an amount equal to the costs incurred by the  
1823 Department of Health for a national criminal history check. For  
1824 subsequent renewals, the applicant for renewed certification  
1825 must only submit information necessary to conduct a statewide

1826 criminal history check, along with payment in an amount equal to  
 1827 the costs incurred by the Department of Health for a statewide  
 1828 criminal history check.

1829 (c)1. The Department of Health shall submit the  
 1830 fingerprints provided by an applicant for initial certification  
 1831 to the Florida Department of Law Enforcement for a statewide  
 1832 criminal history check, and the Florida Department of Law  
 1833 Enforcement shall forward the fingerprints to the Federal Bureau  
 1834 of Investigation for a national criminal history check of the  
 1835 applicant.

1836 2. The department shall submit the fingerprints provided  
 1837 by an applicant for the initial renewal of certification to the  
 1838 Florida Department of Law Enforcement for a statewide criminal  
 1839 history check, and the Florida Department of Law Enforcement  
 1840 shall forward the fingerprints to the Federal Bureau of  
 1841 Investigation for a national criminal history check for the  
 1842 initial renewal of the applicant's certificate after the  
 1843 effective date of this section.

1844 3. For any subsequent renewal of the applicant's  
 1845 certificate, the department shall submit the required  
 1846 information for a statewide criminal history check of the  
 1847 applicant to the Florida Department of Law Enforcement.

1848 (d) Any applicant for initial certification or renewal of  
 1849 certification as an advanced practice registered nurse ~~advanced~~  
 1850 ~~registered nurse practitioner~~ who submits to the Department of

1851 Health a set of fingerprints and information required for the  
1852 criminal history check required under this section shall not be  
1853 required to provide a subsequent set of fingerprints or other  
1854 duplicate information required for a criminal history check to  
1855 the Agency for Health Care Administration, the Department of  
1856 Juvenile Justice, or the Department of Children and Families for  
1857 employment or licensure with such agency or department, if the  
1858 applicant has undergone a criminal history check as a condition  
1859 of initial certification or renewal of certification as an  
1860 advanced practice registered nurse ~~advanced registered nurse~~  
1861 ~~practitioner~~ with the Department of Health, notwithstanding any  
1862 other provision of law to the contrary. In lieu of such  
1863 duplicate submission, the Agency for Health Care Administration,  
1864 the Department of Juvenile Justice, and the Department of  
1865 Children and Families shall obtain criminal history information  
1866 for employment or licensure of persons certified under s.  
1867 464.012 by such agency or department from the Department of  
1868 Health's health care practitioner credentialing system.

1869 (5) Each person who is required to submit information  
1870 pursuant to this section may submit additional information to  
1871 the Department of Health. Such information may include, but is  
1872 not limited to:

1873 (a) Information regarding publications in peer-reviewed  
1874 professional literature within the previous 10 years.

1875 (b) Information regarding professional or community

1876 service activities or awards.

1877 (c) Languages, other than English, used by the applicant  
 1878 to communicate with patients or clients and identification of  
 1879 any translating service that may be available at the place where  
 1880 the applicant primarily conducts his or her practice.

1881 (d) An indication of whether the person participates in  
 1882 the Medicaid program.

1883 Section 44. Subsection (2) of section 456.0392, Florida  
 1884 Statutes, is amended to read:

1885 456.0392 Prescription labeling.—

1886 (2) A prescription for a drug that is not listed as a  
 1887 controlled substance in chapter 893 which is written by an  
 1888 advanced practice registered nurse ~~advanced registered nurse~~  
 1889 ~~practitioner~~ certified under s. 464.012 is presumed, subject to  
 1890 rebuttal, to be valid and within the parameters of the  
 1891 prescriptive authority delegated by a practitioner licensed  
 1892 under chapter 458, chapter 459, or chapter 466.

1893 Section 45. Paragraph (a) of subsection (1) and subsection  
 1894 (6) of section 456.041, Florida Statutes, are amended to read:

1895 456.041 Practitioner profile; creation.—

1896 (1) (a) The Department of Health shall compile the  
 1897 information submitted pursuant to s. 456.039 into a practitioner  
 1898 profile of the applicant submitting the information, except that  
 1899 the Department of Health shall develop a format to compile  
 1900 uniformly any information submitted under s. 456.039 (4) (b).

1901 Beginning July 1, 2001, the Department of Health may compile the  
 1902 information submitted pursuant to s. 456.0391 into a  
 1903 practitioner profile of the applicant submitting the  
 1904 information. The protocol submitted pursuant to s. 464.012(3)  
 1905 must be included in the practitioner profile of the advanced  
 1906 practice registered nurse ~~advanced registered nurse~~  
 1907 ~~practitioner~~.

1908 (6) The Department of Health shall provide in each  
 1909 practitioner profile for every physician or advanced practice  
 1910 registered nurse ~~advanced registered nurse practitioner~~  
 1911 terminated for cause from participating in the Medicaid program,  
 1912 pursuant to s. 409.913, or sanctioned by the Medicaid program a  
 1913 statement that the practitioner has been terminated from  
 1914 participating in the Florida Medicaid program or sanctioned by  
 1915 the Medicaid program.

1916 Section 46. Subsection (1) of section 456.048, Florida  
 1917 Statutes, is amended to read:

1918 456.048 Financial responsibility requirements for certain  
 1919 health care practitioners.—

1920 (1) As a prerequisite for licensure or license renewal,  
 1921 the Board of Acupuncture, the Board of Chiropractic Medicine,  
 1922 the Board of Podiatric Medicine, and the Board of Dentistry  
 1923 shall, by rule, require that all health care practitioners  
 1924 licensed under the respective board, and the Board of Medicine  
 1925 and the Board of Osteopathic Medicine shall, by rule, require

1926 that all anesthesiologist assistants licensed pursuant to s.  
 1927 458.3475 or s. 459.023, and the Board of Nursing shall, by rule,  
 1928 require that advanced practice registered nurses ~~advanced~~  
 1929 ~~registered nurse practitioners~~ certified under s. 464.012, and  
 1930 the department shall, by rule, require that midwives maintain  
 1931 medical malpractice insurance or provide proof of financial  
 1932 responsibility in an amount and in a manner determined by the  
 1933 board or department to be sufficient to cover claims arising out  
 1934 of the rendering of or failure to render professional care and  
 1935 services in this state.

1936 Section 47. Subsection (7) of section 456.072, Florida  
 1937 Statutes, is amended to read:

1938 456.072 Grounds for discipline; penalties; enforcement.—

1939 (7) Notwithstanding subsection (2), upon a finding that a  
 1940 physician has prescribed or dispensed a controlled substance, or  
 1941 caused a controlled substance to be prescribed or dispensed, in  
 1942 a manner that violates the standard of practice set forth in s.  
 1943 458.331(1)(q) or (t), s. 459.015(1)(t) or (x), s. 461.013(1)(o)  
 1944 or (s), or s. 466.028(1)(p) or (x), or that an advanced practice  
 1945 registered nurse ~~advanced registered nurse practitioner~~ has  
 1946 prescribed or dispensed a controlled substance, or caused a  
 1947 controlled substance to be prescribed or dispensed, in a manner  
 1948 that violates the standard of practice set forth in s.  
 1949 464.018(1)(n) or (p)6., the physician or advanced practice  
 1950 registered nurse ~~advanced registered nurse practitioner~~ shall be

1951 suspended for a period of not less than 6 months and pay a fine  
 1952 of not less than \$10,000 per count. Repeated violations shall  
 1953 result in increased penalties.

1954 Section 48. Paragraph (g) of subsection (1) and subsection  
 1955 (2) of section 456.44, Florida Statutes, are amended to read:

1956 456.44 Controlled substance prescribing.—

1957 (1) DEFINITIONS.—As used in this section, the term:

1958 (g) "Registrant" means a physician, a physician assistant,  
 1959 or an advanced practice registered nurse ~~advanced registered~~  
 1960 ~~nurse practitioner~~ who meets the requirements of subsection (2).

1961 (2) REGISTRATION.—A physician licensed under chapter 458,  
 1962 chapter 459, chapter 461, or chapter 466, a physician assistant  
 1963 licensed under chapter 458 or chapter 459, or an advanced  
 1964 practice registered nurse ~~advanced registered nurse practitioner~~  
 1965 certified under part I of chapter 464 who prescribes any  
 1966 controlled substance, listed in Schedule II, Schedule III, or  
 1967 Schedule IV as defined in s. 893.03, for the treatment of  
 1968 chronic nonmalignant pain, must:

1969 (a) Designate himself or herself as a controlled substance  
 1970 prescribing practitioner on his or her practitioner profile.

1971 (b) Comply with the requirements of this section and  
 1972 applicable board rules.

1973 Section 49. Paragraph (c) of subsection (2) of section  
 1974 458.3265, Florida Statutes, is amended to read:

1975 458.3265 Pain-management clinics.—

1976 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities  
 1977 apply to any physician who provides professional services in a  
 1978 pain-management clinic that is required to be registered in  
 1979 subsection (1).

1980 (c) A physician, a physician assistant, or an advanced  
 1981 practice registered nurse ~~advanced registered nurse practitioner~~  
 1982 must perform a physical examination of a patient on the same day  
 1983 that the physician prescribes a controlled substance to a  
 1984 patient at a pain-management clinic. If the physician prescribes  
 1985 more than a 72-hour dose of controlled substances for the  
 1986 treatment of chronic nonmalignant pain, the physician must  
 1987 document in the patient's record the reason for prescribing that  
 1988 quantity.

1989 Section 50. Paragraph (dd) of subsection (1) of section  
 1990 458.331, Florida Statutes, is amended to read:

1991 458.331 Grounds for disciplinary action; action by the  
 1992 board and department.—

1993 (1) The following acts constitute grounds for denial of a  
 1994 license or disciplinary action, as specified in s. 456.072(2):

1995 (dd) Failing to supervise adequately the activities of  
 1996 those physician assistants, paramedics, emergency medical  
 1997 technicians, advanced practice registered nurses ~~advanced~~  
 1998 ~~registered nurse practitioners~~, or anesthesiologist assistants  
 1999 acting under the supervision of the physician.

2000 Section 51. Paragraph (a) of subsection (1) and subsection



2001 (3) of section 458.348, Florida Statutes, are amended to read:  
 2002 458.348 Formal supervisory relationships, standing orders,  
 2003 and established protocols; notice; standards.—

2004 (1) NOTICE.—

2005 (a) When a physician enters into a formal supervisory  
 2006 relationship or standing orders with an emergency medical  
 2007 technician or paramedic licensed pursuant to s. 401.27, which  
 2008 relationship or orders contemplate the performance of medical  
 2009 acts, or when a physician enters into an established protocol  
 2010 with an advanced practice registered nurse ~~advanced registered~~  
 2011 ~~nurse practitioner~~, which protocol contemplates the performance  
 2012 of medical acts set forth in s. 464.012(3) and (4), the  
 2013 physician shall submit notice to the board. The notice shall  
 2014 contain a statement in substantially the following form:  
 2015

2016 I, ...(name and professional license number of  
 2017 physician)..., of ...(address of physician)... have hereby  
 2018 entered into a formal supervisory relationship, standing orders,  
 2019 or an established protocol with ...(number of persons)...  
 2020 emergency medical technician(s), ...(number of persons)...  
 2021 paramedic(s), or ...(number of persons)... advanced practice  
 2022 registered nurse(s) ~~advanced registered nurse practitioner(s)~~.

2024 (3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—  
 2025 A physician who supervises an advanced practice registered nurse

2026 ~~advanced registered nurse practitioner~~ or physician assistant at  
2027 a medical office other than the physician's primary practice  
2028 location, where the advanced practice registered nurse ~~advanced~~  
2029 ~~registered nurse practitioner~~ or physician assistant is not  
2030 under the onsite supervision of a supervising physician, must  
2031 comply with the standards set forth in this subsection. For the  
2032 purpose of this subsection, a physician's "primary practice  
2033 location" means the address reflected on the physician's profile  
2034 published pursuant to s. 456.041.

2035 (a) A physician who is engaged in providing primary health  
2036 care services may not supervise more than four offices in  
2037 addition to the physician's primary practice location. For the  
2038 purpose of this subsection, "primary health care" means health  
2039 care services that are commonly provided to patients without  
2040 referral from another practitioner, including obstetrical and  
2041 gynecological services, and excludes practices providing  
2042 primarily dermatologic and skin care services, which include  
2043 aesthetic skin care services.

2044 (b) A physician who is engaged in providing specialty  
2045 health care services may not supervise more than two offices in  
2046 addition to the physician's primary practice location. For the  
2047 purpose of this subsection, "specialty health care" means health  
2048 care services that are commonly provided to patients with a  
2049 referral from another practitioner and excludes practices  
2050 providing primarily dermatologic and skin care services, which

2051 include aesthetic skin care services.

2052 (c) A physician who supervises an advanced practice  
2053 registered nurse ~~advanced registered nurse practitioner~~ or  
2054 physician assistant at a medical office other than the  
2055 physician's primary practice location, where the advanced  
2056 practice registered nurse ~~advanced registered nurse practitioner~~  
2057 or physician assistant is not under the onsite supervision of a  
2058 supervising physician and the services offered at the office are  
2059 primarily dermatologic or skin care services, which include  
2060 aesthetic skin care services other than plastic surgery, must  
2061 comply with the standards listed in subparagraphs 1.-4.

2062 Notwithstanding s. 458.347(4)(e)6., a physician supervising a  
2063 physician assistant pursuant to this paragraph may not be  
2064 required to review and cosign charts or medical records prepared  
2065 by such physician assistant.

2066 1. The physician shall submit to the board the addresses  
2067 of all offices where he or she is supervising an advanced  
2068 practice registered nurse ~~advanced registered nurse practitioner~~  
2069 or a physician's assistant which are not the physician's primary  
2070 practice location.

2071 2. The physician must be board certified or board eligible  
2072 in dermatology or plastic surgery as recognized by the board  
2073 pursuant to s. 458.3312.

2074 3. All such offices that are not the physician's primary  
2075 place of practice must be within 25 miles of the physician's

2076 primary place of practice or in a county that is contiguous to  
2077 the county of the physician's primary place of practice.  
2078 However, the distance between any of the offices may not exceed  
2079 75 miles.

2080 4. The physician may supervise only one office other than  
2081 the physician's primary place of practice except that until July  
2082 1, 2011, the physician may supervise up to two medical offices  
2083 other than the physician's primary place of practice if the  
2084 addresses of the offices are submitted to the board before July  
2085 1, 2006. Effective July 1, 2011, the physician may supervise  
2086 only one office other than the physician's primary place of  
2087 practice, regardless of when the addresses of the offices were  
2088 submitted to the board.

2089 (d) A physician who supervises an office in addition to  
2090 the physician's primary practice location must conspicuously  
2091 post in each of the physician's offices a current schedule of  
2092 the regular hours when the physician is present in that office  
2093 and the hours when the office is open while the physician is not  
2094 present.

2095 (e) This subsection does not apply to health care services  
2096 provided in facilities licensed under chapter 395 or in  
2097 conjunction with a college of medicine, a college of nursing, an  
2098 accredited graduate medical program, or a nursing education  
2099 program; not-for-profit, family-planning clinics that are not  
2100 licensed pursuant to chapter 390; rural and federally qualified

2101 health centers; health care services provided in a nursing home  
 2102 licensed under part II of chapter 400, an assisted living  
 2103 facility licensed under part I of chapter 429, a continuing care  
 2104 facility licensed under chapter 651, or a retirement community  
 2105 consisting of independent living units and a licensed nursing  
 2106 home or assisted living facility; anesthesia services provided  
 2107 in accordance with law; health care services provided in a  
 2108 designated rural health clinic; health care services provided to  
 2109 persons enrolled in a program designed to maintain elderly  
 2110 persons and persons with disabilities in a home or community-  
 2111 based setting; university primary care student health centers;  
 2112 school health clinics; or health care services provided in  
 2113 federal, state, or local government facilities. Subsection (2)  
 2114 and this subsection do not apply to offices at which the  
 2115 exclusive service being performed is laser hair removal by an  
 2116 advanced practice registered nurse ~~advanced registered nurse~~  
 2117 ~~practitioner~~ or physician assistant.

2118 Section 52. Paragraph (c) of subsection (2) of section  
 2119 459.0137, Florida Statutes, is amended to read:

2120 459.0137 Pain-management clinics.—

2121 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities  
 2122 apply to any osteopathic physician who provides professional  
 2123 services in a pain-management clinic that is required to be  
 2124 registered in subsection (1).

2125 (c) An osteopathic physician, a physician assistant, or an

2126 | advanced practice registered nurse ~~advanced registered nurse~~  
 2127 | ~~practitioner~~ must perform a physical examination of a patient on  
 2128 | the same day that the physician prescribes a controlled  
 2129 | substance to a patient at a pain-management clinic. If the  
 2130 | osteopathic physician prescribes more than a 72-hour dose of  
 2131 | controlled substances for the treatment of chronic nonmalignant  
 2132 | pain, the osteopathic physician must document in the patient's  
 2133 | record the reason for prescribing that quantity.

2134 | Section 53. Paragraph (hh) of subsection (1) of section  
 2135 | 459.015, Florida Statutes, is amended to read:

2136 | 459.015 Grounds for disciplinary action; action by the  
 2137 | board and department.—

2138 | (1) The following acts constitute grounds for denial of a  
 2139 | license or disciplinary action, as specified in s. 456.072(2):

2140 | (hh) Failing to supervise adequately the activities of  
 2141 | those physician assistants, paramedics, emergency medical  
 2142 | technicians, advanced practice registered nurses ~~advanced~~  
 2143 | ~~registered nurse practitioners~~, anesthesiologist assistants, or  
 2144 | other persons acting under the supervision of the osteopathic  
 2145 | physician.

2146 | Section 54. Paragraph (a) of subsection (1) and subsection  
 2147 | (3) of section 459.025, Florida Statutes, are amended to read:

2148 | 459.025 Formal supervisory relationships, standing orders,  
 2149 | and established protocols; notice; standards.—

2150 | (1) NOTICE.—

2151 (a) When an osteopathic physician enters into a formal  
 2152 supervisory relationship or standing orders with an emergency  
 2153 medical technician or paramedic licensed pursuant to s. 401.27,  
 2154 which relationship or orders contemplate the performance of  
 2155 medical acts, or when an osteopathic physician enters into an  
 2156 established protocol with an advanced practice registered nurse  
 2157 ~~advanced registered nurse practitioner~~, which protocol  
 2158 contemplates the performance of medical acts or acts set forth  
 2159 in s. 464.012(3) and (4), the osteopathic physician shall submit  
 2160 notice to the board. The notice must contain a statement in  
 2161 substantially the following form:

2162  
 2163 I, ...(name and professional license number of osteopathic  
 2164 physician)..., of ...(address of osteopathic physician)... have  
 2165 hereby entered into a formal supervisory relationship, standing  
 2166 orders, or an established protocol with ...(number of  
 2167 persons)... emergency medical technician(s), ...(number of  
 2168 persons)... paramedic(s), or ...(number of persons)... advanced  
 2169 practice registered nurse(s) ~~advanced registered nurse~~  
 2170 ~~practitioner(s)~~.

2171  
 2172 (3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—  
 2173 An osteopathic physician who supervises an advanced practice  
 2174 registered nurse ~~advanced registered nurse practitioner~~ or  
 2175 physician assistant at a medical office other than the

2176 osteopathic physician's primary practice location, where the  
2177 advanced practice registered nurse ~~advanced registered nurse~~  
2178 ~~practitioner~~ or physician assistant is not under the onsite  
2179 supervision of a supervising osteopathic physician, must comply  
2180 with the standards set forth in this subsection. For the purpose  
2181 of this subsection, an osteopathic physician's "primary practice  
2182 location" means the address reflected on the physician's profile  
2183 published pursuant to s. 456.041.

2184 (a) An osteopathic physician who is engaged in providing  
2185 primary health care services may not supervise more than four  
2186 offices in addition to the osteopathic physician's primary  
2187 practice location. For the purpose of this subsection, "primary  
2188 health care" means health care services that are commonly  
2189 provided to patients without referral from another practitioner,  
2190 including obstetrical and gynecological services, and excludes  
2191 practices providing primarily dermatologic and skin care  
2192 services, which include aesthetic skin care services.

2193 (b) An osteopathic physician who is engaged in providing  
2194 specialty health care services may not supervise more than two  
2195 offices in addition to the osteopathic physician's primary  
2196 practice location. For the purpose of this subsection,  
2197 "specialty health care" means health care services that are  
2198 commonly provided to patients with a referral from another  
2199 practitioner and excludes practices providing primarily  
2200 dermatologic and skin care services, which include aesthetic



2201 skin care services.

2202 (c) An osteopathic physician who supervises an advanced  
 2203 practice registered nurse ~~advanced registered nurse practitioner~~  
 2204 or physician assistant at a medical office other than the  
 2205 osteopathic physician's primary practice location, where the  
 2206 advanced practice registered nurse ~~advanced registered nurse~~  
 2207 ~~practitioner~~ or physician assistant is not under the onsite  
 2208 supervision of a supervising osteopathic physician and the  
 2209 services offered at the office are primarily dermatologic or  
 2210 skin care services, which include aesthetic skin care services  
 2211 other than plastic surgery, must comply with the standards  
 2212 listed in subparagraphs 1.-4. Notwithstanding s.

2213 459.022 (4) (e) 6., an osteopathic physician supervising a  
 2214 physician assistant pursuant to this paragraph may not be  
 2215 required to review and cosign charts or medical records prepared  
 2216 by such physician assistant.

2217 1. The osteopathic physician shall submit to the Board of  
 2218 Osteopathic Medicine the addresses of all offices where he or  
 2219 she is supervising or has a protocol with an advanced practice  
 2220 registered nurse ~~advanced registered nurse practitioner~~ or a  
 2221 physician's assistant which are not the osteopathic physician's  
 2222 primary practice location.

2223 2. The osteopathic physician must be board certified or  
 2224 board eligible in dermatology or plastic surgery as recognized  
 2225 by the Board of Osteopathic Medicine pursuant to s. 459.0152.

2226           3. All such offices that are not the osteopathic  
2227 physician's primary place of practice must be within 25 miles of  
2228 the osteopathic physician's primary place of practice or in a  
2229 county that is contiguous to the county of the osteopathic  
2230 physician's primary place of practice. However, the distance  
2231 between any of the offices may not exceed 75 miles.

2232           4. The osteopathic physician may supervise only one office  
2233 other than the osteopathic physician's primary place of practice  
2234 except that until July 1, 2011, the osteopathic physician may  
2235 supervise up to two medical offices other than the osteopathic  
2236 physician's primary place of practice if the addresses of the  
2237 offices are submitted to the Board of Osteopathic Medicine  
2238 before July 1, 2006. Effective July 1, 2011, the osteopathic  
2239 physician may supervise only one office other than the  
2240 osteopathic physician's primary place of practice, regardless of  
2241 when the addresses of the offices were submitted to the Board of  
2242 Osteopathic Medicine.

2243           (d) An osteopathic physician who supervises an office in  
2244 addition to the osteopathic physician's primary practice  
2245 location must conspicuously post in each of the osteopathic  
2246 physician's offices a current schedule of the regular hours when  
2247 the osteopathic physician is present in that office and the  
2248 hours when the office is open while the osteopathic physician is  
2249 not present.

2250           (e) This subsection does not apply to health care services

2251 provided in facilities licensed under chapter 395 or in  
2252 conjunction with a college of medicine or college of nursing or  
2253 an accredited graduate medical or nursing education program;  
2254 offices where the only service being performed is hair removal  
2255 by an advanced practice registered nurse ~~advanced registered~~  
2256 ~~nurse practitioner~~ or physician assistant; not-for-profit,  
2257 family-planning clinics that are not licensed pursuant to  
2258 chapter 390; rural and federally qualified health centers;  
2259 health care services provided in a nursing home licensed under  
2260 part II of chapter 400, an assisted living facility licensed  
2261 under part I of chapter 429, a continuing care facility licensed  
2262 under chapter 651, or a retirement community consisting of  
2263 independent living units and either a licensed nursing home or  
2264 assisted living facility; anesthesia services provided in  
2265 accordance with law; health care services provided in a  
2266 designated rural health clinic; health care services provided to  
2267 persons enrolled in a program designed to maintain elderly  
2268 persons and persons with disabilities in a home or community-  
2269 based setting; university primary care student health centers;  
2270 school health clinics; or health care services provided in  
2271 federal, state, or local government facilities.

2272 Section 55. Subsection (2) of section 464.003, Florida  
2273 Statutes, is amended to read:

2274 464.003 Definitions.—As used in this part, the term:

2275 (2) "Advanced or specialized nursing practice" means, in

2276 addition to the practice of professional nursing, the  
 2277 performance of advanced-level nursing acts approved by the board  
 2278 which, by virtue of postbasic specialized education, training,  
 2279 and experience, are appropriately performed by an advanced  
 2280 practice registered nurse ~~advanced registered nurse~~  
 2281 ~~practitioner~~. Within the context of advanced or specialized  
 2282 nursing practice, the advanced practice registered nurse  
 2283 ~~advanced registered nurse practitioner~~ may perform acts of  
 2284 nursing diagnosis and nursing treatment of alterations of the  
 2285 health status. The advanced practice registered nurse ~~advanced~~  
 2286 ~~registered nurse practitioner~~ may also perform acts of medical  
 2287 diagnosis and treatment, prescription, and operation as  
 2288 authorized within the framework of an established supervisory  
 2289 protocol. The department may, by rule, require that a copy of  
 2290 the protocol be filed with the department along with the notice  
 2291 required by s. 458.348.

2292 Section 56. Subsection (2) of section 464.004, Florida  
 2293 Statutes, is amended to read:

2294 464.004 Board of Nursing; membership; appointment; terms.—

2295 (2) Seven members of the board must be registered nurses  
 2296 who are residents of this state and who have been engaged in the  
 2297 practice of professional nursing for at least 4 years, including  
 2298 at least one advanced practice registered nurse ~~advanced~~  
 2299 ~~registered nurse practitioner~~, one nurse educator member of an  
 2300 approved program, and one nurse executive. These seven board

2301 members should be representative of the diverse areas of  
2302 practice within the nursing profession. In addition, three  
2303 members of the board must be licensed practical nurses who are  
2304 residents of this state and who have been actively engaged in  
2305 the practice of practical nursing for at least 4 years prior to  
2306 their appointment. The remaining three members must be residents  
2307 of the state who have never been licensed as nurses and who are  
2308 in no way connected with the practice of nursing. No person may  
2309 be appointed as a lay member who is in any way connected with,  
2310 or has any financial interest in, any health care facility,  
2311 agency, or insurer. At least one member of the board must be 60  
2312 years of age or older.

2313 Section 57. Paragraph (b) of subsection (3) of section  
2314 464.013, Florida Statutes, is amended to read:

2315 464.013 Renewal of license or certificate.—

2316 (3) The board shall by rule prescribe up to 30 hours of  
2317 continuing education biennially as a condition for renewal of a  
2318 license or certificate.

2319 (b) Notwithstanding the exemption in paragraph (a), as  
2320 part of the maximum 30 hours of continuing education hours  
2321 required under this subsection, advanced practice registered  
2322 nurses ~~advanced registered nurse practitioners~~ certified under  
2323 s. 464.012 must complete at least 3 hours of continuing  
2324 education on the safe and effective prescription of controlled  
2325 substances. Such continuing education courses must be offered by

2326 a statewide professional association of physicians in this state  
 2327 accredited to provide educational activities designated for the  
 2328 American Medical Association Physician's Recognition Award  
 2329 Category 1 credit, the American Nurses Credentialing Center, the  
 2330 American Association of Nurse Anesthetists, or the American  
 2331 Association of Nurse Practitioners and may be offered in a  
 2332 distance learning format.

2333 Section 58. Subsections (8) and (9) of section 464.015,  
 2334 Florida Statutes, are amended to read:

2335 464.015 Titles and abbreviations; restrictions; penalty.—

2336 (8) Only persons who hold valid certificates to practice  
 2337 as advanced practice registered nurses ~~advanced registered nurse~~  
 2338 ~~practitioners~~ in this state may use the title "Advanced Practice  
 2339 Registered Nurse" ~~"Advanced Registered Nurse Practitioner"~~ and  
 2340 the abbreviation "A.P.R.N." ~~"A.R.N.P."~~

2341 (9) A person may not practice or advertise as, or assume  
 2342 the title of, registered nurse, licensed practical nurse,  
 2343 clinical nurse specialist, certified registered nurse  
 2344 anesthetist, certified nurse midwife, or advanced practice  
 2345 registered nurse ~~advanced registered nurse practitioner~~ or use  
 2346 the abbreviation "R.N.," "L.P.N.," "C.N.S.," "C.R.N.A.,"  
 2347 "C.N.M.," or "A.P.R.N." ~~"A.R.N.P."~~ or take any other action that  
 2348 would lead the public to believe that person was certified as  
 2349 such or is performing nursing services pursuant to the exception  
 2350 set forth in s. 464.022(8), unless that person is licensed or

2351 certified to practice as such.

2352 Section 59. Effective December 31, 2018, or upon enactment  
 2353 of the Nurse Licensure Compact into law by 26 states, whichever  
 2354 occurs first, subsections (1), (2), and (9) of section 464.015,  
 2355 Florida Statutes, as amended by section 9 of chapter 2016-139,  
 2356 Laws of Florida, are amended to read:

2357 464.015 Titles and abbreviations; restrictions; penalty.—

2358 (1) Only a person who holds a license in this state or a  
 2359 multistate license pursuant to s. 464.0095 to practice  
 2360 professional nursing or who performs nursing services pursuant  
 2361 to the exception set forth in s. 464.022(8) may use the title  
 2362 "Registered Nurse" and the abbreviation "R.N."

2363 (2) Only a person who holds a license in this state or a  
 2364 multistate license pursuant to s. 464.0095 to practice as a  
 2365 licensed practical nurse or who performs practical nursing  
 2366 services pursuant to the exception set forth in s. 464.022(8)  
 2367 may use the title "Licensed Practical Nurse" and the  
 2368 abbreviation "L.P.N."

2369 (9) A person may not practice or advertise as, or assume  
 2370 the title of, registered nurse, licensed practical nurse,  
 2371 clinical nurse specialist, certified registered nurse  
 2372 anesthetist, certified nurse midwife, or advanced practice  
 2373 registered nurse ~~advanced registered nurse practitioner~~ or use  
 2374 the abbreviation "R.N.," "L.P.N.," "C.N.S.," "C.R.N.A.,"  
 2375 "C.N.M.," or "A.P.R.N." ~~"A.R.N.P."~~ or take any other action that

2376 would lead the public to believe that person was authorized by  
 2377 law to practice as such or is performing nursing services  
 2378 pursuant to the exception set forth in s. 464.022(8) unless that  
 2379 person is licensed, certified, or authorized pursuant to s.  
 2380 464.0095 to practice as such.

2381 Section 60. Paragraph (a) of subsection (2) of section  
 2382 464.016, Florida Statutes, is amended to read:

2383 464.016 Violations and penalties.—

2384 (2) Each of the following acts constitutes a misdemeanor  
 2385 of the first degree, punishable as provided in s. 775.082 or s.  
 2386 775.083:

2387 (a) Using the name or title "Nurse," "Registered Nurse,"  
 2388 "Licensed Practical Nurse," "Clinical Nurse Specialist,"  
 2389 "Certified Registered Nurse Anesthetist," "Certified Nurse  
 2390 Midwife," "Advanced Practice Registered Nurse," ~~"Advanced  
 2391 Registered Nurse Practitioner,"~~ or any other name or title which  
 2392 implies that a person was licensed or certified as same, unless  
 2393 such person is duly licensed or certified.

2394 Section 61. Paragraphs (p) and (q) of subsection (1) of  
 2395 section 464.018, Florida Statutes, are amended to read:

2396 464.018 Disciplinary actions.—

2397 (1) The following acts constitute grounds for denial of a  
 2398 license or disciplinary action, as specified in s. 456.072(2):

2399 (p) For an advanced practice registered nurse ~~advanced  
 2400 registered nurse practitioner:~~



- 2401           1. Presigning blank prescription forms.
- 2402           2. Prescribing for office use any medicinal drug appearing  
2403 on Schedule II in chapter 893.
- 2404           3. Prescribing, ordering, dispensing, administering,  
2405 supplying, selling, or giving a drug that is an amphetamine, a  
2406 sympathomimetic amine drug, or a compound designated in s.  
2407 893.03(2) as a Schedule II controlled substance, to or for any  
2408 person except for:
- 2409           a. The treatment of narcolepsy; hyperkinesis; behavioral  
2410 syndrome in children characterized by the developmentally  
2411 inappropriate symptoms of moderate to severe distractibility,  
2412 short attention span, hyperactivity, emotional lability, and  
2413 impulsivity; or drug-induced brain dysfunction.
- 2414           b. The differential diagnostic psychiatric evaluation of  
2415 depression or the treatment of depression shown to be refractory  
2416 to other therapeutic modalities.
- 2417           c. The clinical investigation of the effects of such drugs  
2418 or compounds when an investigative protocol is submitted to,  
2419 reviewed by, and approved by the department before such  
2420 investigation is begun.
- 2421           4. Prescribing, ordering, dispensing, administering,  
2422 supplying, selling, or giving growth hormones, testosterone or  
2423 its analogs, human chorionic gonadotropin (HCG), or other  
2424 hormones for the purpose of muscle building or to enhance  
2425 athletic performance. As used in this subparagraph, the term

2426 "muscle building" does not include the treatment of injured  
 2427 muscle. A prescription written for the drug products identified  
 2428 in this subparagraph may be dispensed by a pharmacist with the  
 2429 presumption that the prescription is for legitimate medical use.

2430 5. Promoting or advertising on any prescription form a  
 2431 community pharmacy unless the form also states: "This  
 2432 prescription may be filled at any pharmacy of your choice."

2433 6. Prescribing, dispensing, administering, mixing, or  
 2434 otherwise preparing a legend drug, including a controlled  
 2435 substance, other than in the course of his or her professional  
 2436 practice. For the purposes of this subparagraph, it is legally  
 2437 presumed that prescribing, dispensing, administering, mixing, or  
 2438 otherwise preparing legend drugs, including all controlled  
 2439 substances, inappropriately or in excessive or inappropriate  
 2440 quantities is not in the best interest of the patient and is not  
 2441 in the course of the advanced practice registered nurse's  
 2442 ~~advanced registered nurse practitioner's~~ professional practice,  
 2443 without regard to his or her intent.

2444 7. Prescribing, dispensing, or administering a medicinal  
 2445 drug appearing on any schedule set forth in chapter 893 to  
 2446 himself or herself, except a drug prescribed, dispensed, or  
 2447 administered to the advanced practice registered nurse ~~advanced~~  
 2448 ~~registered nurse practitioner~~ by another practitioner authorized  
 2449 to prescribe, dispense, or administer medicinal drugs.

2450 8. Prescribing, ordering, dispensing, administering,

2451 supplying, selling, or giving amygdalin (laetrile) to any  
2452 person.

2453 9. Dispensing a substance designated in s. 893.03(2) or  
2454 (3) as a substance controlled in Schedule II or Schedule III,  
2455 respectively, in violation of s. 465.0276.

2456 10. Promoting or advertising through any communication  
2457 medium the use, sale, or dispensing of a substance designated in  
2458 s. 893.03 as a controlled substance.

2459 (q) For a psychiatric nurse:

2460 1. Presigning blank prescription forms.

2461 2. Prescribing for office use any medicinal drug appearing  
2462 in Schedule II of s. 893.03.

2463 3. Prescribing, ordering, dispensing, administering,  
2464 supplying, selling, or giving a drug that is an amphetamine, a  
2465 sympathomimetic amine drug, or a compound designated in s.  
2466 893.03(2) as a Schedule II controlled substance, to or for any  
2467 person except for:

2468 a. The treatment of narcolepsy; hyperkinesis; behavioral  
2469 syndrome in children characterized by the developmentally  
2470 inappropriate symptoms of moderate to severe distractibility,  
2471 short attention span, hyperactivity, emotional lability, and  
2472 impulsivity; or drug-induced brain dysfunction.

2473 b. The differential diagnostic psychiatric evaluation of  
2474 depression or the treatment of depression shown to be refractory  
2475 to other therapeutic modalities.

2476 c. The clinical investigation of the effects of such drugs  
2477 or compounds when an investigative protocol is submitted to,  
2478 reviewed by, and approved by the department before such  
2479 investigation is begun.

2480 4. Prescribing, ordering, dispensing, administering,  
2481 supplying, selling, or giving growth hormones, testosterone or  
2482 its analogs, human chorionic gonadotropin (HCG), or other  
2483 hormones for the purpose of muscle building or to enhance  
2484 athletic performance. As used in this subparagraph, the term  
2485 "muscle building" does not include the treatment of injured  
2486 muscle. A prescription written for the drug products identified  
2487 in this subparagraph may be dispensed by a pharmacist with the  
2488 presumption that the prescription is for legitimate medical use.

2489 5. Promoting or advertising on any prescription form a  
2490 community pharmacy unless the form also states: "This  
2491 prescription may be filled at any pharmacy of your choice."

2492 6. Prescribing, dispensing, administering, mixing, or  
2493 otherwise preparing a legend drug, including a controlled  
2494 substance, other than in the course of his or her professional  
2495 practice. For the purposes of this subparagraph, it is legally  
2496 presumed that prescribing, dispensing, administering, mixing, or  
2497 otherwise preparing legend drugs, including all controlled  
2498 substances, inappropriately or in excessive or inappropriate  
2499 quantities is not in the best interest of the patient and is not  
2500 in the course of the advanced practice registered nurse's

2501 ~~advanced registered nurse practitioner's~~ professional practice,  
2502 without regard to his or her intent.

2503 7. Prescribing, dispensing, or administering a medicinal  
2504 drug appearing on any schedule set forth in chapter 893 to  
2505 himself or herself, except a drug prescribed, dispensed, or  
2506 administered to the psychiatric nurse by another practitioner  
2507 authorized to prescribe, dispense, or administer medicinal  
2508 drugs.

2509 8. Prescribing, ordering, dispensing, administering,  
2510 supplying, selling, or giving amygdalin (laetrile) to any  
2511 person.

2512 9. Dispensing a substance designated in s. 893.03(2) or  
2513 (3) as a substance controlled in Schedule II or Schedule III,  
2514 respectively, in violation of s. 465.0276.

2515 10. Promoting or advertising through any communication  
2516 medium the use, sale, or dispensing of a substance designated in  
2517 s. 893.03 as a controlled substance.

2518 Section 62. Effective December 31, 2018, or upon enactment  
2519 of the Nurse Licensure Compact into law by 26 states, whichever  
2520 occurs first, subsections (1) and (2) of section 464.018,  
2521 Florida Statutes, as amended by section 14 of chapter 2017-41,  
2522 Laws of Florida, section 8 of chapter 2016-231, Laws of Florida,  
2523 section 15 of chapter 2016-224, Laws of Florida, and section 10  
2524 of chapter 2016-139, Laws of Florida, are amended to read:

2525 464.018 Disciplinary actions.—

2526 (1) The following acts constitute grounds for denial of a  
 2527 license or disciplinary action, as specified in ss. 456.072(2)  
 2528 and 464.0095:

2529 (a) Procuring, attempting to procure, or renewing a  
 2530 license to practice nursing or the authority to practice  
 2531 practical or professional nursing pursuant to s. 464.0095 by  
 2532 bribery, by knowing misrepresentations, or through an error of  
 2533 the department or the board.

2534 (b) Having a license to practice nursing revoked,  
 2535 suspended, or otherwise acted against, including the denial of  
 2536 licensure, by the licensing authority of another state,  
 2537 territory, or country.

2538 (c) Being convicted or found guilty of, or entering a plea  
 2539 of guilty or nolo contendere to, regardless of adjudication, a  
 2540 crime in any jurisdiction which directly relates to the practice  
 2541 of nursing or to the ability to practice nursing.

2542 (d) Being convicted or found guilty of, or entering a plea  
 2543 of guilty or nolo contendere to, regardless of adjudication, any  
 2544 of the following offenses:

- 2545 1. A forcible felony as defined in chapter 776.
- 2546 2. A violation of chapter 812, relating to theft, robbery,  
 2547 and related crimes.
- 2548 3. A violation of chapter 817, relating to fraudulent  
 2549 practices.
- 2550 4. A violation of chapter 800, relating to lewdness and

2551 | indecent exposure.

2552 |         5. A violation of chapter 784, relating to assault,  
2553 | battery, and culpable negligence.

2554 |         6. A violation of chapter 827, relating to child abuse.

2555 |         7. A violation of chapter 415, relating to protection from  
2556 | abuse, neglect, and exploitation.

2557 |         8. A violation of chapter 39, relating to child abuse,  
2558 | abandonment, and neglect.

2559 |         9. For an applicant for a multistate license or for a  
2560 | multistate licenseholder under s. 464.0095, a felony offense  
2561 | under Florida law or federal criminal law.

2562 |         (e) Having been found guilty of, regardless of  
2563 | adjudication, or entered a plea of nolo contendere or guilty to,  
2564 | any offense prohibited under s. 435.04 or similar statute of  
2565 | another jurisdiction; or having committed an act which  
2566 | constitutes domestic violence as defined in s. 741.28.

2567 |         (f) Making or filing a false report or record, which the  
2568 | nurse knows to be false, intentionally or negligently failing to  
2569 | file a report or record required by state or federal law,  
2570 | willfully impeding or obstructing such filing or inducing  
2571 | another person to do so. Such reports or records shall include  
2572 | only those which are signed in the nurse's capacity as a  
2573 | licensed nurse.

2574 |         (g) False, misleading, or deceptive advertising.

2575 |         (h) Unprofessional conduct, as defined by board rule.

2576 (i) Engaging or attempting to engage in the possession,  
2577 sale, or distribution of controlled substances as set forth in  
2578 chapter 893, for any other than legitimate purposes authorized  
2579 by this part.

2580 (j) Being unable to practice nursing with reasonable skill  
2581 and safety to patients by reason of illness or use of alcohol,  
2582 drugs, narcotics, or chemicals or any other type of material or  
2583 as a result of any mental or physical condition. In enforcing  
2584 this paragraph, the department shall have, upon a finding of the  
2585 State Surgeon General or the State Surgeon General's designee  
2586 that probable cause exists to believe that the nurse is unable  
2587 to practice nursing because of the reasons stated in this  
2588 paragraph, the authority to issue an order to compel a nurse to  
2589 submit to a mental or physical examination by physicians  
2590 designated by the department. If the nurse refuses to comply  
2591 with such order, the department's order directing such  
2592 examination may be enforced by filing a petition for enforcement  
2593 in the circuit court where the nurse resides or does business.  
2594 The nurse against whom the petition is filed shall not be named  
2595 or identified by initials in any public court records or  
2596 documents, and the proceedings shall be closed to the public.  
2597 The department shall be entitled to the summary procedure  
2598 provided in s. 51.011. A nurse affected by this paragraph shall  
2599 at reasonable intervals be afforded an opportunity to  
2600 demonstrate that she or he can resume the competent practice of



2601 nursing with reasonable skill and safety to patients.

2602 (k) Failing to report to the department any person who the  
2603 nurse knows is in violation of this part or of the rules of the  
2604 department or the board. However, a person who the licensee  
2605 knows is unable to practice nursing with reasonable skill and  
2606 safety to patients by reason of illness or use of alcohol,  
2607 drugs, narcotics, chemicals, or any other type of material, or  
2608 as a result of a mental or physical condition, may be reported  
2609 to a consultant operating an impaired practitioner program as  
2610 described in s. 456.076 rather than to the department.

2611 (l) Knowingly violating any provision of this part, a rule  
2612 of the board or the department, or a lawful order of the board  
2613 or department previously entered in a disciplinary proceeding or  
2614 failing to comply with a lawfully issued subpoena of the  
2615 department.

2616 (m) Failing to report to the department any licensee under  
2617 chapter 458 or under chapter 459 who the nurse knows has  
2618 violated the grounds for disciplinary action set out in the law  
2619 under which that person is licensed and who provides health care  
2620 services in a facility licensed under chapter 395, or a health  
2621 maintenance organization certificated under part I of chapter  
2622 641, in which the nurse also provides services.

2623 (n) Failing to meet minimal standards of acceptable and  
2624 prevailing nursing practice, including engaging in acts for  
2625 which the nurse is not qualified by training or experience.

2626 (o) Violating any provision of this chapter or chapter  
 2627 456, or any rules adopted pursuant thereto.

2628 (p) For an advanced practice registered nurse ~~advanced~~  
 2629 ~~registered nurse practitioner~~:

- 2630 1. Presigning blank prescription forms.
- 2631 2. Prescribing for office use any medicinal drug appearing  
 2632 on Schedule II in chapter 893.

2633 3. Prescribing, ordering, dispensing, administering,  
 2634 supplying, selling, or giving a drug that is an amphetamine, a  
 2635 sympathomimetic amine drug, or a compound designated in s.  
 2636 893.03(2) as a Schedule II controlled substance, to or for any  
 2637 person except for:

- 2638 a. The treatment of narcolepsy; hyperkinesis; behavioral  
 2639 syndrome in children characterized by the developmentally  
 2640 inappropriate symptoms of moderate to severe distractibility,  
 2641 short attention span, hyperactivity, emotional lability, and  
 2642 impulsivity; or drug-induced brain dysfunction.

- 2643 b. The differential diagnostic psychiatric evaluation of  
 2644 depression or the treatment of depression shown to be refractory  
 2645 to other therapeutic modalities.

- 2646 c. The clinical investigation of the effects of such drugs  
 2647 or compounds when an investigative protocol is submitted to,  
 2648 reviewed by, and approved by the department before such  
 2649 investigation is begun.

2650 4. Prescribing, ordering, dispensing, administering,

2651 supplying, selling, or giving growth hormones, testosterone or  
 2652 its analogs, human chorionic gonadotropin (HCG), or other  
 2653 hormones for the purpose of muscle building or to enhance  
 2654 athletic performance. As used in this subparagraph, the term  
 2655 "muscle building" does not include the treatment of injured  
 2656 muscle. A prescription written for the drug products identified  
 2657 in this subparagraph may be dispensed by a pharmacist with the  
 2658 presumption that the prescription is for legitimate medical use.

2659 5. Promoting or advertising on any prescription form a  
 2660 community pharmacy unless the form also states: "This  
 2661 prescription may be filled at any pharmacy of your choice."

2662 6. Prescribing, dispensing, administering, mixing, or  
 2663 otherwise preparing a legend drug, including a controlled  
 2664 substance, other than in the course of his or her professional  
 2665 practice. For the purposes of this subparagraph, it is legally  
 2666 presumed that prescribing, dispensing, administering, mixing, or  
 2667 otherwise preparing legend drugs, including all controlled  
 2668 substances, inappropriately or in excessive or inappropriate  
 2669 quantities is not in the best interest of the patient and is not  
 2670 in the course of the advanced practice registered nurse's  
 2671 ~~advanced registered nurse practitioner's~~ professional practice,  
 2672 without regard to his or her intent.

2673 7. Prescribing, dispensing, or administering a medicinal  
 2674 drug appearing on any schedule set forth in chapter 893 to  
 2675 himself or herself, except a drug prescribed, dispensed, or

2676 administered to the advanced practice registered nurse ~~advanced~~  
 2677 ~~registered nurse practitioner~~ by another practitioner authorized  
 2678 to prescribe, dispense, or administer medicinal drugs.

2679 8. Prescribing, ordering, dispensing, administering,  
 2680 supplying, selling, or giving amygdalin (laetrile) to any  
 2681 person.

2682 9. Dispensing a substance designated in s. 893.03(2) or  
 2683 (3) as a substance controlled in Schedule II or Schedule III,  
 2684 respectively, in violation of s. 465.0276.

2685 10. Promoting or advertising through any communication  
 2686 medium the use, sale, or dispensing of a substance designated in  
 2687 s. 893.03 as a controlled substance.

2688 (q) For a psychiatric nurse:

2689 1. Presigning blank prescription forms.

2690 2. Prescribing for office use any medicinal drug appearing  
 2691 in Schedule II of s. 893.03.

2692 3. Prescribing, ordering, dispensing, administering,  
 2693 supplying, selling, or giving a drug that is an amphetamine, a  
 2694 sympathomimetic amine drug, or a compound designated in s.  
 2695 893.03(2) as a Schedule II controlled substance, to or for any  
 2696 person except for:

2697 a. The treatment of narcolepsy; hyperkinesis; behavioral  
 2698 syndrome in children characterized by the developmentally  
 2699 inappropriate symptoms of moderate to severe distractibility,  
 2700 short attention span, hyperactivity, emotional lability, and

2701 impulsivity; or drug-induced brain dysfunction.

2702       b. The differential diagnostic psychiatric evaluation of  
2703 depression or the treatment of depression shown to be refractory  
2704 to other therapeutic modalities.

2705       c. The clinical investigation of the effects of such drugs  
2706 or compounds when an investigative protocol is submitted to,  
2707 reviewed by, and approved by the department before such  
2708 investigation is begun.

2709       4. Prescribing, ordering, dispensing, administering,  
2710 supplying, selling, or giving growth hormones, testosterone or  
2711 its analogs, human chorionic gonadotropin (HCG), or other  
2712 hormones for the purpose of muscle building or to enhance  
2713 athletic performance. As used in this subparagraph, the term  
2714 "muscle building" does not include the treatment of injured  
2715 muscle. A prescription written for the drug products identified  
2716 in this subparagraph may be dispensed by a pharmacist with the  
2717 presumption that the prescription is for legitimate medical use.

2718       5. Promoting or advertising on any prescription form a  
2719 community pharmacy unless the form also states: "This  
2720 prescription may be filled at any pharmacy of your choice."

2721       6. Prescribing, dispensing, administering, mixing, or  
2722 otherwise preparing a legend drug, including a controlled  
2723 substance, other than in the course of his or her professional  
2724 practice. For the purposes of this subparagraph, it is legally  
2725 presumed that prescribing, dispensing, administering, mixing, or

2726 otherwise preparing legend drugs, including all controlled  
 2727 substances, inappropriately or in excessive or inappropriate  
 2728 quantities is not in the best interest of the patient and is not  
 2729 in the course of the advanced practice registered nurse's  
 2730 ~~advanced registered nurse practitioner's~~ professional practice,  
 2731 without regard to his or her intent.

2732 7. Prescribing, dispensing, or administering a medicinal  
 2733 drug appearing on any schedule set forth in chapter 893 to  
 2734 himself or herself, except a drug prescribed, dispensed, or  
 2735 administered to the psychiatric nurse by another practitioner  
 2736 authorized to prescribe, dispense, or administer medicinal  
 2737 drugs.

2738 8. Prescribing, ordering, dispensing, administering,  
 2739 supplying, selling, or giving amygdalin (laetrile) to any  
 2740 person.

2741 9. Dispensing a substance designated in s. 893.03(2) or  
 2742 (3) as a substance controlled in Schedule II or Schedule III,  
 2743 respectively, in violation of s. 465.0276.

2744 10. Promoting or advertising through any communication  
 2745 medium the use, sale, or dispensing of a substance designated in  
 2746 s. 893.03 as a controlled substance.

2747 (2) (a) The board may enter an order denying licensure or  
 2748 imposing any of the penalties in s. 456.072(2) against any  
 2749 applicant for licensure or nurse who is found guilty of  
 2750 violating subsection (1) or s. 456.072(1).

2751 (b) The board may take adverse action against a nurse's  
 2752 multistate licensure privilege and impose any of the penalties  
 2753 in s. 456.072(2) when the nurse is found guilty of violating  
 2754 subsection (1) or s. 456.072(1).

2755 Section 63. Paragraph (a) of subsection (4) of section  
 2756 464.0205, Florida Statutes, is amended to read:

2757 464.0205 Retired volunteer nurse certificate.—

2758 (4) A retired volunteer nurse receiving certification from  
 2759 the board shall:

2760 (a) Work under the direct supervision of the director of a  
 2761 county health department, a physician working under a limited  
 2762 license issued pursuant to s. 458.317 or s. 459.0075, a  
 2763 physician licensed under chapter 458 or chapter 459, an advanced  
 2764 practice registered nurse ~~advanced registered nurse practitioner~~  
 2765 certified under s. 464.012, or a registered nurse licensed under  
 2766 s. 464.008 or s. 464.009.

2767 Section 64. Subsection (2) of section 467.003, Florida  
 2768 Statutes, is amended to read:

2769 467.003 Definitions.—As used in this chapter, unless the  
 2770 context otherwise requires:

2771 (2) "Certified nurse midwife" means a person who is  
 2772 licensed as an advanced practice registered nurse ~~advanced~~  
 2773 ~~registered nurse practitioner~~ under part I of chapter 464 and  
 2774 who is certified to practice midwifery by the American College  
 2775 of Nurse Midwives.

2776 Section 65. Subsection (1) of section 480.0475, Florida  
 2777 Statutes, is amended to read:

2778 480.0475 Massage establishments; prohibited practices.—

2779 (1) A person may not operate a massage establishment  
 2780 between the hours of midnight and 5 a.m. This subsection does  
 2781 not apply to a massage establishment:

2782 (a) Located on the premises of a health care facility as  
 2783 defined in s. 408.07; a health care clinic as defined in s.  
 2784 400.9905(4); a hotel, motel, or bed and breakfast inn, as those  
 2785 terms are defined in s. 509.242; a timeshare property as defined  
 2786 in s. 721.05; a public airport as defined in s. 330.27; or a  
 2787 pari-mutuel facility as defined in s. 550.002;

2788 (b) In which every massage performed between the hours of  
 2789 midnight and 5 a.m. is performed by a massage therapist acting  
 2790 under the prescription of a physician or physician assistant  
 2791 licensed under chapter 458, an osteopathic physician or  
 2792 physician assistant licensed under chapter 459, a chiropractic  
 2793 physician licensed under chapter 460, a podiatric physician  
 2794 licensed under chapter 461, an advanced practice registered  
 2795 nurse ~~advanced registered nurse practitioner~~ licensed under part  
 2796 I of chapter 464, or a dentist licensed under chapter 466; or

2797 (c) Operating during a special event if the county or  
 2798 municipality in which the establishment operates has approved  
 2799 such operation during the special event.

2800 Section 66. Subsection (7) of section 483.041, Florida



2801 Statutes, is amended to read:

2802 483.041 Definitions.—As used in this part, the term:

2803 (7) "Licensed practitioner" means a physician licensed  
 2804 under chapter 458, chapter 459, chapter 460, or chapter 461; a  
 2805 certified optometrist licensed under chapter 463; a dentist  
 2806 licensed under chapter 466; a person licensed under chapter 462;  
 2807 a consultant pharmacist or doctor of pharmacy licensed under  
 2808 chapter 465; or an advanced practice registered nurse ~~advanced~~  
 2809 ~~registered nurse practitioner~~ licensed under part I of chapter  
 2810 464; or a duly licensed practitioner from another state licensed  
 2811 under similar statutes who orders examinations on materials or  
 2812 specimens for nonresidents of the State of Florida, but who  
 2813 reside in the same state as the requesting licensed  
 2814 practitioner.

2815 Section 67. Subsection (5) of section 483.801, Florida  
 2816 Statutes, is amended to read:

2817 483.801 Exemptions.—This part applies to all clinical  
 2818 laboratories and clinical laboratory personnel within this  
 2819 state, except:

2820 (5) Advanced practice registered nurses ~~advanced~~  
 2821 ~~registered nurse practitioners~~ licensed under part I of chapter  
 2822 464 who perform provider-performed microscopy procedures (PPMP)  
 2823 in an exclusive-use laboratory setting.

2824 Section 68. Paragraph (a) of subsection (11) of section  
 2825 486.021, Florida Statutes, is amended to read:

2826 486.021 Definitions.—In this chapter, unless the context  
 2827 otherwise requires, the term:

2828 (11) "Practice of physical therapy" means the performance  
 2829 of physical therapy assessments and the treatment of any  
 2830 disability, injury, disease, or other health condition of human  
 2831 beings, or the prevention of such disability, injury, disease,  
 2832 or other condition of health, and rehabilitation as related  
 2833 thereto by the use of the physical, chemical, and other  
 2834 properties of air; electricity; exercise; massage; the  
 2835 performance of acupuncture only upon compliance with the  
 2836 criteria set forth by the Board of Medicine, when no penetration  
 2837 of the skin occurs; the use of radiant energy, including  
 2838 ultraviolet, visible, and infrared rays; ultrasound; water; the  
 2839 use of apparatus and equipment in the application of the  
 2840 foregoing or related thereto; the performance of tests of  
 2841 neuromuscular functions as an aid to the diagnosis or treatment  
 2842 of any human condition; or the performance of electromyography  
 2843 as an aid to the diagnosis of any human condition only upon  
 2844 compliance with the criteria set forth by the Board of Medicine.

2845 (a) A physical therapist may implement a plan of treatment  
 2846 developed by the physical therapist for a patient or provided  
 2847 for a patient by a practitioner of record or by an advanced  
 2848 practice registered nurse ~~advanced registered nurse practitioner~~  
 2849 licensed under s. 464.012. The physical therapist shall refer  
 2850 the patient to or consult with a practitioner of record if the

2851 patient's condition is found to be outside the scope of physical  
2852 therapy. If physical therapy treatment for a patient is required  
2853 beyond 30 days for a condition not previously assessed by a  
2854 practitioner of record, the physical therapist shall have a  
2855 practitioner of record review and sign the plan. The requirement  
2856 that a physical therapist have a practitioner of record review  
2857 and sign a plan of treatment does not apply when a patient has  
2858 been physically examined by a physician licensed in another  
2859 state, the patient has been diagnosed by the physician as having  
2860 a condition for which physical therapy is required, and the  
2861 physical therapist is treating the condition. For purposes of  
2862 this paragraph, a health care practitioner licensed under  
2863 chapter 458, chapter 459, chapter 460, chapter 461, or chapter  
2864 466 and engaged in active practice is eligible to serve as a  
2865 practitioner of record.

2866 Section 69. Paragraph (d) of subsection (1) of section  
2867 490.012, Florida Statutes, is amended to read:

2868 490.012 Violations; penalties; injunction.-

2869 (1)

2870 (d) A person may not ~~No person shall~~ hold herself or  
2871 himself out by any title or description incorporating the word,  
2872 or a permutation of the word, "psychotherapy" unless such person  
2873 holds a valid, active license under chapter 458, chapter 459,  
2874 chapter 490, or chapter 491, or such person is certified as an  
2875 advanced practice registered nurse ~~advanced registered nurse~~

2876 ~~practitioner~~, pursuant to s. 464.012, who has been determined by  
 2877 the Board of Nursing as a specialist in psychiatric mental  
 2878 health.

2879 Section 70. Subsection (1) of section 491.0057, Florida  
 2880 Statutes, is amended to read:

2881 491.0057 Dual licensure as a marriage and family  
 2882 therapist.—The department shall license as a marriage and family  
 2883 therapist any person who demonstrates to the board that he or  
 2884 she:

2885 (1) Holds a valid, active license as a psychologist under  
 2886 chapter 490 or as a clinical social worker or mental health  
 2887 counselor under this chapter, or is certified under s. 464.012  
 2888 as an advanced practice registered nurse ~~advanced registered~~  
 2889 ~~nurse practitioner~~ who has been determined by the Board of  
 2890 Nursing as a specialist in psychiatric mental health.

2891 Section 71. Paragraph (d) of subsection (1) and subsection  
 2892 (2) of section 491.012, Florida Statutes, are amended to read:

2893 491.012 Violations; penalty; injunction.—

2894 (1) It is unlawful and a violation of this chapter for any  
 2895 person to:

2896 (d) Use the terms psychotherapist, sex therapist, or  
 2897 juvenile sexual offender therapist unless such person is  
 2898 licensed pursuant to this chapter or chapter 490, or is  
 2899 certified under s. 464.012 as an advanced practice registered  
 2900 nurse ~~advanced registered nurse practitioner~~ who has been

2901 determined by the Board of Nursing as a specialist in  
 2902 psychiatric mental health and the use of such terms is within  
 2903 the scope of her or his practice based on education, training,  
 2904 and licensure.

2905 (2) It is unlawful and a violation of this chapter for any  
 2906 person to describe her or his services using the following terms  
 2907 or any derivative thereof, unless such person holds a valid,  
 2908 active license under this chapter or chapter 490, or is  
 2909 certified under s. 464.012 as an advanced practice registered  
 2910 nurse ~~advanced registered nurse practitioner~~ who has been  
 2911 determined by the Board of Nursing as a specialist in  
 2912 psychiatric mental health and the use of such terms is within  
 2913 the scope of her or his practice based on education, training,  
 2914 and licensure:

- 2915 (a) "Psychotherapy."
- 2916 (b) "Sex therapy."
- 2917 (c) "Sex counseling."
- 2918 (d) "Clinical social work."
- 2919 (e) "Psychiatric social work."
- 2920 (f) "Marriage and family therapy."
- 2921 (g) "Marriage and family counseling."
- 2922 (h) "Marriage counseling."
- 2923 (i) "Family counseling."
- 2924 (j) "Mental health counseling."

2925 Section 72. Subsection (2) of section 493.6108, Florida

2926 Statutes, is amended to read:

2927 493.6108 Investigation of applicants by Department of  
2928 Agriculture and Consumer Services.—

2929 (2) In addition to subsection (1), the department shall  
2930 make an investigation of the general physical fitness of the  
2931 Class "G" applicant to bear a weapon or firearm. Determination  
2932 of physical fitness shall be certified by a physician or  
2933 physician assistant currently licensed pursuant to chapter 458,  
2934 chapter 459, or any similar law of another state or authorized  
2935 to act as a licensed physician by a federal agency or department  
2936 or by an advanced practice registered nurse ~~advanced registered~~  
2937 ~~nurse-practitioner~~ currently licensed pursuant to chapter 464.  
2938 Such certification shall be submitted on a form provided by the  
2939 department.

2940 Section 73. Paragraph (b) of subsection (1) of section  
2941 627.357, Florida Statutes, is amended to read:

2942 627.357 Medical malpractice self-insurance.—

2943 (1) DEFINITIONS.—As used in this section, the term:

2944 (b) "Health care provider" means any:

2945 1. Hospital licensed under chapter 395.

2946 2. Physician licensed, or physician assistant licensed,  
2947 under chapter 458.

2948 3. Osteopathic physician or physician assistant licensed  
2949 under chapter 459.

2950 4. Podiatric physician licensed under chapter 461.

- 2951           5. Health maintenance organization certificated under part  
 2952 I of chapter 641.
- 2953           6. Ambulatory surgical center licensed under chapter 395.
- 2954           7. Chiropractic physician licensed under chapter 460.
- 2955           8. Psychologist licensed under chapter 490.
- 2956           9. Optometrist licensed under chapter 463.
- 2957           10. Dentist licensed under chapter 466.
- 2958           11. Pharmacist licensed under chapter 465.
- 2959           12. Registered nurse, licensed practical nurse, or  
 2960 advanced practice registered nurse ~~advanced registered nurse~~  
 2961 ~~practitioner~~ licensed or registered under part I of chapter 464.
- 2962           13. Other medical facility.
- 2963           14. Professional association, partnership, corporation,  
 2964 joint venture, or other association established by the  
 2965 individuals set forth in subparagraphs 2., 3., 4., 7., 8., 9.,  
 2966 10., 11., and 12. for professional activity.
- 2967           Section 74. Subsection (6) of section 627.6471, Florida  
 2968 Statutes, is amended to read:
- 2969           627.6471 Contracts for reduced rates of payment;  
 2970 limitations; coinsurance and deductibles.—
- 2971           (6) If psychotherapeutic services are covered by a policy  
 2972 issued by the insurer, the insurer shall provide eligibility  
 2973 criteria for each group of health care providers licensed under  
 2974 chapter 458, chapter 459, chapter 490, or chapter 491, which  
 2975 include psychotherapy within the scope of their practice as

2976 | provided by law, or for any person who is certified as an  
 2977 | advanced practice registered nurse ~~advanced registered nurse~~  
 2978 | ~~practitioner~~ in psychiatric mental health under s. 464.012. When  
 2979 | psychotherapeutic services are covered, eligibility criteria  
 2980 | shall be established by the insurer to be included in the  
 2981 | insurer's criteria for selection of network providers. The  
 2982 | insurer may not discriminate against a health care provider by  
 2983 | excluding such practitioner from its provider network solely on  
 2984 | the basis of the practitioner's license.

2985 |       Section 75. Subsections (15) and (17) of section 627.6472,  
 2986 | Florida Statutes, are amended to read:

2987 |           627.6472 Exclusive provider organizations.—

2988 |       (15) If psychotherapeutic services are covered by a policy  
 2989 | issued by the insurer, the insurer shall provide eligibility  
 2990 | criteria for all groups of health care providers licensed under  
 2991 | chapter 458, chapter 459, chapter 490, or chapter 491, which  
 2992 | include psychotherapy within the scope of their practice as  
 2993 | provided by law, or for any person who is certified as an  
 2994 | advanced practice registered nurse ~~advanced registered nurse~~  
 2995 | ~~practitioner~~ in psychiatric mental health under s. 464.012. When  
 2996 | psychotherapeutic services are covered, eligibility criteria  
 2997 | shall be established by the insurer to be included in the  
 2998 | insurer's criteria for selection of network providers. The  
 2999 | insurer may not discriminate against a health care provider by  
 3000 | excluding such practitioner from its provider network solely on



3001 the basis of the practitioner's license.

3002 (17) An exclusive provider organization shall not  
3003 discriminate with respect to participation as to any advanced  
3004 practice registered nurse ~~advanced registered nurse practitioner~~  
3005 licensed and certified pursuant to s. 464.012, who is acting  
3006 within the scope of such license and certification, solely on  
3007 the basis of such license or certification. This subsection  
3008 shall not be construed to prohibit a plan from including  
3009 providers only to the extent necessary to meet the needs of the  
3010 plan's enrollees or from establishing any measure designed to  
3011 maintain quality and control costs consistent with the  
3012 responsibilities of the plan.

3013 Section 76. Paragraph (a) of subsection (1) of section  
3014 627.736, Florida Statutes, is amended to read:

3015 627.736 Required personal injury protection benefits;  
3016 exclusions; priority; claims.—

3017 (1) REQUIRED BENEFITS.—An insurance policy complying with  
3018 the security requirements of s. 627.733 must provide personal  
3019 injury protection to the named insured, relatives residing in  
3020 the same household, persons operating the insured motor vehicle,  
3021 passengers in the motor vehicle, and other persons struck by the  
3022 motor vehicle and suffering bodily injury while not an occupant  
3023 of a self-propelled vehicle, subject to subsection (2) and  
3024 paragraph (4) (e), to a limit of \$10,000 in medical and  
3025 disability benefits and \$5,000 in death benefits resulting from

3026 | bodily injury, sickness, disease, or death arising out of the  
3027 | ownership, maintenance, or use of a motor vehicle as follows:

3028 |       (a) *Medical benefits.*—Eighty percent of all reasonable  
3029 | expenses for medically necessary medical, surgical, X-ray,  
3030 | dental, and rehabilitative services, including prosthetic  
3031 | devices and medically necessary ambulance, hospital, and nursing  
3032 | services if the individual receives initial services and care  
3033 | pursuant to subparagraph 1. within 14 days after the motor  
3034 | vehicle accident. The medical benefits provide reimbursement  
3035 | only for:

3036 |       1. Initial services and care that are lawfully provided,  
3037 | supervised, ordered, or prescribed by a physician licensed under  
3038 | chapter 458 or chapter 459, a dentist licensed under chapter  
3039 | 466, or a chiropractic physician licensed under chapter 460 or  
3040 | that are provided in a hospital or in a facility that owns, or  
3041 | is wholly owned by, a hospital. Initial services and care may  
3042 | also be provided by a person or entity licensed under part III  
3043 | of chapter 401 which provides emergency transportation and  
3044 | treatment.

3045 |       2. Upon referral by a provider described in subparagraph  
3046 | 1., followup services and care consistent with the underlying  
3047 | medical diagnosis rendered pursuant to subparagraph 1. which may  
3048 | be provided, supervised, ordered, or prescribed only by a  
3049 | physician licensed under chapter 458 or chapter 459, a  
3050 | chiropractic physician licensed under chapter 460, a dentist

3051 licensed under chapter 466, or, to the extent permitted by  
 3052 applicable law and under the supervision of such physician,  
 3053 osteopathic physician, chiropractic physician, or dentist, by a  
 3054 physician assistant licensed under chapter 458 or chapter 459 or  
 3055 an advanced practice registered nurse ~~advanced registered nurse~~  
 3056 ~~practitioner~~ licensed under chapter 464. Followup services and  
 3057 care may also be provided by the following persons or entities:  
 3058       a. A hospital or ambulatory surgical center licensed under  
 3059 chapter 395.  
 3060       b. An entity wholly owned by one or more physicians  
 3061 licensed under chapter 458 or chapter 459, chiropractic  
 3062 physicians licensed under chapter 460, or dentists licensed  
 3063 under chapter 466 or by such practitioners and the spouse,  
 3064 parent, child, or sibling of such practitioners.  
 3065       c. An entity that owns or is wholly owned, directly or  
 3066 indirectly, by a hospital or hospitals.  
 3067       d. A physical therapist licensed under chapter 486, based  
 3068 upon a referral by a provider described in this subparagraph.  
 3069       e. A health care clinic licensed under part X of chapter  
 3070 400 which is accredited by an accrediting organization whose  
 3071 standards incorporate comparable regulations required by this  
 3072 state, or  
 3073           (I) Has a medical director licensed under chapter 458,  
 3074 chapter 459, or chapter 460;  
 3075           (II) Has been continuously licensed for more than 3 years

3076 or is a publicly traded corporation that issues securities  
 3077 traded on an exchange registered with the United States  
 3078 Securities and Exchange Commission as a national securities  
 3079 exchange; and

3080 (III) Provides at least four of the following medical  
 3081 specialties:

- 3082 (A) General medicine.
- 3083 (B) Radiography.
- 3084 (C) Orthopedic medicine.
- 3085 (D) Physical medicine.
- 3086 (E) Physical therapy.
- 3087 (F) Physical rehabilitation.
- 3088 (G) Prescribing or dispensing outpatient prescription  
 3089 medication.
- 3090 (H) Laboratory services.

3091 3. Reimbursement for services and care provided in  
 3092 subparagraph 1. or subparagraph 2. up to \$10,000 if a physician  
 3093 licensed under chapter 458 or chapter 459, a dentist licensed  
 3094 under chapter 466, a physician assistant licensed under chapter  
 3095 458 or chapter 459, or an advanced practice registered nurse  
 3096 ~~advanced registered nurse practitioner~~ licensed under chapter  
 3097 464 has determined that the injured person had an emergency  
 3098 medical condition.

3099 4. Reimbursement for services and care provided in  
 3100 subparagraph 1. or subparagraph 2. is limited to \$2,500 if a

3101 provider listed in subparagraph 1. or subparagraph 2. determines  
3102 that the injured person did not have an emergency medical  
3103 condition.

3104 5. Medical benefits do not include massage as defined in  
3105 s. 480.033 or acupuncture as defined in s. 457.102, regardless  
3106 of the person, entity, or licensee providing massage or  
3107 acupuncture, and a licensed massage therapist or licensed  
3108 acupuncturist may not be reimbursed for medical benefits under  
3109 this section.

3110 6. The Financial Services Commission shall adopt by rule  
3111 the form that must be used by an insurer and a health care  
3112 provider specified in sub-subparagraph 2.b., sub-subparagraph  
3113 2.c., or sub-subparagraph 2.e. to document that the health care  
3114 provider meets the criteria of this paragraph. Such rule must  
3115 include a requirement for a sworn statement or affidavit.

3116  
3117 Only insurers writing motor vehicle liability insurance in this  
3118 state may provide the required benefits of this section, and  
3119 such insurer may not require the purchase of any other motor  
3120 vehicle coverage other than the purchase of property damage  
3121 liability coverage as required by s. 627.7275 as a condition for  
3122 providing such benefits. Insurers may not require that property  
3123 damage liability insurance in an amount greater than \$10,000 be  
3124 purchased in conjunction with personal injury protection. Such  
3125 insurers shall make benefits and required property damage

3126 liability insurance coverage available through normal marketing  
 3127 channels. An insurer writing motor vehicle liability insurance  
 3128 in this state who fails to comply with such availability  
 3129 requirement as a general business practice violates part IX of  
 3130 chapter 626, and such violation constitutes an unfair method of  
 3131 competition or an unfair or deceptive act or practice involving  
 3132 the business of insurance. An insurer committing such violation  
 3133 is subject to the penalties provided under that part, as well as  
 3134 those provided elsewhere in the insurance code.

3135 Section 77. Subsection (5) of section 633.412, Florida  
 3136 Statutes, is amended to read:

3137 633.412 Firefighters; qualifications for certification.—A  
 3138 person applying for certification as a firefighter must:

3139 (5) Be in good physical condition as determined by a  
 3140 medical examination given by a physician, surgeon, or physician  
 3141 assistant licensed to practice in the state pursuant to chapter  
 3142 458; an osteopathic physician, surgeon, or physician assistant  
 3143 licensed to practice in the state pursuant to chapter 459; or an  
 3144 advanced practice registered nurse ~~advanced registered nurse~~  
 3145 ~~practitioner~~ licensed to practice in the state pursuant to  
 3146 chapter 464. Such examination may include, but need not be  
 3147 limited to, the National Fire Protection Association Standard  
 3148 1582. A medical examination evidencing good physical condition  
 3149 shall be submitted to the division, on a form as provided by  
 3150 rule, before an individual is eligible for admission into a

3151 course under s. 633.408.

3152 Section 78. Section 641.3923, Florida Statutes, is amended  
3153 to read:

3154 641.3923 Discrimination against providers prohibited.—A  
3155 health maintenance organization may ~~shall~~ not discriminate with  
3156 respect to participation as to any advanced practice registered  
3157 nurse ~~advanced registered nurse practitioner~~ licensed and  
3158 certified pursuant to s. 464.012, who is acting within the scope  
3159 of such license and certification, solely on the basis of such  
3160 license or certification. This section may ~~shall~~ not be  
3161 construed to prohibit a plan from including providers only to  
3162 the extent necessary to meet the needs of the plan's enrollees  
3163 or from establishing any measure designed to maintain quality  
3164 and control costs consistent with the responsibilities of the  
3165 plan.

3166 Section 79. Subsection (3) of section 766.103, Florida  
3167 Statutes, is amended to read:

3168 766.103 Florida Medical Consent Law.—

3169 (3) No recovery shall be allowed in any court in this  
3170 state against any physician licensed under chapter 458,  
3171 osteopathic physician licensed under chapter 459, chiropractic  
3172 physician licensed under chapter 460, podiatric physician  
3173 licensed under chapter 461, dentist licensed under chapter 466,  
3174 advanced practice registered nurse ~~advanced registered nurse~~  
3175 ~~practitioner~~ certified under s. 464.012, or physician assistant

3176 licensed under s. 458.347 or s. 459.022 in an action brought for  
 3177 treating, examining, or operating on a patient without his or  
 3178 her informed consent when:

3179 (a)1. The action of the physician, osteopathic physician,  
 3180 chiropractic physician, podiatric physician, dentist, advanced  
 3181 practice registered nurse ~~advanced registered nurse~~  
 3182 ~~practitioner~~, or physician assistant in obtaining the consent of  
 3183 the patient or another person authorized to give consent for the  
 3184 patient was in accordance with an accepted standard of medical  
 3185 practice among members of the medical profession with similar  
 3186 training and experience in the same or similar medical community  
 3187 as that of the person treating, examining, or operating on the  
 3188 patient for whom the consent is obtained; and

3189 2. A reasonable individual, from the information provided  
 3190 by the physician, osteopathic physician, chiropractic physician,  
 3191 podiatric physician, dentist, advanced practice registered nurse  
 3192 ~~advanced registered nurse practitioner~~, or physician assistant,  
 3193 under the circumstances, would have a general understanding of  
 3194 the procedure, the medically acceptable alternative procedures  
 3195 or treatments, and the substantial risks and hazards inherent in  
 3196 the proposed treatment or procedures, which are recognized among  
 3197 other physicians, osteopathic physicians, chiropractic  
 3198 physicians, podiatric physicians, or dentists in the same or  
 3199 similar community who perform similar treatments or procedures;  
 3200 or



3201 (b) The patient would reasonably, under all the  
 3202 surrounding circumstances, have undergone such treatment or  
 3203 procedure had he or she been advised by the physician,  
 3204 osteopathic physician, chiropractic physician, podiatric  
 3205 physician, dentist, advanced practice registered nurse ~~advanced~~  
 3206 ~~registered nurse practitioner~~, or physician assistant in  
 3207 accordance with the provisions of paragraph (a).

3208 Section 80. Paragraph (d) of subsection (3) of section  
 3209 766.1115, Florida Statutes, is amended to read:

3210 766.1115 Health care providers; creation of agency  
 3211 relationship with governmental contractors.—

3212 (3) DEFINITIONS.—As used in this section, the term:

3213 (d) "Health care provider" or "provider" means:

- 3214 1. A birth center licensed under chapter 383.
- 3215 2. An ambulatory surgical center licensed under chapter  
 3216 395.
- 3217 3. A hospital licensed under chapter 395.
- 3218 4. A physician or physician assistant licensed under  
 3219 chapter 458.
- 3220 5. An osteopathic physician or osteopathic physician  
 3221 assistant licensed under chapter 459.
- 3222 6. A chiropractic physician licensed under chapter 460.
- 3223 7. A podiatric physician licensed under chapter 461.
- 3224 8. A registered nurse, nurse midwife, licensed practical  
 3225 nurse, or advanced practice registered nurse ~~advanced registered~~

3226 ~~nurse-practitioner~~ licensed or registered under part I of  
 3227 chapter 464 or any facility which employs nurses licensed or  
 3228 registered under part I of chapter 464 to supply all or part of  
 3229 the care delivered under this section.

3230 9. A midwife licensed under chapter 467.

3231 10. A health maintenance organization certificated under  
 3232 part I of chapter 641.

3233 11. A health care professional association and its  
 3234 employees or a corporate medical group and its employees.

3235 12. Any other medical facility the primary purpose of  
 3236 which is to deliver human medical diagnostic services or which  
 3237 delivers nonsurgical human medical treatment, and which includes  
 3238 an office maintained by a provider.

3239 13. A dentist or dental hygienist licensed under chapter  
 3240 466.

3241 14. A free clinic that delivers only medical diagnostic  
 3242 services or nonsurgical medical treatment free of charge to all  
 3243 low-income recipients.

3244 15. Any other health care professional, practitioner,  
 3245 provider, or facility under contract with a governmental  
 3246 contractor, including a student enrolled in an accredited  
 3247 program that prepares the student for licensure as any one of  
 3248 the professionals listed in subparagraphs 4.-9.

3249  
 3250 The term includes any nonprofit corporation qualified as exempt

HB 1337

2018

3251 from federal income taxation under s. 501(a) of the Internal  
3252 Revenue Code, and described in s. 501(c) of the Internal Revenue  
3253 Code, which delivers health care services provided by licensed  
3254 professionals listed in this paragraph, any federally funded  
3255 community health center, and any volunteer corporation or  
3256 volunteer health care provider that delivers health care  
3257 services.

3258 Section 81. Subsection (1) of section 766.1116, Florida  
3259 Statutes, is amended to read:

3260 766.1116 Health care practitioner; waiver of license  
3261 renewal fees and continuing education requirements.—

3262 (1) As used in this section, the term "health care  
3263 practitioner" means a physician or physician assistant licensed  
3264 under chapter 458; an osteopathic physician or physician  
3265 assistant licensed under chapter 459; a chiropractic physician  
3266 licensed under chapter 460; a podiatric physician licensed under  
3267 chapter 461; an advanced practice registered nurse ~~advanced~~  
3268 ~~registered nurse practitioner~~, registered nurse, or licensed  
3269 practical nurse licensed under part I of chapter 464; a dentist  
3270 or dental hygienist licensed under chapter 466; or a midwife  
3271 licensed under chapter 467, who participates as a health care  
3272 provider under s. 766.1115.

3273 Section 82. Subsection (5) of section 794.08, Florida  
3274 Statutes, is amended to read:

3275 794.08 Female genital mutilation.—

3276 (5) This section does not apply to procedures performed by  
 3277 or under the direction of a physician licensed under chapter  
 3278 458, an osteopathic physician licensed under chapter 459, a  
 3279 registered nurse licensed under part I of chapter 464, a  
 3280 practical nurse licensed under part I of chapter 464, an  
 3281 advanced practice registered nurse ~~advanced registered nurse~~  
 3282 ~~practitioner~~ licensed under part I of chapter 464, a midwife  
 3283 licensed under chapter 467, or a physician assistant licensed  
 3284 under chapter 458 or chapter 459 when necessary to preserve the  
 3285 physical health of a female person. This section also does not  
 3286 apply to any autopsy or limited dissection conducted pursuant to  
 3287 chapter 406.

3288 Section 83. Subsection (23) of section 893.02, Florida  
 3289 Statutes, is amended to read:

3290 893.02 Definitions.—The following words and phrases as  
 3291 used in this chapter shall have the following meanings, unless  
 3292 the context otherwise requires:

3293 (23) "Practitioner" means a physician licensed under  
 3294 chapter 458, a dentist licensed under chapter 466, a  
 3295 veterinarian licensed under chapter 474, an osteopathic  
 3296 physician licensed under chapter 459, an advanced practice  
 3297 registered nurse ~~advanced registered nurse practitioner~~  
 3298 certified under chapter 464, a naturopath licensed under chapter  
 3299 462, a certified optometrist licensed under chapter 463, a  
 3300 psychiatric nurse as defined in s. 394.455, a podiatric

3301 physician licensed under chapter 461, or a physician assistant  
 3302 licensed under chapter 458 or chapter 459, provided such  
 3303 practitioner holds a valid federal controlled substance registry  
 3304 number.

3305 Section 84. Paragraph (b) of subsection (1) of section  
 3306 893.05, Florida Statutes, is amended to read:

3307 893.05 Practitioners and persons administering controlled  
 3308 substances in their absence.—

3309 (1)

3310 (b) Pursuant to s. 458.347(4)(g), s. 459.022(4)(f), or s.  
 3311 464.012(3), as applicable, a practitioner who supervises a  
 3312 licensed physician assistant or advanced practice registered  
 3313 nurse ~~advanced registered nurse practitioner~~ may authorize the  
 3314 licensed physician assistant or advanced practice registered  
 3315 nurse ~~advanced registered nurse practitioner~~ to order controlled  
 3316 substances for administration to a patient in a facility  
 3317 licensed under chapter 395 or part II of chapter 400.

3318 Section 85. Subsection (6) of section 943.13, Florida  
 3319 Statutes, is amended to read:

3320 943.13 Officers' minimum qualifications for employment or  
 3321 appointment.—On or after October 1, 1984, any person employed or  
 3322 appointed as a full-time, part-time, or auxiliary law  
 3323 enforcement officer or correctional officer; on or after October  
 3324 1, 1986, any person employed as a full-time, part-time, or  
 3325 auxiliary correctional probation officer; and on or after

3326 | October 1, 1986, any person employed as a full-time, part-time,  
 3327 | or auxiliary correctional officer by a private entity under  
 3328 | contract to the Department of Corrections, to a county  
 3329 | commission, or to the Department of Management Services shall:

3330 |       (6) Have passed a physical examination by a licensed  
 3331 | physician, physician assistant, or certified advanced practice  
 3332 | registered nurse ~~advanced registered nurse practitioner~~, based  
 3333 | on specifications established by the commission. In order to be  
 3334 | eligible for the presumption set forth in s. 112.18 while  
 3335 | employed with an employing agency, a law enforcement officer,  
 3336 | correctional officer, or correctional probation officer must  
 3337 | have successfully passed the physical examination required by  
 3338 | this subsection upon entering into service as a law enforcement  
 3339 | officer, correctional officer, or correctional probation officer  
 3340 | with the employing agency, which examination must have failed to  
 3341 | reveal any evidence of tuberculosis, heart disease, or  
 3342 | hypertension. A law enforcement officer, correctional officer,  
 3343 | or correctional probation officer may not use a physical  
 3344 | examination from a former employing agency for purposes of  
 3345 | claiming the presumption set forth in s. 112.18 against the  
 3346 | current employing agency.

3347 |       Section 86. Paragraph (n) of subsection (1) of section  
 3348 | 948.03, Florida Statutes, is amended to read:

3349 |       948.03 Terms and conditions of probation.—

3350 |       (1) The court shall determine the terms and conditions of

3351 probation. Conditions specified in this section do not require  
 3352 oral pronouncement at the time of sentencing and may be  
 3353 considered standard conditions of probation. These conditions  
 3354 may include among them the following, that the probationer or  
 3355 offender in community control shall:

3356 (n) Be prohibited from using intoxicants to excess or  
 3357 possessing any drugs or narcotics unless prescribed by a  
 3358 physician, an advanced practice registered nurse ~~advanced~~  
 3359 ~~registered nurse practitioner~~, or a physician assistant. The  
 3360 probationer or community controllee may not knowingly visit  
 3361 places where intoxicants, drugs, or other dangerous substances  
 3362 are unlawfully sold, dispensed, or used.

3363 Section 87. Paragraph (i) of subsection (3) of section  
 3364 1002.20, Florida Statutes, is amended to read:

3365 1002.20 K-12 student and parent rights.—Parents of public  
 3366 school students must receive accurate and timely information  
 3367 regarding their child's academic progress and must be informed  
 3368 of ways they can help their child to succeed in school. K-12  
 3369 students and their parents are afforded numerous statutory  
 3370 rights including, but not limited to, the following:

3371 (3) HEALTH ISSUES.—

3372 (i) *Epinephrine use and supply.*—

3373 1. A student who has experienced or is at risk for life-  
 3374 threatening allergic reactions may carry an epinephrine auto-  
 3375 injector and self-administer epinephrine by auto-injector while

3376 in school, participating in school-sponsored activities, or in  
3377 transit to or from school or school-sponsored activities if the  
3378 school has been provided with parental and physician  
3379 authorization. The State Board of Education, in cooperation with  
3380 the Department of Health, shall adopt rules for such use of  
3381 epinephrine auto-injectors that shall include provisions to  
3382 protect the safety of all students from the misuse or abuse of  
3383 auto-injectors. A school district, county health department,  
3384 public-private partner, and their employees and volunteers shall  
3385 be indemnified by the parent of a student authorized to carry an  
3386 epinephrine auto-injector for any and all liability with respect  
3387 to the student's use of an epinephrine auto-injector pursuant to  
3388 this paragraph.

3389 2. A public school may purchase a supply of epinephrine  
3390 auto-injectors from a wholesale distributor as defined in s.  
3391 499.003 or may enter into an arrangement with a wholesale  
3392 distributor or manufacturer as defined in s. 499.003 for the  
3393 epinephrine auto-injectors at fair-market, free, or reduced  
3394 prices for use in the event a student has an anaphylactic  
3395 reaction. The epinephrine auto-injectors must be maintained in a  
3396 secure location on the public school's premises. The  
3397 participating school district shall adopt a protocol developed  
3398 by a licensed physician for the administration by school  
3399 personnel who are trained to recognize an anaphylactic reaction  
3400 and to administer an epinephrine auto-injection. The supply of



3401 epinephrine auto-injectors may be provided to and used by a  
3402 student authorized to self-administer epinephrine by auto-  
3403 injector under subparagraph 1. or trained school personnel.

3404 3. The school district and its employees, agents, and the  
3405 physician who provides the standing protocol for school  
3406 epinephrine auto-injectors are not liable for any injury arising  
3407 from the use of an epinephrine auto-injector administered by  
3408 trained school personnel who follow the adopted protocol and  
3409 whose professional opinion is that the student is having an  
3410 anaphylactic reaction:

3411 a. Unless the trained school personnel's action is willful  
3412 and wanton;

3413 b. Notwithstanding that the parents or guardians of the  
3414 student to whom the epinephrine is administered have not been  
3415 provided notice or have not signed a statement acknowledging  
3416 that the school district is not liable; and

3417 c. Regardless of whether authorization has been given by  
3418 the student's parents or guardians or by the student's  
3419 physician, physician's assistant, or advanced practice  
3420 registered nurse ~~advanced registered nurse practitioner~~.

3421 Section 88. Paragraph (b) of subsection (17) of section  
3422 1002.42, Florida Statutes, is amended to read:

3423 1002.42 Private schools.—

3424 (17) EPINEPHRINE SUPPLY.—

3425 (b) The private school and its employees, agents, and the

3426 physician who provides the standing protocol for school  
 3427 epinephrine auto-injectors are not liable for any injury arising  
 3428 from the use of an epinephrine auto-injector administered by  
 3429 trained school personnel who follow the adopted protocol and  
 3430 whose professional opinion is that the student is having an  
 3431 anaphylactic reaction:

3432 1. Unless the trained school personnel's action is willful  
 3433 and wanton;

3434 2. Notwithstanding that the parents or guardians of the  
 3435 student to whom the epinephrine is administered have not been  
 3436 provided notice or have not signed a statement acknowledging  
 3437 that the school district is not liable; and

3438 3. Regardless of whether authorization has been given by  
 3439 the student's parents or guardians or by the student's  
 3440 physician, physician's assistant, or advanced practice  
 3441 registered nurse ~~advanced registered nurse practitioner~~.

3442 Section 89. Subsections (4) and (5) of section 1006.062,  
 3443 Florida Statutes, are amended to read:

3444 1006.062 Administration of medication and provision of  
 3445 medical services by district school board personnel.—

3446 (4) Nonmedical assistive personnel shall be allowed to  
 3447 perform health-related services upon successful completion of  
 3448 child-specific training by a registered nurse or advanced  
 3449 practice registered nurse ~~advanced registered nurse practitioner~~  
 3450 licensed under chapter 464, a physician licensed pursuant to

3451 chapter 458 or chapter 459, or a physician assistant licensed  
 3452 pursuant to chapter 458 or chapter 459. All procedures shall be  
 3453 monitored periodically by a nurse, advanced practice registered  
 3454 nurse ~~advanced registered nurse practitioner~~, physician  
 3455 assistant, or physician, including, but not limited to:

- 3456 (a) Intermittent clean catheterization.
- 3457 (b) Gastrostomy tube feeding.
- 3458 (c) Monitoring blood glucose.
- 3459 (d) Administering emergency injectable medication.
- 3460 (5) For all other invasive medical services not listed in  
 3461 this subsection, a registered nurse or advanced practice  
 3462 registered nurse ~~advanced registered nurse practitioner~~ licensed  
 3463 under chapter 464, a physician licensed pursuant to chapter 458  
 3464 or chapter 459, or a physician assistant licensed pursuant to  
 3465 chapter 458 or chapter 459 shall determine if nonmedical  
 3466 district school board personnel shall be allowed to perform such  
 3467 service.

3468 Section 90. Subsection (1) and paragraph (a) of subsection  
 3469 (2) of section 1009.65, Florida Statutes, are amended to read:

3470 1009.65 Medical Education Reimbursement and Loan Repayment  
 3471 Program.—

- 3472 (1) To encourage qualified medical professionals to  
 3473 practice in underserved locations where there are shortages of  
 3474 such personnel, there is established the Medical Education  
 3475 Reimbursement and Loan Repayment Program. The function of the

3476 program is to make payments that offset loans and educational  
3477 expenses incurred by students for studies leading to a medical  
3478 or nursing degree, medical or nursing licensure, or advanced  
3479 practice registered nurse ~~advanced registered nurse practitioner~~  
3480 certification or physician assistant licensure. The following  
3481 licensed or certified health care professionals are eligible to  
3482 participate in this program: medical doctors with primary care  
3483 specialties, doctors of osteopathic medicine with primary care  
3484 specialties, physician's assistants, licensed practical nurses  
3485 and registered nurses, and advanced practice registered nurses  
3486 ~~advanced registered nurse practitioners~~ with primary care  
3487 specialties such as certified nurse midwives. Primary care  
3488 medical specialties for physicians include obstetrics,  
3489 gynecology, general and family practice, internal medicine,  
3490 pediatrics, and other specialties which may be identified by the  
3491 Department of Health.

3492 (2) From the funds available, the Department of Health  
3493 shall make payments to selected medical professionals as  
3494 follows:

3495 (a) Up to \$4,000 per year for licensed practical nurses  
3496 and registered nurses, up to \$10,000 per year for advanced  
3497 practice registered nurses ~~advanced registered nurse~~  
3498 ~~practitioners~~ and physician's assistants, and up to \$20,000 per  
3499 year for physicians. Penalties for noncompliance shall be the  
3500 same as those in the National Health Services Corps Loan

3501 Repayment Program. Educational expenses include costs for  
 3502 tuition, matriculation, registration, books, laboratory and  
 3503 other fees, other educational costs, and reasonable living  
 3504 expenses as determined by the Department of Health.

3505 Section 91. Subsection (2) of section 1009.66, Florida  
 3506 Statutes, is amended to read:

3507 1009.66 Nursing Student Loan Forgiveness Program.—

3508 (2) To be eligible, a candidate must have graduated from  
 3509 an accredited or approved nursing program and have received a  
 3510 Florida license as a licensed practical nurse or a registered  
 3511 nurse or a Florida certificate as an advanced practice  
 3512 registered nurse ~~advanced registered nurse practitioner~~.

3513 Section 92. Subsection (3) of section 1009.67, Florida  
 3514 Statutes, is amended to read:

3515 1009.67 Nursing scholarship program.—

3516 (3) A scholarship may be awarded for no more than 2 years,  
 3517 in an amount not to exceed \$8,000 per year. However, registered  
 3518 nurses pursuing a graduate degree for a faculty position or to  
 3519 practice as an advanced practice registered nurse ~~advanced~~  
 3520 ~~registered nurse practitioner~~ may receive up to \$12,000 per  
 3521 year. These amounts shall be adjusted by the amount of increase  
 3522 or decrease in the Consumer Price Index for All Urban Consumers  
 3523 published by the United States Department of Commerce.

3524 Section 93. This act shall take effect July 1, 2018.