

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Drake offered the following:

2
3 **Substitute Amendment for Amendment (689403) (with title**
4 **amendment)**

5 Remove everything after the enacting clause and insert:

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

8 381.0045 Targeted outreach for pregnant women.—

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

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13 immunodeficiency virus (HIV), and to provide these women with
14 links to much needed services and information.

15 (3) The department shall:

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

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

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

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

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

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

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

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

42 Section 2. Paragraph (e) of subsection (8) of section
43 381.986, Florida Statutes, is amended, and paragraph (i) is
44 added to subsection (14) of that section, to read:

45 381.986 Medical use of marijuana.—

46 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

47 (e) A licensed medical marijuana treatment center shall
48 cultivate, process, transport, and dispense marijuana for
49 medical use. A licensed medical marijuana treatment center may
50 not contract for services directly related to the cultivation,
51 processing, and dispensing of marijuana or marijuana delivery
52 devices, except that a medical marijuana treatment center
53 licensed pursuant to subparagraph (a)1. may contract with a
54 single entity for the cultivation, processing, transporting, and
55 dispensing of marijuana and marijuana delivery devices. A
56 licensed medical marijuana treatment center must, at all times,
57 maintain compliance with the criteria demonstrated and
58 representations made in the initial application and the criteria
59 established in this subsection. Upon request, the department may
60 grant a medical marijuana treatment center a variance from the
61 representations made in the initial application. Consideration
62 of such a request shall be based upon the individual facts and

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63 | circumstances surrounding the request. A variance may not be
64 | granted unless the requesting medical marijuana treatment center
65 | can demonstrate to the department that it has a proposed
66 | alternative to the specific representation made in its
67 | application which fulfills the same or a similar purpose as the
68 | specific representation in a way that the department can
69 | reasonably determine will not be a lower standard than the
70 | specific representation in the application. A variance may not
71 | be granted from the requirements in subparagraph 2. and
72 | subparagraphs (b)1. and 2.

73 | 1. A licensed medical marijuana treatment center may
74 | transfer ownership to an individual or entity who meets the
75 | requirements of this section. A publicly traded corporation or
76 | publicly traded company that meets the requirements of this
77 | section is not precluded from ownership of a medical marijuana
78 | treatment center. To accommodate a change in ownership:

79 | a. The licensed medical marijuana treatment center shall
80 | notify the department in writing at least 60 days before the
81 | anticipated date of the change of ownership.

82 | b. The individual or entity applying for initial licensure
83 | due to a change of ownership must submit an application that
84 | must be received by the department at least 60 days before the
85 | date of change of ownership.

86 | c. Upon receipt of an application for a license, the
87 | department shall examine the application and, within 30 days

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88 after receipt, notify the applicant in writing of any apparent
89 errors or omissions and request any additional information
90 required.

91 d. Requested information omitted from an application for
92 licensure must be filed with the department within 21 days after
93 the department's request for omitted information or the
94 application shall be deemed incomplete and shall be withdrawn
95 from further consideration and the fees shall be forfeited.

96

97 Within 30 days after the receipt of a complete application, the
98 department shall approve or deny the application.

99 2. A medical marijuana treatment center, and any
100 individual or entity who directly or indirectly owns, controls,
101 or holds with power to vote 5 percent or more of the voting
102 shares of a medical marijuana treatment center, may not acquire
103 direct or indirect ownership or control of any voting shares or
104 other form of ownership of any other medical marijuana treatment
105 center.

106 3. A medical marijuana treatment center may not enter into
107 any form of profit-sharing arrangement with the property owner
108 or lessor of any of its facilities where cultivation,
109 processing, storing, or dispensing of marijuana and marijuana
110 delivery devices occurs.

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

114 5. Each medical marijuana treatment center must adopt and
115 enforce policies and procedures to ensure employees and
116 volunteers receive training on the legal requirements to
117 dispense marijuana to qualified patients.

118 6. When growing marijuana, a medical marijuana treatment
119 center:

120 a. May use pesticides determined by the department, after
121 consultation with the Department of Agriculture and Consumer
122 Services, to be safely applied to plants intended for human
123 consumption, but may not use pesticides designated as
124 restricted-use pesticides pursuant to s. 487.042.

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

127 c. Must inspect seeds and growing plants for plant pests
128 that endanger or threaten the horticultural and agricultural
129 interests of the state in accordance with chapter 581 and any
130 rules adopted thereunder.

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

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134 7. Each medical marijuana treatment center must produce
135 and make available for purchase at least one low-THC cannabis
136 product.

137 8. A medical marijuana treatment center that produces
138 edibles must hold a permit to operate as a food establishment
139 pursuant to chapter 500, the Florida Food Safety Act, and must
140 comply with all the requirements for food establishments
141 pursuant to chapter 500 and any rules adopted thereunder.
142 Edibles may not contain more than 200 milligrams of
143 tetrahydrocannabinol, and a single serving portion of an edible
144 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles
145 may have a potency variance of no greater than 15 percent.
146 Edibles may not be attractive to children; be manufactured in
147 the shape of humans, cartoons, or animals; be manufactured in a
148 form that bears any reasonable resemblance to products available
149 for consumption as commercially available candy; or contain any
150 color additives. To discourage consumption of edibles by
151 children, the department shall determine by rule any shapes,
152 forms, and ingredients allowed and prohibited for edibles.
153 Medical marijuana treatment centers may not begin processing or
154 dispensing edibles until after the effective date of the rule.
155 The department shall also adopt sanitation rules providing the
156 standards and requirements for the storage, display, or
157 dispensing of edibles.

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158 9. Within 12 months after licensure, a medical marijuana
159 treatment center must demonstrate to the department that all of
160 its processing facilities have passed a Food Safety Good
161 Manufacturing Practices, such as Global Food Safety Initiative
162 or equivalent, inspection by a nationally accredited certifying
163 body. A medical marijuana treatment center must immediately stop
164 processing at any facility which fails to pass this inspection
165 until it demonstrates to the department that such facility has
166 met this requirement.

167 10. A medical marijuana treatment center that produces
168 prerolled marijuana cigarettes may not use wrapping paper made
169 with tobacco or hemp.

170 11. When processing marijuana, a medical marijuana
171 treatment center must:

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

174 b. Comply with department rules when processing marijuana
175 with hydrocarbon solvents or other solvents or gases exhibiting
176 potential toxicity to humans. The department shall determine by
177 rule the requirements for medical marijuana treatment centers to
178 use such solvents or gases exhibiting potential toxicity to
179 humans.

180 c. Comply with federal and state laws and regulations and
181 department rules for solid and liquid wastes. The department
182 shall determine by rule procedures for the storage, handling,

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183 transportation, management, and disposal of solid and liquid
184 waste generated during marijuana production and processing. The
185 Department of Environmental Protection shall assist the
186 department in developing such rules.

187 d. Test ~~the processed~~ marijuana using a medical marijuana
188 testing laboratory before it is dispensed. Results must be
189 verified and signed by two medical marijuana treatment center
190 employees. Before dispensing, the medical marijuana treatment
191 center must determine that the test results indicate that low-
192 THC cannabis meets the definition of low-THC cannabis, the
193 concentration of tetrahydrocannabinol meets the potency
194 requirements of this section, the labeling of the concentration
195 of tetrahydrocannabinol and cannabidiol is accurate, and all
196 marijuana is safe for human consumption and free from
197 contaminants that are unsafe for human consumption. The
198 department shall determine by rule which contaminants must be
199 tested for and the maximum levels of each contaminant which are
200 safe for human consumption. The Department of Agriculture and
201 Consumer Services shall assist the department in developing the
202 testing requirements for contaminants that are unsafe for human
203 consumption in edibles. The department shall also determine by
204 rule the procedures for the treatment of marijuana that fails to
205 meet the testing requirements of this section, s. 381.988, or
206 department rule. The department may select samples of marijuana
207 ~~a random sample from edibles available in a cultivation~~

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208 facility, processing facility, or for purchase in a dispensing
209 facility which shall be tested by the department to determine
210 that the ~~marijuana edible~~ meets the potency requirements of this
211 section, is safe for human consumption, and the labeling of the
212 tetrahydrocannabinol and cannabidiol concentration is accurate
213 or to verify medical marijuana testing laboratory results. The
214 department may also sample marijuana delivery devices from a
215 dispensing facility to determine whether the marijuana delivery
216 device is safe for use by qualified patients. A medical
217 marijuana treatment center may not require payment from the
218 department for the sample. A medical marijuana treatment center
219 must recall all marijuana that fails edibles, including all
220 edibles made from the same batch of marijuana, which fail to
221 meet the potency requirements of this section, which ~~is~~ are
222 unsafe for human consumption, or for which the labeling of the
223 tetrahydrocannabinol and cannabidiol concentration is
224 inaccurate. The medical marijuana treatment center must retain
225 records of all testing and samples of each homogenous batch of
226 marijuana for at least 9 months. The medical marijuana treatment
227 center must contract with a marijuana testing laboratory to
228 perform audits on the medical marijuana treatment center's
229 standard operating procedures, testing records, and samples and
230 provide the results to the department to confirm that the
231 marijuana or low-THC cannabis meets the requirements of this
232 section and that the marijuana or low-THC cannabis is safe for

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233 human consumption. A medical marijuana treatment center shall
234 reserve two processed samples from each batch and retain such
235 samples for at least 9 months for the purpose of such audits. A
236 medical marijuana treatment center may use a laboratory that has
237 not been certified by the department under s. 381.988 until such
238 time as at least one laboratory holds the required
239 certification, but in no event later than July 1, 2018.

240 e. Package the marijuana in compliance with the United
241 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
242 1471 et seq.

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

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

247 (II) The name of the medical marijuana treatment center
248 from which the marijuana originates.

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

251 (IV) The name of the physician who issued the physician
252 certification.

253 (V) The name of the patient.

254 (VI) The product name, if applicable, and dosage form,
255 including concentration of tetrahydrocannabinol and cannabidiol.

256 The product name may not contain wording commonly associated
257 with products marketed by or to children.

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258 (VII) The recommended dose.

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

261 (IX) A marijuana universal symbol developed by the
262 department.

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

- 266 a. Clinical pharmacology.
- 267 b. Indications and use.
- 268 c. Dosage and administration.
- 269 d. Dosage forms and strengths.
- 270 e. Contraindications.
- 271 f. Warnings and precautions.
- 272 g. Adverse reactions.

273 13. In addition to the packaging and labeling requirements
274 specified in subparagraphs 11. and 12., marijuana in a form for
275 smoking must be packaged in a sealed receptacle with a legible
276 and prominent warning to keep away from children and a warning
277 that states marijuana smoke contains carcinogens and may
278 negatively affect health. Such receptacles for marijuana in a
279 form for smoking must be plain, opaque, and white without
280 depictions of the product or images other than the medical
281 marijuana treatment center's department-approved logo and the
282 marijuana universal symbol.

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283 14. The department shall adopt rules to regulate the
284 types, appearance, and labeling of marijuana delivery devices
285 dispensed from a medical marijuana treatment center. The rules
286 must require marijuana delivery devices to have an appearance
287 consistent with medical use.

288 15. Each edible shall be individually sealed in plain,
289 opaque wrapping marked only with the marijuana universal symbol.
290 Where practical, each edible shall be marked with the marijuana
291 universal symbol. In addition to the packaging and labeling
292 requirements in subparagraphs 11. and 12., edible receptacles
293 must be plain, opaque, and white without depictions of the
294 product or images other than the medical marijuana treatment
295 center's department-approved logo and the marijuana universal
296 symbol. The receptacle must also include a list of all the
297 edible's ingredients, storage instructions, an expiration date,
298 a legible and prominent warning to keep away from children and
299 pets, and a warning that the edible has not been produced or
300 inspected pursuant to federal food safety laws.

301 16. When dispensing marijuana or a marijuana delivery
302 device, a medical marijuana treatment center:

303 a. May dispense any active, valid order for low-THC
304 cannabis, medical cannabis and cannabis delivery devices issued
305 pursuant to former s. 381.986, Florida Statutes 2016, which was
306 entered into the medical marijuana use registry before July 1,
307 2017.

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308 b. May not dispense more than a 70-day supply of marijuana
309 within any 70-day period to a qualified patient or caregiver.
310 May not dispense more than one 35-day supply of marijuana in a
311 form for smoking within any 35-day period to a qualified patient
312 or caregiver. A 35-day supply of marijuana in a form for smoking
313 may not exceed 2.5 ounces unless an exception to this amount is
314 approved by the department pursuant to paragraph (4) (f).

315 c. Must have the medical marijuana treatment center's
316 employee who dispenses the marijuana or a marijuana delivery
317 device enter into the medical marijuana use registry his or her
318 name or unique employee identifier.

319 d. Must verify that the qualified patient and the
320 caregiver, if applicable, each have an active registration in
321 the medical marijuana use registry and an active and valid
322 medical marijuana use registry identification card, the amount
323 and type of marijuana dispensed matches the physician
324 certification in the medical marijuana use registry for that
325 qualified patient, and the physician certification has not
326 already been filled.

327 e. May not dispense marijuana to a qualified patient who
328 is younger than 18 years of age. If the qualified patient is
329 younger than 18 years of age, marijuana may only be dispensed to
330 the qualified patient's caregiver.

331 f. May not dispense or sell any other type of cannabis,
332 alcohol, or illicit drug-related product, including pipes or

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333 wrapping papers made with tobacco or hemp, other than a
334 marijuana delivery device required for the medical use of
335 marijuana and which is specified in a physician certification.

336 g. Must, upon dispensing the marijuana or marijuana
337 delivery device, record in the registry the date, time,
338 quantity, and form of marijuana dispensed; the type of marijuana
339 delivery device dispensed; and the name and medical marijuana
340 use registry identification number of the qualified patient or
341 caregiver to whom the marijuana delivery device was dispensed.

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

345 (14) EXCEPTIONS TO OTHER LAWS.—

346 (i) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
347 any other provision of law, but subject to the requirements of
348 this section, the department, including an employee of the
349 department acting within the scope of his or her employment, may
350 acquire, possess, test, transport, and lawfully dispose of
351 marijuana as provided in this section.

352 Section 3. Effective July 1, 2022, paragraph (b) of
353 subsection (8) of section 381.986, Florida Statutes, is amended
354 to read:

355 381.986 Medical use of marijuana.—

356 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

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357 (b) An applicant for licensure as a medical marijuana
358 treatment center shall apply to the department on a form
359 prescribed by the department and adopted in rule. The department
360 shall adopt rules pursuant to ss. 120.536(1) and 120.54
361 establishing a procedure for the issuance and biennial renewal
362 of licenses, including initial application and biennial renewal
363 fees sufficient to cover the costs of implementing and
364 administering this section, and establishing supplemental
365 licensure fees for payment beginning May 1, 2018, sufficient to
366 cover the costs of administering ss. 381.989 and 1004.4351. The
367 department shall identify applicants with strong diversity plans
368 reflecting this state's commitment to diversity and implement
369 training programs and other educational programs to enable
370 minority persons and minority business enterprises, as defined
371 in s. 288.703, and veteran business enterprises, as defined in
372 s. 295.187, to compete for medical marijuana treatment center
373 licensure and contracts. Subject to the requirements in
374 subparagraphs (a)2.-4., the department shall issue a license to
375 an applicant if the applicant meets the requirements of this
376 section and pays the initial application fee. The department
377 shall renew the licensure of a medical marijuana treatment
378 center biennially if the licensee meets the requirements of this
379 section and pays the biennial renewal fee. However, the
380 department may not renew the license of a medical marijuana
381 treatment center that has not begun to cultivate, process, and

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382 dispense marijuana by the date that the medical marijuana
383 treatment center is required to renew its license. An individual
384 may not be an applicant, owner, officer, board member, or
385 manager on more than one application for licensure as a medical
386 marijuana treatment center. An individual or entity may not be
387 awarded more than one license as a medical marijuana treatment
388 center. An applicant for licensure as a medical marijuana
389 treatment center must demonstrate:

390 1. That, for the 5 consecutive years before submitting the
391 application, the applicant has been registered to do business in
392 the state.

393 2. Possession of a valid certificate of registration
394 issued by the Department of Agriculture and Consumer Services
395 pursuant to s. 581.131.

396 3. The technical and technological ability to cultivate
397 and produce marijuana, including, but not limited to, low-THC
398 cannabis.

399 4. The ability to secure the premises, resources, and
400 personnel necessary to operate as a medical marijuana treatment
401 center.

402 5. The ability to maintain accountability of all raw
403 materials, finished products, and any byproducts to prevent
404 diversion or unlawful access to or possession of these
405 substances.

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406 6. An infrastructure reasonably located to dispense
407 marijuana to registered qualified patients statewide or
408 regionally as determined by the department.

409 7. The financial ability to maintain operations for the
410 duration of the 2-year approval cycle, including the provision
411 of certified financial statements to the department.

412 a. Upon approval, the applicant must post a \$5 million
413 performance bond issued by an authorized surety insurance
414 company rated in one of the three highest rating categories by a
415 nationally recognized rating service. However, a medical
416 marijuana treatment center serving at least 1,000 qualified
417 patients is only required to maintain a \$2 million performance
418 bond.

419 b. In lieu of the performance bond required under sub-
420 subparagraph a., the applicant may provide an irrevocable letter
421 of credit payable to the department or provide cash to the
422 department. If provided with cash under this sub-subparagraph,
423 the department shall deposit the cash in the Grants and
424 Donations Trust Fund within the Department of Health, subject to
425 the same conditions as the bond regarding requirements for the
426 applicant to forfeit ownership of the funds. If the funds
427 deposited under this sub-subparagraph generate interest, the
428 amount of that interest shall be used by the department for the
429 administration of this section.

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

432 9. The employment of a medical director to supervise the
433 activities of the medical marijuana treatment center.

434 10. A diversity plan that promotes and ensures the
435 involvement of minority persons and minority business
436 enterprises, as defined in s. 288.703, or veteran business
437 enterprises, as defined in s. 295.187, in ownership, management,
438 and employment. An applicant for licensure renewal must show the
439 effectiveness of the diversity plan by including the following
440 with his or her application for renewal:

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

443 b. Efforts to recruit minority persons and veterans for
444 employment; and

445 c. A record of contracts for services with minority
446 business enterprises and veteran business enterprises.

447 Section 4. Subsection (12) is added to of section 381.988,
448 Florida Statutes, to read:

449 381.988 Medical marijuana testing laboratories; marijuana
450 tests conducted by a certified laboratory.-

451 (12) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
452 any other provision of law, but subject to the requirements of
453 this section, the department, including an employee of the
454 department acting within the scope of his or her employment, may

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455 acquire, possess, test, transport, and lawfully dispose of
456 marijuana as provided in this section.

457 Section 5. Section 395.3042, Florida Statutes, is created
458 to read:

459 395.3042 Emergency medical services providers; triage and
460 transportation of heart attack victims to an adult
461 cardiovascular services provider.—

462 (1) By June 1 of each year, the department shall send a
463 list of providers of Level I and Level II adult cardiovascular
464 services to the medical director of each licensed emergency
465 medical services provider in this state.

466 (2) The department shall develop a sample heart attack-
467 triage assessment tool. The department must post this sample
468 assessment tool on its website and provide a copy of the
469 assessment tool to each licensed emergency medical services
470 provider. Each licensed emergency medical services provider must
471 use a heart attack-triage assessment tool that is substantially
472 similar to the sample heart attack-triage assessment tool
473 provided by the department.

474 (3) The medical director of each licensed emergency
475 medical services provider shall develop and implement
476 assessment, treatment, and transport-destination protocols for
477 heart attack patients with the intent to assess, treat, and
478 transport heart attack patients to the most appropriate
479 hospital. Such protocols must include the development and

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480 implementation of plans for the triage and transport of patients
481 with acute heart attack symptoms.

482 (4) Each emergency medical services provider licensed
483 under chapter 401 must comply with this section.

484 Section 6. Subsection (7) of section 400.506, Florida
485 Statutes, is amended to read:

486 400.506 Licensure of nurse registries; requirements;
487 penalties.—

488 (7) A person who is referred by a nurse registry for
489 contract in private residences and who is not a nurse licensed
490 under part I of chapter 464 may perform only those services or
491 care to clients that the person has been certified to perform or
492 trained to perform as required by law or rules of the Agency for
493 Health Care Administration or the Department of Business and
494 Professional Regulation. Providing services beyond the scope
495 authorized under this subsection constitutes the unauthorized
496 practice of medicine or a violation of the Nurse Practice Act
497 and is punishable as provided under chapter 458, chapter 459, or
498 part I of chapter 464. If a licensed nurse registry authorizes a
499 registered nurse to delegate tasks, including medication
500 administration, to a certified nursing assistant pursuant to
501 chapter 464 or to a home health aide pursuant to s. 400.490, the
502 licensed nurse registry must ensure that such delegation meets
503 the requirements of this chapter and chapter 464 and the rules
504 adopted thereunder.

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505 Section 7. Subsections (3) and (4) of section 401.465,
506 Florida Statutes, are renumbered as subsections (4) and (5),
507 respectively, paragraphs (d) and (j) of subsection (2) of that
508 section are amended, paragraph (d) is added to subsection (1),
509 and a new subsection (3) is added to that section, to read:

510 401.465 911 public safety telecommunicator certification.—

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

512 (d) "Telecommunicator cardiopulmonary resuscitation
513 training" means specific training, including continuous
514 education, that is evidence based and contains nationally
515 accepted guidelines for high-quality telecommunicator
516 cardiopulmonary resuscitation with the recognition of out-of-
517 hospital cardiac arrest over the telephone and the delivery of
518 telephonic instructions for treating cardiac arrest and
519 performing compression-only cardiopulmonary resuscitation.

520 (2) PERSONNEL; STANDARDS AND CERTIFICATION.—

521 (d) The department shall determine whether the applicant
522 meets the requirements specified in this section and in rules of
523 the department and shall issue a certificate to any person who
524 meets such requirements. Such requirements must include the
525 following:

526 1. Completion of an appropriate 911 public safety
527 telecommunication training program;

528 2. Certification under oath that the applicant is not
529 addicted to alcohol or any controlled substance;

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530 3. Certification under oath that the applicant is free
531 from any physical or mental defect or disease that might impair
532 the applicant's ability to perform his or her duties;

533 4. Submission of the application fee prescribed in
534 subsection (4) ~~(3)~~;

535 5. Submission of a completed application to the department
536 which indicates compliance with subparagraphs 1., 2., and 3.;
537 and

538 6. Effective October 1, 2012, passage of an examination
539 approved by the department which measures the applicant's
540 competency and proficiency in the subject material of the public
541 safety telecommunication training program.

542 (j)1. The requirement for certification as a 911 public
543 safety telecommunicator is waived for a person employed as a
544 sworn state-certified law enforcement officer, provided the
545 officer:

546 a. Is selected by his or her chief executive to perform as
547 a 911 public safety telecommunicator;

548 b. Performs as a 911 public safety telecommunicator on an
549 occasional or limited basis; and

550 c. Passes the department-approved examination that
551 measures the competency and proficiency of an applicant in the
552 subject material comprising the public safety telecommunication
553 program.

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554 2. A sworn state-certified law enforcement officer who
555 fails an examination taken under subparagraph 1. must take a
556 department-approved public safety telecommunication training
557 program prior to retaking the examination.

558 3. The testing required under this paragraph is exempt
559 from the examination fee required under subsection (4) ~~(3)~~.

560 (3) TELECOMMUNICATOR CARDIOPULMONARY RESUSCITATION
561 TRAINING.—In addition to the certification and recertification
562 requirements contained in this section, 911 public safety
563 telecommunicators who take telephone calls and provide dispatch
564 functions for emergency medical conditions must complete
565 telecommunicator cardiopulmonary resuscitation training every 2
566 years.

567 Section 8. Paragraph (h) is added to subsection (1) of
568 section 408.033, Florida Statutes, to read:

569 408.033 Local and state health planning.—

570 (1) LOCAL HEALTH COUNCILS.—

571 (h) For the purpose of performing their duties under this
572 section, local health councils may collect utilization data from
573 each hospital licensed under chapter 395 which is located within
574 their respective local health council districts.

575 Section 9. Paragraph (c) of subsection (2) of section
576 456.47, Florida Statutes, is amended to read:

577 456.47 Use of telehealth to provide services.—

578 (2) PRACTICE STANDARDS.—

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579 (c) A telehealth provider may not use telehealth to
580 prescribe a controlled substance listed in Schedule II of s.
581 893.03 unless the controlled substance is prescribed for the
582 following:

- 583 1. The treatment of a psychiatric disorder;
- 584 2. Inpatient treatment at a hospital licensed under
585 chapter 395;
- 586 3. The treatment of a patient receiving hospice services
587 as defined in s. 400.601; or
- 588 4. The treatment of a resident of a nursing home facility
589 as defined in s. 400.021.

590 Section 10. Subsection (1) of section 460.406, Florida
591 Statutes, is amended to read:

592 460.406 Licensure by examination.—

593 (1) Any person desiring to be licensed as a chiropractic
594 physician must apply to the department to take the licensure
595 examination. There shall be an application fee set by the board
596 not to exceed \$100 which shall be nonrefundable. There shall
597 also be an examination fee not to exceed \$500 plus the actual
598 per applicant cost to the department for purchase of portions of
599 the examination from the National Board of Chiropractic
600 Examiners or a similar national organization, which may be
601 refundable if the applicant is found ineligible to take the
602 examination. The department shall examine each applicant who the
603 board certifies has met all of the following criteria:

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604 (a) Completed the application form and remitted the
605 appropriate fee.

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

608 (c) Submitted proof satisfactory to the department that he
609 or she is a graduate of a chiropractic college which is
610 accredited by or has status with the Council on Chiropractic
611 Education or its predecessor agency. However, any applicant who
612 is a graduate of a chiropractic college that was initially
613 accredited by the Council on Chiropractic Education in 1995, who
614 graduated from such college within the 4 years immediately
615 preceding such accreditation, and who is otherwise qualified is
616 ~~shall be~~ eligible to take the examination. An ~~No~~ application for
617 a license to practice chiropractic medicine may not ~~shall~~ be
618 denied solely because the applicant is a graduate of a
619 chiropractic college that subscribes to one philosophy of
620 chiropractic medicine as distinguished from another.

621 (d)1. For an applicant who has matriculated in a
622 chiropractic college before ~~prior to~~ July 2, 1990, completed at
623 least 2 years of residence college work, consisting of a minimum
624 of one-half the work acceptable for a bachelor's degree granted
625 on the basis of a 4-year period of study, in a college or
626 university accredited by an institutional accrediting agency
627 recognized and approved by the United States Department of
628 Education. However, before ~~prior to~~ being certified by the board

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629 to sit for the examination, each applicant who has matriculated
630 in a chiropractic college after July 1, 1990, must ~~shall~~ have
631 been granted a bachelor's degree, based upon 4 academic years of
632 study, by a college or university accredited by an institutional
633 ~~a regional~~ accrediting agency which is a member of the
634 Commission on Recognition of Postsecondary Accreditation.

635 2. Effective July 1, 2000, completed, before ~~prior to~~
636 matriculation in a chiropractic college, at least 3 years of
637 residence college work, consisting of a minimum of 90 semester
638 hours leading to a bachelor's degree in a liberal arts college
639 or university accredited by an institutional accrediting agency
640 recognized and approved by the United States Department of
641 Education. However, before ~~prior to~~ being certified by the board
642 to sit for the examination, each applicant who has matriculated
643 in a chiropractic college after July 1, 2000, must ~~shall~~ have
644 been granted a bachelor's degree from an institution holding
645 accreditation for that degree from an institutional ~~a regional~~
646 accrediting agency which is recognized by the United States
647 Department of Education. The applicant's chiropractic degree
648 must consist of credits earned in the chiropractic program and
649 may not include academic credit for courses from the bachelor's
650 degree.

651 (e) Successfully completed the National Board of
652 Chiropractic Examiners certification examination in parts I, II,
653 III, and IV, and the physiotherapy examination of the National

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654 Board of Chiropractic Examiners, with a score approved by the
655 board.

656 (f) Submitted to the department a set of fingerprints on a
657 form and under procedures specified by the department, along
658 with payment in an amount equal to the costs incurred by the
659 Department of Health for the criminal background check of the
660 applicant.

661

662 The board may require an applicant who graduated from an
663 institution accredited by the Council on Chiropractic Education
664 more than 10 years before the date of application to the board
665 to take the National Board of Chiropractic Examiners Special
666 Purposes Examination for Chiropractic, or its equivalent, as
667 determined by the board. The board shall establish by rule a
668 passing score.

669 Section 11. Subsection (4) of section 464.008, Florida
670 Statutes, is amended to read:

671 464.008 Licensure by examination.—

672 ~~(4) If an applicant who graduates from an approved program~~
673 ~~does not take the licensure examination within 6 months after~~
674 ~~graduation, he or she must enroll in and successfully complete a~~
675 ~~board-approved licensure examination preparatory course. The~~
676 ~~applicant is responsible for all costs associated with the~~
677 ~~course and may not use state or federal financial aid for such~~

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678 ~~costs. The board shall by rule establish guidelines for~~
679 ~~licensure examination preparatory courses.~~

680 Section 12. Subsection (2) of section 464.0156, Florida
681 Statutes, is amended to read:

682 464.0156 Delegation of duties.—

683 (2) A registered nurse may delegate to a certified nursing
684 assistant or a home health aide the administration of oral,
685 transdermal, ophthalmic, otic, rectal, inhaled, enteral, or
686 topical prescription medications to a patient of a home health
687 agency or nurse registry, if the certified nursing assistant or
688 home health aide meets the requirements of s. 464.2035 or s.
689 400.489, respectively. A registered nurse may not delegate the
690 administration of any controlled substance listed in Schedule
691 II, Schedule III, or Schedule IV of s. 893.03 or 21 U.S.C. s.
692 812.

693 Section 13. Paragraph (e) of subsection (1) of section
694 464.018, Florida Statutes, is amended to read:

695 464.018 Disciplinary actions.—

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

699 (e) Having been found guilty of, ~~regardless of~~
700 ~~adjudication~~, or entered a plea of nolo contendere or guilty to,
701 regardless of adjudication, any offense prohibited under s.
702 435.04 or similar statute of another jurisdiction; or having

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703 committed an act which constitutes domestic violence as defined
704 in s. 741.28.

705 Section 14. Subsections (1) and (3) of section 464.2035,
706 Florida Statutes, are amended to read:

707 464.2035 Administration of medication.—

708 (1) A certified nursing assistant may administer oral,
709 transdermal, ophthalmic, otic, rectal, inhaled, enteral, or
710 topical prescription medication to a patient of a home health
711 agency or nurse registry if the certified nursing assistant has
712 been delegated such task by a registered nurse licensed under
713 part I of this chapter, has satisfactorily completed an initial
714 6-hour training course approved by the board, and has been found
715 competent to administer medication to a patient in a safe and
716 sanitary manner. The training, determination of competency, and
717 initial and annual validation required under this section must
718 be conducted by a registered nurse licensed under this chapter
719 or a physician licensed under chapter 458 or chapter 459.

720 (3) The board, in consultation with the Agency for Health
721 Care Administration, shall establish by rule standards and
722 procedures that a certified nursing assistant must follow when
723 administering medication to a patient of a home health agency or
724 nurse registry. Such rules must, at a minimum, address
725 qualification requirements for trainers, requirements for
726 labeling medication, documentation and recordkeeping, the
727 storage and disposal of medication, instructions concerning the

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728 safe administration of medication, informed-consent requirements
729 and records, and the training curriculum and validation
730 procedures.

731 Section 15. Paragraph (h) of subsection (1) of section
732 466.028, Florida Statutes, is amended to read:

733 466.028 Grounds for disciplinary action; action by the
734 board.—

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

737 (h) Being employed by any corporation, organization,
738 group, or person other than a dentist, a hospital, or a
739 professional corporation or limited liability company composed
740 of dentists to practice dentistry.

741 Section 16. Section 466.0285, Florida Statutes, is amended
742 to read:

743 466.0285 Proprietorship by nondentists.—

744 (1) A person or an entity ~~No person~~ other than a dentist
745 licensed under pursuant to this chapter, a specialty-licensed
746 children's hospital licensed under chapter 395 as of January 1,
747 2021, or nor any entity other than a professional corporation or
748 limited liability company composed of dentists, may not:

749 (a) Employ a dentist or dental hygienist in the operation
750 of a dental office.

751 (b) Control the use of any dental equipment or material
752 while such equipment or material is being used for the provision

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753 of dental services, whether those services are provided by a
754 dentist, a dental hygienist, or a dental assistant.

755 (c) Direct, control, or interfere with a dentist's
756 clinical judgment. To direct, control, or interfere with a
757 dentist's clinical judgment does not mean ~~may not be interpreted~~
758 ~~to mean~~ dental services contractually excluded, the application
759 of alternative benefits that may be appropriate given the
760 dentist's prescribed course of treatment, or the application of
761 contractual provisions and scope of coverage determinations in
762 comparison with a dentist's prescribed treatment on behalf of a
763 covered person by an insurer, health maintenance organization,
764 or a prepaid limited health service organization.

765
766 Any lease agreement, rental agreement, or other arrangement
767 between a nondentist and a dentist whereby the nondentist
768 provides the dentist with dental equipment or dental materials
769 must ~~shall~~ contain a provision whereby the dentist expressly
770 maintains complete care, custody, and control of the equipment
771 or practice.

772 (2) The purpose of this section is to prevent a nondentist
773 from influencing or otherwise interfering with the exercise of a
774 dentist's independent professional judgment. In addition to the
775 acts specified in subsection (1), a ~~no~~ person or an entity that
776 who is not a dentist licensed under ~~pursuant to~~ this chapter, a
777 specialty-licensed children's hospital licensed under chapter

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778 395 as of January 1, 2021, or ~~nor any entity that is not a~~
779 professional corporation or limited liability company composed
780 of dentists ~~may not shall~~ enter into a relationship with a
781 licensee pursuant to which such unlicensed person or such entity
782 exercises control over any of the following:

783 (a) The selection of a course of treatment for a patient,
784 the procedures or materials to be used as part of such course of
785 treatment, and the manner in which such course of treatment is
786 carried out by the licensee. ~~†~~

787 (b) The patient records of a dentist. ~~†~~

788 (c) Policies and decisions relating to pricing, credit,
789 refunds, warranties, and advertising. ~~† and~~

790 (d) Decisions relating to office personnel and hours of
791 practice.

792 (3) Any person who violates this section commits a felony
793 of the third degree, punishable as provided in s. 775.082, s.
794 775.083, or s. 775.084.

795 (4) Any contract or arrangement entered into or undertaken
796 in violation of this section is ~~shall be~~ void as contrary to
797 public policy. This section applies to contracts entered into or
798 renewed on or after October 1, 1997.

799 Section 17. Subsections (13) and (14) of section 467.003,
800 Florida Statutes, are renumbered as subsections (14) and (15),
801 respectively, subsections (1) and (12) are amended, and a new
802 subsection (13) is added to that section, to read:

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803 467.003 Definitions.—As used in this chapter, unless the
804 context otherwise requires:

805 (1) "Approved midwifery program" means ~~a midwifery school~~
806 ~~or~~ a midwifery training program that ~~which~~ is approved by the
807 department pursuant to s. 467.205.

808 (12) "Preceptor" means a physician licensed under chapter
809 458 or chapter 459, a ~~licensed~~ midwife licensed under this
810 chapter, or a certified nurse midwife licensed under chapter
811 464, who has a minimum of 3 years' professional experience, and
812 who directs, teaches, supervises, and evaluates the learning
813 experiences of a the student midwife as part of an approved
814 midwifery program.

815 (13) "Prelicensure course" means a course of study,
816 offered by an approved midwifery program and approved by the
817 department, which an applicant for licensure must complete
818 before a license may be issued and which provides instruction in
819 the laws and rules of this state and demonstrates the student's
820 competency to practice midwifery under this chapter.

821 Section 18. Section 467.009, Florida Statutes, is amended
822 to read:

823 467.009 Approved midwifery programs; education and
824 training requirements.—

825 (1) The department shall adopt standards for approved
826 midwifery programs which must include, but need not be limited
827 to, standards for all of the following:

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

- 831 1. Obstetrics.~~†~~
- 832 2. Neonatal pediatrics.~~†~~
- 833 3. Basic sciences.~~†~~
- 834 4. Female reproductive anatomy and physiology.~~†~~
- 835 5. Behavioral sciences.~~†~~
- 836 6. Childbirth education.~~†~~
- 837 7. Community care.~~†~~
- 838 8. Epidemiology.~~†~~
- 839 9. Genetics.~~†~~
- 840 10. Embryology.~~†~~
- 841 11. Neonatology.~~†~~
- 842 12. Applied pharmacology.~~†~~
- 843 13. The medical and legal aspects of midwifery.~~†~~
- 844 14. Gynecology and women's health.~~†~~
- 845 15. Family planning.~~†~~
- 846 16. Nutrition during pregnancy and lactation.~~†~~
- 847 17. Breastfeeding.~~†~~ and
- 848 18. Basic nursing skills; ~~and any other instruction~~
849 ~~determined by the department and council to be necessary.~~

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

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853 knowledge, skills, and professional behavior in all of the
854 following areas:

855 1. Primary management, collaborative management, referral,
856 and medical consultation.~~†~~

857 2. Antepartal, intrapartal, postpartal, and neonatal
858 care.~~†~~

859 3. Family planning and gynecological care.~~†~~

860 4. Common complications.~~†~~ and

861 5. Professional responsibilities.

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

865 (2) An approved midwifery program must offer ~~shall include~~
866 a course of study ~~and clinical training~~ for a minimum of 3 years
867 which incorporates all of the standards, curriculum guidelines,
868 and educational objectives provided in this section and the
869 rules adopted hereunder.

870 (3) An approved midwifery program may reduce ~~If the~~
871 ~~applicant is a registered nurse or a licensed practical nurse or~~
872 ~~has previous nursing or midwifery education,~~ the required period
873 of training ~~may be reduced~~ to the extent of the student's
874 ~~applicant's~~ qualifications as a registered nurse or licensed
875 practical nurse or based on prior completion of equivalent
876 nursing or midwifery education, as determined ~~under rules~~

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

879 (4)-(3) An approved midwifery program may accept students
880 ~~who To be accepted into an approved midwifery program, an~~
881 ~~applicant shall have~~ completed all of the following:

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

883 (b) ~~Taken~~ Three college-level credits each of math and
884 English or demonstrated competencies in communication and
885 computation.

886 (5)-(4) As part of its course of study, an approved
887 midwifery program must require clinical training that includes
888 all of the following:

889 (a) A student midwife, during training, shall undertake,
890 ~~under the supervision of a preceptor,~~ The care of 50 women in
891 each of the prenatal, intrapartal, and postpartal periods under
892 the supervision of a preceptor. ~~but~~ The same women need not be
893 seen through all three periods.

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

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

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

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

905 (7) A hospital or birthing center receiving public funds
906 shall be required to provide student midwives access to observe
907 labor, delivery, and postpartal procedures, provided the woman
908 in labor has given informed consent. The Department of Health
909 shall assist in facilitating access to hospital training for
910 approved midwifery programs.

911 (8)-(7) The Department of Education shall adopt curricular
912 frameworks for midwifery programs conducted within public
913 educational institutions under ~~pursuant to~~ this section.

914 ~~(8) Nonpublic educational institutions that conduct~~
915 ~~approved midwifery programs shall be accredited by a member of~~
916 ~~the Commission on Recognition of Postsecondary Accreditation and~~
917 ~~shall be licensed by the Commission for Independent Education.~~

918 Section 19. Section 467.011, Florida Statutes, is amended
919 to read:

920 467.011 Licensed midwives; qualifications; examination
921 ~~Licensure by examination.-~~

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

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

928 ~~(3) The department shall issue a license to practice~~
929 ~~midwifery to an applicant who meets all of the following~~
930 ~~criteria:~~

931 ~~(1) Demonstrates that he or she has graduated from one of~~
932 ~~the following:~~

933 ~~(a) An approved midwifery program.~~

934 ~~(b) A medical or midwifery program offered in another~~
935 ~~state, jurisdiction, territory, or country whose graduation~~
936 ~~requirements were equivalent to or exceeded those required by s.~~
937 ~~467.009 and the rules adopted thereunder at the time of~~
938 ~~graduation.~~

939 ~~(2) Demonstrates that he or she has and successfully~~
940 ~~completed a prelicensure course offered by an approved midwifery~~
941 ~~program. Students graduating from an approved midwifery program~~
942 ~~may meet this requirement by showing that the content~~
943 ~~requirements for the prelicensure course were covered as part of~~
944 ~~their course of study.~~

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

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

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950 Section 20. Section 467.0125, Florida Statutes, is amended
951 to read:

952 467.0125 Licensed midwives; qualifications; Licensure by
953 endorsement; temporary certificates.—

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

958 (a) ~~1. Holds a valid certificate or diploma from a foreign~~
959 ~~institution of medicine or midwifery or from a midwifery program~~
960 ~~offered in another state, bearing the seal of the institution or~~
961 ~~otherwise authenticated, which renders the individual eligible~~
962 ~~to practice midwifery in the country or state in which it was~~
963 ~~issued, provided the requirements therefor are deemed by the~~
964 ~~department to be substantially equivalent to, or to exceed,~~
965 ~~those established under this chapter and rules adopted under~~
966 ~~this chapter, and submits therewith a certified translation of~~
967 ~~the foreign certificate or diploma; or~~

968 2. Holds an active, unencumbered ~~a valid certificate or~~
969 ~~license to practice midwifery in another state, jurisdiction, or~~
970 ~~territory issued by that state, provided the licensing~~
971 ~~requirements of that state, jurisdiction, or territory at the~~
972 ~~time the license was issued were therefor are deemed by the~~
973 ~~department to be substantially equivalent to, or exceeded to~~

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974 ~~exceed,~~ those established under this chapter and the rules
975 adopted thereunder ~~under this chapter.~~

976 (b) Has successfully completed a ~~4-month~~ prelicensure
977 course conducted by an approved midwifery program ~~and has~~
978 ~~submitted documentation to the department of successful~~
979 ~~completion.~~

980 (c) Submits an application for licensure on a form
981 approved by the department and pays the appropriate fee ~~Has~~
982 ~~successfully passed the licensed midwifery examination.~~

983 (2) The department may issue a temporary certificate to
984 practice in areas of critical need to an applicant ~~any midwife~~
985 who is qualifying for a midwifery license ~~licensure by~~
986 ~~endorsement~~ under subsection (1) who meets all of the following
987 criteria, with the following restrictions:

988 (a) Submits an application for a temporary certificate on
989 a form approved by the department and pays the appropriate fee,
990 which may not exceed \$50 and is in addition to the fee required
991 for licensure by endorsement under subsection (1);

992 (b) Specifies on the application that he or she will ~~The~~
993 ~~Department of Health shall determine the areas of critical need,~~
994 ~~and the midwife so certified shall practice only in~~ one or more
995 of the following locations:

- 996 1. A county health department;
997 2. A correctional facility;
998 3. A Department of Veterans' Affairs clinic;

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999 4. A community health center funded by s. 329, s. 330, or
1000 s. 340 of the United States Public Health Service Act; or

1001 5. Any other agency or institution that is approved by the
1002 State Surgeon General and provides health care to meet the needs
1003 of an underserved population in this state; and ~~those specific~~
1004 areas,

1005 (c) Will practice only under the supervision ~~auspices~~ of a
1006 physician licensed under ~~pursuant to~~ chapter 458 or chapter 459,
1007 a certified nurse midwife licensed under ~~pursuant to~~ part I of
1008 chapter 464, or a midwife licensed under this chapter, ~~who has a~~
1009 minimum of 3 years' professional experience.

1010 (3) The department may issue a temporary certificate under
1011 this section with the following restrictions:

1012 (a) A requirement that a temporary certificateholder
1013 practice only in areas of critical need. The State Surgeon
1014 General shall determine the areas of critical need, which ~~Such~~
1015 areas ~~shall~~ include, but are not ~~be~~ limited to, health
1016 professional shortage areas designated by the United States
1017 Department of Health and Human Services.

1018 (b) A requirement that if a temporary certificateholder's
1019 practice area ceases to be an area of critical need, within 30
1020 days after such change the certificateholder must either:

1021 1. Report a new practice area of critical need to the
1022 department; or

1023 2. Voluntarily relinquish the temporary certificate.

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1024 (4) The department shall review a temporary
1025 certificateholder's practice at least annually to determine
1026 whether the certificateholder is meeting the requirements of
1027 subsections (2) and (3) and the rules adopted thereunder. If the
1028 department determines that a certificateholder is not meeting
1029 these requirements, the department must revoke the temporary
1030 certificate.

1031 (5) A temporary certificate issued under this section is
1032 shall be valid only as long as an area for which it is issued
1033 remains an area of critical need, but no longer than 2 years,
1034 and is shall not be renewable.

1035 ~~(c) The department may administer an abbreviated oral~~
1036 ~~examination to determine the midwife's competency, but no~~
1037 ~~written regular examination shall be necessary.~~

1038 ~~(d) The department shall not issue a temporary certificate~~
1039 ~~to any midwife who is under investigation in another state for~~
1040 ~~an act which would constitute a violation of this chapter until~~
1041 ~~such time as the investigation is complete, at which time the~~
1042 ~~provisions of this section shall apply.~~

1043 ~~(e) The department shall review the practice under a~~
1044 ~~temporary certificate at least annually to ascertain that the~~
1045 ~~minimum requirements of the midwifery rules promulgated under~~
1046 ~~this chapter are being met. If it is determined that the minimum~~
1047 ~~requirements are not being met, the department shall immediately~~
1048 ~~revoke the temporary certificate.~~

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1049 ~~(f) The fee for a temporary certificate shall not exceed~~
1050 ~~\$50 and shall be in addition to the fee required for licensure.~~

1051 Section 21. Section 467.205, Florida Statutes, is amended
1052 to read:

1053 467.205 Approval of midwifery programs.—

1054 (1) The department shall approve an accredited or state-
1055 licensed public or private institution seeking to provide
1056 midwifery education and training as an approved midwifery
1057 program in this state if the institution meets all of the
1058 following criteria:

1059 (a) Submits an application for approval on a form approved
1060 by the department.

1061 (b) Demonstrates to the department's satisfaction that the
1062 proposed midwifery program complies with s. 467.009 and the
1063 rules adopted thereunder.

1064 (c) For a private institution, demonstrates its
1065 accreditation by a member of the Council for Higher Education
1066 Accreditation or an accrediting agency approved by the United
1067 States Department of Education and its licensing or provisional
1068 licensing by the Commission for Independent Education ~~An~~
1069 organization desiring to conduct an approved program for the
1070 education of midwives shall apply to the department and submit
1071 such evidence as may be required to show that it complies with
1072 s. 467.009 and with the rules of the department. Any accredited

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1073 ~~or state-licensed institution of higher learning, public or~~
1074 ~~private, may provide midwifery education and training.~~

1075 ~~(2) The department shall adopt rules regarding educational~~
1076 ~~objectives, faculty qualifications, curriculum guidelines,~~
1077 ~~administrative procedures, and other training requirements as~~
1078 ~~are necessary to ensure that approved programs graduate midwives~~
1079 ~~competent to practice under this chapter.~~

1080 ~~(3) The department shall survey each organization applying~~
1081 ~~for approval. If the department is satisfied that the program~~
1082 ~~meets the requirements of s. 467.009 and rules adopted pursuant~~
1083 ~~to that section, it shall approve the program.~~

1084 (2)(4) The department shall, at least once every 3 years,
1085 certify whether each approved midwifery program is currently
1086 compliant, and has maintained compliance, ~~complies~~ with the
1087 requirements of standards developed under s. 467.009 and the
1088 rules adopted thereunder.

1089 (3)(5) If the department finds that an approved midwifery
1090 program is not in compliance with the requirements of s. 467.009
1091 or the rules adopted thereunder, or has lost its accreditation
1092 status, the department must provide its finding to the program
1093 in writing and no longer meets the required standards, it may
1094 place the program on probationary status for a specified period
1095 of time, which may not exceed 3 years until such time as the
1096 standards are restored.

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1097 (4) If a program on probationary status does not come into
1098 compliance with the requirements of s. 467.009 or the rules
1099 adopted thereunder, or regain its accreditation status, as
1100 applicable, within the period specified by the department fails
1101 to correct these conditions within a specified period of time,
1102 the department may rescind the program's approval.

1103 (5) A Any program that has having its approval rescinded
1104 has shall have the right to reapply for approval.

1105 (6) The department may grant provisional approval of a new
1106 program seeking accreditation status, for a period not to exceed
1107 5 years, provided that all other requirements of this section
1108 are met.

1109 (7) The department may rescind provisional approval of a
1110 program that fails to the meet the requirements of s. 467.009,
1111 this section, or the rules adopted thereunder, in accordance
1112 with procedures provided in subsections (3) and (4) may be
1113 granted pending the licensure results of the first graduating
1114 class.

1115 Section 22. Subsection (4) of section 468.203, Florida
1116 Statutes, is amended to read:

1117 468.203 Definitions.—As used in this act, the term:

1118 (4) "Occupational therapy" means the therapeutic use of
1119 occupations through habilitation, rehabilitation, and the
1120 promotion of health and wellness with individuals, groups, or
1121 populations, along with their families or organizations to

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1122 support participation, performance, and function in the home,
1123 school, workplace, community, and other settings for clients who
1124 have or are at risk of developing an illness, injury, disease,
1125 disorder, condition, impairment, disability, activity
1126 limitation, or participation restriction ~~purposeful activity or~~
1127 ~~interventions to achieve functional outcomes.~~

1128 (a) For the purposes of this subsection:

1129 1. "Activities of daily living" means functions and tasks
1130 for self-care which are performed on a daily or routine basis,
1131 including functional mobility, bathing, dressing, eating and
1132 swallowing, personal hygiene and grooming, toileting, and other
1133 similar tasks. ~~"Achieving functional outcomes" means to maximize~~
1134 ~~the independence and the maintenance of health of any individual~~
1135 ~~who is limited by a physical injury or illness, a cognitive~~
1136 ~~impairment, a psychosocial dysfunction, a mental illness, a~~
1137 ~~developmental or a learning disability, or an adverse~~
1138 ~~environmental condition.~~

1139 2. "Assessment" means the use of skilled observation or
1140 the administration and interpretation of standardized or
1141 nonstandardized tests and measurements to identify areas for
1142 occupational therapy services.

1143 3. "Behavioral health services" means the promotion of
1144 occupational performance through services to support positive
1145 mental health by providing direct individual and group

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1146 interventions to improve the client's participation in daily
1147 occupations.

1148 4. "Health management" means activities related to
1149 developing, managing, and maintaining health and wellness,
1150 including self-management, with the goal of improving or
1151 maintaining health to support participation in occupations.

1152 5. "Instrumental activities of daily living" means daily
1153 or routine activities a person must perform to live
1154 independently within the home and community.

1155 6. "Mental health services" means the promotion of
1156 occupational performance related to mental health, coping,
1157 resilience, and well-being by providing individual, group, and
1158 population level supports and services to improve the client's
1159 participation in daily occupations for those who are at risk of,
1160 experiencing, or in recovery from these conditions, along with
1161 their families and communities.

1162 7. "Occupations" means meaningful and purposeful everyday
1163 activities performed and engaged in by individuals, groups,
1164 populations, families, or communities which occur in contexts
1165 and over time, such as activities of daily living, instrumental
1166 activities of daily living, health management, rest and sleep,
1167 education, work, play, leisure, and social participation. The
1168 term includes more specific occupations and execution of
1169 multiple activities that are influenced by performance patterns,

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1170 performance skills, and client factors, resulting in varied
1171 outcomes.

1172 8. "Occupational performance" means the ability to
1173 perceive, desire, recall, plan, and carry out roles, routines,
1174 tasks, and subtasks for the purpose of self-maintenance, self-
1175 preservation, productivity, leisure, and rest, for oneself or
1176 others, in response to internal or external demands of
1177 occupations and contexts.

1178 (b) The practice of occupational therapy includes ~~services~~
1179 ~~include,~~ but is ~~are~~ not limited to:

1180 1. Assessment, treatment, education of, and consultation
1181 with, individuals, groups, and populations whose abilities to
1182 participate safely in occupations, including activities of daily
1183 living, instrumental activities of daily living, rest and sleep,
1184 education, work, play, leisure, and social participation are
1185 impaired or at risk for impairment due to issues related, but
1186 not limited, to developmental deficiencies, the aging process,
1187 learning disabilities, physical environment and sociocultural
1188 context, physical injury or disease, cognitive impairments, and
1189 psychological and social disabilities ~~The assessment, treatment,~~
1190 ~~and education of or consultation with the individual, family, or~~
1191 ~~other persons.~~

1192 2. Methods or approaches to determine abilities and
1193 limitations related to performance of occupations, including,
1194 but not limited to, the identification of physical, sensory,

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1195 cognitive, emotional, or social deficiencies ~~Interventions~~
1196 ~~directed toward developing daily living skills, work readiness~~
1197 ~~or work performance, play skills or leisure capacities, or~~
1198 ~~enhancing educational performance skills.~~

1199 3. Specific occupational therapy techniques used for
1200 treatment that involve, but are not limited to, training in
1201 activities of daily living; environmental modification;
1202 assessment of the need for the use of interventions such as the
1203 design, fabrication, and application of orthotics or orthotic
1204 devices; selecting, applying, and training in the use of
1205 assistive technology and adaptive devices; sensory, motor, and
1206 cognitive activities; therapeutic exercises; manual techniques;
1207 physical agent modalities; behavioral health services; and
1208 mental health services ~~Providing for the development of:~~
1209 ~~sensory-motor, perceptual, or neuromuscular functioning; range~~
1210 ~~of motion; or emotional, motivational, cognitive, or~~
1211 ~~psychosocial components of performance.~~

1212
1213 ~~These services may require assessment of the need for use of~~
1214 ~~interventions such as the design, development, adaptation,~~
1215 ~~application, or training in the use of assistive technology~~
1216 ~~devices; the design, fabrication, or application of~~
1217 ~~rehabilitative technology such as selected orthotic devices;~~
1218 ~~training in the use of assistive technology; orthotic or~~
1219 ~~prosthetic devices; the application of physical agent modalities~~

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1220 ~~as an adjunct to or in preparation for purposeful activity; the~~
1221 ~~use of ergonomic principles; the adaptation of environments and~~
1222 ~~processes to enhance functional performance; or the promotion of~~
1223 ~~health and wellness.~~

1224 (c) The use of devices subject to 21 C.F.R. s. 801.109 and
1225 identified by the board is expressly prohibited except by an
1226 occupational therapist or occupational therapy assistant who has
1227 received training as specified by the board. The board shall
1228 adopt rules to carry out the purpose of this provision.

1229 Section 23. Subsection (2) of section 468.209, Florida
1230 Statutes, is amended to read:

1231 468.209 Requirements for licensure.—

1232 (2) An applicant who has practiced as a state-licensed or
1233 American Occupational Therapy Association-certified occupational
1234 therapy assistant for 4 years and who, before ~~prior to~~ January
1235 24, 1988, completed a minimum of 24 weeks ~~6 months~~ of supervised
1236 occupational-therapist-level fieldwork experience may take the
1237 examination to be licensed as an occupational therapist without
1238 meeting the educational requirements for occupational therapists
1239 made otherwise applicable under paragraph (1) (b).

1240 Section 24. Subsection (2) of section 468.215, Florida
1241 Statutes, is amended to read:

1242 468.215 Issuance of license.—

1243 (2) Any person who is issued a license as an occupational
1244 therapist under the terms of this act may use the words

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1245 "occupational therapist," "licensed occupational therapist,"
1246 "occupational therapist doctorate," or "occupational therapist
1247 registered," or he or she may use the letters "O.T.," "L.O.T.,"
1248 "O.T.D.," or "O.T.R.," in connection with his or her name or
1249 place of business to denote his or her registration hereunder.

1250 Section 25. Section 468.223, Florida Statutes, is amended
1251 to read:

1252 468.223 Prohibitions; penalties.—

1253 (1) A person may not:

1254 (a) Practice occupational therapy unless such person is
1255 licensed pursuant to ss. 468.201-468.225;

1256 (b) Use, in connection with his or her name or place of
1257 business, the words "occupational therapist," "licensed
1258 occupational therapist," "occupational therapist doctorate,"
1259 "occupational therapist registered," "occupational therapy
1260 assistant," "licensed occupational therapy assistant,"
1261 "certified occupational therapy assistant"; the letters "O.T.,"
1262 "L.O.T.," "O.T.D.," "O.T.R.," "O.T.A.," "L.O.T.A.," or
1263 "C.O.T.A."; or any other words, letters, abbreviations, or
1264 insignia indicating or implying that he or she is an
1265 occupational therapist or an occupational therapy assistant or,
1266 in any way, orally or in writing, in print or by sign, directly
1267 or by implication, to represent himself or herself as an
1268 occupational therapist or an occupational therapy assistant

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1269 unless the person is a holder of a valid license issued pursuant
1270 to ss. 468.201-468.225;

1271 (c) Present as his or her own the license of another;

1272 (d) Knowingly give false or forged evidence to the board
1273 or a member thereof;

1274 (e) Use or attempt to use a license that ~~which~~ has been
1275 suspended, revoked, or placed on inactive or delinquent status;

1276 (f) Employ unlicensed persons to engage in the practice of
1277 occupational therapy; or

1278 (g) Conceal information relative to any violation of ss.
1279 468.201-468.225.

1280 (2) Any person who violates any provision of this section
1281 commits a misdemeanor of the second degree, punishable as
1282 provided in s. 775.082 or s. 775.083.

1283 Section 26. Paragraph (e) is added to subsection (1) of
1284 section 468.225, Florida Statutes, to read:

1285 468.225 Exemptions.—

1286 (1) Nothing in this act shall be construed as preventing
1287 or restricting the practice, services, or activities of:

1288 (e) Any person fulfilling an occupational therapy doctoral
1289 capstone experience that involves clinical practice or projects.

1290 Section 27. Subsections (2), (3), and (4) and paragraphs
1291 (a) and (b) of subsection (5) of section 468.803, Florida
1292 Statutes, are amended to read:

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1293 468.803 License, registration, and examination
1294 requirements.—

1295 (2) An applicant for registration, examination, or
1296 licensure must apply to the department on a form prescribed by
1297 the board for consideration of board approval. Each initial
1298 applicant shall submit ~~a set of~~ fingerprints to the department
1299 ~~on a form and~~ under procedures specified by the department,
1300 ~~along with payment in an amount equal to the costs incurred by~~
1301 ~~the department~~ for state and national criminal history checks of
1302 the applicant. ~~The department shall submit the fingerprints~~
1303 ~~provided by an applicant to the Department of Law Enforcement~~
1304 ~~for a statewide criminal history check, and the Department of~~
1305 ~~Law Enforcement shall forward the fingerprints to the Federal~~
1306 ~~Bureau of Investigation for a national criminal history check of~~
1307 ~~the applicant.~~ The board shall screen the results to determine
1308 if an applicant meets licensure requirements. The board shall
1309 consider for examination, registration, or licensure each
1310 applicant who the board verifies:

1311 (a) Has submitted the completed application and completed
1312 the fingerprinting requirements ~~fingerprint forms~~ and has paid
1313 the applicable application fee, not to exceed \$500, ~~and the cost~~
1314 ~~of the state and national criminal history checks.~~ The
1315 application fee is ~~and cost of the criminal history checks shall~~
1316 ~~be~~ nonrefundable;

1317 (b) Is of good moral character;

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1318 (c) Is 18 years of age or older; and
1319 (d) Has completed the appropriate educational preparation.
1320 (3) A person seeking to attain the orthotics or
1321 prosthetics experience required for licensure in this state must
1322 be approved by the board and registered as a resident by the
1323 department. Although a registration may be held in both
1324 disciplines, for independent registrations the board may not
1325 approve a second registration until at least 1 year after the
1326 issuance of the first registration. Notwithstanding subsection
1327 (2), a person who has been approved by the board and registered
1328 by the department in one discipline may apply for registration
1329 in the second discipline without an additional state or national
1330 criminal history check during the period in which the first
1331 registration is valid. Each independent registration or dual
1332 registration is valid for 2 years after the date of issuance
1333 unless otherwise revoked by the department upon recommendation
1334 of the board. The board shall set a registration fee not to
1335 exceed \$500 to be paid by the applicant. A registration may be
1336 renewed once by the department upon recommendation of the board
1337 for a period no longer than 1 year, as such renewal is defined
1338 by the board by rule. The renewal fee may not exceed one-half
1339 the current registration fee. To be considered by the board for
1340 approval of registration as a resident, the applicant must have
1341 one of the following:

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1342 (a) A Bachelor of Science or higher-level postgraduate
1343 degree in orthotics and prosthetics from an ~~a regionally~~
1344 accredited college or university recognized by the Commission on
1345 Accreditation of Allied Health Education Programs.

1346 (b) A minimum of a bachelor's degree from an
1347 institutionally ~~a regionally~~ accredited college or university
1348 and a certificate in orthotics or prosthetics from a program
1349 recognized by the Commission on Accreditation of Allied Health
1350 Education Programs, or its equivalent, as determined by the
1351 board.

1352 (c) A minimum of a bachelor's degree from an
1353 institutionally ~~a regionally~~ accredited college or university
1354 and a dual certificate in both orthotics and prosthetics from
1355 programs recognized by the Commission on Accreditation of Allied
1356 Health Education Programs, or its equivalent, as determined by
1357 the board.

1358 (4) The department may develop and administer a state
1359 examination for an orthotist or a prosthetist license, or the
1360 board may approve the existing examination of a national
1361 standards organization. The examination must be predicated on a
1362 minimum of a baccalaureate-level education and formalized
1363 specialized training in the appropriate field. Each examination
1364 must demonstrate a minimum level of competence in basic
1365 scientific knowledge, written problem solving, and practical
1366 clinical patient management. The board shall require an

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1367 examination fee not to exceed the actual cost to the board in
1368 developing, administering, and approving the examination, which
1369 fee must be paid by the applicant. To be considered by the board
1370 for examination, the applicant must have:

1371 (a) For an examination in orthotics:

1372 1. A Bachelor of Science or higher-level postgraduate
1373 degree in orthotics and prosthetics from an institutionally a
1374 ~~regionally~~ accredited college or university recognized by the
1375 Commission on Accreditation of Allied Health Education Programs
1376 or, at a minimum, a bachelor's degree from an institutionally a
1377 ~~regionally~~ accredited college or university and a certificate in
1378 orthotics from a program recognized by the Commission on
1379 Accreditation of Allied Health Education Programs, or its
1380 equivalent, as determined by the board; and

1381 2. An approved orthotics internship of 1 year of qualified
1382 experience, as determined by the board, or an orthotic residency
1383 or dual residency program recognized by the board.

1384 (b) For an examination in prosthetics:

1385 1. A Bachelor of Science or higher-level postgraduate
1386 degree in orthotics and prosthetics from an institutionally a
1387 ~~regionally~~ accredited college or university recognized by the
1388 Commission on Accreditation of Allied Health Education Programs
1389 or, at a minimum, a bachelor's degree from an institutionally a
1390 ~~regionally~~ accredited college or university and a certificate in
1391 prosthetics from a program recognized by the Commission on

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1392 Accreditation of Allied Health Education Programs, or its
1393 equivalent, as determined by the board; and

1394 2. An approved prosthetics internship of 1 year of
1395 qualified experience, as determined by the board, or a
1396 prosthetic residency or dual residency program recognized by the
1397 board.

1398 (5) In addition to the requirements in subsection (2), to
1399 be licensed as:

1400 (a) An orthotist, the applicant must pay a license fee not
1401 to exceed \$500 and must have:

1402 1. A Bachelor of Science or higher-level postgraduate
1403 degree in Orthotics and Prosthetics from an institutionally a
1404 ~~regionally~~ accredited college or university recognized by the
1405 Commission on Accreditation of Allied Health Education Programs,
1406 or a bachelor's degree from an institutionally accredited
1407 college or university and ~~with~~ a certificate in orthotics from a
1408 program recognized by the Commission on Accreditation of Allied
1409 Health Education Programs, or its equivalent, as determined by
1410 the board;

1411 2. An approved ~~appropriate~~ internship of 1 year of
1412 qualified experience, as determined by the board, or a residency
1413 program recognized by the board;

1414 3. Completed the mandatory courses; and

1415 4. Passed the state orthotics examination or the board-
1416 approved orthotics examination.

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1417 (b) A prosthetist, the applicant must pay a license fee
1418 not to exceed \$500 and must have:

1419 1. A Bachelor of Science or higher-level postgraduate
1420 degree in Orthotics and Prosthetics from an institutionally a
1421 regionally accredited college or university recognized by the
1422 Commission on Accreditation of Allied Health Education Programs,
1423 or a bachelor's degree from an institutionally accredited
1424 college or university and with a certificate in prosthetics from
1425 a program recognized by the Commission on Accreditation of
1426 Allied Health Education Programs, or its equivalent, as
1427 determined by the board;

1428 2. An internship of 1 year of qualified experience, as
1429 determined by the board, or a residency program recognized by
1430 the board;

1431 3. Completed the mandatory courses; and

1432 4. Passed the state prosthetics examination or the board-
1433 approved prosthetics examination.

1434 Section 28. For the purpose of incorporating the amendment
1435 made by this act to section 468.203, Florida Statutes, in a
1436 reference thereto, paragraph (c) of subsection (5) of section
1437 1002.385, Florida Statutes, is reenacted to read:

1438 1002.385 The Gardiner Scholarship.—

1439 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must
1440 be used to meet the individual educational needs of an eligible
1441 student and may be spent for the following purposes:

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1442 (c) Specialized services by approved providers or by a
1443 hospital in this state which are selected by the parent. These
1444 specialized services may include, but are not limited to:

1445 1. Applied behavior analysis services as provided in ss.
1446 627.6686 and 641.31098.

1447 2. Services provided by speech-language pathologists as
1448 defined in s. 468.1125.

1449 3. Occupational therapy services as defined in s. 468.203.

1450 4. Services provided by physical therapists as defined in
1451 s. 486.021.

1452 5. Services provided by listening and spoken language
1453 specialists and an appropriate acoustical environment for a
1454 child who is deaf or hard of hearing and who has received an
1455 implant or assistive hearing device.

1456
1457 A provider of any services receiving payments pursuant to this
1458 subsection may not share, refund, or rebate any moneys from the
1459 Gardiner Scholarship with the parent or participating student in
1460 any manner. A parent, student, or provider of any services may
1461 not bill an insurance company, Medicaid, or any other agency for
1462 the same services that are paid for using Gardiner Scholarship
1463 funds.

1464 Section 29. For the purpose of incorporating the amendment
1465 made by this act to section 468.203, Florida Statutes, in a

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1466 reference thereto, paragraph (c) of subsection (2) of section
1467 1002.66, Florida Statutes, is reenacted to read:

1468 1002.66 Specialized instructional services for children
1469 with disabilities.—

1470 (2) The parent of a child who is eligible for the
1471 prekindergarten program for children with disabilities may
1472 select one or more specialized instructional services that are
1473 consistent with the child's individual educational plan. These
1474 specialized instructional services may include, but are not
1475 limited to:

1476 (c) Occupational therapy as defined in s. 468.203.

1477 Section 30. Subsection (7) is added to section 483.801,
1478 Florida Statutes, to read:

1479 483.801 Exemptions.—This part applies to all clinical
1480 laboratories and clinical laboratory personnel within this
1481 state, except:

1482 (7) A registered nurse licensed under chapter 464
1483 performing alternate-site testing within a hospital or offsite
1484 emergency department licensed under chapter 395.

1485 Section 31. Section 483.824, Florida Statutes, is amended
1486 to read:

1487 483.824 Qualifications of clinical laboratory director.—A
1488 clinical laboratory director must have 4 years of clinical
1489 laboratory experience with 2 years of experience in the
1490 specialty to be directed or be nationally board certified in the

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1491 specialty to be directed, and must meet one of the following
1492 requirements:

1493 (1) Be a physician licensed under chapter 458 or chapter
1494 459;

1495 (2) Hold an earned doctoral degree in a chemical,
1496 physical, or biological science from an ~~a regionally~~ accredited
1497 institution and maintain national certification requirements
1498 equal to those required by the federal Health Care Financing
1499 Administration; or

1500 (3) For the subspecialty of oral pathology, be a physician
1501 licensed under chapter 458 or chapter 459 or a dentist licensed
1502 under chapter 466.

1503 Section 32. Subsection (3) of section 490.003, Florida
1504 Statutes, is amended to read:

1505 490.003 Definitions.—As used in this chapter:

1506 (3) (a) "Doctoral degree from an American Psychological
1507 Association accredited program" means ~~Effective July 1, 1999,~~
1508 ~~"doctoral-level psychological education" and "doctoral degree in~~
1509 ~~psychology" mean~~ a Psy.D., an Ed.D. in psychology, or a Ph.D. in
1510 psychology from a psychology program at an educational
1511 institution that, at the time the applicant was enrolled and
1512 graduated:

1513 1.(a) Had institutional accreditation from an agency
1514 recognized and approved by the United States Department of

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1515 Education or was recognized as a member in good standing with
1516 the Association of Universities and Colleges of Canada; and
1517 ~~2.(b)~~ Had programmatic accreditation from the American
1518 Psychological Association.

1519 (b) "Doctoral degree in psychology" means a Psy.D., an
1520 Ed.D. in psychology, or a Ph.D. in psychology from a psychology
1521 program at an educational institution that, at the time the
1522 applicant was enrolled and graduated, had institutional
1523 accreditation from an agency recognized and approved by the
1524 United States Department of Education or was recognized as a
1525 member in good standing with the Association of Universities and
1526 Colleges of Canada.

1527 Section 33. Subsection (1) of section 490.005, Florida
1528 Statutes, is amended to read:

1529 490.005 Licensure by examination.—

1530 (1) Any person desiring to be licensed as a psychologist
1531 shall apply to the department to take the licensure examination.
1532 The department shall license each applicant who the board
1533 certifies has met all of the following requirements:

1534 (a) Completed the application form and remitted a
1535 nonrefundable application fee not to exceed \$500 and an
1536 examination fee set by the board sufficient to cover the actual
1537 per applicant cost to the department for development, purchase,
1538 and administration of the examination, but not to exceed \$500.

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1539 (b) Submitted proof satisfactory to the board that the
1540 applicant has received:

1541 1. A doctoral degree from an American Psychological
1542 Association accredited program ~~Doctoral-level psychological~~
1543 ~~education~~; or

1544 2. The equivalent of a doctoral degree from an American
1545 Psychological Association accredited program ~~doctoral-level~~
1546 ~~psychological education, as defined in s. 490.003(3)~~, from a
1547 program at a school or university located outside the United
1548 States of America which was officially recognized by the
1549 government of the country in which it is located as an
1550 institution or program to train students to practice
1551 professional psychology. The applicant has the burden of
1552 establishing that this requirement has been met.

1553 (c) Had at least 2 years or 4,000 hours of experience in
1554 the field of psychology in association with or under the
1555 supervision of a licensed psychologist meeting the academic and
1556 experience requirements of this chapter or the equivalent as
1557 determined by the board. The experience requirement may be met
1558 by work performed on or off the premises of the supervising
1559 psychologist if the off-premises work is not the independent,
1560 private practice rendering of psychological services that does
1561 not have a psychologist as a member of the group actually
1562 rendering psychological services on the premises.

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1563 (d) Passed the examination. However, an applicant who has
1564 obtained a passing score, as established by the board by rule,
1565 on the psychology licensure examination designated by the board
1566 as the national licensure examination need only pass the Florida
1567 law and rules portion of the examination.

1568 Section 34. Subsection (1) of section 490.0051, Florida
1569 Statutes, is amended to read:

1570 490.0051 Provisional licensure; requirements.—

1571 (1) The department shall issue a provisional psychology
1572 license to each applicant who the board certifies has:

1573 (a) Completed the application form and remitted a
1574 nonrefundable application fee not to exceed \$250, as set by
1575 board rule.

1576 (b) Earned a doctoral degree from an American
1577 Psychological Association accredited program in psychology as
1578 defined in s. 490.003(3).

1579 (c) Met any additional requirements established by board
1580 rule.

1581 Section 35. Subsections (1), (3), and (4) of section
1582 491.005, Florida Statutes, are amended to read:

1583 491.005 Licensure by examination.—

1584 (1) CLINICAL SOCIAL WORK.—Upon verification of
1585 documentation and payment of a fee not to exceed \$200, as set by
1586 board rule, ~~plus the actual per applicant cost to the department~~
1587 ~~for purchase of the examination from the American Association of~~

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1588 ~~State Social Worker's Boards or a similar national organization,~~
1589 the department shall issue a license as a clinical social worker
1590 to an applicant who the board certifies has met all of the
1591 following criteria:

1592 (a) ~~Has~~ Submitted an application and paid the appropriate
1593 fee.

1594 (b)1. ~~Has~~ Received a doctoral degree in social work from a
1595 graduate school of social work which at the time the applicant
1596 graduated was accredited by an accrediting agency recognized by
1597 the United States Department of Education or ~~has~~ received a
1598 master's degree in social work from a graduate school of social
1599 work which at the time the applicant graduated:

1600 a. Was accredited by the Council on Social Work Education;

1601 b. Was accredited by the Canadian Association of Schools
1602 of Social Work; or

1603 c. Has been determined to have been a program equivalent
1604 to programs approved by the Council on Social Work Education by
1605 the Foreign Equivalency Determination Service of the Council on
1606 Social Work Education. An applicant who graduated from a program
1607 at a university or college outside of the United States or
1608 Canada must present documentation of the equivalency
1609 determination from the council in order to qualify.

1610 2. The applicant's graduate program must have emphasized
1611 direct clinical patient or client health care services,
1612 including, but not limited to, coursework in clinical social

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1613 work, psychiatric social work, medical social work, social
1614 casework, psychotherapy, or group therapy. The applicant's
1615 graduate program must have included all of the following
1616 coursework:

1617 a. A supervised field placement which was part of the
1618 applicant's advanced concentration in direct practice, during
1619 which the applicant provided clinical services directly to
1620 clients.

1621 b. Completion of 24 semester hours or 32 quarter hours in
1622 theory of human behavior and practice methods as courses in
1623 clinically oriented services, including a minimum of one course
1624 in psychopathology, and no more than one course in research,
1625 taken in a school of social work accredited or approved pursuant
1626 to subparagraph 1.

1627 3. If the course title which appears on the applicant's
1628 transcript does not clearly identify the content of the
1629 coursework, the applicant shall be required to provide
1630 additional documentation, including, but not limited to, a
1631 syllabus or catalog description published for the course.

1632 (c) ~~Has~~ Had at least 2 years of clinical social work
1633 experience, which took place subsequent to completion of a
1634 graduate degree in social work at an institution meeting the
1635 accreditation requirements of this section, under the
1636 supervision of a licensed clinical social worker or the
1637 equivalent who is a qualified supervisor as determined by the

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1638 board. An individual who intends to practice in Florida to
1639 satisfy clinical experience requirements must register pursuant
1640 to s. 491.0045 before commencing practice. If the applicant's
1641 graduate program was not a program which emphasized direct
1642 clinical patient or client health care services as described in
1643 subparagraph (b)2., the supervised experience requirement must
1644 take place after the applicant has completed a minimum of 15
1645 semester hours or 22 quarter hours of the coursework required. A
1646 doctoral internship may be applied toward the clinical social
1647 work experience requirement. A licensed mental health
1648 professional must be on the premises when clinical services are
1649 provided by a registered intern in a private practice setting.

1650 (d) ~~Has~~ Passed a theory and practice examination
1651 designated by board rule ~~provided by the department for this~~
1652 ~~purpose.~~

1653 (e) ~~Has~~ Demonstrated, in a manner designated by rule of
1654 the board, knowledge of the laws and rules governing the
1655 practice of clinical social work, marriage and family therapy,
1656 and mental health counseling.

1657 (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of
1658 documentation and payment of a fee not to exceed \$200, as set by
1659 board rule, ~~plus the actual cost of the purchase of the~~
1660 ~~examination from the Association of Marital and Family Therapy~~
1661 ~~Regulatory Board, or similar national organization,~~ the
1662 department shall issue a license as a marriage and family

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1663 therapist to an applicant who the board certifies has met all of
1664 the following criteria:

1665 (a) ~~Has~~ Submitted an application and paid the appropriate
1666 fee.

1667 (b) 1. Obtained one of the following:

1668 a. ~~Has~~ A minimum of a master's degree with major emphasis
1669 in marriage and family therapy or a closely related field from a
1670 program accredited by the Commission on Accreditation for
1671 Marriage and Family Therapy Education or from a Florida
1672 university program accredited by the Council for Accreditation
1673 of Counseling and Related Educational Programs.

1674 b. A minimum of a master's degree with an emphasis in
1675 marriage and family therapy with a degree conferred date before
1676 July 1, 2026, from an institutionally accredited Florida college
1677 or university that is not yet accredited by the Commission on
1678 Accreditation for Marriage and Family Therapy Education or the
1679 Council for Accreditation of Counseling and Related Educational
1680 Programs.

1681 2. Completed ~~and~~ graduate courses approved by the Board of
1682 Clinical Social Work, Marriage and Family Therapy, and Mental
1683 Health Counseling.

1684
1685 If the course title that appears on the applicant's transcript
1686 does not clearly identify the content of the coursework, the
1687 applicant shall provide additional documentation, including, but

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1688 not limited to, a syllabus or catalog description published for
1689 the course. The required master's degree must have been received
1690 in an institution of higher education that, at the time the
1691 applicant graduated, was fully accredited by an institutional a
1692 ~~regional~~ accrediting body recognized by the Commission on
1693 Recognition of Postsecondary Accreditation or publicly
1694 recognized as a member in good standing with the Association of
1695 Universities and Colleges of Canada, or an institution of higher
1696 education located outside the United States and Canada which, at
1697 the time the applicant was enrolled and at the time the
1698 applicant graduated, maintained a standard of training
1699 substantially equivalent to the standards of training of those
1700 institutions in the United States which are accredited by an
1701 institutional a ~~regional~~ accrediting body recognized by the
1702 Commission on Recognition of Postsecondary Accreditation. Such
1703 foreign education and training must have been received in an
1704 institution or program of higher education officially recognized
1705 by the government of the country in which it is located as an
1706 institution or program to train students to practice as
1707 professional marriage and family therapists or psychotherapists.
1708 The applicant has the burden of establishing that the
1709 requirements of this provision have been met, and the board
1710 shall require documentation, such as an evaluation by a foreign
1711 equivalency determination service, as evidence that the
1712 applicant's graduate degree program and education were

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1713 equivalent to an accredited program in this country. An
1714 applicant with a master's degree from a program that did not
1715 emphasize marriage and family therapy may complete the
1716 coursework requirement in a training institution fully
1717 accredited by the Commission on Accreditation for Marriage and
1718 Family Therapy Education recognized by the United States
1719 Department of Education.

1720 (c) ~~Has~~ Had at least 2 years of clinical experience during
1721 which 50 percent of the applicant's clients were receiving
1722 marriage and family therapy services, which must have been ~~be~~ at
1723 the post-master's level under the supervision of a licensed
1724 marriage and family therapist with at least 5 years of
1725 experience, or the equivalent, who is a qualified supervisor as
1726 determined by the board. An individual who intends to practice
1727 in Florida to satisfy the clinical experience requirements must
1728 register pursuant to s. 491.0045 before commencing practice. If
1729 a graduate has a master's degree with a major emphasis in
1730 marriage and family therapy or a closely related field which did
1731 not include all of the coursework required by paragraph (b),
1732 credit for the post-master's level clinical experience may not
1733 commence until the applicant has completed a minimum of 10 of
1734 the courses required by paragraph (b), as determined by the
1735 board, and at least 6 semester hours or 9 quarter hours of the
1736 course credits must have been completed in the area of marriage
1737 and family systems, theories, or techniques. Within the 2 years

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1738 of required experience, the applicant must ~~shall~~ provide direct
1739 individual, group, or family therapy and counseling to cases
1740 including those involving unmarried dyads, married couples,
1741 separating and divorcing couples, and family groups that include
1742 children. A doctoral internship may be applied toward the
1743 clinical experience requirement. A licensed mental health
1744 professional must be on the premises when clinical services are
1745 provided by a registered intern in a private practice setting.

1746 (d) ~~Has~~ Passed a theory and practice examination
1747 designated by board rule ~~provided by the department~~.

1748 (e) ~~Has~~ Demonstrated, in a manner designated by board
1749 rule, knowledge of the laws and rules governing the practice of
1750 clinical social work, marriage and family therapy, and mental
1751 health counseling.

1752
1753 For the purposes of dual licensure, the department shall license
1754 as a marriage and family therapist any person who meets the
1755 requirements of s. 491.0057. Fees for dual licensure may not
1756 exceed those stated in this subsection.

1757 (4) MENTAL HEALTH COUNSELING.—Upon verification of
1758 documentation and payment of a fee not to exceed \$200, as set by
1759 board rule, ~~plus the actual per applicant cost of purchase of~~
1760 ~~the examination from the National Board for Certified Counselors~~
1761 ~~or its successor organization,~~ the department shall issue a

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1762 license as a mental health counselor to an applicant who the
1763 board certifies has met all of the following criteria:

1764 (a) ~~Has~~ Submitted an application and paid the appropriate
1765 fee.

1766 (b)1. Obtained ~~Has~~ a minimum of an earned master's degree
1767 from a mental health counseling program accredited by the
1768 Council for the Accreditation of Counseling and Related
1769 Educational Programs which consists of at least 60 semester
1770 hours or 80 quarter hours of clinical and didactic instruction,
1771 including a course in human sexuality and a course in substance
1772 abuse. If the master's degree is earned from a program related
1773 to the practice of mental health counseling which is not
1774 accredited by the Council for the Accreditation of Counseling
1775 and Related Educational Programs, then the coursework and
1776 practicum, internship, or fieldwork must consist of at least 60
1777 semester hours or 80 quarter hours and meet all of the following
1778 requirements:

1779 a. Thirty-three semester hours or 44 quarter hours of
1780 graduate coursework, which must include a minimum of 3 semester
1781 hours or 4 quarter hours of graduate-level coursework in each of
1782 the following 11 content areas: counseling theories and
1783 practice; human growth and development; diagnosis and treatment
1784 of psychopathology; human sexuality; group theories and
1785 practice; individual evaluation and assessment; career and
1786 lifestyle assessment; research and program evaluation; social

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1787 and cultural foundations; substance abuse; and legal, ethical,
1788 and professional standards issues in the practice of mental
1789 health counseling. Courses in research, thesis or dissertation
1790 work, practicums, internships, or fieldwork may not be applied
1791 toward this requirement.

1792 b. A minimum of 3 semester hours or 4 quarter hours of
1793 graduate-level coursework addressing diagnostic processes,
1794 including differential diagnosis and the use of the current
1795 diagnostic tools, such as the current edition of the American
1796 Psychiatric Association's Diagnostic and Statistical Manual of
1797 Mental Disorders. The graduate program must have emphasized the
1798 common core curricular experience.

1799 c. The equivalent, as determined by the board, of at least
1800 700 hours of university-sponsored supervised clinical practicum,
1801 internship, or field experience that includes at least 280 hours
1802 of direct client services, as required in the accrediting
1803 standards of the Council for Accreditation of Counseling and
1804 Related Educational Programs for mental health counseling
1805 programs. This experience may not be used to satisfy the post-
1806 master's clinical experience requirement.

1807 2. ~~Has~~ Provided additional documentation if a course title
1808 that appears on the applicant's transcript does not clearly
1809 identify the content of the coursework. The documentation must
1810 include, but is not limited to, a syllabus or catalog
1811 description published for the course.

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1812
1813 Education and training in mental health counseling must have
1814 been received in an institution of higher education that, at the
1815 time the applicant graduated, was fully accredited by an
1816 institutional ~~a regional~~ accrediting body recognized by the
1817 Council for Higher Education Accreditation or its successor
1818 organization or publicly recognized as a member in good standing
1819 with the Association of Universities and Colleges of Canada, or
1820 an institution of higher education located outside the United
1821 States and Canada which, at the time the applicant was enrolled
1822 and at the time the applicant graduated, maintained a standard
1823 of training substantially equivalent to the standards of
1824 training of those institutions in the United States which are
1825 accredited by an institutional ~~a regional~~ accrediting body
1826 recognized by the Council for Higher Education Accreditation or
1827 its successor organization. Such foreign education and training
1828 must have been received in an institution or program of higher
1829 education officially recognized by the government of the country
1830 in which it is located as an institution or program to train
1831 students to practice as mental health counselors. The applicant
1832 has the burden of establishing that the requirements of this
1833 provision have been met, and the board shall require
1834 documentation, such as an evaluation by a foreign equivalency
1835 determination service, as evidence that the applicant's graduate
1836 degree program and education were equivalent to an accredited

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1837 program in this country. Beginning July 1, 2025, an applicant
1838 must have a master's degree from a program that is accredited by
1839 the Council for Accreditation of Counseling and Related
1840 Educational Programs, the Masters in Psychology and Counseling
1841 Accreditation Council, or an equivalent accrediting body which
1842 consists of at least 60 semester hours or 80 quarter hours to
1843 apply for licensure under this paragraph.

1844 (c) ~~Has~~ Had at least 2 years of clinical experience in
1845 mental health counseling, which must be at the post-master's
1846 level under the supervision of a licensed mental health
1847 counselor or the equivalent who is a qualified supervisor as
1848 determined by the board. An individual who intends to practice
1849 in Florida to satisfy the clinical experience requirements must
1850 register pursuant to s. 491.0045 before commencing practice. If
1851 a graduate has a master's degree with a major related to the
1852 practice of mental health counseling which did not include all
1853 the coursework required under sub-subparagraphs (b)1.a. and b.,
1854 credit for the post-master's level clinical experience may not
1855 commence until the applicant has completed a minimum of seven of
1856 the courses required under sub-subparagraphs (b)1.a. and b., as
1857 determined by the board, one of which must be a course in
1858 psychopathology or abnormal psychology. A doctoral internship
1859 may be applied toward the clinical experience requirement. A
1860 licensed mental health professional must be on the premises when

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1861 clinical services are provided by a registered intern in a
1862 private practice setting.

1863 (d) ~~Has~~ Passed a theory and practice examination
1864 designated by department rule ~~provided by the department for~~
1865 ~~this purpose.~~

1866 (e) ~~Has~~ Demonstrated, in a manner designated by board
1867 rule, knowledge of the laws and rules governing the practice of
1868 clinical social work, marriage and family therapy, and mental
1869 health counseling.

1870 Section 36. Except as otherwise expressly provided in this
1871 act, this act shall take effect July 1, 2021.

1872

1873 -----

1874 **T I T L E A M E N D M E N T**

1875 Remove everything before the enacting clause and insert:

1876 A bill to be entitled

1877 An act relating to the Department of Health; amending

1878 s. 381.0045, F.S.; revising the purpose of the

1879 department's targeted outreach program for certain

1880 pregnant women; requiring the department to encourage

1881 high-risk pregnant women of unknown status to be

1882 tested for sexually transmissible diseases; requiring

1883 the department to provide specified information to

1884 pregnant women who have human immunodeficiency virus

1885 (HIV); requiring the department to link women with

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1886 | mental health services when available; requiring the
1887 | department to educate pregnant women who have HIV on
1888 | certain information; requiring the department to
1889 | provide, for a specified purpose, continued oversight
1890 | of newborns exposed to HIV; amending s. 381.986, F.S.;
1891 | authorizing the Department of Health to select samples
1892 | of marijuana available in certain facilities for
1893 | testing for specified purposes; authorizing the
1894 | department to sample marijuana delivery devices from a
1895 | dispensing facility to determine safety; requiring
1896 | that a medical marijuana treatment center recall all
1897 | marijuana, rather than only edibles, under certain
1898 | circumstances; authorizing the department and certain
1899 | employees to acquire, possess, test, transport, and
1900 | dispose of marijuana; prohibiting the department from
1901 | renewing a medical marijuana treatment center's
1902 | license under certain circumstances; amending s.
1903 | 381.988, F.S.; authorizing the department and certain
1904 | employees to acquire, possess, test, transport, and
1905 | dispose of marijuana; creating s. 395.3042, F.S.;
1906 | requiring the Department of Health to send a list of
1907 | certain providers of adult cardiovascular services to
1908 | specified persons and entities annually; requiring the
1909 | department to develop a sample heart attack-triage
1910 | assessment tool to be posted on its website and

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1911 distributed to licensed emergency medical services
1912 providers; requiring such providers to use the
1913 assessment tool; requiring medical directors of such
1914 providers to develop and implement certain specified
1915 protocols; requiring that such protocols include the
1916 development and implementation of certain plans;
1917 requiring the compliance of certain licensed emergency
1918 medical services providers; amending s. 400.506, F.S.;
1919 requiring a licensed nurse registry that authorizes a
1920 registered nurse to delegate tasks to a certified
1921 nursing assistant or a home health aide to ensure that
1922 certain requirements are met; amending s. 401.465,
1923 F.S.; defining the term "telecommunicator
1924 cardiopulmonary resuscitation training"; conforming
1925 cross-references; requiring certain 911 public safety
1926 telecommunicators to complete biennial
1927 telecommunicator cardiopulmonary resuscitation
1928 training; amending s. 408.033, F.S.; authorizing local
1929 health councils to collect utilization data from
1930 licensed hospitals within their respective local
1931 health council districts for a specified purpose;
1932 amending s. 456.47, F.S.; revising the prohibition on
1933 prescribing controlled substances through the use of
1934 telehealth to include only specified controlled
1935 substances; amending s. 460.406, F.S.; revising

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1936 provisions related to chiropractic physician
1937 licensing; amending s. 464.008, F.S.; deleting a
1938 requirement that certain nursing program graduates
1939 complete a specified preparatory course; amending s.
1940 464.0156, F.S.; authorizing a registered nurse to
1941 delegate the administration of certain duties for the
1942 care of a patient of a nurse registry; amending s.
1943 464.018, F.S.; revising grounds for disciplinary
1944 action against licensed nurses; amending s. 464.2035,
1945 F.S.; authorizing certified nursing assistants to
1946 administer certain medication to patients of nurse
1947 registries under certain circumstances; conforming a
1948 provision to changes made by the act; amending s.
1949 466.028, F.S.; revising grounds for disciplinary
1950 action by the Board of Dentistry; amending s.
1951 466.0285, F.S.; exempting certain specialty hospitals
1952 from prohibitions relating to the employment of
1953 dentists and dental hygienists and the control of
1954 dental equipment and materials by nondentists;
1955 exempting such hospitals from a prohibition on
1956 nondentists entering into certain agreements with
1957 dentists or dental hygienists; making technical
1958 changes; amending s. 467.003, F.S.; revising and
1959 defining terms; amending s. 467.009, F.S.; revising
1960 provisions related to approved midwifery programs;

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1961 amending s. 467.011, F.S.; revising provisions
1962 relating to licensure of midwives; amending s.
1963 467.0125, F.S.; revising provisions relating to
1964 licensure by endorsement of midwives; revising
1965 requirements for temporary certificates to practice
1966 midwifery in this state; amending s. 467.205, F.S.;
1967 revising provisions relating to approval, continued
1968 monitoring, probationary status, provisional approval,
1969 and approval rescission of midwifery programs;
1970 amending s. 468.203, F.S.; revising and providing
1971 definitions; amending s. 468.209, F.S.; revising the
1972 fieldwork experience requirement for certain persons
1973 to take the examination for licensure as an
1974 occupational therapist; amending s. 468.215, F.S.;
1975 authorizing licensed occupational therapists to use a
1976 specified title and initials in accordance with the
1977 rules of a national certifying organization; amending
1978 s. 468.223, F.S.; prohibiting certain persons from
1979 using a specified title and initials; providing
1980 criminal penalties; amending s. 468.225, F.S.;
1981 providing construction; amending s. 468.803, F.S.;
1982 revising provisions related to orthotist and
1983 prosthetist registration, examination, and licensing;
1984 reenacting ss. 1002.385(5)(c) and 1002.66(2)(c), F.S.,
1985 relating to the Gardiner Scholarship and specialized

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1986 instructional services for children with disabilities,
1987 respectively, to incorporate the amendments made by
1988 the act; amending s. 483.801, F.S.; exempting certain
1989 persons from clinical laboratory personnel
1990 regulations; amending s. 483.824, F.S.; revising
1991 educational requirements for clinical laboratory
1992 directors; amending s. 490.003, F.S.; defining the
1993 terms "doctoral degree from an American Psychological
1994 Association accredited program" and "doctoral degree
1995 in psychology"; amending ss. 490.005 and 490.0051,
1996 F.S.; revising education requirements for psychologist
1997 licensing and provisional licensing, respectively;
1998 amending s. 491.005, F.S.; revising licensing
1999 requirements for clinical social workers, marriage and
2000 family therapists, and mental health counselors;
2001 providing effective dates.

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