

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

1 Committee/Subcommittee hearing bill: Health & Human Services  
 2 Committee

3 Representative Gregory offered the following:

4  
 5 **Amendment (with title amendment)**

6 Remove lines 968-1019 and insert:

7 Section 1. Paragraph (i) of subsection (1) of section  
 8 458.3145, Florida Statutes, is amended to read:

9 458.3145 Medical faculty certificate.—

10 (1) A medical faculty certificate may be issued without  
 11 examination to an individual who:

12 (i) Has been offered and has accepted a full-time faculty  
 13 appointment to teach in a program of medicine at:

- 14 1. The University of Florida;
- 15 2. The University of Miami;
- 16 3. The University of South Florida;

Amendment No. 3

- 17 4. The Florida State University;  
18 5. The Florida International University;  
19 6. The University of Central Florida;  
20 7. The Mayo Clinic College of Medicine and Science in  
21 Jacksonville, Florida;  
22 8. The Florida Atlantic University; ~~or~~  
23 9. The Johns Hopkins All Children's Hospital in St.  
24 Petersburg, Florida.  
25 10. Nova Southeastern University; or  
26 11. Lake Erie College of Osteopathic Medicine.

27 Section 2. Effective upon this act becoming a law,  
28 subsection (8) of section 464.019, Florida Statutes, is amended  
29 and paragraph (f) is added to subsection (11) of that section to  
30 read:

31 464.019 Approval of nursing education programs.—

32 (8) RULEMAKING.—The board does not have rulemaking  
33 authority to administer this section, except that the board  
34 shall adopt rules that prescribe the format for submitting  
35 program applications under subsection (1) and annual reports  
36 under subsection (3), and to administer the documentation of the  
37 accreditation of nursing education programs under subsection  
38 (11). The board may adopt rules relating to the nursing  
39 curriculum, including rules relating to the uses and limitations  
40 of simulation technology, and rules relating to the criteria to  
41 qualify for an extension of time to meet the accreditation

Amendment No. 3

42 requirements under paragraph (11) (f). The board may not impose  
43 any condition or requirement on an educational institution  
44 submitting a program application, an approved program, or an  
45 accredited program, except as expressly provided in this  
46 section.

47 (11) ACCREDITATION REQUIRED.—

48 (f) An approved nursing education program may, no sooner  
49 than 90 days before the deadline for meeting the accreditation  
50 requirements of this subsection, apply to the board for an  
51 extension of the accreditation deadline for a period which does  
52 not exceed 2 years. An additional extension may not be granted.  
53 In order to be eligible for the extension, the approved program  
54 must establish that it has a graduate passage rate of 60 percent  
55 or higher on the National Council of State Boards of Nursing  
56 Licensing Examination for the most recent calendar year and must  
57 meet a majority of the board's additional criteria, including,  
58 but not limited to, all of the following:

59 1. A student retention rate of 60 percent or higher for  
60 the most recent calendar year.

61 2. A graduate work placement rate of 70 percent or higher  
62 for the most recent calendar year.

63 3. The program has applied for approval or been approved  
64 by an institutional or programmatic accreditor recognized by the  
65 United States Department of Education.

Amendment No. 3

66 4. The program is in full compliance with subsections (1)  
67 and (3) and paragraph (5) (b).

68 5. The program is not currently in its second year of  
69 probationary status under subsection (5).

70  
71 The applicable deadline under this paragraph is tolled from the  
72 date on which an approved program applies for an extension until  
73 the date on which the board issues a decision on the requested  
74 extension.

75 Section 3. Subsection (13) of section 465.003, Florida  
76 Statutes, is amended to read:

77 465.003 Definitions.—As used in this chapter, the term:  
78 (13) "Practice of the profession of pharmacy" includes  
79 compounding, dispensing, and consulting concerning contents,  
80 therapeutic values, and uses of any medicinal drug; consulting  
81 concerning therapeutic values and interactions of patent or  
82 proprietary preparations, whether pursuant to prescriptions or  
83 in the absence and entirely independent of such prescriptions or  
84 orders; and conducting other pharmaceutical services. For  
85 purposes of this subsection, "other pharmaceutical services"  
86 means the monitoring of the patient's drug therapy and assisting  
87 the patient in the management of his or her drug therapy, and  
88 includes review of the patient's drug therapy and communication  
89 with the patient's prescribing health care provider as licensed  
90 under chapter 458, chapter 459, chapter 461, or chapter 466, or

## Amendment No. 3

91 similar statutory provision in another jurisdiction, or such  
92 provider's agent or such other persons as specifically  
93 authorized by the patient, regarding the drug therapy. However,  
94 nothing in this subsection may be interpreted to permit an  
95 alteration of a prescriber's directions, the diagnosis or  
96 treatment of any disease, the initiation of any drug therapy,  
97 the practice of medicine, or the practice of osteopathic  
98 medicine, unless otherwise permitted by law. "Practice of the  
99 profession of pharmacy" also includes any other act, service,  
100 operation, research, or transaction incidental to, or forming a  
101 part of, any of the foregoing acts, requiring, involving, or  
102 employing the science or art of any branch of the pharmaceutical  
103 profession, study, or training, and shall expressly permit a  
104 pharmacist to transmit information from persons authorized to  
105 prescribe medicinal drugs to their patients. The practice of the  
106 profession of pharmacy also includes the administration of  
107 vaccines to adults pursuant to s. 465.189, the administration of  
108 long-acting medication pursuant to s. 465.1893, and the  
109 preparation of prepackaged drug products in facilities holding  
110 Class III institutional pharmacy permits.

111 Section 4. Paragraph (a) of subsection (1) and paragraph  
112 (a) of subsection (2) of section 465.1893, Florida Statutes, are  
113 amended to read:

114 465.1893 Administration of antipsychotic medication by  
115 injection.—

## Amendment No. 3

116 (1) (a) A pharmacist, at the direction of a physician  
117 licensed under chapter 458 or chapter 459, may administer a  
118 long-acting antipsychotic medication and extended-release  
119 medications, including controlled substances, to treat substance  
120 abuse disorder or dependency that have been approved by the  
121 United States Food and Drug Administration by injection to a  
122 patient if the pharmacist:

123 1. Is authorized by and acting within the framework of an  
124 established protocol with the prescribing physician.

125 2. Practices at a facility that accommodates privacy for  
126 nondeltoid injections and conforms with state rules and  
127 regulations regarding the appropriate and safe disposal of  
128 medication and medical waste.

129 3. Has completed the course required under subsection (2).

130 (2) (a) A pharmacist seeking to administer ~~a long-acting~~  
131 ~~antipsychotic~~ medication as described in paragraph (1) (a) of  
132 this section by injection must complete an 8-hour continuing  
133 education course offered by:

134 1. A statewide professional association of physicians in  
135 this state accredited to provide educational activities  
136 designated for the American Medical Association Physician's  
137 Recognition Award (AMA PRA) Category 1 Credit or the American  
138 Osteopathic Association (AOA) Category 1-A continuing medical  
139 education (CME) credit; and

140 2. A statewide association of pharmacists.

Amendment No. 3

141 Section 5. Subsection (9) is added to section 466.017,  
142 Florida Statutes, to read:

143 466.017 Prescription of drugs; anesthesia.—

144 (9) A dentist may order physical impression materials for  
145 self-administration by a patient for the purpose of fabricating  
146 an orthodontic appliance.

147 Section 6. Chapter 480, Florida Statutes, entitled  
148 "Massage Practice," is renamed "Massage Therapy Practice."

149 Section 7. Section 480.031, Florida Statutes, is amended  
150 to read:

151 480.031 Short title.—This act ~~shall be known and~~ may be  
152 cited as the "Massage Therapy Practice Act."

153 Section 8. Section 480.032, Florida Statutes, is amended  
154 to read:

155 480.032 Purpose.—The Legislature recognizes that the  
156 practice of massage therapy is potentially dangerous to the  
157 public in that massage therapists must have a knowledge of  
158 anatomy and physiology and an understanding of the relationship  
159 between the structure and the function of the tissues being  
160 treated and the total function of the body. Massage therapy is a  
161 therapeutic health care practice, and regulations are necessary  
162 to protect the public from unqualified practitioners. It is  
163 therefore deemed necessary in the interest of public health,  
164 safety, and welfare to regulate the practice of massage therapy  
165 in this state; however, restrictions shall be imposed to the

## Amendment No. 3

166 extent necessary to protect the public from significant and  
167 discernible danger to health and yet not in such a manner which  
168 will unreasonably affect the competitive market. Further,  
169 consumer protection for both health and economic matters shall  
170 be afforded the public through legal remedies provided for in  
171 this act.

172 Section 9. Section 480.033, Florida Statutes, is amended  
173 to read:

174 480.033 Definitions.—As used in this act:

175 (1)~~(5)~~ "Apprentice" means a person approved by the board  
176 to study colon hydrotherapy ~~massage~~ under the instruction of a  
177 licensed massage therapist practicing colon hydrotherapy.

178 (2)~~(1)~~ "Board" means the Board of Massage Therapy.

179 (3)~~(9)~~ "Board-approved massage therapy school" means a  
180 facility that meets minimum standards for training and  
181 curriculum as determined by rule of the board and that is  
182 licensed by the Department of Education pursuant to chapter 1005  
183 or the equivalent licensing authority of another state or is  
184 within the public school system of this state or a college or  
185 university that is eligible to participate in the William L.  
186 Boyd, IV, Effective Access to Student Education Grant Program.

187 (4)~~(6)~~ "Colon hydrotherapy" ~~"Colonic irrigation"~~ means a  
188 method of hydrotherapy used to cleanse the colon with the aid of  
189 a mechanical device and water.

190 (5)~~(2)~~ "Department" means the Department of Health.



## Amendment No. 3

191        ~~(6)-(11)~~ "Designated establishment manager" means a massage  
192 therapist who holds a clear and active license without  
193 restriction, who is responsible for the operation of a massage  
194 establishment in accordance with the provisions of this chapter,  
195 and who is designated the manager by the rules or practices at  
196 the establishment.

197        (7) "Establishment" or "massage establishment" means a  
198 site or premises, or portion thereof, wherein a massage  
199 therapist practices massage therapy.

200        ~~(8)-(10)~~ "Establishment owner" means a person who has  
201 ownership interest in a massage establishment. The term includes  
202 an individual who holds a massage establishment license, a  
203 general partner of a partnership, an owner or officer of a  
204 corporation, and a member of a limited liability company and its  
205 subsidiaries who holds a massage establishment license.

206        ~~(9)-(8)~~ "Licensure" means the procedure by which a person,  
207 hereinafter referred to as a "practitioner," applies to the  
208 board for approval to practice massage or to operate an  
209 establishment.

210        ~~(10)-(4)~~ "Massage therapist" means a person licensed as  
211 required by this act, who performs ~~administers~~ massage therapy,  
212 including massage therapy assessment, for compensation.

213        ~~(11)-(3)~~ "Massage therapy" means the manipulation of the  
214 soft tissues of the human body with the hand, foot, knee, arm,  
215 or elbow, regardless of whether ~~or not~~ such manipulation is

## Amendment No. 3

216 aided by hydrotherapy, including colon hydrotherapy ~~colonic~~  
217 ~~irrigation~~, or thermal therapy; any electrical or mechanical  
218 device; or the application to the human body of a chemical or  
219 herbal preparation.

220 (12) "Massage therapy assessment" means the determination  
221 of the course of massage therapy treatment.

222 Section 10. Subsections (1), (2), and (4) and paragraph  
223 (b) of subsection (5) of section 480.041, Florida Statutes, are  
224 amended, and subsection (8) is added to that section, to read:

225 480.041 Massage therapists; qualifications; licensure;  
226 endorsement.—

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

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

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

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

236 (2) Every person desiring to be examined for licensure as  
237 a massage therapist must ~~shall~~ apply to the department in  
238 writing upon forms prepared by the board and furnished by the  
239 department. Such applicants are ~~shall be~~ subject to ~~the~~  
240 ~~provisions of s. 480.046(1). Applicants may take an examination~~

Amendment No. 3

241 ~~administered by the department only upon meeting the~~  
242 ~~requirements of this section as determined by the board.~~

243 (4) Upon an applicant's passing the examination and paying  
244 the initial licensure fee, the department shall issue to the  
245 applicant a license, valid until the next scheduled renewal  
246 date, to practice massage therapy.

247 (5) The board shall adopt rules:

248 (b) Providing for educational standards, examination, and  
249 certification for the practice of colon hydrotherapy ~~colonie~~  
250 ~~irrigation~~, as defined in s. 480.033 ~~s. 480.033(6)~~, by massage  
251 therapists.

252 (8) A person issued a license as an apprentice before July  
253 1, 2020, may continue that apprenticeship and perform massage  
254 therapy as authorized under that license until it expires. Upon  
255 completion of the apprenticeship, which must occur before July  
256 1, 2023, an apprentice may apply to the board for full licensure  
257 and be granted a license if all other applicable licensure  
258 requirements are met.

259 Section 11. Section 480.042, Florida Statutes, is  
260 repealed.

261 Section 12. Subsection (13) of section 477.013, Florida  
262 Statutes, is amended to read:

263 477.013 Definitions.—As used in this chapter:

264 (13) "Skin care services" means the treatment of the skin  
265 of the body, other than the head, face, and scalp, by the use of

## Amendment No. 3

266 a sponge, brush, cloth, or similar device to apply or remove a  
267 chemical preparation or other substance, except that chemical  
268 peels may be removed by peeling an applied preparation from the  
269 skin by hand. Skin care services must be performed by a licensed  
270 cosmetologist or facial specialist within a licensed cosmetology  
271 or specialty salon, and such services may not involve massage  
272 therapy, as defined in s. 480.033 ~~s. 480.033(3)~~, through  
273 manipulation of the superficial tissue.

274 Section 13. Paragraph (a) of subsection (1) of section  
275 477.0135, Florida Statutes, is amended to read:

276 477.0135 Exemptions.—

277 (1) This chapter does not apply to the following persons  
278 when practicing pursuant to their professional or occupational  
279 responsibilities and duties:

280 (a) Persons authorized under the laws of this state to  
281 practice medicine, surgery, osteopathic medicine, chiropractic  
282 medicine, massage therapy, naturopathy, or podiatric medicine.

283 Section 14. Paragraph (f) of subsection (1) of section  
284 477.0265, Florida Statutes, is amended to read:

285 477.0265 Prohibited acts.—

286 (1) It is unlawful for any person to:

287 (f) Advertise or imply that skin care services or body  
288 wrapping, as performed under this chapter, have any relationship  
289 to the practice of massage therapy as defined in s. 480.033 ~~s.~~

Amendment No. 3

290 | ~~480.033(3)~~, except those practices or activities defined in s.  
291 | 477.013.

292 | Section 15. Subsection (4) of section 480.034, Florida  
293 | Statutes, is amended to read:

294 | 480.034 Exemptions.—

295 | (4) An exemption granted is effective to the extent that  
296 | an exempted person's practice or profession overlaps with the  
297 | practice of massage therapy.

298 | Section 16. Subsection (2) of section 480.035, Florida  
299 | Statutes, is amended to read:

300 | 480.035 Board of Massage Therapy.—

301 | (2) Five members of the board shall be licensed massage  
302 | therapists and shall have been engaged in the practice of  
303 | massage therapy for not less than 5 consecutive years prior to  
304 | the date of appointment to the board. The Governor shall appoint  
305 | each member for a term of 4 years. Two members of the board  
306 | shall be laypersons. Each board member shall be a high school  
307 | graduate or shall have received a high school equivalency  
308 | diploma. Each board member shall be a citizen of the United  
309 | States and a resident of this state for not less than 5 years.  
310 | The appointments are ~~will be~~ subject to confirmation by the  
311 | Senate.

312 | Section 17. Subsection (14) of section 480.043, Florida  
313 | Statutes, is amended to read:

## Amendment No. 3

314 480.043 Massage establishments; requisites; licensure;  
315 inspection; human trafficking awareness training and policies.-

316 (14) Except for the requirements of subsection (13), this  
317 section does not apply to a physician licensed under chapter  
318 457, chapter 458, chapter 459, or chapter 460 who employs a  
319 licensed massage therapist to perform massage therapy on the  
320 physician's patients at the physician's place of practice. This  
321 subsection does not restrict investigations by the department  
322 for violations of chapter 456 or this chapter.

323 Section 18. Paragraphs (a), (b), (c), (f), (g), (h), (i),  
324 and (o) of subsection (1) of section 480.046, Florida Statutes,  
325 are amended to read:

326 480.046 Grounds for disciplinary action by the board.-

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

329 (a) Attempting to procure a license to practice massage  
330 therapy by bribery or fraudulent misrepresentation.

331 (b) Having a license to practice massage therapy revoked,  
332 suspended, or otherwise acted against, including the denial of  
333 licensure, by the licensing authority of another state,  
334 territory, or country.

335 (c) Being convicted or found guilty, regardless of  
336 adjudication, of a crime in any jurisdiction which directly  
337 relates to the practice of massage therapy or to the ability to

## Amendment No. 3

338 practice massage therapy. Any plea of nolo contendere shall be  
339 considered a conviction for purposes of this chapter.

340 (f) Aiding, assisting, procuring, or advising any  
341 unlicensed person to practice massage therapy contrary to ~~the~~  
342 ~~provisions of this chapter or to department or board~~ a rule ~~of~~  
343 ~~the department or the board~~.

344 (g) Making deceptive, untrue, or fraudulent  
345 representations in the practice of massage therapy.

346 (h) Being unable to practice massage therapy with  
347 reasonable skill and safety by reason of illness or use of  
348 alcohol, drugs, narcotics, chemicals, or any other type of  
349 material or as a result of any mental or physical condition. In  
350 enforcing this paragraph, the department ~~shall have~~, upon  
351 probable cause, may ~~authority to~~ compel a massage therapist to  
352 submit to a mental or physical examination by physicians  
353 designated by the department. Failure of a massage therapist to  
354 submit to such examination when so directed, unless the failure  
355 was due to circumstances beyond her or his control, constitutes  
356 ~~shall constitute~~ an admission of the allegations against her or  
357 him, consequent upon which a default and final order may be  
358 entered without the taking of testimony or presentation of  
359 evidence. A massage therapist affected under this paragraph  
360 shall at reasonable intervals be afforded an opportunity to  
361 demonstrate that she or he can resume the competent practice of  
362 massage therapy with reasonable skill and safety to clients.

## Amendment No. 3

363 (i) Gross or repeated malpractice or the failure to  
364 practice massage therapy with that level of care, skill, and  
365 treatment which is recognized by a reasonably prudent massage  
366 therapist as being acceptable under similar conditions and  
367 circumstances.

368 (o) Practicing massage therapy at a site, location, or  
369 place which is not duly licensed as a massage establishment,  
370 except that a massage therapist, as provided by ~~rules adopted by~~  
371 ~~the board rule~~, may provide massage therapy services, excluding  
372 colon hydrotherapy ~~colonic irrigation~~, at the residence of a  
373 client, at the office of the client, at a sports event, at a  
374 convention, or at a trade show.

375 Section 19. Section 480.0465, Florida Statutes, is amended  
376 to read:

377 480.0465 Advertisement.—Each massage therapist or massage  
378 establishment licensed under ~~the provisions of~~ this act shall  
379 include the number of the license in any advertisement of  
380 massage therapy services appearing in a newspaper, airwave  
381 transmission, telephone directory, or other advertising medium.  
382 Pending licensure of a new massage establishment pursuant to ~~the~~  
383 ~~provisions of~~ s. 480.043(7), the license number of a licensed  
384 massage therapist who is an owner or principal officer of the  
385 establishment may be used in lieu of the license number for the  
386 establishment.



Amendment No. 3

387 Section 20. Paragraphs (a), (b), and (c) of subsection (1)  
388 of section 480.047, Florida Statutes, are amended to read:

389 480.047 Penalties.—

390 (1) It is unlawful for any person to:

391 (a) Hold himself or herself out as a massage therapist or  
392 to practice massage therapy unless duly licensed under this  
393 chapter or unless otherwise specifically exempted from licensure  
394 under this chapter.

395 (b) Operate any massage establishment unless it has been  
396 duly licensed as provided herein, except that nothing herein  
397 shall be construed to prevent the teaching of massage therapy in  
398 this state at a board-approved massage therapy school.

399 (c) Permit an employed person to practice massage therapy  
400 unless duly licensed as provided herein.

401 Section 21. Section 480.052, Florida Statutes, is amended  
402 to read:

403 480.052 Power of county or municipality to regulate  
404 massage therapy.—A county or municipality, within its  
405 jurisdiction, may regulate persons and establishments licensed  
406 under this chapter. Such regulation shall not exceed the powers  
407 of the state under this act or be inconsistent with this act.  
408 This section shall not be construed to prohibit a county or  
409 municipality from enacting any regulation of persons or  
410 establishments not licensed pursuant to this act.

Amendment No. 3

411 Section 22. Subsections (1) and (2) of section 480.0535,  
412 Florida Statutes, are amended to read:

413 480.0535 Documents required while working in a massage  
414 establishment.—

415 (1) In order to provide the department and law enforcement  
416 agencies the means to more effectively identify, investigate,  
417 and arrest persons engaging in human trafficking, a person  
418 employed by a massage establishment and any person performing  
419 massage therapy therein must immediately present, upon the  
420 request of an investigator of the department or a law  
421 enforcement officer, valid government identification while in  
422 the establishment. A valid government identification for the  
423 purposes of this section is:

424 (a) A valid, unexpired driver license issued by any state,  
425 territory, or district of the United States;

426 (b) A valid, unexpired identification card issued by any  
427 state, territory, or district of the United States;

428 (c) A valid, unexpired United States passport;

429 (d) A naturalization certificate issued by the United  
430 States Department of Homeland Security;

431 (e) A valid, unexpired alien registration receipt card  
432 (green card); or

433 (f) A valid, unexpired employment authorization card  
434 issued by the United States Department of Homeland Security.

435 (2) A person operating a massage establishment must:

Amendment No. 3

436 (a) Immediately present, upon the request of an  
437 investigator of the department or a law enforcement officer:

438 1. Valid government identification while in the  
439 establishment.

440 2. A copy of the documentation specified in paragraph  
441 (1)(a) for each employee and any person performing massage  
442 therapy in the establishment.

443 (b) Ensure that each employee and any person performing  
444 massage therapy in the massage establishment is able to  
445 immediately present, upon the request of an investigator of the  
446 department or a law enforcement officer, valid government  
447 identification while in the establishment.

448 Section 23. Section 627.6407, Florida Statutes, is amended  
449 to read:

450 627.6407 Massage.—Any policy of health insurance that  
451 provides coverage for massage shall also cover the services of  
452 persons licensed to practice massage therapy pursuant to chapter  
453 480, where the massage therapy, as defined in chapter 480, has  
454 been prescribed by a physician licensed under chapter 458,  
455 chapter 459, chapter 460, or chapter 461, as being medically  
456 necessary and the prescription specifies the number of  
457 treatments.

458 Section 24. Section 627.6619, Florida Statutes, is amended  
459 to read:

Amendment No. 3

460           627.6619 Massage.—Any policy of health insurance that  
461 provides coverage for massage shall also cover the services of  
462 persons licensed to practice massage therapy pursuant to chapter  
463 480, where the massage therapy, as defined in chapter 480, has  
464 been prescribed by a physician licensed under chapter 458,  
465 chapter 459, chapter 460, or chapter 461, as being medically  
466 necessary and the prescription specifies the number of  
467 treatments.

468           Section 25. Paragraph (a) of subsection (1) of section  
469 627.736, Florida Statutes, is amended to read:

470           627.736 Required personal injury protection benefits;  
471 exclusions; priority; claims.—

472           (1) REQUIRED BENEFITS.—An insurance policy complying with  
473 the security requirements of s. 627.733 must provide personal  
474 injury protection to the named insured, relatives residing in  
475 the same household, persons operating the insured motor vehicle,  
476 passengers in the motor vehicle, and other persons struck by the  
477 motor vehicle and suffering bodily injury while not an occupant  
478 of a self-propelled vehicle, subject to subsection (2) and  
479 paragraph (4) (e), to a limit of \$10,000 in medical and  
480 disability benefits and \$5,000 in death benefits resulting from  
481 bodily injury, sickness, disease, or death arising out of the  
482 ownership, maintenance, or use of a motor vehicle as follows:

483           (a) Medical benefits.—Eighty percent of all reasonable  
484 expenses for medically necessary medical, surgical, X-ray,

473851 - h1143-line968.docx

Published On: 3/1/2020 6:04:01 PM

## Amendment No. 3

485 dental, and rehabilitative services, including prosthetic  
486 devices and medically necessary ambulance, hospital, and nursing  
487 services if the individual receives initial services and care  
488 pursuant to subparagraph 1. within 14 days after the motor  
489 vehicle accident. The medical benefits provide reimbursement  
490 only for:

491 1. Initial services and care that are lawfully provided,  
492 supervised, ordered, or prescribed by a physician licensed under  
493 chapter 458 or chapter 459, a dentist licensed under chapter  
494 466, or a chiropractic physician licensed under chapter 460 or  
495 that are provided in a hospital or in a facility that owns, or  
496 is wholly owned by, a hospital. Initial services and care may  
497 also be provided by a person or entity licensed under part III  
498 of chapter 401 which provides emergency transportation and  
499 treatment.

500 2. Upon referral by a provider described in subparagraph  
501 1., followup services and care consistent with the underlying  
502 medical diagnosis rendered pursuant to subparagraph 1. which may  
503 be provided, supervised, ordered, or prescribed only by a  
504 physician licensed under chapter 458 or chapter 459, a  
505 chiropractic physician licensed under chapter 460, a dentist  
506 licensed under chapter 466, or, to the extent permitted by  
507 applicable law and under the supervision of such physician,  
508 osteopathic physician, chiropractic physician, or dentist, by a  
509 physician assistant licensed under chapter 458 or chapter 459 or

Amendment No. 3

510 an advanced practice registered nurse licensed under chapter  
511 464. Followup services and care may also be provided by the  
512 following persons or entities:

513 a. A hospital or ambulatory surgical center licensed under  
514 chapter 395.

515 b. An entity wholly owned by one or more physicians  
516 licensed under chapter 458 or chapter 459, chiropractic  
517 physicians licensed under chapter 460, or dentists licensed  
518 under chapter 466 or by such practitioners and the spouse,  
519 parent, child, or sibling of such practitioners.

520 c. An entity that owns or is wholly owned, directly or  
521 indirectly, by a hospital or hospitals.

522 d. A physical therapist licensed under chapter 486, based  
523 upon a referral by a provider described in this subparagraph.

524 e. A health care clinic licensed under part X of chapter  
525 400 which is accredited by an accrediting organization whose  
526 standards incorporate comparable regulations required by this  
527 state, or

528 (I) Has a medical director licensed under chapter 458,  
529 chapter 459, or chapter 460;

530 (II) Has been continuously licensed for more than 3 years  
531 or is a publicly traded corporation that issues securities  
532 traded on an exchange registered with the United States  
533 Securities and Exchange Commission as a national securities  
534 exchange; and

## Amendment No. 3

535 (III) Provides at least four of the following medical  
536 specialties:

537 (A) General medicine.

538 (B) Radiography.

539 (C) Orthopedic medicine.

540 (D) Physical medicine.

541 (E) Physical therapy.

542 (F) Physical rehabilitation.

543 (G) Prescribing or dispensing outpatient prescription  
544 medication.

545 (H) Laboratory services.

546 3. Reimbursement for services and care provided in  
547 subparagraph 1. or subparagraph 2. up to \$10,000 if a physician  
548 licensed under chapter 458 or chapter 459, a dentist licensed  
549 under chapter 466, a physician assistant licensed under chapter  
550 458 or chapter 459, or an advanced practice registered nurse  
551 licensed under chapter 464 has determined that the injured  
552 person had an emergency medical condition.

553 4. Reimbursement for services and care provided in  
554 subparagraph 1. or subparagraph 2. is limited to \$2,500 if a  
555 provider listed in subparagraph 1. or subparagraph 2. determines  
556 that the injured person did not have an emergency medical  
557 condition.

558 5. Medical benefits do not include massage therapy as  
559 defined in s. 480.033 or acupuncture as defined in s. 457.102,

## Amendment No. 3

560 regardless of the person, entity, or licensee providing massage  
561 therapy or acupuncture, and a licensed massage therapist or  
562 licensed acupuncturist may not be reimbursed for medical  
563 benefits under this section.

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

570

571 Only insurers writing motor vehicle liability insurance in this  
572 state may provide the required benefits of this section, and  
573 such insurer may not require the purchase of any other motor  
574 vehicle coverage other than the purchase of property damage  
575 liability coverage as required by s. 627.7275 as a condition for  
576 providing such benefits. Insurers may not require that property  
577 damage liability insurance in an amount greater than \$10,000 be  
578 purchased in conjunction with personal injury protection. Such  
579 insurers shall make benefits and required property damage  
580 liability insurance coverage available through normal marketing  
581 channels. An insurer writing motor vehicle liability insurance  
582 in this state who fails to comply with such availability  
583 requirement as a general business practice violates part IX of  
584 chapter 626, and such violation constitutes an unfair method of



Amendment No. 3

585 competition or an unfair or deceptive act or practice involving  
586 the business of insurance. An insurer committing such violation  
587 is subject to the penalties provided under that part, as well as  
588 those provided elsewhere in the insurance code.

589 Section 26. Subsection (37) of section 641.31, Florida  
590 Statutes, is amended to read:

591 641.31 Health maintenance contracts.—

592 (37) All health maintenance contracts that provide  
593 coverage for massage must also cover the services of persons  
594 licensed to practice massage therapy pursuant to chapter 480 if  
595 the massage is prescribed by a contracted physician licensed  
596 under chapter 458, chapter 459, chapter 460, or chapter 461 as  
597 medically necessary and the prescription specifies the number of  
598 treatments. Such massage services are subject to the same terms,  
599 conditions, and limitations as those of other covered services.

600

601 -----

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

603 Remove lines 34-86 and insert:

604 amending s. 458.3145, F.S.; revising the list of individuals who  
605 may be issued a medical faculty certificate without examination;  
606 amending 464.019; authorizing the Board of Nursing to adopt  
607 specified rules; authorizing certain nursing education programs  
608 to apply for an extension for accreditation within a specified  
609 timeframe; providing limitations on and eligibility criteria for

## Amendment No. 3

610 the extension; providing a tolling provision; amending s.  
611 465.003, F.S.; revising definitions; amending s. 465.1893, F.S.;  
612 authorizing pharmacist who meet certain requirements to  
613 administer certain extended release medications; amending s.  
614 466.017, F.S.; authorizing a licensed dentist to order physical  
615 impression materials for self-administration by a patient for a  
616 specified purpose; renaming ch. 480, F.S., as "Massage Therapy  
617 Practice"; amending s. 480.031, F.S.; conforming a provision to  
618 changes made by the act; amending s. 480.032, F.S.; revising the  
619 purpose of ch. 480, F.S.; amending s. 480.033, F.S.; revising  
620 terms and definitions; amending s. 480.041, F.S.; revising  
621 requirements for licensure as a massage therapist; conforming  
622 provisions to changes made by the act; providing applicability  
623 for persons who were issued a license as a massage apprentice  
624 before a specified date; repealing s. 480.042, F.S., relating to  
625 examinations; amending s. 491.003, F.S.; providing definitions;  
626 amending s. 491.004, F.S.; deleting an obsolete provision;  
627 amending s. 491.0045, F.S.; authorizing the Board of Clinical  
628 Social Work, Marriage and Family Therapy, and Mental Health  
629 Counseling to make a one-time exception to intern registration  
630 requirements under certain circumstances; amending s. 491.005,  
631 F.S.; revising the licensure requirements for clinical social  
632 workers, marriage and family therapists, and mental health  
633 counselors; amending s. 491.0057, F.S.; requiring that an  
634 applicant for dual licensure as a marriage and family therapist

473851 - h1143-line968.docx

Published On: 3/1/2020 6:04:01 PM

## Amendment No. 3

635 pass an examination designated by the Board of Clinical Social  
636 Work, Marriage and Family Therapy, and Mental Health Counseling;  
637 amending s. 491.006, F.S.; revising requirements for licensure  
638 or certification by endorsement for certain professions;  
639 amending s. 491.007, F.S.; deleting a provision providing  
640 certified master social workers an exemption from continuing  
641 education requirements; deleting a provision requiring the board  
642 to establish a procedure for the biennial renewal of intern  
643 registrations; amending s. 491.009, F.S.; revising who may enter  
644 an order denying licensure or imposing penalties against an  
645 applicant for licensure under certain circumstances; amending s.  
646 491.012, F.S.; providing that using the title "certified master  
647 social worker" without a valid, active license is unlawful;  
648 amending s. 491.0145, F.S.; requiring the department to license  
649 an applicant for designation as a certified master social worker  
650 under certain circumstances; providing that applicants for  
651 designation as a certified master social worker submit their  
652 application to the board; deleting a provision relating to the  
653 nonrefundable fee for examination set by department rule;  
654 authorizing the board to adopt rules; amending s. 491.0149,  
655 F.S.; requiring the use of applicable professional titles by  
656 specified licensees and registrants on social media and other  
657 specified materials; repealing s. 491.015, F.S., relating to  
658 duties of the department as to certified master social workers;  
659 amending s. 768.28, F.S.; designating the state commissioners of

473851 - h1143-line968.docx

Published On: 3/1/2020 6:04:01 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1143 (2020)

Amendment No. 3

660 the Interstate Medical Licensure Compact Commission and other  
661 members or employees of the commission as state agents for the  
662 purpose of applying sovereign immunity and waivers of sovereign  
663 immunity; requiring the commission to pay certain claims or  
664 judgments; authorizing the commission to maintain insurance  
665 coverage to pay such claims or judgments; amending s. 414.065,  
666 F.S.; conforming a cross-reference; amending ss. 477.013,  
667 477.0135, 477.0265, 480.034, 480.035, 480.043, 480.046,  
668 480.0465, 480.047, 480.052, 480.0535, 627.6407, 627.6619,  
669 627.736, and 641.31 F.S.; conforming provisions to changes made  
670 by the act; making technical changes; providing effective dates.