

1 A bill to be entitled
2 An act relating to the Department of Health; amending
3 s. 39.303, F.S.; specifying direct reporting
4 requirements for certain positions within the
5 Children's Medical Services Program; amending s.
6 381.0042, F.S.; revising the purpose of patient care
7 networks from serving patients with acquired immune
8 deficiency syndrome to serving those with human
9 immunodeficiency virus; conforming provisions to
10 changes made by the act; deleting obsolete language;
11 amending s. 381.4018, F.S.; requiring the Department
12 of Health to develop strategies to maximize federal-
13 state partnerships that provide incentives for
14 physicians to practice in medically underserved or
15 rural areas; authorizing the department to adopt
16 certain rules; amending s. 381.915, F.S.; revising
17 provisions relating to time limitations on a cancer
18 center's participation in the Tier 3 designation under
19 the Florida Consortium of National Cancer Institute
20 Centers Program; s. 381.986; providing a definition;
21 revising a provision requiring certain information to
22 be entered into the medical marijuana use registry;
23 revising a provision relating to the informed consent
24 form to include the negative health effects of
25 marijuana use on certain persons; providing daily dose

26 amount limits for edibles and marijuana in a form for
27 smoking; prohibiting physicians from certifying a
28 certain potency of tetrahydrocannabinol in marijuana
29 for certain patients; providing an exception;
30 authorizing the Department of Health to possess and
31 test marijuana samples from medical marijuana
32 treatment centers; authorizing medical marijuana
33 treatment centers to contract with certain medical
34 marijuana testing laboratories; prohibiting the
35 department from renewing a medical marijuana treatment
36 center's license under certain circumstances;
37 providing limits on the potency of
38 tetrahydrocannabinol in marijuana and edibles
39 dispensed by a medical marijuana treatment center;
40 prohibiting a medical marijuana treatment center from
41 dispensing a medical marijuana product containing
42 tetrahydrocannabiphorol; providing applicability;
43 authorizing the department and certain employees to
44 acquire, possess, test, transport, and dispose of
45 marijuana; amending s. 381.988, F.S.; prohibiting a
46 certified medical marijuana testing laboratory from
47 having an economic interest in or financial
48 relationship with a medical marijuana treatment
49 center; providing construction; amending s. 401.35,
50 F.S.; revising provisions relating to the

51 applicability of rules to certain licensees; deleting
52 a requirement that the department base rules governing
53 medical supplies and equipment required in ambulances
54 and emergency medical services vehicles on a certain
55 association's standards; deleting a requirement that
56 the department base rules governing ambulance or
57 vehicle design and construction on a certain agency's
58 standards and instead requiring the department to base
59 such rules on national standards recognized by the
60 department; amending s. 404.031, F.S.; defining the
61 term "useful beam"; amending s. 404.22, F.S.;
62 providing requirements for the maintenance, operation,
63 and modification of certain radiation machines;
64 providing conditions for the authorized exposure of
65 human beings to the radiation emitted from a radiation
66 machine; amending s. 456.013, F.S.; revising health
67 care practitioner licensure application requirements;
68 authorizing the board or department to issue a
69 temporary license to certain applicants which expires
70 after 60 days; amending s. 456.0635, F.S.; providing
71 an exception to a prohibition on the examination or
72 licensure of certain applicants who are listed on a
73 specified federal list; amending s. 456.072, F.S.;
74 conforming provisions to changes made by the act;
75 repealing s. 456.0721, F.S., relating to health care

76 practitioners in default on student loan or
77 scholarship obligations; amending s. 456.074, F.S.;
78 conforming provisions to changes made by the act;
79 amending s. 458.3145, F.S.; revising the list of
80 individuals who may be issued a medical faculty
81 certificate without examination; amending s. 458.3312,
82 F.S.; removing a prohibition against physicians
83 representing themselves as board-certified specialists
84 in dermatology unless the recognizing agency is
85 reviewed and reauthorized on a specified basis by the
86 Board of Medicine; amending s. 459.0055, F.S.;
87 revising licensure requirements for a person seeking
88 licensure or certification as an osteopathic
89 physician; repealing s. 460.4166, F.S., relating to
90 registered chiropractic assistants; amending s.
91 464.019, F.S.; authorizing the Board of Nursing to
92 adopt specified rules; extending through 2025 the
93 Florida Center for Nursing's responsibility to study
94 and issue an annual report on the implementation of
95 nursing education programs; authorizing certain
96 nursing education programs to apply for an extension
97 for accreditation within a specified timeframe;
98 providing limitations on and eligibility criteria for
99 the extension; amending s. 464.202, F.S.; requiring
100 the Board of Nursing to adopt rules that include

101 disciplinary procedures and standards of practice for
102 certified nursing assistants; amending s. 464.203,
103 F.S.; revising certification requirements for nursing
104 assistants; amending s. 464.204, F.S.; revising
105 grounds for board-imposed disciplinary sanctions;
106 amending s. 466.006, F.S.; revising certain
107 examination requirements for applicants seeking dental
108 licensure; reviving, reenacting, and amending s.
109 466.0067, F.S., relating to the application for a
110 health access dental license; reviving, reenacting,
111 and amending s. 466.00671, F.S., relating to the
112 renewal of such a license; reviving and reenacting s.
113 466.00672, F.S., relating to the revocation of such a
114 license; providing for retroactive application;
115 amending s. 466.007, F.S.; revising requirements for
116 examinations of dental hygienists; amending s.
117 466.017, F.S.; requiring dentists and certified
118 registered dental hygienists to report in writing
119 certain adverse incidents to the department within a
120 specified timeframe; providing for disciplinary action
121 by the Board of Dentistry for violations; defining the
122 term "adverse incident"; authorizing the board to
123 adopt rules; amending s. 466.031, F.S.; making
124 technical changes; authorizing an employee or an
125 independent contractor of a dental laboratory, acting

126 as an agent of that dental laboratory, to engage in
127 onsite consultation with a licensed dentist during a
128 dental procedure; amending s. 466.036, F.S.; revising
129 the frequency of dental laboratory inspections during
130 a specified period; amending s. 468.701, F.S.;
131 revising the definition of the term "athletic
132 trainer"; deleting a requirement that is relocated to
133 another section; amending s. 468.707, F.S.; revising
134 athletic trainer licensure requirements; amending s.
135 468.711, F.S.; requiring certain licensees to maintain
136 certification in good standing without lapse as a
137 condition of renewal of their athletic trainer
138 licenses; amending s. 468.713, F.S.; requiring that an
139 athletic trainer work within a specified scope of
140 practice; relocating an existing requirement that was
141 stricken from another section; amending s. 468.723,
142 F.S.; requiring the direct supervision of an athletic
143 training student to be in accordance with rules
144 adopted by the Board of Athletic Training; amending s.
145 468.803, F.S.; revising orthotic, prosthetic, and
146 pedorthic licensure, registration, and examination
147 requirements; amending s. 480.033, F.S.; revising the
148 definition of the term "apprentice"; amending s.
149 480.041, F.S.; revising qualifications for licensure
150 as a massage therapist; specifying that massage

151 apprentices licensed before a specified date may
152 continue to perform massage therapy as authorized
153 under their licenses; authorizing massage apprentices
154 to apply for full licensure upon completion of their
155 apprenticeships, under certain conditions; repealing
156 s. 480.042, F.S., relating to examinations for
157 licensure as a massage therapist; amending s. 490.003,
158 F.S.; revising the definition of the terms "doctoral-
159 level psychological education" and "doctoral degree in
160 psychology"; amending s. 490.005, F.S.; revising
161 requirements for licensure by examination of
162 psychologists and school psychologists; amending s.
163 490.006, F.S.; revising requirements for licensure by
164 endorsement of psychologists and school psychologists;
165 amending s. 491.0045, F.S.; exempting clinical social
166 worker interns, marriage and family therapist interns,
167 and mental health counselor interns from registration
168 requirements, under certain circumstances; amending s.
169 491.005, F.S.; revising requirements for the licensure
170 by examination of marriage and family therapists;
171 revising requirements for the licensure by examination
172 of mental health counselors; amending s. 491.006,
173 F.S.; revising requirements for licensure by
174 endorsement or certification for specified
175 professions; amending s. 491.007, F.S.; removing a

176 biennial intern registration fee; amending s. 491.009,
177 F.S.; authorizing the Board of Clinical Social Work,
178 Marriage and Family Therapy, and Mental Health
179 Counseling or, under certain circumstances, the
180 department to enter an order denying licensure or
181 imposing penalties against an applicant for licensure
182 under certain circumstances; amending s. 514.0115,
183 F.S.; providing that certain surf pools are exempt
184 from supervision for certain provisions under certain
185 circumstances; providing construction; defining the
186 term "surf pool"; amending s. 553.77, F.S.; conforming
187 a cross-reference; amending ss. 491.0046 and 945.42,
188 F.S.; conforming cross-references; providing effective
189 dates.

190
191 Be It Enacted by the Legislature of the State of Florida:

192
193 Section 1. Paragraphs (a) and (b) of subsection (2) of
194 section 39.303, Florida Statutes, are amended to read:

195 39.303 Child Protection Teams and sexual abuse treatment
196 programs; services; eligible cases.—

197 (2) (a) The Statewide Medical Director for Child Protection
198 must be a physician licensed under chapter 458 or chapter 459
199 who is a board-certified pediatrician with a subspecialty
200 certification in child abuse from the American Board of

201 Pediatrics. The Statewide Medical Director for Child Protection
202 shall report directly to the Deputy Secretary for Children's
203 Medical Services.

204 (b) Each Child Protection Team medical director must be a
205 physician licensed under chapter 458 or chapter 459 who is a
206 board-certified physician in pediatrics or family medicine and,
207 within 2 years after the date of employment as a Child
208 Protection Team medical director, obtains a subspecialty
209 certification in child abuse from the American Board of
210 Pediatrics or within 2 years meet the minimum requirements
211 established by a third-party credentialing entity recognizing a
212 demonstrated specialized competence in child abuse pediatrics
213 pursuant to paragraph (d). Each Child Protection Team medical
214 director employed on July 1, 2015, must, by July 1, 2019, either
215 obtain a subspecialty certification in child abuse from the
216 American Board of Pediatrics or meet the minimum requirements
217 established by a third-party credentialing entity recognizing a
218 demonstrated specialized competence in child abuse pediatrics
219 pursuant to paragraph (d). Child Protection Team medical
220 directors shall be responsible for oversight of the teams in the
221 circuits. Each Child Protection Team medical director shall
222 report directly to the Statewide Medical Director for Child
223 Protection.

224 Section 2. Section 381.0042, Florida Statutes, is amended
225 to read:

226 381.0042 Patient care for persons with HIV infection.—The
227 department may establish human immunodeficiency virus ~~acquired~~
228 ~~immune deficiency syndrome~~ patient care networks in each region
229 of the state where the number ~~numbers~~ of cases of acquired
230 ~~immune deficiency syndrome and other~~ human immunodeficiency
231 virus transmission ~~infections~~ justifies the establishment of
232 cost-effective regional patient care networks. Such networks
233 shall be delineated by rule of the department which shall take
234 into account natural trade areas and centers of medical
235 excellence that specialize in the treatment of human
236 immunodeficiency virus ~~acquired immune deficiency syndrome~~, as
237 well as available federal, state, and other funds. Each patient
238 care network shall include representation of persons with human
239 immunodeficiency virus infection; health care providers;
240 business interests; the department, including, but not limited
241 to, county health departments; and local units of government.
242 Each network shall plan for the care and treatment of persons
243 with human immunodeficiency virus ~~acquired immune deficiency~~
244 ~~syndrome and acquired immune deficiency syndrome related complex~~
245 in a cost-effective, dignified manner that ~~which~~ emphasizes
246 outpatient and home care. Once per ~~each~~ year, ~~beginning April~~
247 ~~1989~~, each network shall make its recommendations concerning the
248 needs for patient care to the department.

249 Section 3. Subsection (3) of section 381.4018, Florida
250 Statutes, is amended to read:

251 381.4018 Physician workforce assessment and development.—

252 (3) GENERAL FUNCTIONS.—The department shall maximize the
253 use of existing programs under the jurisdiction of the
254 department and other state agencies and coordinate governmental
255 and nongovernmental stakeholders and resources in order to
256 develop a state strategic plan and assess the implementation of
257 such strategic plan. In developing the state strategic plan, the
258 department shall:

259 (a) Monitor, evaluate, and report on the supply and
260 distribution of physicians licensed under chapter 458 or chapter
261 459. The department shall maintain a database to serve as a
262 statewide source of data concerning the physician workforce.

263 (b) Develop a model and quantify, on an ongoing basis, the
264 adequacy of the state's current and future physician workforce
265 as reliable data becomes available. Such model must take into
266 account demographics, physician practice status, place of
267 education and training, generational changes, population growth,
268 economic indicators, and issues concerning the "pipeline" into
269 medical education.

270 (c) Develop and recommend strategies to determine whether
271 the number of qualified medical school applicants who might
272 become competent, practicing physicians in this state will be
273 sufficient to meet the capacity of the state's medical schools.
274 If appropriate, the department shall, working with
275 representatives of appropriate governmental and nongovernmental

276 entities, develop strategies and recommendations and identify
277 best practice programs that introduce health care as a
278 profession and strengthen skills needed for medical school
279 admission for elementary, middle, and high school students, and
280 improve premedical education at the precollege and college level
281 in order to increase this state's potential pool of medical
282 students.

283 (d) Develop strategies to ensure that the number of
284 graduates from the state's public and private allopathic and
285 osteopathic medical schools is adequate to meet physician
286 workforce needs, based on the analysis of the physician
287 workforce data, so as to provide a high-quality medical
288 education to students in a manner that recognizes the uniqueness
289 of each new and existing medical school in this state.

290 (e) Pursue strategies and policies to create, expand, and
291 maintain graduate medical education positions in the state based
292 on the analysis of the physician workforce data. Such strategies
293 and policies must take into account the effect of federal
294 funding limitations on the expansion and creation of positions
295 in graduate medical education. The department shall develop
296 options to address such federal funding limitations. The
297 department shall consider options to provide direct state
298 funding for graduate medical education positions in a manner
299 that addresses requirements and needs relative to accreditation
300 of graduate medical education programs. The department shall

301 consider funding residency positions as a means of addressing
302 needed physician specialty areas, rural areas having a shortage
303 of physicians, and areas of ongoing critical need, and as a
304 means of addressing the state's physician workforce needs based
305 on an ongoing analysis of physician workforce data.

306 (f) Develop strategies to maximize federal and state
307 programs that provide for the use of incentives to attract
308 physicians to this state or retain physicians within the state.
309 Such strategies should explore and maximize federal-state
310 partnerships that provide incentives for physicians to practice
311 in federally designated shortage areas, in otherwise medically
312 underserved areas, or in rural areas. Strategies shall also
313 consider the use of state programs, such as the Medical
314 Education Reimbursement and Loan Repayment Program pursuant to
315 s. 1009.65, which provide for education loan repayment or loan
316 forgiveness and provide monetary incentives for physicians to
317 relocate to underserved areas of the state.

318 (g) Coordinate and enhance activities relative to
319 physician workforce needs, undergraduate medical education,
320 graduate medical education, and reentry of retired military and
321 other physicians into the physician workforce provided by the
322 Division of Medical Quality Assurance, area health education
323 center networks established pursuant to s. 381.0402, and other
324 offices and programs within the department as designated by the
325 State Surgeon General.

326 (h) Work in conjunction with and act as a coordinating
327 body for governmental and nongovernmental stakeholders to
328 address matters relating to the state's physician workforce
329 assessment and development for the purpose of ensuring an
330 adequate supply of well-trained physicians to meet the state's
331 future needs. Such governmental stakeholders shall include, but
332 need not be limited to, the State Surgeon General or his or her
333 designee, the Commissioner of Education or his or her designee,
334 the Secretary of Health Care Administration or his or her
335 designee, and the Chancellor of the State University System or
336 his or her designee, and, at the discretion of the department,
337 other representatives of state and local agencies that are
338 involved in assessing, educating, or training the state's
339 current or future physicians. Other stakeholders shall include,
340 but need not be limited to, organizations representing the
341 state's public and private allopathic and osteopathic medical
342 schools; organizations representing hospitals and other
343 institutions providing health care, particularly those that
344 currently provide or have an interest in providing accredited
345 medical education and graduate medical education to medical
346 students and medical residents; organizations representing
347 allopathic and osteopathic practicing physicians; and, at the
348 discretion of the department, representatives of other
349 organizations or entities involved in assessing, educating, or
350 training the state's current or future physicians.

351 (i) Serve as a liaison with other states and federal
352 agencies and programs in order to enhance resources available to
353 the state's physician workforce and medical education continuum.

354 (j) Act as a clearinghouse for collecting and
355 disseminating information concerning the physician workforce and
356 medical education continuum in this state.

357
358 The department may adopt rules to implement this subsection,
359 including rules that establish guidelines to implement the
360 federal Conrad 30 Waiver Program created under s. 214(1) of the
361 Immigration and Nationality Act.

362 Section 4. Paragraph (c) of subsection (4) of section
363 381.915, Florida Statutes, is amended to read:

364 381.915 Florida Consortium of National Cancer Institute
365 Centers Program.—

366 (4) Tier designations and corresponding weights within the
367 Florida Consortium of National Cancer Institute Centers Program
368 are as follows:

369 (c) Tier 3: Florida-based cancer centers seeking
370 designation as either a NCI-designated cancer center or NCI-
371 designated comprehensive cancer center, which shall be weighted
372 at 1.0.

373 1. A cancer center shall meet the following minimum
374 criteria to be considered eligible for Tier 3 designation in any
375 given fiscal year:

376 a. Conducting cancer-related basic scientific research and
377 cancer-related population scientific research;

378 b. Offering and providing the full range of diagnostic and
379 treatment services on site, as determined by the Commission on
380 Cancer of the American College of Surgeons;

381 c. Hosting or conducting cancer-related interventional
382 clinical trials that are registered with the NCI's Clinical
383 Trials Reporting Program;

384 d. Offering degree-granting programs or affiliating with
385 universities through degree-granting programs accredited or
386 approved by a nationally recognized agency and offered through
387 the center or through the center in conjunction with another
388 institution accredited by the Commission on Colleges of the
389 Southern Association of Colleges and Schools;

390 e. Providing training to clinical trainees, medical
391 trainees accredited by the Accreditation Council for Graduate
392 Medical Education or the American Osteopathic Association, and
393 postdoctoral fellows recently awarded a doctorate degree; and

394 f. Having more than \$5 million in annual direct costs
395 associated with their total NCI peer-reviewed grant funding.

396 2. The General Appropriations Act or accompanying
397 legislation may limit the number of cancer centers which shall
398 receive Tier 3 designations or provide additional criteria for
399 such designation.

400 3. A cancer center's participation in Tier 3 may not
 401 extend beyond June 30, 2024 ~~shall be limited to 6 years.~~

402 4. A cancer center that qualifies as a designated Tier 3
 403 center under the criteria provided in subparagraph 1. by July 1,
 404 2014, is authorized to pursue NCI designation as a cancer center
 405 or a comprehensive cancer center until June 30, 2024 ~~for 6 years~~
 406 ~~after qualification.~~

407 Section 5. Paragraphs (l) through (o) of subsection (1) of
 408 section 381.986, Florida Statutes, are redesignated as
 409 paragraphs (m) through (p), respectively, paragraph (a) of
 410 subsection (3), paragraphs (a) and (f) of subsection (4),
 411 paragraphs (b) and (e) of subsection (8), and paragraph (a) of
 412 subsection (14) are amended, and a new paragraph (l) is added to
 413 subsection (1) and paragraph (h) is added to subsection (14) of
 414 that section, to read:

415 381.986 Medical use of marijuana.—

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

417 (1) "Potency" means the relative strength of cannabinoids,
 418 and the total amount, in milligrams, of tetrahydrocannabinol as
 419 the sum of (delta-9-tetrahydrocannabinol + (0.877 x
 420 tetrahydrocannabinolic acid)) and cannabidiol as the sum of
 421 (cannabidiol + (0.877 x cannabidiolic acid)) in the final
 422 product dispensed to a patient or caregiver.

423 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

424 (a) Before being approved as a qualified physician, as

425 defined in paragraph (1)(n) ~~(1)(m)~~, and before each license
426 renewal, a physician must successfully complete a 2-hour course
427 and subsequent examination offered by the Florida Medical
428 Association or the Florida Osteopathic Medical Association which
429 encompass the requirements of this section and any rules adopted
430 hereunder. The course and examination shall be administered at
431 least annually and may be offered in a distance learning format,
432 including an electronic, online format that is available upon
433 request. The price of the course may not exceed \$500. A
434 physician who has met the physician education requirements of
435 former s. 381.986(4), Florida Statutes 2016, before June 23,
436 2017, shall be deemed to be in compliance with this paragraph
437 from June 23, 2017, until 90 days after the course and
438 examination required by this paragraph become available.

439 (4) PHYSICIAN CERTIFICATION.—

440 (a) A qualified physician may issue a physician
441 certification only if the qualified physician:

442 1. Conducted a physical examination while physically
443 present in the same room as the patient and a full assessment of
444 the medical history of the patient.

445 2. Diagnosed the patient with at least one qualifying
446 medical condition.

447 3. Determined that the medical use of marijuana would
448 likely outweigh the potential health risks for the patient, and
449 such determination must be documented in the patient's medical

450 record. If a patient is younger than 18 years of age, a second
451 physician must concur with this determination, and such
452 concurrence must be documented in the patient's medical record.

453 4. Determined whether the patient is pregnant and
454 documented such determination in the patient's medical record. A
455 physician may not issue a physician certification, except for
456 low-THC cannabis, to a patient who is pregnant.

457 5. Reviewed the patient's controlled drug prescription
458 history in the prescription drug monitoring program database
459 established pursuant to s. 893.055.

460 6. Reviews the medical marijuana use registry and
461 confirmed that the patient does not have an active physician
462 certification from another qualified physician.

463 7. Registers as the issuer of the physician certification
464 for the named qualified patient on the medical marijuana use
465 registry in an electronic manner determined by the department,
466 and:

467 a. Enters into the registry the contents of the physician
468 certification, including all of the patient's qualifying
469 conditions ~~condition~~ and the dosage not to exceed the daily dose
470 amount authorized under paragraph (f) ~~determined by the~~
471 ~~department~~, the amount and forms of marijuana authorized for the
472 patient, and any types of marijuana delivery devices needed by
473 the patient for the medical use of marijuana.

474 b. Updates the registry within 7 days after any change is

475 made to the original physician certification to reflect such
476 change.

477 c. Deactivates the registration of the qualified patient
478 and the patient's caregiver when the physician no longer
479 recommends the medical use of marijuana for the patient.

480 8. Obtains the voluntary and informed written consent of
481 the patient for medical use of marijuana each time the qualified
482 physician issues a physician certification for the patient,
483 which shall be maintained in the patient's medical record. The
484 patient, or the patient's parent or legal guardian if the
485 patient is a minor, must sign the informed consent acknowledging
486 that the qualified physician has sufficiently explained its
487 content. The qualified physician must use a standardized
488 informed consent form adopted in rule by the Board of Medicine
489 and the Board of Osteopathic Medicine, which must include, at a
490 minimum, information related to:

491 a. The Federal Government's classification of marijuana as
492 a Schedule I controlled substance.

493 b. The approval and oversight status of marijuana by the
494 Food and Drug Administration.

495 c. The current state of research on the efficacy of
496 marijuana to treat the qualifying conditions set forth in this
497 section.

498 d. The potential for addiction.

499 e. The potential effect that marijuana may have on a

500 patient's coordination, motor skills, and cognition, including a
501 warning against operating heavy machinery, operating a motor
502 vehicle, or engaging in activities that require a person to be
503 alert or respond quickly.

504 f. The potential side effects of marijuana use, including
505 the negative health risks associated with smoking marijuana and
506 the negative health effects of marijuana use on persons under 18
507 years of age.

508 g. The risks, benefits, and drug interactions of
509 marijuana.

510 h. That the patient's de-identified health information
511 contained in the physician certification and medical marijuana
512 use registry may be used for research purposes.

513 (f) A qualified physician may not issue a physician
514 certification for more than three 70-day supply limits of
515 marijuana, more than six 35-day supply limits of edibles, or
516 more than six 35-day supply limits of marijuana in a form for
517 smoking or, to a qualified patient under 21 years of age,
518 marijuana that contains tetrahydrocannabiphorol or has a
519 tetrahydrocannabinol potency, by weight or volume, of greater
520 than 10 percent in the final product. However, a physician may
521 certify such qualified patient for marijuana with any potency of
522 tetrahydrocannabinol which contains tetrahydrocannabiphorol, if
523 the qualified patient is diagnosed with a terminal condition and
524 the qualified physician indicates such on the physician

525 certification. The department shall quantify by rule a daily
526 dose amount with equivalent dose amounts for each allowable form
527 of marijuana, other than edibles and marijuana in a form for
528 smoking, dispensed by a medical marijuana treatment center. The
529 department shall use the daily dose amount to calculate a 70-day
530 supply. The daily dose amount for edibles shall not exceed 200
531 mg of tetrahydrocannabinol. The daily dose amount for marijuana
532 in a form for smoking shall not exceed .08 ounces.

533 1. A qualified physician may request an exception to the
534 daily dose amount limit, the 35-day supply limit for edibles,
535 the 35-day supply limit of marijuana in a form for smoking, and
536 the 4-ounce possession limit of marijuana in a form for smoking
537 established in paragraph (14) (a), and the tetrahydrocannabinol
538 concentration limits established in this paragraph. The request
539 shall be made electronically on a form adopted by the department
540 in rule and must include, at a minimum:

541 a. The qualified patient's qualifying medical condition.

542 b. The dosage and route of administration that was
543 insufficient to provide relief to the qualified patient.

544 c. A description of how the patient will benefit from an
545 increased amount.

546 d. The minimum daily dose amount of marijuana that would
547 be sufficient for the treatment of the qualified patient's
548 qualifying medical condition.

549 2. A qualified physician must provide the qualified

550 patient's records upon the request of the department.

551 3. The department shall approve or disapprove the request
552 within 14 days after receipt of the complete documentation
553 required by this paragraph. The request shall be deemed approved
554 if the department fails to act within this time period.

555 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

556 (b) An applicant for licensure as a medical marijuana
557 treatment center shall apply to the department on a form
558 prescribed by the department and adopted in rule. The department
559 shall adopt rules pursuant to ss. 120.536(1) and 120.54
560 establishing a procedure for the issuance and biennial renewal
561 of licenses, including initial application and biennial renewal
562 fees sufficient to cover the costs of implementing and
563 administering this section, and establishing supplemental
564 licensure fees for payment beginning May 1, 2018, sufficient to
565 cover the costs of administering ss. 381.989 and 1004.4351. The
566 department may not renew a medical marijuana treatment center's
567 license if the medical marijuana treatment center has not begun
568 dispensing marijuana by the date that the medical marijuana
569 treatment center is required to renew its license. The
570 department shall identify applicants with strong diversity plans
571 reflecting this state's commitment to diversity and implement
572 training programs and other educational programs to enable
573 minority persons and minority business enterprises, as defined
574 in s. 288.703, and veteran business enterprises, as defined in

575 s. 295.187, to compete for medical marijuana treatment center
576 licensure and contracts. Subject to the requirements in
577 subparagraphs (a)2.-4., the department shall issue a license to
578 an applicant if the applicant meets the requirements of this
579 section and pays the initial application fee. The department
580 shall renew the licensure of a medical marijuana treatment
581 center biennially if the licensee meets the requirements of this
582 section and pays the biennial renewal fee. An individual may not
583 be an applicant, owner, officer, board member, or manager on
584 more than one application for licensure as a medical marijuana
585 treatment center. An individual or entity may not be awarded
586 more than one license as a medical marijuana treatment center.
587 An applicant for licensure as a medical marijuana treatment
588 center must demonstrate:

589 1. That, for the 5 consecutive years before submitting the
590 application, the applicant has been registered to do business in
591 the state.

592 2. Possession of a valid certificate of registration
593 issued by the Department of Agriculture and Consumer Services
594 pursuant to s. 581.131.

595 3. The technical and technological ability to cultivate
596 and produce marijuana, including, but not limited to, low-THC
597 cannabis.

598 4. The ability to secure the premises, resources, and
599 personnel necessary to operate as a medical marijuana treatment

600 center.

601 5. The ability to maintain accountability of all raw
602 materials, finished products, and any byproducts to prevent
603 diversion or unlawful access to or possession of these
604 substances.

605 6. An infrastructure reasonably located to dispense
606 marijuana to registered qualified patients statewide or
607 regionally as determined by the department.

608 7. The financial ability to maintain operations for the
609 duration of the 2-year approval cycle, including the provision
610 of certified financial statements to the department.

611 a. Upon approval, the applicant must post a \$5 million
612 performance bond issued by an authorized surety insurance
613 company rated in one of the three highest rating categories by a
614 nationally recognized rating service. However, a medical
615 marijuana treatment center serving at least 1,000 qualified
616 patients is only required to maintain a \$2 million performance
617 bond.

618 b. In lieu of the performance bond required under sub-
619 subparagraph a., the applicant may provide an irrevocable letter
620 of credit payable to the department or provide cash to the
621 department. If provided with cash under this sub-subparagraph,
622 the department shall deposit the cash in the Grants and
623 Donations Trust Fund within the Department of Health, subject to
624 the same conditions as the bond regarding requirements for the

625 applicant to forfeit ownership of the funds. If the funds
626 deposited under this sub-subparagraph generate interest, the
627 amount of that interest shall be used by the department for the
628 administration of this section.

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

631 9. The employment of a medical director to supervise the
632 activities of the medical marijuana treatment center.

633 10. A diversity plan that promotes and ensures the
634 involvement of minority persons and minority business
635 enterprises, as defined in s. 288.703, or veteran business
636 enterprises, as defined in s. 295.187, in ownership, management,
637 and employment. An applicant for licensure renewal must show the
638 effectiveness of the diversity plan by including the following
639 with his or her application for renewal:

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

642 b. Efforts to recruit minority persons and veterans for
643 employment; and

644 c. A record of contracts for services with minority
645 business enterprises and veteran business enterprises.

646 (e) A licensed medical marijuana treatment center shall
647 cultivate, process, transport, and dispense marijuana for
648 medical use. A licensed medical marijuana treatment center may
649 not contract for services directly related to the cultivation,

650 processing, and dispensing of marijuana or marijuana delivery
651 devices, except that a medical marijuana treatment center
652 licensed pursuant to subparagraph (a)1. may contract with a
653 single entity for the cultivation, processing, transporting, and
654 dispensing of marijuana and marijuana delivery devices. A
655 licensed medical marijuana treatment center must, at all times,
656 maintain compliance with the criteria demonstrated and
657 representations made in the initial application and the criteria
658 established in this subsection. Upon request, the department may
659 grant a medical marijuana treatment center a variance from the
660 representations made in the initial application. Consideration
661 of such a request shall be based upon the individual facts and
662 circumstances surrounding the request. A variance may not be
663 granted unless the requesting medical marijuana treatment center
664 can demonstrate to the department that it has a proposed
665 alternative to the specific representation made in its
666 application which fulfills the same or a similar purpose as the
667 specific representation in a way that the department can
668 reasonably determine will not be a lower standard than the
669 specific representation in the application. A variance may not
670 be granted from the requirements in subparagraph 2. and
671 subparagraphs (b)1. and 2.

672 1. A licensed medical marijuana treatment center may
673 transfer ownership to an individual or entity who meets the
674 requirements of this section. A publicly traded corporation or

675 publicly traded company that meets the requirements of this
676 section is not precluded from ownership of a medical marijuana
677 treatment center. To accommodate a change in ownership:

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

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

685 c. Upon receipt of an application for a license, the
686 department shall examine the application and, within 30 days
687 after receipt, notify the applicant in writing of any apparent
688 errors or omissions and request any additional information
689 required.

690 d. Requested information omitted from an application for
691 licensure must be filed with the department within 21 days after
692 the department's request for omitted information or the
693 application shall be deemed incomplete and shall be withdrawn
694 from further consideration and the fees shall be forfeited.

695
696 Within 30 days after the receipt of a complete application, the
697 department shall approve or deny the application.

698 2. A medical marijuana treatment center, and any
699 individual or entity who directly or indirectly owns, controls,

700 or holds with power to vote 5 percent or more of the voting
701 shares of a medical marijuana treatment center, may not acquire
702 direct or indirect ownership or control of any voting shares or
703 other form of ownership of any other medical marijuana treatment
704 center.

705 3. A medical marijuana treatment center may not enter into
706 any form of profit-sharing arrangement with the property owner
707 or lessor of any of its facilities where cultivation,
708 processing, storing, or dispensing of marijuana and marijuana
709 delivery devices occurs.

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

713 5. Each medical marijuana treatment center must adopt and
714 enforce policies and procedures to ensure employees and
715 volunteers receive training on the legal requirements to
716 dispense marijuana to qualified patients.

717 6. When growing marijuana, a medical marijuana treatment
718 center:

719 a. May use pesticides determined by the department, after
720 consultation with the Department of Agriculture and Consumer
721 Services, to be safely applied to plants intended for human
722 consumption, but may not use pesticides designated as
723 restricted-use pesticides pursuant to s. 487.042.

724 b. Must grow marijuana within an enclosed structure and in

725 a room separate from any other plant.

726 c. Must inspect seeds and growing plants for plant pests
727 that endanger or threaten the horticultural and agricultural
728 interests of the state in accordance with chapter 581 and any
729 rules adopted thereunder.

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

733 7. Each medical marijuana treatment center must produce
734 and make available for purchase at least one low-THC cannabis
735 product.

736 8. A medical marijuana treatment center that produces
737 edibles must hold a permit to operate as a food establishment
738 pursuant to chapter 500, the Florida Food Safety Act, and must
739 comply with all the requirements for food establishments
740 pursuant to chapter 500 and any rules adopted thereunder.
741 Edibles may not contain more than 200 milligrams of
742 tetrahydrocannabinol, and a single serving portion of an edible
743 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles
744 may have a potency variance of no greater than 15 percent of the
745 10 milligrams of tetrahydrocannabinol per single serving limit
746 or the 200 milligrams of tetrahydrocannabinol per product limit.
747 Edibles may not be attractive to children; be manufactured in
748 the shape of humans, cartoons, or animals; be manufactured in a
749 form that bears any reasonable resemblance to products available

750 for consumption as commercially available candy; or contain any
751 color additives. To discourage consumption of edibles by
752 children, the department shall determine by rule any shapes,
753 forms, and ingredients allowed and prohibited for edibles.
754 Medical marijuana treatment centers may not begin processing or
755 dispensing edibles until after the effective date of the rule.
756 The department shall also adopt sanitation rules providing the
757 standards and requirements for the storage, display, or
758 dispensing of edibles.

759 9. Within 12 months after licensure, a medical marijuana
760 treatment center must demonstrate to the department that all of
761 its processing facilities have passed a Food Safety Good
762 Manufacturing Practices, such as Global Food Safety Initiative
763 or equivalent, inspection by a nationally accredited certifying
764 body. A medical marijuana treatment center must immediately stop
765 processing at any facility which fails to pass this inspection
766 until it demonstrates to the department that such facility has
767 met this requirement.

768 10. A medical marijuana treatment center that produces
769 prerolled marijuana cigarettes may not use wrapping paper made
770 with tobacco or hemp.

771 11. When processing marijuana, a medical marijuana
772 treatment center must:

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

775 b. Comply with department rules when processing marijuana
776 with hydrocarbon solvents or other solvents or gases exhibiting
777 potential toxicity to humans. The department shall determine by
778 rule the requirements for medical marijuana treatment centers to
779 use such solvents or gases exhibiting potential toxicity to
780 humans.

781 c. Comply with federal and state laws and regulations and
782 department rules for solid and liquid wastes. The department
783 shall determine by rule procedures for the storage, handling,
784 transportation, management, and disposal of solid and liquid
785 waste generated during marijuana production and processing. The
786 Department of Environmental Protection shall assist the
787 department in developing such rules.

788 12.d. A medical marijuana treatment center must test the
789 ~~processed~~ marijuana using a medical marijuana testing laboratory
790 before it is dispensed. Results must be verified and signed by
791 two medical marijuana treatment center employees. Before
792 dispensing, the medical marijuana treatment center must
793 determine that the test results indicate that low-THC cannabis
794 meets the definition of low-THC cannabis, the concentration of
795 tetrahydrocannabinol meets the potency requirements of this
796 section, the labeling of the concentration of
797 tetrahydrocannabinol and cannabidiol is accurate, and all
798 marijuana is safe for human consumption and free from
799 contaminants that are unsafe for human consumption. The

800 department shall determine by rule which contaminants must be
801 tested for and the maximum levels of each contaminant which are
802 safe for human consumption. The Department of Agriculture and
803 Consumer Services shall assist the department in developing the
804 testing requirements for contaminants that are unsafe for human
805 consumption in edibles. The department shall also determine by
806 rule the procedures for the treatment of marijuana that fails to
807 meet the testing requirements of this section, s. 381.988, or
808 department rule. The department may select ~~a~~ random samples of
809 marijuana, ~~sample from edibles~~ available in a cultivation
810 facility or processing facility, or for purchase in a dispensing
811 facility which shall be tested by the department to determine
812 that the marijuana ~~edible~~ meets the potency requirements of this
813 section, is safe for human consumption, and the labeling of the
814 tetrahydrocannabinol and cannabidiol concentration is accurate.
815 A medical marijuana treatment center may not require payment
816 from the department for the sample. A medical marijuana
817 treatment center must recall edibles, including all edibles made
818 from the same batch of marijuana, which fail to meet the potency
819 requirements of this section, which are unsafe for human
820 consumption, or for which the labeling of the
821 tetrahydrocannabinol and cannabidiol concentration is
822 inaccurate. The medical marijuana treatment center must retain
823 records of all testing and samples of each homogenous batch of
824 marijuana for at least 9 months. The medical marijuana treatment

825 center must contract with a marijuana testing laboratory to
826 perform audits on the medical marijuana treatment center's
827 standard operating procedures, testing records, and samples and
828 provide the results to the department to confirm that the
829 marijuana or low-THC cannabis meets the requirements of this
830 section and that the marijuana or low-THC cannabis is safe for
831 human consumption. A medical marijuana treatment center shall
832 reserve two processed samples from each batch and retain such
833 samples for at least 9 months for the purpose of such audits. A
834 medical marijuana treatment center may use a laboratory that has
835 not been certified by the department under s. 381.988 until such
836 time as at least one laboratory holds the required
837 certification, but in no event later than July 1, 2020 ~~2018~~.

838 13. When packaging marijuana, a medical marijuana
839 treatment center must:

840 a.e. Package the marijuana in compliance with the United
841 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
842 1471 et seq.

843 b.f. Package the marijuana in a receptacle that has a
844 firmly affixed and legible label stating the following
845 information:

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

848 (II) The name of the medical marijuana treatment center
849 from which the marijuana originates.

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

852 (IV) The name of the physician who issued the physician
 853 certification.

854 (V) The name of the patient.

855 (VI) The product name, if applicable, and dosage form,
 856 including concentration of tetrahydrocannabinol and cannabidiol.
 857 The product name may not contain wording commonly associated
 858 with products marketed by or to children.

859 (VII) The recommended dose.

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

862 (IX) A marijuana universal symbol developed by the
 863 department.

864 ~~14.12.~~ The medical marijuana treatment center shall
 865 include in each package a patient package insert with
 866 information on the specific product dispensed related to:

- 867 a. Clinical pharmacology.
- 868 b. Indications and use.
- 869 c. Dosage and administration.
- 870 d. Dosage forms and strengths.
- 871 e. Contraindications.
- 872 f. Warnings and precautions.
- 873 g. Adverse reactions.

874 ~~15.13.~~ In addition to the packaging and labeling

875 requirements specified in subparagraphs 13. and 14., ~~11. and~~
876 ~~12.~~, marijuana in a form for smoking must be packaged in a
877 sealed receptacle with a legible and prominent warning to keep
878 away from children and a warning that states marijuana smoke
879 contains carcinogens and may negatively affect health. Such
880 receptacles for marijuana in a form for smoking must be plain,
881 opaque, and white without depictions of the product or images
882 other than the medical marijuana treatment center's department-
883 approved logo and the marijuana universal symbol.

884 16.14. The department shall adopt rules to regulate the
885 types, appearance, and labeling of marijuana delivery devices
886 dispensed from a medical marijuana treatment center. The rules
887 must require marijuana delivery devices to have an appearance
888 consistent with medical use.

889 17.15. Each edible shall be individually sealed in plain,
890 opaque wrapping marked only with the marijuana universal symbol.
891 Where practical, each edible shall be marked with the marijuana
892 universal symbol. In addition to the packaging and labeling
893 requirements in subparagraphs 13. and 14.~~11. and 12.~~, edible
894 receptacles must be plain, opaque, and white without depictions
895 of the product or images other than the medical marijuana
896 treatment center's department-approved logo and the marijuana
897 universal symbol. The receptacle must also include a list of all
898 the edible's ingredients, storage instructions, an expiration
899 date, a legible and prominent warning to keep away from children

900 and pets, and a warning that the edible has not been produced or
901 inspected pursuant to federal food safety laws.

902 ~~18.16.~~ When dispensing marijuana or a marijuana delivery
903 device, a medical marijuana treatment center:

904 a. May dispense any active, valid order for low-THC
905 cannabis, medical cannabis and cannabis delivery devices issued
906 pursuant to former s. 381.986, Florida Statutes 2016, which was
907 entered into the medical marijuana use registry before July 1,
908 2017.

909 b. May not dispense more than a 70-day supply of marijuana
910 within any 70-day period to a qualified patient or caregiver.
911 May not dispense more than a 35-day supply of edibles within any
912 35-day period to a qualified patient or caregiver. A 35-day
913 supply of edibles may not exceed 7000 mg of tetrahydrocannabinol
914 unless an exception to this amount is approved by the department
915 pursuant to paragraph (4) (f). May not dispense more than one 35-
916 day supply of marijuana in a form for smoking within any 35-day
917 period to a qualified patient or caregiver. A 35-day supply of
918 marijuana in a form for smoking may not exceed 2.5 ounces unless
919 an exception to this amount is approved by the department
920 pursuant to paragraph (4) (f).

921 c. Must have the medical marijuana treatment center's
922 employee who dispenses the marijuana or a marijuana delivery
923 device enter into the medical marijuana use registry his or her
924 name or unique employee identifier.

925 d. Must verify that the qualified patient and the
926 caregiver, if applicable, each have an active registration in
927 the medical marijuana use registry and an active and valid
928 medical marijuana use registry identification card, the amount
929 and type of marijuana dispensed matches the physician
930 certification in the medical marijuana use registry for that
931 qualified patient, and the physician certification has not
932 already been filled.

933 e. May not dispense marijuana to a qualified patient who
934 is younger than 18 years of age. If the qualified patient is
935 younger than 18 years of age, marijuana may only be dispensed to
936 the qualified patient's caregiver.

937 f. May not dispense marijuana that contains
938 tetrahydrocannabiphorol or has a tetrahydrocannabinol potency,
939 by weight or volume, of greater than 10 percent in the final
940 product to a qualified patient ages 18 through 21 years, to his
941 or her caregiver, or to the caregiver of a qualified patient
942 younger than 18 years of age, for the qualified patient's
943 medical use, unless the qualified patient has an applicable
944 exception approved by the department under paragraph (4) (f) or
945 the qualified physician certification indicates that the
946 qualified patient has been diagnosed with a terminal condition.

947 ~~g.f.~~ May not dispense or sell any other type of cannabis,
948 alcohol, or illicit drug-related product, including pipes or
949 wrapping papers made with tobacco or hemp, other than a

950 marijuana delivery device required for the medical use of
951 marijuana and which is specified in a physician certification.

952 ~~h.g.~~ Must, upon dispensing the marijuana or marijuana
953 delivery device, record in the registry the date, time,
954 quantity, and form of marijuana dispensed; the type of marijuana
955 delivery device dispensed; and the name and medical marijuana
956 use registry identification number of the qualified patient or
957 caregiver to whom the marijuana delivery device was dispensed.

958 ~~i.h.~~ Must ensure that patient records are not visible to
959 anyone other than the qualified patient, his or her caregiver,
960 and authorized medical marijuana treatment center employees.

961 (14) EXCEPTIONS TO OTHER LAWS.—

962 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
963 any other provision of law, but subject to the requirements of
964 this section, a qualified patient and the qualified patient's
965 caregiver may purchase from a medical marijuana treatment center
966 for the patient's medical use a marijuana delivery device and up
967 to the amount of marijuana authorized in the physician
968 certification, but may not possess more than a 35-day supply of
969 edibles, a 70-day supply of marijuana, or the greater of 4
970 ounces of marijuana in a form for smoking or an amount of
971 marijuana in a form for smoking approved by the department
972 pursuant to paragraph (4) (f), at any given time and all
973 marijuana purchased must remain in its original packaging.

974 (h) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or

975 any other provision of law, but subject to the requirements of
976 this section, the department, including an employee of the
977 department acting within the scope of his or her employment, may
978 acquire, possess, test, transport, and lawfully dispose of
979 marijuana as provided in this section.

980 Section 6. Subsection (11) of section 381.988, Florida
981 Statutes, is renumbered as subsection (12), and a new subsection
982 (11) is added to that section, to read:

983 381.988 Medical marijuana testing laboratories; marijuana
984 tests conducted by a certified laboratory.—

985 (11) A certified medical marijuana testing laboratory and
986 its officers, directors, and employees may not have a direct or
987 indirect economic interest in, or financial relationship with, a
988 medical marijuana treatment center. Nothing in this subsection
989 may be construed to prohibit a certified medical marijuana
990 testing laboratory from contracting with a medical marijuana
991 treatment center to provide testing services.

992 Section 7. Paragraphs (c) and (d) of subsection (1) of
993 section 401.35, Florida Statutes, are amended to read:

994 401.35 Rules.—The department shall adopt rules, including
995 definitions of terms, necessary to carry out the purposes of
996 this part.

997 (1) The rules must provide at least minimum standards
998 governing:

999 (c) Ground ambulance and vehicle equipment and supplies
 1000 that a licensee with a valid vehicle permit under s. 401.26 is
 1001 required to maintain to provide basic or advanced life support
 1002 services at least as comprehensive as those published in the
 1003 ~~most current edition of the American College of Surgeons,~~
 1004 ~~Committee on Trauma, list of essential equipment for ambulances,~~
 1005 ~~as interpreted by rules of the department.~~

1006 (d) Ground ambulance or vehicle design and construction
 1007 based on national standards recognized by the department and at
 1008 ~~least equal to those most currently recommended by the United~~
 1009 ~~States General Services Administration as interpreted by~~
 1010 department rules of the department.

1011 Section 8. Subsection (21) is added to section 404.031,
 1012 Florida Statutes, to read:

1013 404.031 Definitions.—As used in this chapter, unless the
 1014 context clearly indicates otherwise, the term:

1015 (21) "Useful beam" means that portion of the radiation
 1016 emitted from a radiation machine through the aperture of the
 1017 machine's beam-limiting device which is designed to focus the
 1018 radiation on the intended target in order to accomplish the
 1019 machine's purpose when the machine's exposure controls are in a
 1020 mode to cause the system to produce radiation.

1021 Section 9. Subsections (7) and (8) are added to section
 1022 404.22, Florida Statutes, to read:

1023 404.22 Radiation machines and components; inspection.—

1024 (7) Radiation machines that are used to intentionally
1025 expose a human being to the useful beam:

1026 (a) Must be maintained and operated according to
1027 manufacturer standards or nationally-recognized consensus
1028 standards accepted by the department;

1029 (b) Must be operated at the lowest exposure that will
1030 achieve the intended purpose of the exposure; and

1031 (c) May not be modified in a manner that causes the
1032 original parts to operate in a way that differs from the
1033 original manufacturer's design specification or the parameters
1034 approved for the machine and its components by the United States
1035 Food and Drug Administration.

1036 (8) A human being may be exposed to the useful beam of a
1037 radiation machine only under the following conditions:

1038 (a) For the purpose of medical or health care, if a
1039 licensed health care practitioner operating within the scope of
1040 his or her practice determines that the exposure provides a
1041 medical or health benefit greater than the health risks posed by
1042 the exposure and the health care practitioner uses the results
1043 of the exposure in the medical or health care of the exposed
1044 individual; or

1045 (b) For the purpose of providing security for facilities
1046 or other venues, the exposure is determined to provide a life
1047 safety benefit to the individual exposed which is greater than
1048 the health risk posed by the exposure. Such determination must

1049 be made by an individual trained in evaluating and calculating
1050 comparative mortality and morbidity risks according to standards
1051 set by the department. To be valid, the calculation and method
1052 of making the determination must be submitted to and accepted by
1053 the department. Limits to annual total exposure for security
1054 purposes must be adopted by department rule based on nationally
1055 recognized limits or relevant consensus standards.

1056 Section 10. Paragraphs (a) and (b) of subsection (1) of
1057 section 456.013, Florida Statutes, are amended to read:

1058 456.013 Department; general licensing provisions.—

1059 (1) (a) Any person desiring to be licensed in a profession
1060 within the jurisdiction of the department must ~~shall~~ apply to
1061 the department in writing ~~to take the licensure examination~~. The
1062 application must ~~shall~~ be made on a form prepared and furnished
1063 by the department. The application form must be available on the
1064 Internet, ~~World Wide Web~~ and the department may accept
1065 electronically submitted applications. The application shall
1066 require the social security number and date of birth of the
1067 applicant, except as provided in paragraphs (b) and (c). The
1068 form shall be supplemented as needed to reflect any material
1069 change in any circumstance or condition stated in the
1070 application which takes place between the initial filing of the
1071 application and the final grant or denial of the license and
1072 which might affect the decision of the department. If an
1073 application is submitted electronically, the department may

1074 require supplemental materials, including an original signature
1075 of the applicant and verification of credentials, to be
1076 submitted in a nonelectronic format. An incomplete application
1077 shall expire 1 year after initial filing. In order to further
1078 the economic development goals of the state, and notwithstanding
1079 any law to the contrary, the department may enter into an
1080 agreement with the county tax collector for the purpose of
1081 appointing the county tax collector as the department's agent to
1082 accept applications for licenses and applications for renewals
1083 of licenses. The agreement must specify the time within which
1084 the tax collector must forward any applications and accompanying
1085 application fees to the department.

1086 (b) If an applicant has not been issued a social security
1087 number by the Federal Government at the time of application
1088 because the applicant is not a citizen or resident of this
1089 country, the department may process the application using a
1090 unique personal identification number. If such an applicant is
1091 otherwise eligible for licensure, the board, or the department
1092 when there is no board, may issue a temporary license to the
1093 applicant, which shall expire 30 days after issuance unless a
1094 social security number is obtained and submitted in writing to
1095 the department. A temporary license issued under this paragraph
1096 to an applicant who has accepted a position with an accredited
1097 residency, internship, or fellowship program in this state and
1098 is applying for registration under s. 458.345 or s. 459.021

1099 | shall expire 60 days after issuance unless the applicant obtains
1100 | a social security number and submits it in writing to the
1101 | department. Upon receipt of the applicant's social security
1102 | number, the department shall issue a new license, which shall
1103 | expire at the end of the current biennium.

1104 | Section 11. Paragraph (e) of subsection (2) and paragraph
1105 | (e) of subsection (3) of section 456.0635, Florida Statutes, are
1106 | amended to read:

1107 | 456.0635 Health care fraud; disqualification for license,
1108 | certificate, or registration.—

1109 | (2) Each board within the jurisdiction of the department,
1110 | or the department if there is no board, shall refuse to admit a
1111 | candidate to any examination and refuse to issue a license,
1112 | certificate, or registration to any applicant if the candidate
1113 | or applicant or any principal, officer, agent, managing
1114 | employee, or affiliated person of the candidate or applicant:

1115 | (e) Is currently listed on the United States Department of
1116 | Health and Human Services Office of Inspector General's List of
1117 | Excluded Individuals and Entities, unless such applicant is
1118 | listed solely based on a default or delinquency on a student
1119 | loan.

1120 |
1121 | This subsection does not apply to an applicant for initial
1122 | licensure, certification, or registration who was arrested or

1123 | charged with a felony specified in paragraph (a) or paragraph
 1124 | (b) before July 1, 2009.

1125 | (3) The department shall refuse to renew a license,
 1126 | certificate, or registration of any applicant if the applicant
 1127 | or any principal, officer, agent, managing employee, or
 1128 | affiliated person of the applicant:

1129 | (e) Is currently listed on the United States Department of
 1130 | Health and Human Services Office of Inspector General's List of
 1131 | Excluded Individuals and Entities, unless such applicant is
 1132 | listed solely based on a default or delinquency on a student
 1133 | loan.

1134 |
 1135 | This subsection does not apply to an applicant for renewal of
 1136 | licensure, certification, or registration who was arrested or
 1137 | charged with a felony specified in paragraph (a) or paragraph
 1138 | (b) before July 1, 2009.

1139 | Section 12. Paragraph (k) of subsection (1) of section
 1140 | 456.072, Florida Statutes, is amended to read:

1141 | 456.072 Grounds for discipline; penalties; enforcement.—

1142 | (1) The following acts shall constitute grounds for which
 1143 | the disciplinary actions specified in subsection (2) may be
 1144 | taken:

1145 | (k) Failing to perform any statutory or legal obligation
 1146 | placed upon a licensee. For purposes of this section, failing to
 1147 | repay a student loan issued or guaranteed by the state or the

1148 Federal Government in accordance with the terms of the loan is
1149 not ~~or failing to comply with service scholarship obligations~~
1150 ~~shall be considered a failure to perform a statutory or legal~~
1151 ~~obligation, and the minimum disciplinary action imposed shall be~~
1152 ~~a suspension of the license until new payment terms are agreed~~
1153 ~~upon or the scholarship obligation is resumed, followed by~~
1154 ~~probation for the duration of the student loan or remaining~~
1155 ~~scholarship obligation period, and a fine equal to 10 percent of~~
1156 ~~the defaulted loan amount.~~ Fines collected shall be deposited
1157 into the Medical Quality Assurance Trust Fund.

1158 Section 13. Section 456.0721, Florida Statutes, is
1159 repealed.

1160 Section 14. Subsection (4) of section 456.074, Florida
1161 Statutes, is amended to read:

1162 456.074 Certain health care practitioners; immediate
1163 suspension of license.—

1164 ~~(4) Upon receipt of information that a Florida-licensed~~
1165 ~~health care practitioner has defaulted on a student loan issued~~
1166 ~~or guaranteed by the state or the Federal Government, the~~
1167 ~~department shall notify the licensee by certified mail that he~~
1168 ~~or she shall be subject to immediate suspension of license~~
1169 ~~unless, within 45 days after the date of mailing, the licensee~~
1170 ~~provides proof that new payment terms have been agreed upon by~~
1171 ~~all parties to the loan. The department shall issue an emergency~~
1172 ~~order suspending the license of any licensee who, after 45 days~~

1173 ~~following the date of mailing from the department, has failed to~~
1174 ~~provide such proof. Production of such proof shall not prohibit~~
1175 ~~the department from proceeding with disciplinary action against~~
1176 ~~the licensee pursuant to s. 456.073.~~

1177 Section 15. Subsection (1) of section 458.3145, Florida
1178 Statutes, is amended to read:

1179 458.3145 Medical faculty certificate.—

1180 (1) A medical faculty certificate may be issued without
1181 examination to an individual who:

1182 (a) Is a graduate of an accredited medical school or its
1183 equivalent, or is a graduate of a foreign medical school listed
1184 with the World Health Organization;

1185 (b) Holds a valid, current license to practice medicine in
1186 another jurisdiction;

1187 (c) Has completed the application form and remitted a
1188 nonrefundable application fee not to exceed \$500;

1189 (d) Has completed an approved residency or fellowship of
1190 at least 1 year or has received training which has been
1191 determined by the board to be equivalent to the 1-year residency
1192 requirement;

1193 (e) Is at least 21 years of age;

1194 (f) Is of good moral character;

1195 (g) Has not committed any act in this or any other
1196 jurisdiction which would constitute the basis for disciplining a
1197 physician under s. 458.331;

1198 (h) For any applicant who has graduated from medical
 1199 school after October 1, 1992, has completed, before entering
 1200 medical school, the equivalent of 2 academic years of
 1201 preprofessional, postsecondary education, as determined by rule
 1202 of the board, which must include, at a minimum, courses in such
 1203 fields as anatomy, biology, and chemistry; and

1204 (i) Has been offered and has accepted a full-time faculty
 1205 appointment to teach in a program of medicine at:

- 1206 1. The University of Florida;
- 1207 2. The University of Miami;
- 1208 3. The University of South Florida;
- 1209 4. The Florida State University;
- 1210 5. The Florida International University;
- 1211 6. The University of Central Florida;
- 1212 7. The Mayo Clinic College of Medicine and Science in
 1213 Jacksonville, Florida;
- 1214 8. The Florida Atlantic University; ~~or~~
- 1215 9. The Johns Hopkins All Children's Hospital in St.
 1216 Petersburg, Florida;
- 1217 10. Nova Southeastern University; or
- 1218 11. Lake Erie College of Osteopathic Medicine.

1219 Section 16. Section 458.3312, Florida Statutes, is amended
 1220 to read:

1221 458.3312 Specialties.—A physician licensed under this
 1222 chapter may not hold himself or herself out as a board-certified

1223 specialist unless the physician has received formal recognition
 1224 as a specialist from a specialty board of the American Board of
 1225 Medical Specialties or other recognizing agency that has been
 1226 approved by the board. However, a physician may indicate the
 1227 services offered and may state that his or her practice is
 1228 limited to one or more types of services when this accurately
 1229 reflects the scope of practice of the physician. ~~A physician may
 1230 not hold himself or herself out as a board-certified specialist
 1231 in dermatology unless the recognizing agency, whether authorized
 1232 in statute or by rule, is triennially reviewed and reauthorized
 1233 by the Board of Medicine.~~

1234 Section 17. Subsection (1) of section 459.0055, Florida
 1235 Statutes, is amended to read:

1236 459.0055 General licensure requirements.—

1237 (1) Except as otherwise provided herein, any person
 1238 desiring to be licensed or certified as an osteopathic physician
 1239 pursuant to this chapter shall:

1240 (a) Complete an application form and submit the
 1241 appropriate fee to the department;

1242 (b) Be at least 21 years of age;

1243 (c) Be of good moral character;

1244 (d) Have completed at least 3 years of preprofessional
 1245 postsecondary education;

1246 (e) Have not previously committed any act that would
 1247 constitute a violation of this chapter, unless the board

1248 determines that such act does not adversely affect the
1249 applicant's present ability and fitness to practice osteopathic
1250 medicine;

1251 (f) Not be under investigation in any jurisdiction for an
1252 act that would constitute a violation of this chapter. If, upon
1253 completion of such investigation, it is determined that the
1254 applicant has committed an act that would constitute a violation
1255 of this chapter, the applicant is ineligible for licensure
1256 unless the board determines that such act does not adversely
1257 affect the applicant's present ability and fitness to practice
1258 osteopathic medicine;

1259 (g) Have not had an application for a license to practice
1260 osteopathic medicine denied or a license to practice osteopathic
1261 medicine revoked, suspended, or otherwise acted against by the
1262 licensing authority of any jurisdiction unless the board
1263 determines that the grounds on which such action was taken do
1264 not adversely affect the applicant's present ability and fitness
1265 to practice osteopathic medicine. A licensing authority's
1266 acceptance of a physician's relinquishment of license,
1267 stipulation, consent order, or other settlement, offered in
1268 response to or in anticipation of the filing of administrative
1269 charges against the osteopathic physician, shall be considered
1270 action against the osteopathic physician's license;

1271 (h) Not have received less than a satisfactory evaluation
1272 from an internship, residency, or fellowship training program,

1273 unless the board determines that such act does not adversely
1274 affect the applicant's present ability and fitness to practice
1275 osteopathic medicine. Such evaluation shall be provided by the
1276 director of medical education from the medical training
1277 facility;

1278 (i) Have met the criteria set forth in s. 459.0075, s.
1279 459.0077, or s. 459.021, whichever is applicable;

1280 (j) Submit to the department a set of fingerprints on a
1281 form and under procedures specified by the department, along
1282 with a payment in an amount equal to the costs incurred by the
1283 Department of Health for the criminal background check of the
1284 applicant;

1285 (k) Demonstrate that ~~he or~~ she or he is a graduate of a
1286 medical college recognized and approved by the American
1287 Osteopathic Association;

1288 (l) Demonstrate that she or he has successfully completed
1289 an internship or residency ~~a resident internship~~ of not less
1290 than 12 months in a program accredited ~~hospital approved~~ for
1291 this purpose by ~~the Board of Trustees of~~ the American
1292 Osteopathic Association or the Accreditation Council for
1293 Graduate Medical Education ~~any other internship program approved~~
1294 ~~by the board upon a showing of good cause by the applicant.~~ This
1295 requirement may be waived for an applicant who matriculated in a
1296 college of osteopathic medicine during or before 1948; and

1297 (m) Demonstrate that she or he has obtained a passing

1298 | score, as established by rule of the board, on all parts of the
1299 | examination conducted by the National Board of Osteopathic
1300 | Medical Examiners or other examination approved by the board no
1301 | more than 5 years before making application in this state or, if
1302 | holding a valid active license in another state, that the
1303 | initial licensure in the other state occurred no more than 5
1304 | years after the applicant obtained a passing score on the
1305 | examination conducted by the National Board of Osteopathic
1306 | Medical Examiners or other substantially similar examination
1307 | approved by the board.

1308 | Section 18. Section 460.4166, Florida Statutes, is
1309 | repealed.

1310 | Section 19. Effective upon this act becoming a law,
1311 | subsections (8) and (10) of section 464.019, Florida Statutes,
1312 | are amended, and paragraph (f) is added to subsection (11) of
1313 | that section, to read:

1314 | 464.019 Approval of nursing education programs.—

1315 | (8) RULEMAKING.—The board does not have rulemaking
1316 | authority to administer this section, except that the board
1317 | shall adopt rules that prescribe the format for submitting
1318 | program applications under subsection (1) and annual reports
1319 | under subsection (3), and to administer the documentation of the
1320 | accreditation of nursing education programs under subsection
1321 | (11). The board may adopt rules relating to the nursing
1322 | curriculum, including rules relating to the uses and limitations

1323 of simulation technology, and rules relating to the criteria to
1324 qualify for an extension of time to meet the accreditation
1325 requirements under paragraph (11) (f). The board may not impose
1326 any condition or requirement on an educational institution
1327 submitting a program application, an approved program, or an
1328 accredited program, except as expressly provided in this
1329 section.

1330 (10) IMPLEMENTATION STUDY.—The Florida Center for Nursing
1331 shall study the administration of this section and submit
1332 reports to the Governor, the President of the Senate, and the
1333 Speaker of the House of Representatives annually by January 30,
1334 through January 30, 2025 ~~2020~~. The annual reports shall address
1335 the previous academic year; provide data on the measures
1336 specified in paragraphs (a) and (b), as such data becomes
1337 available; and include an evaluation of such data for purposes
1338 of determining whether this section is increasing the
1339 availability of nursing education programs and the production of
1340 quality nurses. The department and each approved program or
1341 accredited program shall comply with requests for data from the
1342 Florida Center for Nursing.

1343 (a) The Florida Center for Nursing shall evaluate program-
1344 specific data for each approved program and accredited program
1345 conducted in the state, including, but not limited to:

- 1346 1. The number of programs and student slots available.
1347 2. The number of student applications submitted, the

1348 number of qualified applicants, and the number of students
1349 accepted.

1350 3. The number of program graduates.

1351 4. Program retention rates of students tracked from
1352 program entry to graduation.

1353 5. Graduate passage rates on the National Council of State
1354 Boards of Nursing Licensing Examination.

1355 6. The number of graduates who become employed as
1356 practical or professional nurses in the state.

1357 (b) The Florida Center for Nursing shall evaluate the
1358 board's implementation of the:

1359 1. Program application approval process, including, but
1360 not limited to, the number of program applications submitted
1361 under subsection (1) ~~and~~ the number of program applications
1362 approved and denied by the board under subsection (2) ~~and~~ the
1363 number of denials of program applications reviewed under chapter
1364 120 ~~and~~ a description of the outcomes of those reviews.

1365 2. Accountability processes, including, but not limited
1366 to, the number of programs on probationary status, the number of
1367 approved programs for which the program director is required to
1368 appear before the board under subsection (5), the number of
1369 approved programs terminated by the board, the number of
1370 terminations reviewed under chapter 120, and a description of
1371 the outcomes of those reviews.

1372 (c) The Florida Center for Nursing shall complete an

1373 annual assessment of compliance by programs with the
1374 accreditation requirements of subsection (11), include in the
1375 assessment a determination of the accreditation process status
1376 for each program, and submit the assessment as part of the
1377 reports required by this subsection.

1378 (11) ACCREDITATION REQUIRED.—

1379 (f) An approved nursing education program may, no sooner
1380 than 90 days before the deadline for meeting the accreditation
1381 requirements of this subsection, apply to the board for an
1382 extension of the accreditation deadline for a period which does
1383 not exceed 2 years. An additional extension may not be granted.
1384 In order to be eligible for the extension, the approved program
1385 must establish that it has a graduate passage rate of 60 percent
1386 or higher on the National Council of State Boards of Nursing
1387 Licensing Examination for the most recent calendar year and must
1388 meet a majority of the board's additional criteria, including,
1389 but not limited to, all of the following:

1390 1. A student retention rate of 60 percent or higher for
1391 the most recent calendar year.

1392 2. A graduate work placement rate of 70 percent or higher
1393 for the most recent calendar year.

1394 3. The program has applied for approval or been approved
1395 by an institutional or programmatic accreditor recognized by the
1396 United States Department of Education.

1397 4. The program is in full compliance with subsections (1)

1398 | and (3) and paragraph (5) (b).

1399 | 5. The program is not currently in its second year of
1400 | probationary status under subsection (5).

1401 |
1402 | The applicable deadline under this paragraph is tolled from the
1403 | date on which an approved program applies for an extension until
1404 | the date on which the board issues a decision on the requested
1405 | extension.

1406 | Section 20. Section 464.202, Florida Statutes, is amended
1407 | to read:

1408 | 464.202 Duties and powers of the board.—The board shall
1409 | maintain, or contract with or approve another entity to
1410 | maintain, a state registry of certified nursing assistants. The
1411 | registry must consist of the name of each certified nursing
1412 | assistant in this state; other identifying information defined
1413 | by board rule; certification status; the effective date of
1414 | certification; other information required by state or federal
1415 | law; information regarding any crime or any abuse, neglect, or
1416 | exploitation as provided under chapter 435; and any disciplinary
1417 | action taken against the certified nursing assistant. The
1418 | registry shall be accessible to the public, the
1419 | certificateholder, employers, and other state agencies. The
1420 | board shall adopt by rule testing procedures for use in
1421 | certifying nursing assistants and shall adopt rules regulating
1422 | the practice of certified nursing assistants, including

1423 disciplinary procedures and standards of practice, and
1424 specifying the scope of practice authorized and the level of
1425 supervision required for the practice of certified nursing
1426 assistants. The board may contract with or approve another
1427 entity or organization to provide the examination services,
1428 including the development and administration of examinations.
1429 The board shall require that the contract provider offer
1430 certified nursing assistant applications via the Internet, and
1431 may require the contract provider to accept certified nursing
1432 assistant applications for processing via the Internet. The
1433 board shall require the contract provider to provide the
1434 preliminary results of the certified nursing examination on the
1435 date the test is administered. The provider shall pay all
1436 reasonable costs and expenses incurred by the board in
1437 evaluating the provider's application and performance during the
1438 delivery of services, including examination services and
1439 procedures for maintaining the certified nursing assistant
1440 registry.

1441 Section 21. Paragraph (c) of subsection (1) of section
1442 464.203, Florida Statutes, is amended to read:

1443 464.203 Certified nursing assistants; certification
1444 requirement.—

1445 (1) The board shall issue a certificate to practice as a
1446 certified nursing assistant to any person who demonstrates a
1447 minimum competency to read and write and successfully passes the

1448 required background screening pursuant to s. 400.215. If the
1449 person has successfully passed the required background screening
1450 pursuant to s. 400.215 or s. 408.809 within 90 days before
1451 applying for a certificate to practice and the person's
1452 background screening results are not retained in the
1453 clearinghouse created under s. 435.12, the board shall waive the
1454 requirement that the applicant successfully pass an additional
1455 background screening pursuant to s. 400.215. The person must
1456 also meet one of the following requirements:

1457 (c) Is currently certified in another state or territory
1458 of the United States or in the District of Columbia; is listed
1459 on that jurisdiction's ~~state's~~ certified nursing assistant
1460 registry; and has not been found to have committed abuse,
1461 neglect, or exploitation in that jurisdiction ~~state~~.

1462 Section 22. Paragraph (b) of subsection (1) of section
1463 464.204, Florida Statutes, is amended to read:

1464 464.204 Denial, suspension, or revocation of
1465 certification; disciplinary actions.—

1466 (1) The following acts constitute grounds for which the
1467 board may impose disciplinary sanctions as specified in
1468 subsection (2):

1469 (b) ~~Intentionally~~ Violating any provision of this chapter,
1470 chapter 456, or the rules adopted by the board.

1471 Section 23. Subsections (3) and (4) of section 466.006,
1472 Florida Statutes, are amended to read:

1473 466.006 Examination of dentists.—

1474 (3) If an applicant is a graduate of a dental college or
 1475 school not accredited in accordance with paragraph (2) (b) or of
 1476 a dental college or school not approved by the board, the
 1477 applicant is not entitled to take the examinations required in
 1478 this section to practice dentistry until she or he satisfies one
 1479 of the following:

1480 (a) Completes a program of study, as defined by the board
 1481 by rule, at an accredited American dental school and
 1482 demonstrates receipt of a D.D.S. or D.M.D. from said school; or

1483 (b) Submits proof of having successfully completed at
 1484 least 2 consecutive academic years at a full-time supplemental
 1485 general dentistry program accredited by the American Dental
 1486 Association Commission on Dental Accreditation. This program
 1487 must provide didactic and clinical education at the level of a
 1488 D.D.S. or D.M.D. program accredited by the American Dental
 1489 Association Commission on Dental Accreditation. For purposes of
 1490 this paragraph, a supplemental general dentistry program does
 1491 not include an advanced education program in a dental specialty.

1492 (4) Notwithstanding any other provision of law in chapter
 1493 456 pertaining to the clinical dental licensure examination or
 1494 national examinations, to be licensed as a dentist in this
 1495 state, an applicant must successfully complete both of the
 1496 following:

1497 (a) A written examination on the laws and rules of the

1498 state regulating the practice of dentistry.~~†~~

1499 (b)~~1.~~ A practical or clinical examination, which must
 1500 ~~shall~~ be the American Dental Licensing Examination produced by
 1501 the American Board of Dental Examiners, Inc., or its successor
 1502 entity, if any, that is administered in this state ~~and graded by~~
 1503 ~~dentists licensed in this state and employed by the department~~
 1504 ~~for just such purpose~~, provided that the board has attained, and
 1505 continues to maintain thereafter, representation on the board of
 1506 directors of the American Board of Dental Examiners, the
 1507 examination development committee of the American Board of
 1508 Dental Examiners, and such other committees of the American
 1509 Board of Dental Examiners as the board deems appropriate by rule
 1510 to assure that the standards established herein are maintained
 1511 organizationally. A passing score on the American Dental
 1512 Licensing Examination administered in this state ~~and graded by~~
 1513 ~~dentists who are licensed in this state~~ is valid for 365 days
 1514 after the date the official examination results are published.

1515 1.2.a. As an alternative to such practical or clinical
 1516 examination ~~the requirements of subparagraph 1.~~, an applicant
 1517 may submit scores from an American Dental Licensing Examination
 1518 previously administered in a jurisdiction other than this state
 1519 after October 1, 2011, and such examination results shall be
 1520 recognized as valid for the purpose of licensure in this state.
 1521 A passing score on the American Dental Licensing Examination
 1522 administered out of state ~~out-of-state~~ shall be the same as the

1523 | passing score for the American Dental Licensing Examination
1524 | administered in this state ~~and graded by dentists who are~~
1525 | ~~licensed in this state~~. The examination results are valid for
1526 | 365 days after the date the official examination results are
1527 | published. The applicant must have completed the examination
1528 | after October 1, 2011.

1529 | ~~b.~~ This subparagraph may not be given retroactive
1530 | application.

1531 | ~~2.3.~~ If the date of an applicant's passing American Dental
1532 | Licensing Examination scores from an examination previously
1533 | administered in a jurisdiction other than this state under
1534 | subparagraph 1. ~~subparagraph 2.~~ is older than 365 days, ~~then~~
1535 | such scores are ~~shall~~ nevertheless ~~be recognized as~~ valid for
1536 | the purpose of licensure in this state, but only if the
1537 | applicant demonstrates that all of the following additional
1538 | standards have been met:

1539 | a.~~(I)~~ The applicant completed the American Dental
1540 | Licensing Examination after October 1, 2011.

1541 | ~~(II)~~ This sub-subparagraph may not be given retroactive
1542 | application;

1543 | b. The applicant graduated from a dental school accredited
1544 | by the American Dental Association Commission on Dental
1545 | Accreditation or its successor entity, if any, or any other
1546 | dental accrediting organization recognized by the United States
1547 | Department of Education. Provided, however, if the applicant did

1548 not graduate from such a dental school, the applicant may submit
1549 proof of having successfully completed a full-time supplemental
1550 general dentistry program accredited by the American Dental
1551 Association Commission on Dental Accreditation of at least 2
1552 consecutive academic years at such accredited sponsoring
1553 institution. Such program must provide didactic and clinical
1554 education at the level of a D.D.S. or D.M.D. program accredited
1555 by the American Dental Association Commission on Dental
1556 Accreditation. For purposes of this sub-subparagraph, a
1557 supplemental general dentistry program does not include an
1558 advanced education program in a dental specialty;

1559 c. The applicant currently possesses a valid and active
1560 dental license in good standing, with no restriction, which has
1561 never been revoked, suspended, restricted, or otherwise
1562 disciplined, from another state or territory of the United
1563 States, the District of Columbia, or the Commonwealth of Puerto
1564 Rico;

1565 d. The applicant submits proof that he or she has never
1566 been reported to the National Practitioner Data Bank, the
1567 Healthcare Integrity and Protection Data Bank, or the American
1568 Association of Dental Boards Clearinghouse. This sub-
1569 subparagraph does not apply if the applicant successfully
1570 appealed to have his or her name removed from the data banks of
1571 these agencies;

1572 e. (I) (A) ~~In the 5 years immediately preceding the date of~~

1573 ~~application for licensure in this state,~~ The applicant submits
1574 ~~must submit~~ proof of having been consecutively engaged in the
1575 full-time practice of dentistry in another state or territory of
1576 the United States, the District of Columbia, or the Commonwealth
1577 of Puerto Rico in the 5 years immediately preceding the date of
1578 application for licensure in this state; ~~or~~

1579 (B) If the applicant has been licensed in another state or
1580 territory of the United States, the District of Columbia, or the
1581 Commonwealth of Puerto Rico for less than 5 years, the applicant
1582 submits ~~must submit~~ proof of having been engaged in the full-
1583 time practice of dentistry since the date of his or her initial
1584 licensure.

1585 (II) As used in this section, "full-time practice" is
1586 defined as a minimum of 1,200 hours per year for each and every
1587 year in the consecutive 5-year period or, when ~~where~~ applicable,
1588 the period since initial licensure, and must include any
1589 combination of the following:

1590 (A) Active clinical practice of dentistry providing direct
1591 patient care.

1592 (B) Full-time practice as a faculty member employed by a
1593 dental or dental hygiene school approved by the board or
1594 accredited by the American Dental Association Commission on
1595 Dental Accreditation.

1596 (C) Full-time practice as a student at a postgraduate
1597 dental education program approved by the board or accredited by

1598 the American Dental Association Commission on Dental
 1599 Accreditation.

1600 (III) The board shall develop rules to determine what type
 1601 of proof of full-time practice is required and to recoup the
 1602 cost to the board of verifying full-time practice under this
 1603 section. Such proof must, at a minimum, be:

1604 (A) Admissible as evidence in an administrative
 1605 proceeding;

1606 (B) Submitted in writing;

1607 (C) Submitted by the applicant under oath with penalties
 1608 of perjury attached;

1609 (D) Further documented by an affidavit of someone
 1610 unrelated to the applicant who is familiar with the applicant's
 1611 practice and testifies with particularity that the applicant has
 1612 been engaged in full-time practice; and

1613 (E) Specifically found by the board to be both credible
 1614 and admissible.

1615 (IV) An affidavit of only the applicant is not acceptable
 1616 proof of full-time practice unless it is further attested to by
 1617 someone unrelated to the applicant who has personal knowledge of
 1618 the applicant's practice. If the board deems it necessary to
 1619 assess credibility or accuracy, the board may require the
 1620 applicant or the applicant's witnesses to appear before the
 1621 board and give oral testimony under oath;

1622 f. The applicant submits ~~must submit~~ documentation that he

1623 or she has completed, or will complete before he or she is
1624 licensed, ~~prior to licensure~~ in this state, continuing education
1625 equivalent to this state's requirements for the last full
1626 reporting biennium;

1627 g. The applicant proves ~~must prove~~ that he or she has
1628 never been convicted of, or pled nolo contendere to, regardless
1629 of adjudication, any felony or misdemeanor related to the
1630 practice of a health care profession in any jurisdiction;

1631 h. The applicant has ~~must~~ successfully passed ~~pass~~ a
1632 written examination on the laws and rules of this state
1633 regulating the practice of dentistry and ~~must successfully pass~~
1634 the computer-based diagnostic skills examination; and

1635 i. The applicant submits ~~must submit~~ documentation that he
1636 or she has successfully completed the applicable examination
1637 administered by the Joint Commission on National Dental
1638 Examinations or its successor organization ~~National Board of~~
1639 ~~Dental Examiners dental examination.~~

1640 Section 24. Notwithstanding the January 1, 2020, repeal of
1641 section 466.0067, Florida Statutes, that section is revived,
1642 reenacted, and amended, to read:

1643 466.0067 Application for health access dental license.—The
1644 Legislature finds that there is an important state interest in
1645 attracting dentists to practice in underserved health access
1646 settings in this state and further, that allowing out-of-state
1647 dentists who meet certain criteria to practice in health access

1648 settings without the supervision of a dentist licensed in this
 1649 state is substantially related to achieving this important state
 1650 interest. Therefore, notwithstanding the requirements of s.
 1651 466.006, the board shall grant a health access dental license to
 1652 practice dentistry in this state in health access settings as
 1653 defined in s. 466.003 to an applicant who ~~that~~:

1654 (1) Files an appropriate application approved by the
 1655 board;

1656 (2) Pays an application license fee for a health access
 1657 dental license, laws-and-rule exam fee, and an initial licensure
 1658 fee. The fees specified in this subsection may not differ from
 1659 an applicant seeking licensure pursuant to s. 466.006;

1660 (3) Has not been convicted of or pled nolo contendere to,
 1661 regardless of adjudication, any felony or misdemeanor related to
 1662 the practice of a health care profession;

1663 (4) Submits proof of graduation from a dental school
 1664 accredited by the Commission on Dental Accreditation of the
 1665 American Dental Association or its successor agency;

1666 (5) Submits documentation that she or he has completed, or
 1667 will obtain before ~~prior to~~ licensure, continuing education
 1668 equivalent to this state's requirement for dentists licensed
 1669 under s. 466.006 for the last full reporting biennium before
 1670 applying for a health access dental license;

1671 (6) Submits proof of her or his successful completion of
 1672 parts I and II of the dental examination by the National Board

1673 of Dental Examiners and a state or regional clinical dental
1674 licensing examination that the board has determined effectively
1675 measures the applicant's ability to practice safely;

1676 (7) Currently holds a valid, active, ~~7~~ dental license in
1677 good standing which has not been revoked, suspended, restricted,
1678 or otherwise disciplined from another of the United States, the
1679 District of Columbia, or a United States territory;

1680 (8) Has never had a license revoked from another of the
1681 United States, the District of Columbia, or a United States
1682 territory;

1683 (9) Has never failed the examination specified in s.
1684 466.006, unless the applicant was reexamined pursuant to s.
1685 466.006 and received a license to practice dentistry in this
1686 state;

1687 (10) Has not been reported to the National Practitioner
1688 Data Bank, unless the applicant successfully appealed to have
1689 his or her name removed from the data bank;

1690 (11) Submits proof that he or she has been engaged in the
1691 active, clinical practice of dentistry providing direct patient
1692 care for 5 years immediately preceding the date of application,
1693 or in instances when the applicant has graduated from an
1694 accredited dental school within the preceding 5 years, submits
1695 proof of continuous clinical practice providing direct patient
1696 care since graduation; and

1697 (12) Has passed an examination covering the laws and rules

1698 of the practice of dentistry in this state as described in s.
 1699 466.006(4) (a).

1700 Section 25. Notwithstanding the January 1, 2020, repeal of
 1701 section 466.00671, Florida Statutes, that section is revived,
 1702 reenacted, and amended to read:

1703 466.00671 Renewal of the health access dental license.—

1704 (1) A health access dental licensee shall apply for
 1705 renewal each biennium. At the time of renewal, the licensee
 1706 shall sign a statement that she or he has complied with all
 1707 continuing education requirements of an active dentist licensee.
 1708 The board shall renew a health access dental license for an
 1709 applicant who ~~that~~:

1710 (a) Submits documentation, as approved by the board, from
 1711 the employer in the health access setting that the licensee has
 1712 at all times pertinent remained an employee;

1713 (b) Has not been convicted of or pled nolo contendere to,
 1714 regardless of adjudication, any felony or misdemeanor related to
 1715 the practice of a health care profession;

1716 (c) Has paid a renewal fee set by the board. The fee
 1717 specified herein may not differ from the renewal fee adopted by
 1718 the board pursuant to s. 466.013. The department may provide
 1719 payment for these fees through the dentist's salary, benefits,
 1720 or other department funds;

1721 (d) Has not failed the examination specified in s. 466.006
 1722 since initially receiving a health access dental license or

1723 since the last renewal; and

1724 (e) Has not been reported to the National Practitioner
 1725 Data Bank, unless the applicant successfully appealed to have
 1726 his or her name removed from the data bank.

1727 (2) The board may undertake measures to independently
 1728 verify the health access dental licensee's ongoing employment
 1729 status in the health access setting.

1730 Section 26. Notwithstanding the January 1, 2020, repeal of
 1731 section 466.00672, Florida Statutes, that section is revived and
 1732 reenacted to read:

1733 466.00672 Revocation of health access dental license.—

1734 (1) The board shall revoke a health access dental license
 1735 upon:

1736 (a) The licensee's termination from employment from a
 1737 qualifying health access setting;

1738 (b) Final agency action determining that the licensee has
 1739 violated any provision of s. 466.027 or s. 466.028, other than
 1740 infractions constituting citation offenses or minor violations;
 1741 or

1742 (c) Failure of the Florida dental licensure examination.

1743 (2) Failure of an individual licensed pursuant to s.
 1744 466.0067 to limit the practice of dentistry to health access
 1745 settings as defined in s. 466.003 constitutes the unlicensed
 1746 practice of dentistry.

1747 Section 27. The amendments and reenactments made by this

1748 act to ss. 466.0067, 466.00671, and 466.00672, Florida Statutes,
1749 are remedial in nature and apply retroactively to January 1,
1750 2020. This section shall take effect upon this act becoming a
1751 law.

1752 Section 28. Paragraph (b) of subsection (4) and paragraph
1753 (a) of subsection (6) of section 466.007, Florida Statutes, are
1754 amended to read:

1755 466.007 Examination of dental hygienists.-

1756 (4) Effective July 1, 2012, to be licensed as a dental
1757 hygienist in this state, an applicant must successfully complete
1758 the following:

1759 (b) A practical or clinical examination approved by the
1760 board. The examination shall be the Dental Hygiene Examination
1761 produced by the American Board of Dental Examiners, Inc. (ADEX)
1762 or its successor entity, if any, if the board finds that the
1763 successor entity's clinical examination meets or exceeds the
1764 provisions of this section. The board shall approve the ADEX
1765 Dental Hygiene Examination if the board has attained and
1766 continues to maintain representation on the ADEX House of
1767 Representatives, the ADEX Dental Hygiene Examination Development
1768 Committee, and such other ADEX Dental Hygiene committees as the
1769 board deems appropriate through rulemaking to ensure that the
1770 standards established in this section are maintained
1771 organizationally. The ADEX Dental Hygiene Examination or the
1772 examination produced by its successor entity is a comprehensive

1773 examination in which an applicant must demonstrate skills within
1774 the dental hygiene scope of practice on a live patient and any
1775 other components that the board deems necessary for the
1776 applicant to successfully demonstrate competency for the purpose
1777 of licensure. ~~The ADEX Dental Hygiene Examination or the~~
1778 ~~examination by the successor entity administered in this state~~
1779 ~~shall be graded by dentists and dental hygienists licensed in~~
1780 ~~this state who are employed by the department for this purpose.~~

1781 (6) (a) A passing score on the ADEX Dental Hygiene
1782 Examination administered out of state must ~~shall~~ be considered
1783 the same as a passing score for the ADEX Dental Hygiene
1784 Examination administered in this state ~~and graded by licensed~~
1785 ~~dentists and dental hygienists.~~

1786 Section 29. Subsections (9) through (15) are added to
1787 section 466.017, Florida Statutes, to read:

1788 466.017 Prescription of drugs; anesthesia.—

1789 (9) Any adverse incident that occurs in an office
1790 maintained by a dentist must be reported to the department. The
1791 required notification to the department must be submitted in
1792 writing by certified mail and postmarked within 48 hours after
1793 the incident occurs.

1794 (10) A dentist practicing in this state must notify the
1795 board in writing by certified mail within 48 hours after any
1796 adverse incident that occurs in the dentist's outpatient
1797 facility. A complete written report must be filed with the board

1798 within 30 days after the incident occurs.

1799 (11) Any certified registered dental hygienist
1800 administering local anesthesia must notify the board in writing
1801 by registered mail within 48 hours after any adverse incident
1802 that was related to or the result of the administration of local
1803 anesthesia. A complete written report must be filed with the
1804 board within 30 days after the mortality or other adverse
1805 incident.

1806 (12) A failure by the dentist or dental hygienist to
1807 timely and completely comply with all the reporting requirements
1808 in this section is the basis for disciplinary action by the
1809 board pursuant to s. 466.028(1).

1810 (13) The department shall review each adverse incident and
1811 determine whether it involved conduct by a health care
1812 professional subject to disciplinary action, in which case s.
1813 456.073 applies. Disciplinary action, if any, shall be taken by
1814 the board under which the health care professional is licensed.

1815 (14) As used in subsections (9)-(13), the term "adverse
1816 incident" means any mortality that occurs during or as the
1817 result of a dental procedure, or an incident that results in a
1818 temporary or permanent physical or mental injury that requires
1819 hospitalization or emergency room treatment of a dental patient
1820 which occurs during or as a direct result of the use of general
1821 anesthesia, deep sedation, moderate sedation, pediatric moderate
1822 sedation, oral sedation, minimal sedation (anxiolysis), nitrous

1823 | oxide, or local anesthesia.

1824 | (15) The board may adopt rules to administer this section.

1825 | Section 30. Section 466.031, Florida Statutes, is amended
1826 | to read:

1827 | 466.031 "Dental laboratories ~~laboratory~~" defined.—

1828 | (1) As used in this chapter, the term "dental laboratory"
1829 | ~~as used in this chapter:~~

1830 | ~~(1)~~ includes any person, firm, or corporation that ~~who~~
1831 | performs for a fee of any kind, gratuitously, or otherwise,
1832 | directly or through an agent or an employee, by any means or
1833 | method, or ~~who in any way~~ supplies or manufactures artificial
1834 | substitutes for the natural teeth; ~~or who~~ furnishes, supplies,
1835 | constructs, or reproduces or repairs any prosthetic denture,
1836 | bridge, or appliance to be worn in the human mouth; or ~~who~~ in
1837 | any way represents ~~holds~~ itself ~~out~~ as a dental laboratory.

1838 | ~~(2)~~ The term does not include a ~~Excludes any~~ dental
1839 | laboratory technician who constructs or repairs dental
1840 | prosthetic appliances in the office of a licensed dentist
1841 | exclusively for that ~~such~~ dentist ~~only and~~ under her or his
1842 | supervision and work order.

1843 | (2) An employee or independent contractor of a dental
1844 | laboratory, acting as an agent of that dental laboratory, may
1845 | engage in onsite consultation with a licensed dentist during a
1846 | dental procedure.

1847 | Section 31. Section 466.036, Florida Statutes, is amended

1848 to read:

1849 466.036 Information; periodic inspections; equipment and
 1850 supplies.—The department may require from the applicant for a
 1851 registration certificate to operate a dental laboratory any
 1852 information necessary to carry out the purpose of this chapter,
 1853 including proof that the applicant has the equipment and
 1854 supplies necessary to operate as determined by rule of the
 1855 department, and shall require periodic inspection of all dental
 1856 laboratories operating in this state at least once each biennial
 1857 registration period. Such inspections must ~~shall~~ include, but
 1858 need not be limited to, inspection of sanitary conditions,
 1859 equipment, supplies, and facilities on the premises. The
 1860 department shall specify dental equipment and supplies that are
 1861 not allowed ~~permitted~~ in a registered dental laboratory.

1862 Section 32. Subsection (1) of section 468.701, Florida
 1863 Statutes, is amended to read:

1864 468.701 Definitions.—As used in this part, the term:

1865 (1) "Athletic trainer" means a person licensed under this
 1866 part who has met the requirements of ~~under~~ this part, including
 1867 the education requirements established ~~as set forth~~ by the
 1868 Commission on Accreditation of Athletic Training Education or
 1869 its successor organization and necessary credentials from the
 1870 Board of Certification. ~~An individual who is licensed as an~~
 1871 ~~athletic trainer may not provide, offer to provide, or represent~~
 1872 ~~that he or she is qualified to provide any care or services that~~

1873 ~~he or she lacks the education, training, or experience to~~
1874 ~~provide, or that he or she is otherwise prohibited by law from~~
1875 ~~providing.~~

1876 Section 33. Section 468.707, Florida Statutes, is amended
1877 to read:

1878 468.707 Licensure requirements.—Any person desiring to be
1879 licensed as an athletic trainer shall apply to the department on
1880 a form approved by the department. An applicant shall also
1881 provide records or other evidence, as determined by the board,
1882 to prove he or she has met the requirements of this section. The
1883 department shall license each applicant who:

1884 (1) Has completed the application form and remitted the
1885 required fees.

1886 (2) ~~For a person who applies on or after July 1, 2016,~~ Has
1887 submitted to background screening pursuant to s. 456.0135. The
1888 board may require a background screening for an applicant whose
1889 license has expired or who is undergoing disciplinary action.

1890 (3) (a) Has obtained, at a minimum, a bachelor's
1891 ~~baccalaureate or higher~~ degree from a college or university
1892 professional athletic training degree program accredited by the
1893 Commission on Accreditation of Athletic Training Education or
1894 its successor organization recognized and approved by the United
1895 States Department of Education or the Commission on Recognition
1896 of Postsecondary Accreditation, approved by the board, or
1897 recognized by the Board of Certification, and has passed the

1898 national examination to be certified by the Board of
 1899 Certification; or-

1900 (b)(4) Has obtained, at a minimum, a bachelor's degree,
 1901 has completed the Board of Certification internship
 1902 requirements, and holds ~~If graduated before 2004,~~ has a current
 1903 certification from the Board of Certification.

1904 (4)(5) Has current certification in both cardiopulmonary
 1905 resuscitation and the use of an automated external defibrillator
 1906 set forth in the continuing education requirements as determined
 1907 by the board pursuant to s. 468.711.

1908 (5)(6) Has completed any other requirements as determined
 1909 by the department and approved by the board.

1910 Section 34. Subsection (3) of section 468.711, Florida
 1911 Statutes, is amended to read:

1912 468.711 Renewal of license; continuing education.—

1913 (3) If initially licensed after January 1, 1998, the
 1914 licensee must be currently certified by the Board of
 1915 Certification or its successor agency and maintain that
 1916 certification in good standing without lapse.

1917 Section 35. Section 468.713, Florida Statutes, is amended
 1918 to read:

1919 468.713 Responsibilities of athletic trainers.—

1920 (1) An athletic trainer shall practice under the direction
 1921 of a physician licensed under chapter 458, chapter 459, chapter
 1922 460, or otherwise authorized by Florida law to practice

1923 medicine. The physician shall communicate his or her direction
 1924 through oral or written prescriptions or protocols as deemed
 1925 appropriate by the physician for the provision of services and
 1926 care by the athletic trainer. An athletic trainer shall provide
 1927 service or care in the manner dictated by the physician.

1928 (2) An athletic trainer shall work within his or her
 1929 allowable scope of practice as specified in board rule under s.
 1930 468.705. An athletic trainer may not provide, offer to provide,
 1931 or represent that he or she is qualified to provide any care or
 1932 services that he or she lacks the education, training, or
 1933 experience to provide or that he or she is otherwise prohibited
 1934 by law from providing.

1935 Section 36. Subsection (2) of section 468.723, Florida
 1936 Statutes, is amended to read:

1937 468.723 Exemptions.—This part does not prohibit ~~prevent~~ or
 1938 restrict:

1939 (2) An athletic training student acting under the direct
 1940 supervision of a licensed athletic trainer. For purposes of this
 1941 subsection, "direct supervision" means the physical presence of
 1942 an athletic trainer so that the athletic trainer is immediately
 1943 available to the athletic training student and able to intervene
 1944 on behalf of the athletic training student. The supervision must
 1945 comply with board rule ~~in accordance with the standards set~~
 1946 ~~forth by the Commission on Accreditation of Athletic Training~~
 1947 ~~Education or its successor.~~

1948 Section 37. Subsections (1), (3), and (4) of section
 1949 468.803, Florida Statutes, are amended to read:

1950 468.803 License, registration, and examination
 1951 requirements.—

1952 (1) The department shall issue a license to practice
 1953 orthotics, prosthetics, or pedorthics, or a registration for a
 1954 resident to practice orthotics or prosthetics, to qualified
 1955 applicants. Licenses to practice ~~shall be granted independently~~
 1956 ~~in~~ orthotics, prosthetics, or pedorthics must be granted
 1957 independently, but a person may be licensed in more than one
 1958 such discipline, and a prosthetist-orthotist license may be
 1959 granted to persons meeting the requirements for licensure both
 1960 as a prosthetist and as an orthotist ~~license~~. Registrations to
 1961 practice ~~shall be granted independently in~~ orthotics or
 1962 prosthetics must be granted independently, and a person may be
 1963 registered in both disciplines ~~fields~~ at the same time or
 1964 jointly in orthotics and prosthetics as a dual registration.

1965 (3) A person seeking to attain the ~~required~~ orthotics or
 1966 prosthetics experience required for licensure in this state must
 1967 be approved by the board and registered as a resident by the
 1968 department. Although a registration may be held in both
 1969 disciplines ~~practice fields~~, for independent registrations the
 1970 board may ~~shall~~ not approve a second registration until at least
 1971 1 year after the issuance of the first registration.
 1972 Notwithstanding subsection (2), a person ~~an applicant~~ who has

1973 | been approved by the board and registered by the department in
1974 | one discipline ~~practice field~~ may apply for registration in the
1975 | second discipline ~~practice field~~ without an additional state or
1976 | national criminal history check during the period in which the
1977 | first registration is valid. Each independent registration or
1978 | dual registration is valid for 2 years after ~~from~~ the date of
1979 | issuance unless otherwise revoked by the department upon
1980 | recommendation of the board. The board shall set a registration
1981 | fee not to exceed \$500 to be paid by the applicant. A
1982 | registration may be renewed once by the department upon
1983 | recommendation of the board for a period no longer than 1 year,
1984 | as such renewal is defined by the board by rule. The
1985 | ~~registration~~ renewal fee may ~~shall~~ not exceed one-half the
1986 | current registration fee. To be considered by the board for
1987 | approval of registration as a resident, the applicant must have
1988 | one of the following:

1989 | (a) A Bachelor of Science or higher-level postgraduate
1990 | degree in orthotics and prosthetics from a regionally accredited
1991 | college or university recognized by the Commission on
1992 | Accreditation of Allied Health Education Programs. ~~or, at~~

1993 | **(b)** A minimum of, a bachelor's degree from a regionally
1994 | accredited college or university and a certificate in orthotics
1995 | or prosthetics from a program recognized by the Commission on
1996 | Accreditation of Allied Health Education Programs, or its
1997 | equivalent, as determined by the board. ~~or~~

1998 (c) A minimum of a bachelor's degree from a regionally
 1999 accredited college or university and a dual certificate in both
 2000 orthotics and prosthetics from programs recognized by the
 2001 Commission on Accreditation of Allied Health Education Programs,
 2002 or its equivalent, as determined by the board.

2003 ~~(b) A Bachelor of Science or higher-level postgraduate~~
 2004 ~~degree in Orthotics and Prosthetics from a regionally accredited~~
 2005 ~~college or university recognized by the Commission on~~
 2006 ~~Accreditation of Allied Health Education Programs or, at a~~
 2007 ~~minimum, a bachelor's degree from a regionally accredited~~
 2008 ~~college or university and a certificate in prosthetics from a~~
 2009 ~~program recognized by the Commission on Accreditation of Allied~~
 2010 ~~Health Education Programs, or its equivalent, as determined by~~
 2011 ~~the board.~~

2012 (4) The department may develop and administer a state
 2013 examination for an orthotist or a prosthetist license, or the
 2014 board may approve the existing examination of a national
 2015 standards organization. The examination must be predicated on a
 2016 minimum of a baccalaureate-level education and formalized
 2017 specialized training in the appropriate field. Each examination
 2018 must demonstrate a minimum level of competence in basic
 2019 scientific knowledge, written problem solving, and practical
 2020 clinical patient management. The board shall require an
 2021 examination fee not to exceed the actual cost to the board in
 2022 developing, administering, and approving the examination, which

2023 fee must be paid by the applicant. To be considered by the board
2024 for examination, the applicant must have:

2025 (a) For an examination in orthotics:

2026 1. A Bachelor of Science or higher-level postgraduate
2027 degree in orthotics and prosthetics from a regionally accredited
2028 college or university recognized by the Commission on
2029 Accreditation of Allied Health Education Programs or, at a
2030 minimum, a bachelor's degree from a regionally accredited
2031 college or university and a certificate in orthotics from a
2032 program recognized by the Commission on Accreditation of Allied
2033 Health Education Programs, or its equivalent, as determined by
2034 the board; and

2035 2. An approved orthotics internship of 1 year of qualified
2036 experience, as determined by the board, or an orthotic residency
2037 or dual residency program recognized by the board.

2038 (b) For an examination in prosthetics:

2039 1. A Bachelor of Science or higher-level postgraduate
2040 degree in orthotics and prosthetics from a regionally accredited
2041 college or university recognized by the Commission on
2042 Accreditation of Allied Health Education Programs or, at a
2043 minimum, a bachelor's degree from a regionally accredited
2044 college or university and a certificate in prosthetics from a
2045 program recognized by the Commission on Accreditation of Allied
2046 Health Education Programs, or its equivalent, as determined by
2047 the board; and

2048 2. An approved prosthetics internship of 1 year of
2049 qualified experience, as determined by the board, or a
2050 prosthetic residency or dual residency program recognized by the
2051 board.

2052 Section 38. Subsection (5) of section 480.033, Florida
2053 Statutes, is amended to read:

2054 480.033 Definitions.—As used in this act:

2055 (5) "Apprentice" means a person approved by the board to
2056 study colonic irrigation ~~massage~~ under the instruction of a
2057 licensed massage therapist practicing colonic irrigation.

2058 Section 39. Subsections (1) and (2) of section 480.041,
2059 Florida Statutes, are amended, and subsection (8) is added to
2060 that section, to read:

2061 480.041 Massage therapists; qualifications; licensure;
2062 endorsement.—

2063 (1) Any person is qualified for licensure as a massage
2064 therapist under this act who:

2065 (a) Is at least 18 years of age or has received a high
2066 school diploma or high school equivalency diploma;

2067 (b) Has completed a course of study at a board-approved
2068 massage school ~~or has completed an apprenticeship program~~ that
2069 meets standards adopted by the board; and

2070 (c) Has received a passing grade on a national ~~an~~
2071 examination designated ~~administered~~ by the board ~~department~~.

2072 (2) Every person desiring to be examined for licensure as

2073 a massage therapist must ~~shall~~ apply to the department in
2074 writing upon forms prepared and furnished by the department.
2075 Such applicants are ~~shall be~~ subject to the ~~provisions of~~ s.
2076 480.046(1). ~~Applicants may take an examination administered by~~
2077 ~~the department only upon meeting the requirements of this~~
2078 ~~section as determined by the board.~~

2079 (8) A person issued a license as a massage apprentice
2080 before July 1, 2020, may continue that apprenticeship and
2081 perform massage therapy as authorized under that license until
2082 it expires. Upon completion of the apprenticeship, which must
2083 occur before July 1, 2023, a massage apprentice may apply to the
2084 board for full licensure and be granted a license if all other
2085 applicable licensure requirements are met.

2086 Section 40. Section 480.042, Florida Statutes, is
2087 repealed.

2088 Section 41. Subsection (3) of section 490.003, Florida
2089 Statutes, is amended to read:

2090 490.003 Definitions.—As used in this chapter:

2091 (3)(a) ~~Prior to July 1, 1999, "doctoral-level~~
2092 ~~psychological education" and "doctoral degree in psychology"~~
2093 ~~mean a Psy.D., an Ed.D. in psychology, or a Ph.D. in psychology~~
2094 ~~from:~~

2095 ~~1. An educational institution which, at the time the~~
2096 ~~applicant was enrolled and graduated, had institutional~~
2097 ~~accreditation from an agency recognized and approved by the~~

2098 ~~United States Department of Education or was recognized as a~~
2099 ~~member in good standing with the Association of Universities and~~
2100 ~~Colleges of Canada; and~~

2101 ~~2. A psychology program within that educational~~
2102 ~~institution which, at the time the applicant was enrolled and~~
2103 ~~graduated, had programmatic accreditation from an accrediting~~
2104 ~~agency recognized and approved by the United States Department~~
2105 ~~of Education or was comparable to such programs.~~

2106 ~~(b)~~ Effective July 1, 1999, "doctoral-level psychological
2107 education" and "doctoral degree in psychology" mean a Psy.D., an
2108 Ed.D. in psychology, or a Ph.D. in psychology from a psychology
2109 program at:

2110 ~~1.~~ an educational institution that ~~which~~, at the time the
2111 applicant was enrolled and graduated:

2112 (a) ~~1.~~ Had institutional accreditation from an agency
2113 recognized and approved by the United States Department of
2114 Education or was recognized as a member in good standing with
2115 the Association of Universities and Colleges of Canada; and

2116 (b)2. ~~A psychology program within that educational~~
2117 ~~institution which, at the time the applicant was enrolled and~~
2118 ~~graduated,~~ Had programmatic accreditation from the American
2119 Psychological Association ~~an agency recognized and approved by~~
2120 ~~the United States Department of Education.~~

2121 Section 42. Paragraph (b) of subsection (1) and paragraph
2122 (b) of subsection (2) of section 490.005, Florida Statutes, are

2123 amended to read:

2124 490.005 Licensure by examination.—

2125 (1) Any person desiring to be licensed as a psychologist
 2126 shall apply to the department to take the licensure examination.
 2127 The department shall license each applicant who the board
 2128 certifies has:

2129 (b) Submitted proof satisfactory to the board that the
 2130 applicant has received:

2131 1. ~~Received~~ Doctoral-level psychological education, ~~as~~
 2132 ~~defined in s. 490.003(3); or~~

2133 2. ~~Received~~ The equivalent of a doctoral-level
 2134 psychological education, as defined in s. 490.003(3), from a
 2135 program at a school or university located outside the United
 2136 States of America ~~and Canada~~, which was officially recognized by
 2137 the government of the country in which it is located as an
 2138 institution or program to train students to practice
 2139 professional psychology. The applicant has the burden of
 2140 establishing that this requirement has ~~the requirements of this~~
 2141 ~~provision have been met shall be upon the applicant;~~

2142 3. ~~Received and submitted to the board, prior to July 1,~~
 2143 ~~1999, certification of an augmented doctoral-level psychological~~
 2144 ~~education from the program director of a doctoral-level~~
 2145 ~~psychology program accredited by a programmatic agency~~
 2146 ~~recognized and approved by the United States Department of~~
 2147 ~~Education; or~~

2148 ~~4. Received and submitted to the board, prior to August~~
2149 ~~31, 2001, certification of a doctoral-level program that at the~~
2150 ~~time the applicant was enrolled and graduated maintained a~~
2151 ~~standard of education and training comparable to the standard of~~
2152 ~~training of programs accredited by a programmatic agency~~
2153 ~~recognized and approved by the United States Department of~~
2154 ~~Education. Such certification of comparability shall be provided~~
2155 ~~by the program director of a doctoral-level psychology program~~
2156 ~~accredited by a programmatic agency recognized and approved by~~
2157 ~~the United States Department of Education.~~

2158 (2) Any person desiring to be licensed as a school
2159 psychologist shall apply to the department to take the licensure
2160 examination. The department shall license each applicant who the
2161 department certifies has:

2162 (b) Submitted satisfactory proof to the department that
2163 the applicant:

2164 1. Has received a doctorate, specialist, or equivalent
2165 degree from a program primarily psychological in nature and has
2166 completed 60 semester hours or 90 quarter hours of graduate
2167 study, in areas related to school psychology as defined by rule
2168 of the department, from a college or university which at the
2169 time the applicant was enrolled and graduated was accredited by
2170 an accrediting agency recognized and approved by the Council for
2171 Higher Education Accreditation or its successor organization
2172 ~~Commission on Recognition of Postsecondary Accreditation or from~~

2173 an institution that ~~which~~ is ~~publicly recognized~~ as a member in
2174 good standing with the Association of Universities and Colleges
2175 of Canada.

2176 2. Has had a minimum of 3 years of experience in school
2177 psychology, 2 years of which must be supervised by an individual
2178 who is a licensed school psychologist or who has otherwise
2179 qualified as a school psychologist supervisor, by education and
2180 experience, as set forth by rule of the department. A doctoral
2181 internship may be applied toward the supervision requirement.

2182 3. Has passed an examination provided by the department.

2183 Section 43. Subsection (1) of section 490.006, Florida
2184 Statutes, is amended to read:

2185 490.006 Licensure by endorsement.—

2186 (1) The department shall license a person as a
2187 psychologist or school psychologist who, upon applying to the
2188 department and remitting the appropriate fee, demonstrates to
2189 the department or, in the case of psychologists, to the board
2190 that the applicant:

2191 ~~(a) Holds a valid license or certificate in another state~~
2192 ~~to practice psychology or school psychology, as applicable,~~
2193 ~~provided that, when the applicant secured such license or~~
2194 ~~certificate, the requirements were substantially equivalent to~~
2195 ~~or more stringent than those set forth in this chapter at that~~
2196 ~~time; and, if no Florida law existed at that time, then the~~
2197 ~~requirements in the other state must have been substantially~~

2198 ~~equivalent to or more stringent than those set forth in this~~
 2199 ~~chapter at the present time;~~

2200 ~~(a)-(b)~~ Is a diplomate in good standing with the American
 2201 Board of Professional Psychology, Inc.; or

2202 ~~(b)-(e)~~ Possesses a doctoral degree in psychology ~~as~~
 2203 ~~described in s. 490.003~~ and has at least 10 ~~20~~ years of
 2204 experience as a licensed psychologist in any jurisdiction or
 2205 territory of the United States within the 25 years preceding the
 2206 date of application.

2207 Section 44. Subsection (6) of section 491.0045, Florida
 2208 Statutes, as created by chapter 2016-80 and chapter 2016-241,
 2209 Laws of Florida, is amended to read:

2210 491.0045 Intern registration; requirements.—

2211 (6) A registration issued on or before March 31, 2017,
 2212 expires March 31, 2022, and may not be renewed or reissued. Any
 2213 registration issued after March 31, 2017, expires 60 months
 2214 after the date it is issued. The board may make a one-time
 2215 exception from the requirements of this subsection in emergency
 2216 or hardship cases, as defined by board rule, if ~~A subsequent~~
 2217 ~~intern registration may not be issued unless~~ the candidate has
 2218 passed the theory and practice examination described in s.
 2219 491.005(1)(d), (3)(d), and (4)(d).

2220 Section 45. Subsections (3) and (4) of section 491.005,
 2221 Florida Statutes, are amended to read:

2222 491.005 Licensure by examination.—

2223 (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of
2224 documentation and payment of a fee not to exceed \$200, as set by
2225 board rule, plus the actual cost of ~~to the department for~~ the
2226 purchase of the examination from the Association of Marital and
2227 Family Therapy Regulatory Board, or similar national
2228 organization, the department shall issue a license as a marriage
2229 and family therapist to an applicant who the board certifies:

2230 (a) Has submitted an application and paid the appropriate
2231 fee.

2232 (b)1. Has a minimum of a master's degree with major
2233 emphasis in marriage and family therapy, ~~or a closely related~~
2234 field from a program accredited by the Commission on
2235 Accreditation for Marriage and Family Therapy Education or from
2236 a Florida university program accredited by the Council for
2237 Accreditation of Counseling and Related Educational Programs,
2238 and graduate courses approved by the Board of Clinical Social
2239 Work, Marriage and Family Therapy, and Mental Health Counseling
2240 ~~has completed all of the following requirements:~~

2241 ~~a. Thirty-six semester hours or 48 quarter hours of~~
2242 ~~graduate coursework, which must include a minimum of 3 semester~~
2243 ~~hours or 4 quarter hours of graduate-level course credits in~~
2244 ~~each of the following nine areas: dynamics of marriage and~~
2245 ~~family systems; marriage therapy and counseling theory and~~
2246 ~~techniques; family therapy and counseling theory and techniques;~~
2247 ~~individual human development theories throughout the life cycle;~~

2248 ~~personality theory or general counseling theory and techniques;~~
2249 ~~psychopathology; human sexuality theory and counseling~~
2250 ~~techniques; psychosocial theory; and substance abuse theory and~~
2251 ~~counseling techniques. Courses in research, evaluation,~~
2252 ~~appraisal, assessment, or testing theories and procedures;~~
2253 ~~thesis or dissertation work; or practicums, internships, or~~
2254 ~~fieldwork may not be applied toward this requirement.~~

2255 ~~b. A minimum of one graduate-level course of 3 semester~~
2256 ~~hours or 4 quarter hours in legal, ethical, and professional~~
2257 ~~standards issues in the practice of marriage and family therapy~~
2258 ~~or a course determined by the board to be equivalent.~~

2259 ~~e. A minimum of one graduate-level course of 3 semester~~
2260 ~~hours or 4 quarter hours in diagnosis, appraisal, assessment,~~
2261 ~~and testing for individual or interpersonal disorder or~~
2262 ~~dysfunction; and a minimum of one 3 semester-hour or 4 quarter-~~
2263 ~~hour graduate-level course in behavioral research which focuses~~
2264 ~~on the interpretation and application of research data as it~~
2265 ~~applies to clinical practice. Credit for thesis or dissertation~~
2266 ~~work, practicums, internships, or fieldwork may not be applied~~
2267 ~~toward this requirement.~~

2268 ~~d. A minimum of one supervised clinical practicum,~~
2269 ~~internship, or field experience in a marriage and family~~
2270 ~~counseling setting, during which the student provided 180 direct~~
2271 ~~client contact hours of marriage and family therapy services~~
2272 ~~under the supervision of an individual who met the requirements~~

2273 ~~for supervision under paragraph (c). This requirement may be met~~
2274 ~~by a supervised practice experience which took place outside the~~
2275 ~~academic arena, but which is certified as equivalent to a~~
2276 ~~graduate-level practicum or internship program which required a~~
2277 ~~minimum of 180 direct client contact hours of marriage and~~
2278 ~~family therapy services currently offered within an academic~~
2279 ~~program of a college or university accredited by an accrediting~~
2280 ~~agency approved by the United States Department of Education, or~~
2281 ~~an institution which is publicly recognized as a member in good~~
2282 ~~standing with the Association of Universities and Colleges of~~
2283 ~~Canada or a training institution accredited by the Commission on~~
2284 ~~Accreditation for Marriage and Family Therapy Education~~
2285 ~~recognized by the United States Department of Education.~~
2286 ~~Certification shall be required from an official of such~~
2287 ~~college, university, or training institution.~~

2288 2. If the course title that ~~which~~ appears on the
2289 applicant's transcript does not clearly identify the content of
2290 the coursework, the applicant shall ~~be required to~~ provide
2291 additional documentation, including, but not limited to, a
2292 syllabus or catalog description published for the course.

2293
2294 The required master's degree must have been received in an
2295 institution of higher education that, ~~which~~ at the time the
2296 applicant graduated, was ~~is~~ fully accredited by a regional
2297 accrediting body recognized by the Commission on Recognition of

2298 Postsecondary Accreditation or~~†~~ publicly recognized as a member
2299 in good standing with the Association of Universities and
2300 Colleges of Canada~~†~~ or an institution of higher education
2301 located outside the United States and Canada~~†~~ which~~†~~ at the time
2302 the applicant was enrolled and at the time the applicant
2303 graduated~~†~~ maintained a standard of training substantially
2304 equivalent to the standards of training of those institutions in
2305 the United States which are accredited by a regional accrediting
2306 body recognized by the Commission on Recognition of
2307 Postsecondary Accreditation. Such foreign education and training
2308 must have been received in an institution or program of higher
2309 education officially recognized by the government of the country
2310 in which it is located as an institution or program to train
2311 students to practice as professional marriage and family
2312 therapists or psychotherapists. The applicant has the burden of
2313 establishing that the requirements of this provision have been
2314 met ~~shall be upon the applicant,~~ and the board shall require
2315 documentation, such as~~†~~ ~~but not limited to,~~ an evaluation by a
2316 foreign equivalency determination service, as evidence that the
2317 applicant's graduate degree program and education were
2318 equivalent to an accredited program in this country. An
2319 applicant with a master's degree from a program that ~~which~~ did
2320 not emphasize marriage and family therapy may complete the
2321 coursework requirement in a training institution fully
2322 accredited by the Commission on Accreditation for Marriage and

2323 Family Therapy Education recognized by the United States
 2324 Department of Education.

2325 (c) Has had at least 2 years of clinical experience during
 2326 which 50 percent of the applicant's clients were receiving
 2327 marriage and family therapy services, which must be at the post-
 2328 master's level under the supervision of a licensed marriage and
 2329 family therapist with at least 5 years of experience, or the
 2330 equivalent, who is a qualified supervisor as determined by the
 2331 board. An individual who intends to practice in Florida to
 2332 satisfy the clinical experience requirements must register
 2333 pursuant to s. 491.0045 before commencing practice. If a
 2334 graduate has a master's degree with a major emphasis in marriage
 2335 and family therapy or a closely related field which ~~that~~ did not
 2336 include all of the coursework required by subparagraph (b)1.
 2337 ~~under sub-subparagraphs (b)1.a.-e.,~~ credit for the post-master's
 2338 level clinical experience may ~~shall~~ not commence until the
 2339 applicant has completed a minimum of 10 of the courses required
 2340 by subparagraph (b)1. ~~under sub-subparagraphs (b)1.a.-e.,~~ as
 2341 determined by the board, and at least 6 semester hours or 9
 2342 quarter hours of the course credits must have been completed in
 2343 the area of marriage and family systems, theories, or
 2344 techniques. Within the 2 ~~3~~ years of required experience, the
 2345 applicant shall provide direct individual, group, or family
 2346 therapy and counseling, ~~to include the following categories of~~
 2347 cases including those involving ~~+~~ unmarried dyads, married

2348 couples, separating and divorcing couples, and family groups
2349 that include ~~including~~ children. A doctoral internship may be
2350 applied toward the clinical experience requirement. A licensed
2351 mental health professional must be on the premises when clinical
2352 services are provided by a registered intern in a private
2353 practice setting.

2354 (d) Has passed a theory and practice examination provided
2355 by the department ~~for this purpose~~.

2356 (e) Has demonstrated, in a manner designated by board rule
2357 ~~of the board~~, knowledge of the laws and rules governing the
2358 practice of clinical social work, marriage and family therapy,
2359 and mental health counseling.

2360 ~~(f)~~

2361
2362 For the purposes of dual licensure, the department shall license
2363 as a marriage and family therapist any person who meets the
2364 requirements of s. 491.0057. Fees for dual licensure may ~~shall~~
2365 not exceed those stated in this subsection.

2366 (4) MENTAL HEALTH COUNSELING.—Upon verification of
2367 documentation and payment of a fee not to exceed \$200, as set by
2368 board rule, plus the actual per applicant cost of ~~to the~~
2369 ~~department for~~ purchase of the examination from the National
2370 Board for Certified Counselors or its successor ~~Professional~~
2371 ~~Examination Service for the National Academy of Certified~~
2372 ~~Clinical Mental Health Counselors or a similar national~~

2373 organization, the department shall issue a license as a mental
2374 health counselor to an applicant who the board certifies:

2375 (a) Has submitted an application and paid the appropriate
2376 fee.

2377 (b)1. Has a minimum of an earned master's degree from a
2378 mental health counseling program accredited by the Council for
2379 the Accreditation of Counseling and Related Educational Programs
2380 which ~~that~~ consists of at least 60 semester hours or 80 quarter
2381 hours of clinical and didactic instruction, including a course
2382 in human sexuality and a course in substance abuse. If the
2383 master's degree is earned from a program related to the practice
2384 of mental health counseling which ~~that~~ is not accredited by the
2385 Council for the Accreditation of Counseling and Related
2386 Educational Programs, then the coursework and practicum,
2387 internship, or fieldwork must consist of at least 60 semester
2388 hours or 80 quarter hours and meet all of the following
2389 requirements:

2390 a. Thirty-three semester hours or 44 quarter hours of
2391 graduate coursework, which must include a minimum of 3 semester
2392 hours or 4 quarter hours of graduate-level coursework in each of
2393 the following 11 content areas: counseling theories and
2394 practice; human growth and development; diagnosis and treatment
2395 of psychopathology; human sexuality; group theories and
2396 practice; individual evaluation and assessment; career and
2397 lifestyle assessment; research and program evaluation; social

2398 and cultural foundations; substance abuse; and legal, ethical,
2399 and professional standards issues in the practice of mental
2400 health counseling in community settings; and substance abuse.
2401 Courses in research, thesis or dissertation work, practicums,
2402 internships, or fieldwork may not be applied toward this
2403 requirement.

2404 b. A minimum of 3 semester hours or 4 quarter hours of
2405 graduate-level coursework addressing diagnostic processes,
2406 including differential diagnosis and the use of the current
2407 diagnostic tools, such as the current edition of the American
2408 Psychiatric Association's Diagnostic and Statistical Manual of
2409 Mental Disorders. The graduate program must have emphasized the
2410 common core curricular experience in legal, ethical, and
2411 professional standards issues in the practice of mental health
2412 counseling, which includes goals, objectives, and practices of
2413 professional counseling organizations, codes of ethics, legal
2414 considerations, standards of preparation, certifications and
2415 licensing, and the role identity and professional obligations of
2416 mental health counselors. Courses in research, thesis or
2417 dissertation work, practicums, internships, or fieldwork may not
2418 be applied toward this requirement.

2419 c. The equivalent, as determined by the board, of at least
2420 700 ~~1,000~~ hours of university-sponsored supervised clinical
2421 practicum, internship, or field experience that includes at
2422 least 280 hours of direct client services, as required in the

2423 accrediting standards of the Council for Accreditation of
2424 Counseling and Related Educational Programs for mental health
2425 counseling programs. This experience may not be used to satisfy
2426 the post-master's clinical experience requirement.

2427 2. Has provided additional documentation if a ~~the~~ course
2428 title that ~~which~~ appears on the applicant's transcript does not
2429 clearly identify the content of the coursework.7 ~~The applicant~~
2430 ~~shall be required to provide additional~~ documentation must
2431 include, including, but is not limited to, a syllabus or catalog
2432 description published for the course.

2433
2434 Education and training in mental health counseling must have
2435 been received in an institution of higher education that, which
2436 at the time the applicant graduated, was ~~+~~ fully accredited by a
2437 regional accrediting body recognized by the Council for Higher
2438 Education Accreditation or its successor organization or
2439 ~~Commission on Recognition of Postsecondary Accreditation;~~
2440 publicly recognized as a member in good standing with the
2441 Association of Universities and Colleges of Canada,7 or an
2442 institution of higher education located outside the United
2443 States and Canada,7 which, at the time the applicant was enrolled
2444 and at the time the applicant graduated, maintained a standard
2445 of training substantially equivalent to the standards of
2446 training of those institutions in the United States which are
2447 accredited by a regional accrediting body recognized by the

2448 Council for Higher Education Accreditation or its successor
2449 organization ~~Commission on Recognition of Postsecondary~~
2450 ~~Accreditation~~. Such foreign education and training must have
2451 been received in an institution or program of higher education
2452 officially recognized by the government of the country in which
2453 it is located as an institution or program to train students to
2454 practice as mental health counselors. The applicant has the
2455 burden of establishing that the requirements of this provision
2456 have been met ~~shall be upon the applicant~~, and the board shall
2457 require documentation, such as, ~~but not limited to~~, an
2458 evaluation by a foreign equivalency determination service, as
2459 evidence that the applicant's graduate degree program and
2460 education were equivalent to an accredited program in this
2461 country. Beginning July 1, 2025, an applicant must have a
2462 master's degree from a program that is accredited by the Council
2463 for Accreditation of Counseling and Related Educational Programs
2464 which consists of at least 60 semester hours or 80 quarter hours
2465 to apply for licensure under this paragraph.

2466 (c) Has had at least 2 years of clinical experience in
2467 mental health counseling, which must be at the post-master's
2468 level under the supervision of a licensed mental health
2469 counselor or the equivalent who is a qualified supervisor as
2470 determined by the board. An individual who intends to practice
2471 in Florida to satisfy the clinical experience requirements must
2472 register pursuant to s. 491.0045 before commencing practice. If

2473 a graduate has a master's degree with a major related to the
2474 practice of mental health counseling which ~~that~~ did not include
2475 all the coursework required under sub-subparagraphs (b)1.a. and
2476 b. ~~(b)1.a.-b.~~, credit for the post-master's level clinical
2477 experience may ~~shall~~ not commence until the applicant has
2478 completed a minimum of seven of the courses required under sub-
2479 subparagraphs (b)1.a. and b. ~~(b)1.a.-b.~~, as determined by the
2480 board, one of which must be a course in psychopathology or
2481 abnormal psychology. A doctoral internship may be applied toward
2482 the clinical experience requirement. A licensed mental health
2483 professional must be on the premises when clinical services are
2484 provided by a registered intern in a private practice setting.

2485 (d) Has passed a theory and practice examination provided
2486 by the department for this purpose.

2487 (e) Has demonstrated, in a manner designated by board rule
2488 ~~of the board~~, knowledge of the laws and rules governing the
2489 practice of clinical social work, marriage and family therapy,
2490 and mental health counseling.

2491 Section 46. Paragraph (b) of subsection (1) of section
2492 491.006, Florida Statutes, is amended to read:

2493 491.006 Licensure or certification by endorsement.—

2494 (1) The department shall license or grant a certificate to
2495 a person in a profession regulated by this chapter who, upon
2496 applying to the department and remitting the appropriate fee,
2497 demonstrates to the board that he or she:

2498 (b)1. Holds an active valid license to practice and has
 2499 actively practiced the licensed profession ~~for which licensure~~
 2500 ~~is applied~~ in another state for 3 of the last 5 years
 2501 immediately preceding licensure;~~-~~

2502 ~~2. Meets the education requirements of this chapter for~~
 2503 ~~the profession for which licensure is applied.~~

2504 ~~2.3.~~ Has passed a substantially equivalent licensing
 2505 examination in another state or has passed the licensure
 2506 examination in this state in the profession for which the
 2507 applicant seeks licensure; and~~-~~

2508 ~~3.4.~~ Holds a license in good standing, is not under
 2509 investigation for an act that would constitute a violation of
 2510 this chapter, and has not been found to have committed any act
 2511 that would constitute a violation of this chapter.

2512
 2513 The fees paid by any applicant for certification as a master
 2514 social worker under this section are nonrefundable.

2515 Section 47. Subsection (3) of section 491.007, Florida
 2516 Statutes, is amended to read:

2517 491.007 Renewal of license, registration, or certificate.-

2518 ~~(3) The board or department shall prescribe by rule a~~
 2519 ~~method for the biennial renewal of an intern registration at a~~
 2520 ~~fee set by rule, not to exceed \$100.~~

2521 Section 48. Subsection (2) of section 491.009, Florida
 2522 Statutes, is amended to read:

2523 491.009 Discipline.—

2524 (2) The board ~~department,~~ or, in the case of certified
2525 master social workers ~~psychologists,~~ the department ~~board,~~ may
2526 enter an order denying licensure or imposing any of the
2527 penalties authorized in s. 456.072(2) against any applicant for
2528 licensure or any licensee who violates ~~is found guilty of~~
2529 ~~violating any provision of subsection (1) of this section or who~~
2530 ~~is found guilty of violating any provision of s. 456.072(1).~~

2531 Section 49. Subsection (7) of section 514.0115, Florida
2532 Statutes, is renumbered as subsection (8), and a new subsection
2533 (7) is added to that section, to read:

2534 514.0115 Exemptions from supervision or regulation;
2535 variances.—

2536 (7) Until such time as the department adopts rules for the
2537 supervision and regulation of surf pools, a surf pool that is
2538 larger than 4 acres is exempt from supervision under this
2539 chapter, provided that it is permitted by a local government
2540 pursuant to a special use permit process in which the local
2541 government asserts regulatory authority over the construction of
2542 the surf pool and, in consultation with the department,
2543 establishes through the local government's special use
2544 permitting process the conditions for the surf pool's operation,
2545 water quality, and necessary lifesaving equipment. This
2546 subsection does not affect the department's or a county health
2547 department's right of entry pursuant to s. 514.04 or its

2548 authority to seek an injunction pursuant to s. 514.06 to
2549 restrain the operation of a surf pool permitted and operated
2550 under this subsection if the surf pool presents significant
2551 risks to public health. For the purposes of this subsection, the
2552 term "surf pool" means a pool designed to generate waves
2553 dedicated to the activity of surfing on a surfboard or an
2554 analogous surfing device commonly used in the ocean and intended
2555 for sport, as opposed to general play intent for wave pools,
2556 other large-scale public swimming pools, or other public bathing
2557 places.

2558 Section 50. Subsection (7) of section 553.77, Florida
2559 Statutes, is amended to read:

2560 553.77 Specific powers of the commission.—

2561 (7) Building officials shall recognize and enforce
2562 variance orders issued by the Department of Health pursuant to
2563 s. 514.0115(8) ~~s. 514.0115(7)~~, including any conditions attached
2564 to the granting of the variance.

2565 Section 51. Subsection (2) of section 491.0046, Florida
2566 Statutes, is amended to read:

2567 491.0046 Provisional license; requirements.—

2568 (2) The department shall issue a provisional clinical
2569 social worker license, provisional marriage and family therapist
2570 license, or provisional mental health counselor license to each
2571 applicant who the board certifies has:

2572 (a) Completed the application form and remitted a

2573 nonrefundable application fee not to exceed \$100, as set by
2574 board rule; and

2575 (b) Earned a graduate degree in social work, a graduate
2576 degree with a major emphasis in marriage and family therapy or a
2577 closely related field, or a graduate degree in a major related
2578 to the practice of mental health counseling; and

2579 (c) ~~Has~~ Met the following minimum coursework requirements:

2580 1. For clinical social work, a minimum of 15 semester
2581 hours or 22 quarter hours of the coursework required by s.
2582 491.005(1)(b)2.b.

2583 2. For marriage and family therapy, 10 of the courses
2584 required by s. 491.005(3)(b)1. ~~s. 491.005(3)(b)1.a.-c.~~, as
2585 determined by the board, and at least 6 semester hours or 9
2586 quarter hours of the course credits must have been completed in
2587 the area of marriage and family systems, theories, or
2588 techniques.

2589 3. For mental health counseling, a minimum of seven of the
2590 courses required under s. 491.005(4)(b)1.a.-c.

2591 Section 52. Subsection (11) of section 945.42, Florida
2592 Statutes, is amended to read:

2593 945.42 Definitions; ss. 945.40-945.49.—As used in ss.
2594 945.40-945.49, the following terms shall have the meanings
2595 ascribed to them, unless the context shall clearly indicate
2596 otherwise:

2597 (11) "Psychological professional" means a behavioral

2598 practitioner who has an approved doctoral degree in psychology
2599 as defined in s. 490.003(3) ~~s. 490.003(3)(b)~~ and is employed by
2600 the department or who is licensed as a psychologist pursuant to
2601 chapter 490.

2602 Section 53. Except as otherwise expressly provided in this
2603 act and except for this section, which shall take effect upon
2604 this act becoming a law, this act shall take effect July 1,
2605 2020.