

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Drake offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

381.0045 Targeted outreach for pregnant women.-

(2) It is the purpose of this section to establish a targeted outreach program for high-risk pregnant women who may not seek proper prenatal care, who suffer from substance abuse or mental health problems, or who have ~~are infected with~~ human immunodeficiency virus (HIV), and to provide these women with links to much needed services and information.

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14 (3) The department shall:

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

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

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

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

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

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

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

37 (h) Provide continued oversight of ~~to HIV-exposed~~ newborns
38 exposed to HIV to determine the newborn's final HIV status and

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39 ensure continued linkage to care if the newborn is diagnosed
40 with HIV.

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

44 381.986 Medical use of marijuana.—

45 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

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

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

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

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

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

85 c. Upon receipt of an application for a license, the
86 department shall examine the application and, within 30 days
87 after receipt, notify the applicant in writing of any apparent

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88 errors or omissions and request any additional information
89 required.

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

95

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

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

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

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

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

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

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

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

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

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

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

136 8. A medical marijuana treatment center that produces
137 edibles must hold a permit to operate as a food establishment

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

157 | 9. Within 12 months after licensure, a medical marijuana
158 | treatment center must demonstrate to the department that all of
159 | its processing facilities have passed a Food Safety Good
160 | Manufacturing Practices, such as Global Food Safety Initiative
161 | or equivalent, inspection by a nationally accredited certifying
162 | body. A medical marijuana treatment center must immediately stop

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163 processing at any facility which fails to pass this inspection
164 until it demonstrates to the department that such facility has
165 met this requirement.

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

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

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

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

179 c. Comply with federal and state laws and regulations and
180 department rules for solid and liquid wastes. The department
181 shall determine by rule procedures for the storage, handling,
182 transportation, management, and disposal of solid and liquid
183 waste generated during marijuana production and processing. The
184 Department of Environmental Protection shall assist the
185 department in developing such rules.

186 d. Test ~~the processed~~ marijuana using a medical marijuana
187 testing laboratory before it is dispensed. Results must be

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

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213 | department may also sample marijuana delivery devices from a
214 | dispensing facility to determine whether the marijuana delivery
215 | device is safe for use by qualified patients. A medical
216 | marijuana treatment center may not require payment from the
217 | department for the sample. A medical marijuana treatment center
218 | must recall all marijuana that fails ~~edibles, including all~~
219 | ~~edibles made from the same batch of marijuana, which fail to~~
220 | meet the potency requirements of this section, which is ~~are~~
221 | unsafe for human consumption, or for which the labeling of the
222 | tetrahydrocannabinol and cannabidiol concentration is
223 | inaccurate. The medical marijuana treatment center must retain
224 | records of all testing and samples of each homogenous batch of
225 | marijuana for at least 9 months. The medical marijuana treatment
226 | center must contract with a marijuana testing laboratory to
227 | perform audits on the medical marijuana treatment center's
228 | standard operating procedures, testing records, and samples and
229 | provide the results to the department to confirm that the
230 | marijuana or low-THC cannabis meets the requirements of this
231 | section and that the marijuana or low-THC cannabis is safe for
232 | human consumption. A medical marijuana treatment center shall
233 | reserve two processed samples from each batch and retain such
234 | samples for at least 9 months for the purpose of such audits. A
235 | medical marijuana treatment center may use a laboratory that has
236 | not been certified by the department under s. 381.988 until such

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237 time as at least one laboratory holds the required
238 certification, but in no event later than July 1, 2018.

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

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

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

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

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

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

252 (V) The name of the patient.

253 (VI) The product name, if applicable, and dosage form,
254 including concentration of tetrahydrocannabinol and cannabidiol.
255 The product name may not contain wording commonly associated
256 with products marketed by or to children.

257 (VII) The recommended dose.

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

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

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

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

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

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

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

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

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

307 b. May not dispense more than a 70-day supply of marijuana
308 within any 70-day period to a qualified patient or caregiver.
309 May not dispense more than one 35-day supply of marijuana in a
310 form for smoking within any 35-day period to a qualified patient
311 or caregiver. A 35-day supply of marijuana in a form for smoking

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312 may not exceed 2.5 ounces unless an exception to this amount is
313 approved by the department pursuant to paragraph (4)(f).

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

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

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

330 f. May not dispense or sell any other type of cannabis,
331 alcohol, or illicit drug-related product, including pipes or
332 wrapping papers made with tobacco or hemp, other than a
333 marijuana delivery device required for the medical use of
334 marijuana and which is specified in a physician certification.

335 g. Must, upon dispensing the marijuana or marijuana
336 delivery device, record in the registry the date, time,

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337 quantity, and form of marijuana dispensed; the type of marijuana
338 delivery device dispensed; and the name and medical marijuana
339 use registry identification number of the qualified patient or
340 caregiver to whom the marijuana delivery device was dispensed.

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

344 (14) EXCEPTIONS TO OTHER LAWS.—

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

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

354 381.986 Medical use of marijuana.—

355 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

356 (b) An applicant for licensure as a medical marijuana
357 treatment center shall apply to the department on a form
358 prescribed by the department and adopted in rule. The department
359 shall adopt rules pursuant to ss. 120.536(1) and 120.54
360 establishing a procedure for the issuance and biennial renewal
361 of licenses, including initial application and biennial renewal

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362 fees sufficient to cover the costs of implementing and
363 administering this section, and establishing supplemental
364 licensure fees for payment beginning May 1, 2018, sufficient to
365 cover the costs of administering ss. 381.989 and 1004.4351. The
366 department shall identify applicants with strong diversity plans
367 reflecting this state's commitment to diversity and implement
368 training programs and other educational programs to enable
369 minority persons and minority business enterprises, as defined
370 in s. 288.703, and veteran business enterprises, as defined in
371 s. 295.187, to compete for medical marijuana treatment center
372 licensure and contracts. Subject to the requirements in
373 subparagraphs (a)2.-4., the department shall issue a license to
374 an applicant if the applicant meets the requirements of this
375 section and pays the initial application fee. The department
376 shall renew the licensure of a medical marijuana treatment
377 center biennially if the licensee meets the requirements of this
378 section and pays the biennial renewal fee. However, the
379 department may not renew the license of a medical marijuana
380 treatment center that has not begun to cultivate, process, and
381 dispense marijuana by the date that the medical marijuana
382 treatment center is required to renew its license. An individual
383 may not be an applicant, owner, officer, board member, or
384 manager on more than one application for licensure as a medical
385 marijuana treatment center. An individual or entity may not be
386 awarded more than one license as a medical marijuana treatment

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387 center. An applicant for licensure as a medical marijuana
388 treatment center must demonstrate:

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

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

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

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

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

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

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

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

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

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

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

433 10. A diversity plan that promotes and ensures the
434 involvement of minority persons and minority business
435 enterprises, as defined in s. 288.703, or veteran business

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436 enterprises, as defined in s. 295.187, in ownership, management,
437 and employment. An applicant for licensure renewal must show the
438 effectiveness of the diversity plan by including the following
439 with his or her application for renewal:

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

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

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

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

448 381.988 Medical marijuana testing laboratories; marijuana
449 tests conducted by a certified laboratory.-

450 (12) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
451 any other provision of law, but subject to the requirements of
452 this section, the department, including an employee of the
453 department acting within the scope of his or her employment, may
454 acquire, possess, test, transport, and lawfully dispose of
455 marijuana as provided in this section.

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

458 395.3042 Emergency medical services providers; triage and
459 transportation of heart attack victims to an adult
460 cardiovascular services provider.-

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

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

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

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

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

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485 400.506 Licensure of nurse registries; requirements;
486 penalties.—

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

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

509 401.465 911 public safety telecommunicator certification.—

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

519 (2) PERSONNEL; STANDARDS AND CERTIFICATION.—

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

- 525 1. Completion of an appropriate 911 public safety
526 telecommunication training program;
- 527 2. Certification under oath that the applicant is not
528 addicted to alcohol or any controlled substance;
- 529 3. Certification under oath that the applicant is free
530 from any physical or mental defect or disease that might impair
531 the applicant's ability to perform his or her duties;
- 532 4. Submission of the application fee prescribed in
533 subsection (4) ~~(3)~~;

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

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

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

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

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

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

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

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

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

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

568 408.033 Local and state health planning.—

569 (1) LOCAL HEALTH COUNCILS.—

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

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

576 456.47 Use of telehealth to provide services.—

577 (2) PRACTICE STANDARDS.—

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

582 1. The treatment of a psychiatric disorder;

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583 2. Inpatient treatment at a hospital licensed under
584 chapter 395;

585 3. The treatment of a patient receiving hospice services
586 as defined in s. 400.601; or

587 4. The treatment of a resident of a nursing home facility
588 as defined in s. 400.021.

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

591 460.406 Licensure by examination.—

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

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

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

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

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

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632 | ~~a regional~~ accrediting agency which is a member of the
633 | Commission on Recognition of Postsecondary Accreditation.

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

650 | (e) Successfully completed the National Board of
651 | Chiropractic Examiners certification examination in parts I, II,
652 | III, and IV, and the physiotherapy examination of the National
653 | Board of Chiropractic Examiners, with a score approved by the
654 | board.

655 | (f) Submitted to the department a set of fingerprints on a
656 | form and under procedures specified by the department, along

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657 with payment in an amount equal to the costs incurred by the
658 Department of Health for the criminal background check of the
659 applicant.

660

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

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

670 464.008 Licensure by examination.—

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

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

681 464.0156 Delegation of duties.—

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

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

694 464.018 Disciplinary actions.—

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

698 (e) Having been found guilty of, ~~regardless of~~
699 ~~adjudication~~, or entered a plea of nolo contendere or guilty to,
700 regardless of adjudication, any offense prohibited under s.
701 435.04 or similar statute of another jurisdiction; or having
702 committed an act which constitutes domestic violence as defined
703 in s. 741.28.

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

706 464.2035 Administration of medication.—

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

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

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

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732 466.028 Grounds for disciplinary action; action by the
733 board.—

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

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

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

742 466.0285 Proprietorship by nondentists.—

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

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

750 (b) Control the use of any dental equipment or material
751 while such equipment or material is being used for the provision
752 of dental services, whether those services are provided by a
753 dentist, a dental hygienist, or a dental assistant.

754 (c) Direct, control, or interfere with a dentist's
755 clinical judgment. To direct, control, or interfere with a
756 dentist's clinical judgment does not mean ~~may not be interpreted~~

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757 ~~to mean~~ dental services contractually excluded, the application
758 of alternative benefits that may be appropriate given the
759 dentist's prescribed course of treatment, or the application of
760 contractual provisions and scope of coverage determinations in
761 comparison with a dentist's prescribed treatment on behalf of a
762 covered person by an insurer, health maintenance organization,
763 or a prepaid limited health service organization.

764

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

771 (2) The purpose of this section is to prevent a nondentist
772 from influencing or otherwise interfering with the exercise of a
773 dentist's independent professional judgment. In addition to the
774 acts specified in subsection (1), a ~~no~~ person or an entity that
775 ~~who~~ is not a dentist licensed under pursuant to this chapter, a
776 specialty-licensed children's hospital licensed under chapter
777 395 as of January 1, 2021, or ~~nor any entity that is not~~
778 professional corporation or limited liability company composed
779 of dentists may not ~~shall~~ enter into a relationship with a
780 licensee pursuant to which such unlicensed person or such entity
781 exercises control over any of the following:

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

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

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

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

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

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

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

802 467.003 Definitions.—As used in this chapter, unless the
803 context otherwise requires:

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

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

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

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

822 467.009 Approved midwifery programs; education and
823 training requirements.—

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

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

830 1. Obstetrics.

831 2. Neonatal pediatrics.

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

849 (b) ~~The standards shall incorporate the~~ Core competencies
850 incorporating those established by the American College of Nurse
851 Midwives and the Midwives Alliance of North America, including
852 knowledge, skills, and professional behavior in all of the
853 following areas:

- 854 1. Primary management, collaborative management, referral,
855 and medical consultation.†

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

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

859 4. Common complications.~~†~~ and

860 5. Professional responsibilities.

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

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

869 (3) An approved midwifery program may reduce ~~If the~~
870 ~~applicant is a registered nurse or a licensed practical nurse or~~
871 ~~has previous nursing or midwifery education,~~ the required period
872 of training ~~may be reduced~~ to the extent of the student's
873 ~~applicant's~~ qualifications as a registered nurse or licensed
874 practical nurse or based on prior completion of equivalent
875 nursing or midwifery education, as determined ~~under rules~~
876 ~~adopted by the department~~ rule. ~~In no case shall the training be~~
877 ~~reduced to a period of less than 2 years.~~

878 (4)-(3) An approved midwifery program may accept students
879 who ~~To be accepted into an approved midwifery program, an~~
880 ~~applicant shall have~~ completed all of the following:

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

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

885 (5)(4) As part of its course of study, an approved
886 midwifery program must require clinical training that includes
887 all of the following:

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

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

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

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

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

904 (7) A hospital or birthing center receiving public funds
905 shall be required to provide student midwives access to observe

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906 labor, delivery, and postpartal procedures, provided the woman
907 in labor has given informed consent. The Department of Health
908 shall assist in facilitating access to hospital training for
909 approved midwifery programs.

910 ~~(8)(7)~~ The Department of Education shall adopt curricular
911 frameworks for midwifery programs conducted within public
912 educational institutions under ~~pursuant to~~ this section.

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

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

919 467.011 Licensed midwives; qualifications; examination
920 ~~Licensure by examination.~~

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

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

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

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

932 (a) An approved midwifery program.

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

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

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

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

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

951 467.0125 Licensed midwives; qualifications; ~~Licensure by~~
952 endorsement; temporary certificates.-

953 (1) The department shall issue a license by endorsement to
954 practice midwifery to an applicant who, upon applying to the

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955 department, demonstrates to the department that she or he meets
956 all of the following criteria:

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

967 2. Holds an active, unencumbered ~~a valid certificate or~~
968 ~~license to practice midwifery in another state, jurisdiction, or~~
969 ~~territory issued by that state, provided the licensing~~
970 ~~requirements of that state, jurisdiction, or territory at the~~
971 ~~time the license was issued were therefor are deemed by the~~
972 ~~department to be substantially equivalent to, or exceeded to~~
973 ~~exceed, those established under this chapter and the rules~~
974 ~~adopted thereunder under this chapter.~~

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

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

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

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

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

995 1. A county health department;
996 2. A correctional facility;
997 3. A Department of Veterans' Affairs clinic;
998 4. A community health center funded by s. 329, s. 330, or
999 s. 340 of the United States Public Health Service Act; or

1000 5. Any other agency or institution that is approved by the
1001 State Surgeon General and provides health care to meet the needs
1002 of an underserved population in this state; and ~~these specific~~
1003 ~~areas,~~

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1004 (c) Will practice only under the supervision ~~auspices~~ of a
1005 physician licensed under ~~pursuant to~~ chapter 458 or chapter 459,
1006 a certified nurse midwife licensed under ~~pursuant to~~ part I of
1007 chapter 464, or a midwife licensed under this chapter, who has a
1008 minimum of 3 years' professional experience.

1009 (3) The department may issue a temporary certificate under
1010 this section with the following restrictions:

1011 (a) A requirement that a temporary certificateholder
1012 practice only in areas of critical need. The State Surgeon
1013 General shall determine the areas of critical need, which ~~Such~~
1014 areas shall include, but are not be limited to, health
1015 professional shortage areas designated by the United States
1016 Department of Health and Human Services.

1017 (b) A requirement that if a temporary certificateholder's
1018 practice area ceases to be an area of critical need, within 30
1019 days after such change the certificateholder must either:

1020 1. Report a new practice area of critical need to the
1021 department; or

1022 2. Voluntarily relinquish the temporary certificate.

1023 (4) The department shall review a temporary
1024 certificateholder's practice at least annually to determine
1025 whether the certificateholder is meeting the requirements of
1026 subsections (2) and (3) and the rules adopted thereunder. If the
1027 department determines that a certificateholder is not meeting

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1028 these requirements, the department must revoke the temporary
1029 certificate.

1030 (5) A temporary certificate issued under this section is
1031 ~~shall be valid only as long as an area for which it is issued~~
1032 ~~remains an area of critical need, but no longer than 2 years,~~
1033 ~~and is shall not be renewable.~~

1034 ~~(c) The department may administer an abbreviated oral~~
1035 ~~examination to determine the midwife's competency, but no~~
1036 ~~written regular examination shall be necessary.~~

1037 ~~(d) The department shall not issue a temporary certificate~~
1038 ~~to any midwife who is under investigation in another state for~~
1039 ~~an act which would constitute a violation of this chapter until~~
1040 ~~such time as the investigation is complete, at which time the~~
1041 ~~provisions of this section shall apply.~~

1042 ~~(e) The department shall review the practice under a~~
1043 ~~temporary certificate at least annually to ascertain that the~~
1044 ~~minimum requirements of the midwifery rules promulgated under~~
1045 ~~this chapter are being met. If it is determined that the minimum~~
1046 ~~requirements are not being met, the department shall immediately~~
1047 ~~revoke the temporary certificate.~~

1048 ~~(f) The fee for a temporary certificate shall not exceed~~
1049 ~~\$50 and shall be in addition to the fee required for licensure.~~

1050 Section 21. Section 467.205, Florida Statutes, is amended
1051 to read:

1052 467.205 Approval of midwifery programs.—

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1053 (1) The department shall approve an accredited or state-
1054 licensed public or private institution seeking to provide
1055 midwifery education and training as an approved midwifery
1056 program in this state if the institution meets all of the
1057 following criteria:

1058 (a) Submits an application for approval on a form approved
1059 by the department.

1060 (b) Demonstrates to the department's satisfaction that the
1061 proposed midwifery program complies with s. 467.009 and the
1062 rules adopted thereunder.

1063 (c) For a private institution, demonstrates its
1064 accreditation by a member of the Council for Higher Education
1065 Accreditation or an accrediting agency approved by the United
1066 States Department of Education and its licensing or provisional
1067 licensing by the Commission for Independent Education ~~An~~
1068 ~~organization desiring to conduct an approved program for the~~
1069 ~~education of midwives shall apply to the department and submit~~
1070 ~~such evidence as may be required to show that it complies with~~
1071 ~~s. 467.009 and with the rules of the department. Any accredited~~
1072 ~~or state-licensed institution of higher learning, public or~~
1073 ~~private, may provide midwifery education and training.~~

1074 ~~(2) The department shall adopt rules regarding educational~~
1075 ~~objectives, faculty qualifications, curriculum guidelines,~~
1076 ~~administrative procedures, and other training requirements as~~

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1077 ~~are necessary to ensure that approved programs graduate midwives~~
1078 ~~competent to practice under this chapter.~~

1079 ~~(3) The department shall survey each organization applying~~
1080 ~~for approval. If the department is satisfied that the program~~
1081 ~~meets the requirements of s. 467.009 and rules adopted pursuant~~
1082 ~~to that section, it shall approve the program.~~

1083 (2)~~(4)~~ The department shall, at least once every 3 years,
1084 certify whether each approved midwifery program is currently
1085 compliant, and has maintained compliance, complies with the
1086 requirements of standards developed under s. 467.009 and the
1087 rules adopted thereunder.

1088 (3)~~(5)~~ If the department finds that an approved midwifery
1089 program is not in compliance with the requirements of s. 467.009
1090 or the rules adopted thereunder, or has lost its accreditation
1091 status, the department must provide its finding to the program
1092 in writing and no longer meets the required standards, it may
1093 place the program on probationary status for a specified period
1094 of time, which may not exceed 3 years until such time as the
1095 standards are restored.

1096 (4) If a program on probationary status does not come into
1097 compliance with the requirements of s. 467.009 or the rules
1098 adopted thereunder, or regain its accreditation status, as
1099 applicable, within the period specified by the department fails
1100 to correct these conditions within a specified period of time,
1101 the department may rescind the program's approval.

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1102 (5) A ~~Any~~ program that has ~~having~~ its approval rescinded
1103 has ~~shall~~ have the right to reapply for approval.

1104 (6) The department may grant provisional approval of a new
1105 program seeking accreditation status, for a period not to exceed
1106 5 years, provided that all other requirements of this section
1107 are met.

1108 (7) The department may rescind provisional approval of a
1109 program that fails to the meet the requirements of s. 467.009,
1110 this section, or the rules adopted thereunder, in accordance
1111 with procedures provided in subsections (3) and (4) ~~may be~~
1112 granted pending the licensure results of the first graduating
1113 class.

1114 Section 22. Subsection (4) of section 468.203, Florida
1115 Statutes, is amended to read:

1116 468.203 Definitions.—As used in this act, the term:

1117 (4) "Occupational therapy" means the therapeutic use of
1118 occupations through habilitation, rehabilitation, and the
1119 promotion of health and wellness with individuals, groups, or
1120 populations, along with their families or organizations to
1121 support participation, performance, and function in the home,
1122 school, workplace, community, and other settings for clients who
1123 have or are at risk of developing an illness, injury, disease,
1124 disorder, condition, impairment, disability, activity
1125 limitation, or participation restriction ~~purposeful activity or~~
1126 interventions to achieve functional outcomes.

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1127 (a) For the purposes of this subsection:

1128 1. "Activities of daily living" means functions and tasks
1129 for self-care which are performed on a daily or routine basis,
1130 including functional mobility, bathing, dressing, eating and
1131 swallowing, personal hygiene and grooming, toileting, and other
1132 similar tasks. ~~"Achieving functional outcomes" means to maximize~~
1133 ~~the independence and the maintenance of health of any individual~~
1134 ~~who is limited by a physical injury or illness, a cognitive~~
1135 ~~impairment, a psychosocial dysfunction, a mental illness, a~~
1136 ~~developmental or a learning disability, or an adverse~~
1137 ~~environmental condition.~~

1138 2. "Assessment" means the use of skilled observation or
1139 the administration and interpretation of standardized or
1140 nonstandardized tests and measurements to identify areas for
1141 occupational therapy services.

1142 3. "Behavioral health services" means the promotion of
1143 occupational performance through services to support positive
1144 mental health by providing direct individual and group
1145 interventions to improve the client's participation in daily
1146 occupations.

1147 4. "Health management" means activities related to
1148 developing, managing, and maintaining health and wellness,
1149 including self-management, with the goal of improving or
1150 maintaining health to support participation in occupations.

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1151 5. "Instrumental activities of daily living" means daily
1152 or routine activities a person must perform to live
1153 independently within the home and community.

1154 6. "Mental health services" means the promotion of
1155 occupational performance related to mental health, coping,
1156 resilience, and well-being by providing individual, group, and
1157 population level supports and services to improve the client's
1158 participation in daily occupations for those who are at risk of,
1159 experiencing, or in recovery from these conditions, along with
1160 their families and communities.

1161 7. "Occupations" means meaningful and purposeful everyday
1162 activities performed and engaged in by individuals, groups,
1163 populations, families, or communities which occur in contexts
1164 and over time, such as activities of daily living, instrumental
1165 activities of daily living, health management, rest and sleep,
1166 education, work, play, leisure, and social participation. The
1167 term includes more specific occupations and execution of
1168 multiple activities that are influenced by performance patterns,
1169 performance skills, and client factors, resulting in varied
1170 outcomes.

1171 8. "Occupational performance" means the ability to
1172 perceive, desire, recall, plan, and carry out roles, routines,
1173 tasks, and subtasks for the purpose of self-maintenance, self-
1174 preservation, productivity, leisure, and rest, for oneself or

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1175 others, in response to internal or external demands of
1176 occupations and contexts.

1177 (b) The practice of occupational therapy includes services
1178 include, but is are not limited to:

1179 1. Assessment, treatment, education of, and consultation
1180 with, individuals, groups, and populations whose abilities to
1181 participate safely in occupations, including activities of daily
1182 living, instrumental activities of daily living, rest and sleep,
1183 education, work, play, leisure, and social participation are
1184 impaired or at risk for impairment due to issues related, but
1185 not limited, to developmental deficiencies, the aging process,
1186 learning disabilities, physical environment and sociocultural
1187 context, physical injury or disease, cognitive impairments, and
1188 psychological and social disabilities ~~The assessment, treatment,~~
1189 ~~and education of or consultation with the individual, family, or~~
1190 ~~other persons.~~

1191 2. Methods or approaches to determine abilities and
1192 limitations related to performance of occupations, including,
1193 but not limited to, the identification of physical, sensory,
1194 cognitive, emotional, or social deficiencies ~~Interventions~~
1195 ~~directed toward developing daily living skills, work readiness~~
1196 ~~or work performance, play skills or leisure capacities, or~~
1197 ~~enhancing educational performance skills.~~

1198 3. Specific occupational therapy techniques used for
1199 treatment that involve, but are not limited to, training in

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1200 activities of daily living; environmental modification;
1201 assessment of the need for the use of interventions such as the
1202 design, fabrication, and application of orthotics or orthotic
1203 devices; selecting, applying, and training in the use of
1204 assistive technology and adaptive devices; sensory, motor, and
1205 cognitive activities; therapeutic exercises; manual techniques;
1206 physical agent modalities; behavioral health services; and
1207 mental health services ~~Providing for the development of:~~
1208 ~~sensory-motor, perceptual, or neuromuscular functioning; range~~
1209 ~~of motion; or emotional, motivational, cognitive, or~~
1210 ~~psychosocial components of performance.~~

1211
1212 ~~These services may require assessment of the need for use of~~
1213 ~~interventions such as the design, development, adaptation,~~
1214 ~~application, or training in the use of assistive technology~~
1215 ~~devices; the design, fabrication, or application of~~
1216 ~~rehabilitative technology such as selected orthotic devices;~~
1217 ~~training in the use of assistive technology; orthotic or~~
1218 ~~prosthetic devices; the application of physical agent modalities~~
1219 ~~as an adjunct to or in preparation for purposeful activity; the~~
1220 ~~use of ergonomic principles; the adaptation of environments and~~
1221 ~~processes to enhance functional performance; or the promotion of~~
1222 ~~health and wellness.~~

1223 (c) The use of devices subject to 21 C.F.R. s. 801.109 and
1224 identified by the board is expressly prohibited except by an

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1225 occupational therapist or occupational therapy assistant who has
1226 received training as specified by the board. The board shall
1227 adopt rules to carry out the purpose of this provision.

1228 Section 23. Subsection (2) of section 468.209, Florida
1229 Statutes, is amended to read:

1230 468.209 Requirements for licensure.—

1231 (2) An applicant who has practiced as a state-licensed or
1232 American Occupational Therapy Association-certified occupational
1233 therapy assistant for 4 years and who, before ~~prior to~~ January
1234 24, 1988, completed a minimum of 24 weeks ~~6 months~~ of supervised
1235 occupational-therapist-level fieldwork experience may take the
1236 examination to be licensed as an occupational therapist without
1237 meeting the educational requirements for occupational therapists
1238 made otherwise applicable under paragraph (1) (b).

1239 Section 24. Subsection (2) of section 468.215, Florida
1240 Statutes, is amended to read:

1241 468.215 Issuance of license.—

1242 (2) Any person who is issued a license as an occupational
1243 therapist under the terms of this act may use the words
1244 "occupational therapist," "licensed occupational therapist,"
1245 "occupational therapist doctorate," or "occupational therapist
1246 registered," or he or she may use the letters "O.T.," "L.O.T.,"
1247 "O.T.D.," or "O.T.R.," in connection with his or her name or
1248 place of business to denote his or her registration hereunder.

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1249 Section 25. Section 468.223, Florida Statutes, is amended
1250 to read:
1251 468.223 Prohibitions; penalties.—
1252 (1) A person may not:
1253 (a) Practice occupational therapy unless such person is
1254 licensed pursuant to ss. 468.201-468.225;
1255 (b) Use, in connection with his or her name or place of
1256 business, the words "occupational therapist," "licensed
1257 occupational therapist," "occupational therapist doctorate,"
1258 "occupational therapist registered," "occupational therapy
1259 assistant," "licensed occupational therapy assistant,"
1260 "certified occupational therapy assistant"; the letters "O.T.,"
1261 "L.O.T.," "O.T.D.," "O.T.R.," "O.T.A.," "L.O.T.A.," or
1262 "C.O.T.A."; or any other words, letters, abbreviations, or
1263 insignia indicating or implying that he or she is an
1264 occupational therapist or an occupational therapy assistant or,
1265 in any way, orally or in writing, in print or by sign, directly
1266 or by implication, to represent himself or herself as an
1267 occupational therapist or an occupational therapy assistant
1268 unless the person is a holder of a valid license issued pursuant
1269 to ss. 468.201-468.225;
1270 (c) Present as his or her own the license of another;
1271 (d) Knowingly give false or forged evidence to the board
1272 or a member thereof;

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1273 (e) Use or attempt to use a license that ~~which~~ has been
1274 suspended, revoked, or placed on inactive or delinquent status;

1275 (f) Employ unlicensed persons to engage in the practice of
1276 occupational therapy; or

1277 (g) Conceal information relative to any violation of ss.
1278 468.201-468.225.

1279 (2) Any person who violates any provision of this section
1280 commits a misdemeanor of the second degree, punishable as
1281 provided in s. 775.082 or s. 775.083.

1282 Section 26. Paragraph (e) is added to subsection (1) of
1283 section 468.225, Florida Statutes, to read:

1284 468.225 Exemptions.—

1285 (1) Nothing in this act shall be construed as preventing
1286 or restricting the practice, services, or activities of:

1287 (e) Any person fulfilling an occupational therapy doctoral
1288 capstone experience that involves clinical practice or projects.

1289 Section 27. Subsections (2), (3), and (4) and paragraphs
1290 (a) and (b) of subsection (5) of section 468.803, Florida
1291 Statutes, are amended to read:

1292 468.803 License, registration, and examination
1293 requirements.—

1294 (2) An applicant for registration, examination, or
1295 licensure must apply to the department on a form prescribed by
1296 the board for consideration of board approval. Each initial
1297 applicant shall submit ~~a set of~~ fingerprints to the department

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

1310 (a) Has submitted the completed application and completed
1311 the fingerprinting requirements ~~fingerprint forms~~ and has paid
1312 the applicable application fee, not to exceed \$500, ~~and the cost~~
1313 ~~of the state and national criminal history checks.~~ The
1314 application fee is ~~and cost of the criminal history checks shall~~
1315 ~~be~~ nonrefundable;

1316 (b) Is of good moral character;

1317 (c) Is 18 years of age or older; and

1318 (d) Has completed the appropriate educational preparation.

1319 (3) A person seeking to attain the orthotics or
1320 prosthetics experience required for licensure in this state must
1321 be approved by the board and registered as a resident by the
1322 department. Although a registration may be held in both

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1323 disciplines, for independent registrations the board may not
1324 approve a second registration until at least 1 year after the
1325 issuance of the first registration. Notwithstanding subsection
1326 (2), a person who has been approved by the board and registered
1327 by the department in one discipline may apply for registration
1328 in the second discipline without an additional state or national
1329 criminal history check during the period in which the first
1330 registration is valid. Each independent registration or dual
1331 registration is valid for 2 years after the date of issuance
1332 unless otherwise revoked by the department upon recommendation
1333 of the board. The board shall set a registration fee not to
1334 exceed \$500 to be paid by the applicant. A registration may be
1335 renewed once by the department upon recommendation of the board
1336 for a period no longer than 1 year, as such renewal is defined
1337 by the board by rule. The renewal fee may not exceed one-half
1338 the current registration fee. To be considered by the board for
1339 approval of registration as a resident, the applicant must have
1340 one of the following:

1341 (a) A Bachelor of Science or higher-level postgraduate
1342 degree in orthotics and prosthetics from an ~~a regionally~~
1343 accredited college or university recognized by the Commission on
1344 Accreditation of Allied Health Education Programs.

1345 (b) A minimum of a bachelor's degree from an
1346 institutionally ~~a regionally~~ accredited college or university
1347 and a certificate in orthotics or prosthetics from a program

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1348 recognized by the Commission on Accreditation of Allied Health
1349 Education Programs, or its equivalent, as determined by the
1350 board.

1351 (c) A minimum of a bachelor's degree from an
1352 institutionally ~~a regionally~~ accredited college or university
1353 and a dual certificate in both orthotics and prosthetics from
1354 programs recognized by the Commission on Accreditation of Allied
1355 Health Education Programs, or its equivalent, as determined by
1356 the board.

1357 (4) The department may develop and administer a state
1358 examination for an orthotist or a prosthetist license, or the
1359 board may approve the existing examination of a national
1360 standards organization. The examination must be predicated on a
1361 minimum of a baccalaureate-level education and formalized
1362 specialized training in the appropriate field. Each examination
1363 must demonstrate a minimum level of competence in basic
1364 scientific knowledge, written problem solving, and practical
1365 clinical patient management. The board shall require an
1366 examination fee not to exceed the actual cost to the board in
1367 developing, administering, and approving the examination, which
1368 fee must be paid by the applicant. To be considered by the board
1369 for examination, the applicant must have:

1370 (a) For an examination in orthotics:

1371 1. A Bachelor of Science or higher-level postgraduate
1372 degree in orthotics and prosthetics from an institutionally ~~a~~

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1373 ~~regionally~~ accredited college or university recognized by the
1374 Commission on Accreditation of Allied Health Education Programs
1375 or, at a minimum, a bachelor's degree from an institutionally a
1376 ~~regionally~~ accredited college or university and a certificate in
1377 orthotics from a program recognized by the Commission on
1378 Accreditation of Allied Health Education Programs, or its
1379 equivalent, as determined by the board; and

1380 2. An approved orthotics internship of 1 year of qualified
1381 experience, as determined by the board, or an orthotic residency
1382 or dual residency program recognized by the board.

1383 (b) For an examination in prosthetics:

1384 1. A Bachelor of Science or higher-level postgraduate
1385 degree in orthotics and prosthetics from an institutionally a
1386 ~~regionally~~ accredited college or university recognized by the
1387 Commission on Accreditation of Allied Health Education Programs
1388 or, at a minimum, a bachelor's degree from an institutionally a
1389 ~~regionally~~ accredited college or university and a certificate in
1390 prosthetics from a program recognized by the Commission on
1391 Accreditation of Allied Health Education Programs, or its
1392 equivalent, as determined by the board; and

1393 2. An approved prosthetics internship of 1 year of
1394 qualified experience, as determined by the board, or a
1395 prosthetic residency or dual residency program recognized by the
1396 board.

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1397 (5) In addition to the requirements in subsection (2), to
1398 be licensed as:

1399 (a) An orthotist, the applicant must pay a license fee not
1400 to exceed \$500 and must have:

1401 1. A Bachelor of Science or higher-level postgraduate
1402 degree in Orthotics and Prosthetics from an institutionally a
1403 ~~regionally~~ accredited college or university recognized by the
1404 Commission on Accreditation of Allied Health Education Programs,
1405 or a bachelor's degree from an institutionally accredited
1406 college or university and ~~with~~ a certificate in orthotics from a
1407 program recognized by the Commission on Accreditation of Allied
1408 Health Education Programs, or its equivalent, as determined by
1409 the board;

1410 2. An approved ~~appropriate~~ internship of 1 year of
1411 qualified experience, as determined by the board, or a residency
1412 program recognized by the board;

1413 3. Completed the mandatory courses; and

1414 4. Passed the state orthotics examination or the board-
1415 approved orthotics examination.

1416 (b) A prosthetist, the applicant must pay a license fee
1417 not to exceed \$500 and must have:

1418 1. A Bachelor of Science or higher-level postgraduate
1419 degree in Orthotics and Prosthetics from an institutionally a
1420 ~~regionally~~ accredited college or university recognized by the
1421 Commission on Accreditation of Allied Health Education Programs,

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1422 or a bachelor's degree from an institutionally accredited
1423 college or university and ~~with~~ a certificate in prosthetics from
1424 a program recognized by the Commission on Accreditation of
1425 Allied Health Education Programs, or its equivalent, as
1426 determined by the board;

1427 2. An internship of 1 year of qualified experience, as
1428 determined by the board, or a residency program recognized by
1429 the board;

1430 3. Completed the mandatory courses; and

1431 4. Passed the state prosthetics examination or the board-
1432 approved prosthetics examination.

1433 Section 28. For the purpose of incorporating the amendment
1434 made by this act to section 468.203, Florida Statutes, in a
1435 reference thereto, paragraph (c) of subsection (5) of section
1436 1002.385, Florida Statutes, is reenacted to read:

1437 1002.385 The Gardiner Scholarship.—

1438 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must
1439 be used to meet the individual educational needs of an eligible
1440 student and may be spent for the following purposes:

1441 (c) Specialized services by approved providers or by a
1442 hospital in this state which are selected by the parent. These
1443 specialized services may include, but are not limited to:

1444 1. Applied behavior analysis services as provided in ss.
1445 627.6686 and 641.31098.

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1446 2. Services provided by speech-language pathologists as
1447 defined in s. 468.1125.

1448 3. Occupational therapy services as defined in s. 468.203.

1449 4. Services provided by physical therapists as defined in
1450 s. 486.021.

1451 5. Services provided by listening and spoken language
1452 specialists and an appropriate acoustical environment for a
1453 child who is deaf or hard of hearing and who has received an
1454 implant or assistive hearing device.

1455
1456 A provider of any services receiving payments pursuant to this
1457 subsection may not share, refund, or rebate any moneys from the
1458 Gardiner Scholarship with the parent or participating student in
1459 any manner. A parent, student, or provider of any services may
1460 not bill an insurance company, Medicaid, or any other agency for
1461 the same services that are paid for using Gardiner Scholarship
1462 funds.

1463 Section 29. For the purpose of incorporating the amendment
1464 made by this act to section 468.203, Florida Statutes, in a
1465 reference thereto, paragraph (c) of subsection (2) of section
1466 1002.66, Florida Statutes, is reenacted to read:

1467 1002.66 Specialized instructional services for children
1468 with disabilities.—

1469 (2) The parent of a child who is eligible for the
1470 prekindergarten program for children with disabilities may

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1471 select one or more specialized instructional services that are
1472 consistent with the child's individual educational plan. These
1473 specialized instructional services may include, but are not
1474 limited to:

1475 (c) Occupational therapy as defined in s. 468.203.

1476 Section 30. Subsection (7) is added to section 483.801,
1477 Florida Statutes, to read:

1478 483.801 Exemptions.—This part applies to all clinical
1479 laboratories and clinical laboratory personnel within this
1480 state, except:

1481 (7) A registered nurse licensed under chapter 464
1482 performing alternate-site testing within a hospital or offsite
1483 emergency department licensed under chapter 395.

1484 Section 31. Section 483.824, Florida Statutes, is amended
1485 to read:

1486 483.824 Qualifications of clinical laboratory director.—A
1487 clinical laboratory director must have 4 years of clinical
1488 laboratory experience with 2 years of experience in the
1489 specialty to be directed or be nationally board certified in the
1490 specialty to be directed, and must meet one of the following
1491 requirements:

1492 (1) Be a physician licensed under chapter 458 or chapter
1493 459;

1494 (2) Hold an earned doctoral degree in a chemical,
1495 physical, or biological science from an ~~a~~ regionally accredited

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1496 institution and maintain national certification requirements
1497 equal to those required by the federal Health Care Financing
1498 Administration; or

1499 (3) For the subspecialty of oral pathology, be a physician
1500 licensed under chapter 458 or chapter 459 or a dentist licensed
1501 under chapter 466.

1502 Section 32. Subsection (3) of section 490.003, Florida
1503 Statutes, is amended to read:

1504 490.003 Definitions.—As used in this chapter:

1505 (3) (a) "Doctoral degree from an American Psychological
1506 Association accredited program" means ~~Effective July 1, 1999,~~
1507 ~~"doctoral-level psychological education" and "doctoral degree in~~
1508 ~~psychology" mean~~ a Psy.D., an Ed.D. in psychology, or a Ph.D. in
1509 psychology from a psychology program at an educational
1510 institution that, at the time the applicant was enrolled and
1511 graduated:

1512 1. ~~(a)~~ Had institutional accreditation from an agency
1513 recognized and approved by the United States Department of
1514 Education or was recognized as a member in good standing with
1515 the Association of Universities and Colleges of Canada; and

1516 2. ~~(b)~~ Had programmatic accreditation from the American
1517 Psychological Association.

1518 (b) "Doctoral degree in psychology" means a Psy.D., an
1519 Ed.D. in psychology, or a Ph.D. in psychology from a psychology
1520 program at an educational institution that, at the time the

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1521 applicant was enrolled and graduated, had institutional
1522 accreditation from an agency recognized and approved by the
1523 United States Department of Education or was recognized as a
1524 member in good standing with the Association of Universities and
1525 Colleges of Canada.

1526 Section 33. Subsection (1) of section 490.005, Florida
1527 Statutes, is amended to read:

1528 490.005 Licensure by examination.—

1529 (1) Any person desiring to be licensed as a psychologist
1530 shall apply to the department to take the licensure examination.
1531 The department shall license each applicant who the board
1532 certifies has met all of the following requirements:

1533 (a) Completed the application form and remitted a
1534 nonrefundable application fee not to exceed \$500 and an
1535 examination fee set by the board sufficient to cover the actual
1536 per applicant cost to the department for development, purchase,
1537 and administration of the examination, but not to exceed \$500.

1538 (b) Submitted proof satisfactory to the board that the
1539 applicant has received:

1540 1. A doctoral degree from an American Psychological
1541 Association accredited program ~~Doctoral-level psychological~~
1542 ~~education; or~~

1543 2. The equivalent of a doctoral degree from an American
1544 Psychological Association accredited program ~~doctoral-level~~
1545 ~~psychological education, as defined in s. 490.003(3), from a~~

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1546 program at a school or university located outside the United
1547 States of America which was officially recognized by the
1548 government of the country in which it is located as an
1549 institution or program to train students to practice
1550 professional psychology. The applicant has the burden of
1551 establishing that this requirement has been met.

1552 (c) Had at least 2 years or 4,000 hours of experience in
1553 the field of psychology in association with or under the
1554 supervision of a licensed psychologist meeting the academic and
1555 experience requirements of this chapter or the equivalent as
1556 determined by the board. The experience requirement may be met
1557 by work performed on or off the premises of the supervising
1558 psychologist if the off-premises work is not the independent,
1559 private practice rendering of psychological services that does
1560 not have a psychologist as a member of the group actually
1561 rendering psychological services on the premises.

1562 (d) Passed the examination. However, an applicant who has
1563 obtained a passing score, as established by the board by rule,
1564 on the psychology licensure examination designated by the board
1565 as the national licensure examination need only pass the Florida
1566 law and rules portion of the examination.

1567 Section 34. Subsection (1) of section 490.0051, Florida
1568 Statutes, is amended to read:

1569 490.0051 Provisional licensure; requirements.-

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1570 (1) The department shall issue a provisional psychology
1571 license to each applicant who the board certifies has:

1572 (a) Completed the application form and remitted a
1573 nonrefundable application fee not to exceed \$250, as set by
1574 board rule.

1575 (b) Earned a doctoral degree from an American
1576 Psychological Association accredited program ~~in psychology as~~
1577 ~~defined in s. 490.003(3).~~

1578 (c) Met any additional requirements established by board
1579 rule.

1580 Section 35. Subsections (1), (3), and (4) of section
1581 491.005, Florida Statutes, are amended to read:

1582 491.005 Licensure by examination.—

1583 (1) CLINICAL SOCIAL WORK.—Upon verification of
1584 documentation and payment of a fee not to exceed \$200, as set by
1585 board rule, ~~plus the actual per applicant cost to the department~~
1586 ~~for purchase of the examination from the American Association of~~
1587 ~~State Social Worker's Boards or a similar national organization,~~
1588 the department shall issue a license as a clinical social worker
1589 to an applicant who the board certifies has met all of the
1590 following criteria:

1591 (a) ~~Has~~ Submitted an application and paid the appropriate
1592 fee.

1593 (b)1. ~~Has~~ Received a doctoral degree in social work from a
1594 graduate school of social work which at the time the applicant

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1595 graduated was accredited by an accrediting agency recognized by
1596 the United States Department of Education or ~~has~~ received a
1597 master's degree in social work from a graduate school of social
1598 work which at the time the applicant graduated:

1599 a. Was accredited by the Council on Social Work Education;

1600 b. Was accredited by the Canadian Association of Schools
1601 of Social Work; or

1602 c. Has been determined to have been a program equivalent
1603 to programs approved by the Council on Social Work Education by
1604 the Foreign Equivalency Determination Service of the Council on
1605 Social Work Education. An applicant who graduated from a program
1606 at a university or college outside of the United States or
1607 Canada must present documentation of the equivalency
1608 determination from the council in order to qualify.

1609 2. The applicant's graduate program must have emphasized
1610 direct clinical patient or client health care services,
1611 including, but not limited to, coursework in clinical social
1612 work, psychiatric social work, medical social work, social
1613 casework, psychotherapy, or group therapy. The applicant's
1614 graduate program must have included all of the following
1615 coursework:

1616 a. A supervised field placement which was part of the
1617 applicant's advanced concentration in direct practice, during
1618 which the applicant provided clinical services directly to
1619 clients.

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1620 b. Completion of 24 semester hours or 32 quarter hours in
1621 theory of human behavior and practice methods as courses in
1622 clinically oriented services, including a minimum of one course
1623 in psychopathology, and no more than one course in research,
1624 taken in a school of social work accredited or approved pursuant
1625 to subparagraph 1.

1626 3. If the course title which appears on the applicant's
1627 transcript does not clearly identify the content of the
1628 coursework, the applicant shall be required to provide
1629 additional documentation, including, but not limited to, a
1630 syllabus or catalog description published for the course.

1631 (c) ~~Has~~ Had at least 2 years of clinical social work
1632 experience, which took place subsequent to completion of a
1633 graduate degree in social work at an institution meeting the
1634 accreditation requirements of this section, under the
1635 supervision of a licensed clinical social worker or the
1636 equivalent who is a qualified supervisor as determined by the
1637 board. An individual who intends to practice in Florida to
1638 satisfy clinical experience requirements must register pursuant
1639 to s. 491.0045 before commencing practice. If the applicant's
1640 graduate program was not a program which emphasized direct
1641 clinical patient or client health care services as described in
1642 subparagraph (b)2., the supervised experience requirement must
1643 take place after the applicant has completed a minimum of 15
1644 semester hours or 22 quarter hours of the coursework required. A

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1645 | doctoral internship may be applied toward the clinical social
1646 | work experience requirement. A licensed mental health
1647 | professional must be on the premises when clinical services are
1648 | provided by a registered intern in a private practice setting.

1649 | (d) ~~Has~~ Passed a theory and practice examination
1650 | designated by board rule ~~provided by the department for this~~
1651 | ~~purpose.~~

1652 | (e) ~~Has~~ Demonstrated, in a manner designated by rule of
1653 | the board, knowledge of the laws and rules governing the
1654 | practice of clinical social work, marriage and family therapy,
1655 | and mental health counseling.

1656 | (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of
1657 | documentation and payment of a fee not to exceed \$200, as set by
1658 | board rule, ~~plus the actual cost of the purchase of the~~
1659 | ~~examination from the Association of Marital and Family Therapy~~
1660 | ~~Regulatory Board, or similar national organization,~~ the
1661 | department shall issue a license as a marriage and family
1662 | therapist to an applicant who the board certifies has met all of
1663 | the following criteria:

1664 | (a) ~~Has~~ Submitted an application and paid the appropriate
1665 | fee.

1666 | (b) 1. Obtained one of the following:

1667 | a. ~~Has~~ A minimum of a master's degree with major emphasis
1668 | in marriage and family therapy or a closely related field from a
1669 | program accredited by the Commission on Accreditation for

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1670 Marriage and Family Therapy Education or from a Florida
1671 university program accredited by the Council for Accreditation
1672 of Counseling and Related Educational Programs.

1673 b. A minimum of a master's degree with an emphasis in
1674 marriage and family therapy with a degree conferred date before
1675 July 1, 2026, from an institutionally accredited Florida college
1676 or university that is not yet accredited by the Commission on
1677 Accreditation for Marriage and Family Therapy Education or the
1678 Council for Accreditation of Counseling and Related Educational
1679 Programs.

1680 2. Completed and graduate courses approved by the Board of
1681 Clinical Social Work, Marriage and Family Therapy, and Mental
1682 Health Counseling.

1683
1684 If the course title that appears on the applicant's transcript
1685 does not clearly identify the content of the coursework, the
1686 applicant shall provide additional documentation, including, but
1687 not limited to, a syllabus or catalog description published for
1688 the course. The required master's degree must have been received
1689 in an institution of higher education that, at the time the
1690 applicant graduated, was fully accredited by an institutional a
1691 regional accrediting body recognized by the Commission on
1692 Recognition of Postsecondary Accreditation or publicly
1693 recognized as a member in good standing with the Association of
1694 Universities and Colleges of Canada, or an institution of higher

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1695 education located outside the United States and Canada which, at
1696 the time the applicant was enrolled and at the time the
1697 applicant graduated, maintained a standard of training
1698 substantially equivalent to the standards of training of those
1699 institutions in the United States which are accredited by an
1700 institutional ~~a regional~~ accrediting body recognized by the
1701 Commission on Recognition of Postsecondary Accreditation. Such
1702 foreign education and training must have been received in an
1703 institution or program of higher education officially recognized
1704 by the government of the country in which it is located as an
1705 institution or program to train students to practice as
1706 professional marriage and family therapists or psychotherapists.
1707 The applicant has the burden of establishing that the
1708 requirements of this provision have been met, and the board
1709 shall require documentation, such as an evaluation by a foreign
1710 equivalency determination service, as evidence that the
1711 applicant's graduate degree program and education were
1712 equivalent to an accredited program in this country. An
1713 applicant with a master's degree from a program that did not
1714 emphasize marriage and family therapy may complete the
1715 coursework requirement in a training institution fully
1716 accredited by the Commission on Accreditation for Marriage and
1717 Family Therapy Education recognized by the United States
1718 Department of Education.

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1719 (c) ~~Has~~ Had at least 2 years of clinical experience during
1720 which 50 percent of the applicant's clients were receiving
1721 marriage and family therapy services, which must have been ~~be~~ at
1722 the post-master's level under the supervision of a licensed
1723 marriage and family therapist with at least 5 years of
1724 experience, or the equivalent, who is a qualified supervisor as
1725 determined by the board. An individual who intends to practice
1726 in Florida to satisfy the clinical experience requirements must
1727 register pursuant to s. 491.0045 before commencing practice. If
1728 a graduate has a master's degree with a major emphasis in
1729 marriage and family therapy or a closely related field which did
1730 not include all of the coursework required by paragraph (b),
1731 credit for the post-master's level clinical experience may not
1732 commence until the applicant has completed a minimum of 10 of
1733 the courses required by paragraph (b), as determined by the
1734 board, and at least 6 semester hours or 9 quarter hours of the
1735 course credits must have been completed in the area of marriage
1736 and family systems, theories, or techniques. Within the 2 years
1737 of required experience, the applicant must ~~shall~~ provide direct
1738 individual, group, or family therapy and counseling to cases
1739 including those involving unmarried dyads, married couples,
1740 separating and divorcing couples, and family groups that include
1741 children. A doctoral internship may be applied toward the
1742 clinical experience requirement. A licensed mental health

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1743 professional must be on the premises when clinical services are
1744 provided by a registered intern in a private practice setting.

1745 (d) ~~Has~~ Passed a theory and practice examination
1746 designated by board rule ~~provided by the department.~~

1747 (e) ~~Has~~ Demonstrated, in a manner designated by board
1748 rule, knowledge of the laws and rules governing the practice of
1749 clinical social work, marriage and family therapy, and mental
1750 health counseling.

1751

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

1756 (4) MENTAL HEALTH COUNSELING.—Upon verification of
1757 documentation and payment of a fee not to exceed \$200, as set by
1758 board rule, ~~plus the actual per applicant cost of purchase of~~
1759 ~~the examination from the National Board for Certified Counselors~~
1760 ~~or its successor organization,~~ the department shall issue a
1761 license as a mental health counselor to an applicant who the
1762 board certifies has met all of the following criteria:

1763 (a) ~~Has~~ Submitted an application and paid the appropriate
1764 fee.

1765 (b)1. Obtained ~~Has~~ a minimum of an earned master's degree
1766 from a mental health counseling program accredited by the
1767 Council for the Accreditation of Counseling and Related

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

1778 a. Thirty-three semester hours or 44 quarter hours of
1779 graduate coursework, which must include a minimum of 3 semester
1780 hours or 4 quarter hours of graduate-level coursework in each of
1781 the following 11 content areas: counseling theories and
1782 practice; human growth and development; diagnosis and treatment
1783 of psychopathology; human sexuality; group theories and
1784 practice; individual evaluation and assessment; career and
1785 lifestyle assessment; research and program evaluation; social
1786 and cultural foundations; substance abuse; and legal, ethical,
1787 and professional standards issues in the practice of mental
1788 health counseling. Courses in research, thesis or dissertation
1789 work, practicums, internships, or fieldwork may not be applied
1790 toward this requirement.

1791 b. A minimum of 3 semester hours or 4 quarter hours of
1792 graduate-level coursework addressing diagnostic processes,

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1793 including differential diagnosis and the use of the current
1794 diagnostic tools, such as the current edition of the American
1795 Psychiatric Association's Diagnostic and Statistical Manual of
1796 Mental Disorders. The graduate program must have emphasized the
1797 common core curricular experience.

1798 c. The equivalent, as determined by the board, of at least
1799 700 hours of university-sponsored supervised clinical practicum,
1800 internship, or field experience that includes at least 280 hours
1801 of direct client services, as required in the accrediting
1802 standards of the Council for Accreditation of Counseling and
1803 Related Educational Programs for mental health counseling
1804 programs. This experience may not be used to satisfy the post-
1805 master's clinical experience requirement.

1806 2. ~~Has~~ Provided additional documentation if a course title
1807 that appears on the applicant's transcript does not clearly
1808 identify the content of the coursework. The documentation must
1809 include, but is not limited to, a syllabus or catalog
1810 description published for the course.

1811
1812 Education and training in mental health counseling must have
1813 been received in an institution of higher education that, at the
1814 time the applicant graduated, was fully accredited by an
1815 institutional ~~a regional~~ accrediting body recognized by the
1816 Council for Higher Education Accreditation or its successor
1817 organization or publicly recognized as a member in good standing

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1818 with the Association of Universities and Colleges of Canada, or
1819 an institution of higher education located outside the United
1820 States and Canada which, at the time the applicant was enrolled
1821 and at the time the applicant graduated, maintained a standard
1822 of training substantially equivalent to the standards of
1823 training of those institutions in the United States which are
1824 accredited by an institutional ~~a regional~~ accrediting body
1825 recognized by the Council for Higher Education Accreditation or
1826 its successor organization. Such foreign education and training
1827 must have been received in an institution or program of higher
1828 education officially recognized by the government of the country
1829 in which it is located as an institution or program to train
1830 students to practice as mental health counselors. The applicant
1831 has the burden of establishing that the requirements of this
1832 provision have been met, and the board shall require
1833 documentation, such as an evaluation by a foreign equivalency
1834 determination service, as evidence that the applicant's graduate
1835 degree program and education were equivalent to an accredited
1836 program in this country. Beginning July 1, 2025, an applicant
1837 must have a master's degree from a program that is accredited by
1838 the Council for Accreditation of Counseling and Related
1839 Educational Programs, the Masters in Psychology and Counseling
1840 Accreditation Council, or an equivalent accrediting body which
1841 consists of at least 60 semester hours or 80 quarter hours to
1842 apply for licensure under this paragraph.

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1843 (c) ~~Has~~ Had at least 2 years of clinical experience in
1844 mental health counseling, which must be at the post-master's
1845 level under the supervision of a licensed mental health
1846 counselor or the equivalent who is a qualified supervisor as
1847 determined by the board. An individual who intends to practice
1848 in Florida to satisfy the clinical experience requirements must
1849 register pursuant to s. 491.0045 before commencing practice. If
1850 a graduate has a master's degree with a major related to the
1851 practice of mental health counseling which did not include all
1852 the coursework required under sub-subparagraphs (b)1.a. and b.,
1853 credit for the post-master's level clinical experience may not
1854 commence until the applicant has completed a minimum of seven of
1855 the courses required under sub-subparagraphs (b)1.a. and b., as
1856 determined by the board, one of which must be a course in
1857 psychopathology or abnormal psychology. A doctoral internship
1858 may be applied toward the clinical experience requirement. A
1859 licensed mental health professional must be on the premises when
1860 clinical services are provided by a registered intern in a
1861 private practice setting.

1862 (d) ~~Has~~ Passed a theory and practice examination
1863 designated by department rule ~~provided by the department for~~
1864 ~~this purpose.~~

1865 (e) ~~Has~~ Demonstrated, in a manner designated by board
1866 rule, knowledge of the laws and rules governing the practice of

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1867 clinical social work, marriage and family therapy, and mental
1868 health counseling.

1869 Section 36. Except as otherwise expressly provided in this
1870 act, this act shall take effect July 1, 2021.

1871

1872 -----

1873 **T I T L E A M E N D M E N T**

1874 Remove everything before the enacting clause and insert:

1875 A bill to be entitled

1876 An act relating to the Department of Health; amending
1877 s. 381.0045, F.S.; revising the purpose of the
1878 department's targeted outreach program for certain
1879 pregnant women; requiring the department to encourage
1880 high-risk pregnant women of unknown status to be
1881 tested for sexually transmissible diseases; requiring
1882 the department to provide specified information to
1883 pregnant women who have human immunodeficiency virus
1884 (HIV); requiring the department to link women with
1885 mental health services when available; requiring the
1886 department to educate pregnant women who have HIV on
1887 certain information; requiring the department to
1888 provide, for a specified purpose, continued oversight
1889 of newborns exposed to HIV; amending s. 381.986, F.S.;
1890 authorizing the Department of Health to select samples
1891 of marijuana available in certain facilities for

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1892 testing for specified purposes; authorizing the
1893 department to sample marijuana delivery devices from a
1894 dispensing facility to determine safety; requiring
1895 that a medical marijuana treatment center recall all
1896 marijuana, rather than only edibles, under certain
1897 circumstances; authorizing the department and certain
1898 employees to acquire, possess, test, transport, and
1899 dispose of marijuana; prohibiting the department from
1900 renewing a medical marijuana treatment center's
1901 license under certain circumstances; amending s.
1902 381.988, F.S.; authorizing the department and certain
1903 employees to acquire, possess, test, transport, and
1904 dispose of marijuana; creating s. 395.3042, F.S.;
1905 requiring the Department of Health to send a list of
1906 certain providers of adult cardiovascular services to
1907 specified persons and entities annually; requiring the
1908 department to develop a sample heart attack-triage
1909 assessment tool to be posted on its website and
1910 distributed to licensed emergency medical services
1911 providers; requiring such providers to use the
1912 assessment tool; requiring medical directors of such
1913 providers to develop and implement certain specified
1914 protocols; requiring that such protocols include the
1915 development and implementation of certain plans;
1916 requiring the compliance of certain licensed emergency

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1917 medical services providers; amending s. 400.506, F.S.;
1918 requiring a licensed nurse registry that authorizes a
1919 registered nurse to delegate tasks to a certified
1920 nursing assistant or a home health aide to ensure that
1921 certain requirements are met; amending s. 401.465,
1922 F.S.; defining the term "telecommunicator
1923 cardiopulmonary resuscitation training"; conforming
1924 cross-references; requiring certain 911 public safety
1925 telecommunicators to complete biennial
1926 telecommunicator cardiopulmonary resuscitation
1927 training; amending s. 408.033, F.S.; authorizing local
1928 health councils to collect utilization data from
1929 licensed hospitals within their respective local
1930 health council districts for a specified purpose;
1931 amending s. 456.47, F.S.; revising the prohibition on
1932 prescribing controlled substances through the use of
1933 telehealth to include only specified controlled
1934 substances; amending s. 460.406, F.S.; revising
1935 provisions related to chiropractic physician
1936 licensing; amending s. 464.008, F.S.; deleting a
1937 requirement that certain nursing program graduates
1938 complete a specified preparatory course; amending s.
1939 464.0156, F.S.; authorizing a registered nurse to
1940 delegate the administration of certain duties for the
1941 care of a patient of a nurse registry; amending s.

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1942 464.018, F.S.; revising grounds for disciplinary
1943 action against licensed nurses; amending s. 464.2035,
1944 F.S.; authorizing certified nursing assistants to
1945 administer certain medication to patients of nurse
1946 registries under certain circumstances; conforming a
1947 provision to changes made by the act; amending s.
1948 466.028, F.S.; revising grounds for disciplinary
1949 action by the Board of Dentistry; amending s.
1950 466.0285, F.S.; exempting certain specialty hospitals
1951 from prohibitions relating to the employment of
1952 dentists and dental hygienists and the control of
1953 dental equipment and materials by nondentists;
1954 exempting such hospitals from a prohibition on
1955 nondentists entering into certain agreements with
1956 dentists or dental hygienists; making technical
1957 changes; amending s. 467.003, F.S.; revising and
1958 defining terms; amending s. 467.009, F.S.; revising
1959 provisions related to approved midwifery programs;
1960 amending s. 467.011, F.S.; revising provisions
1961 relating to licensure of midwives; amending s.
1962 467.0125, F.S.; revising provisions relating to
1963 licensure by endorsement of midwives; revising
1964 requirements for temporary certificates to practice
1965 midwifery in this state; amending s. 467.205, F.S.;;
1966 revising provisions relating to approval, continued

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1967 monitoring, probationary status, provisional approval,
1968 and approval rescission of midwifery programs;
1969 amending s. 468.203, F.S.; revising and providing
1970 definitions; amending s. 468.209, F.S.; revising the
1971 fieldwork experience requirement for certain persons
1972 to take the examination for licensure as an
1973 occupational therapist; amending s. 468.215, F.S.;
1974 authorizing licensed occupational therapists to use a
1975 specified title and initials in accordance with the
1976 rules of a national certifying organization; amending
1977 s. 468.223, F.S.; prohibiting certain persons from
1978 using a specified title and initials; providing
1979 criminal penalties; amending s. 468.225, F.S.;
1980 providing construction; amending s. 468.803, F.S.;
1981 revising provisions related to orthotist and
1982 prosthetist registration, examination, and licensing;
1983 reenacting ss. 1002.385(5)(c) and 1002.66(2)(c),
1984 amending s. 468.203, F.S.; revising and providing
1985 definitions; amending s. 468.209, F.S.; revising the
1986 fieldwork experience requirement for certain persons
1987 to take the examination for licensure as an
1988 occupational therapist; amending s. 468.215, F.S.;
1989 authorizing licensed occupational therapists to use a
1990 specified title and initials in accordance with the
1991 rules of a national certifying organization; amending

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1992 s. 468.223, F.S.; prohibiting certain persons from
1993 using a specified title and initials; providing
1994 criminal penalties; amending s. 468.225, F.S.;
1995 providing construction; amending s. 468.803, F.S.;
1996 revising provisions related to orthotist and
1997 prosthetist registration, examination, and licensing;
1998 reenacting ss. 1002.385(5)(c) and 1002.66(2)(c), F.S.,
1999 relating to the Gardiner Scholarship and specialized
2000 instructional services for children with disabilities,
2001 respectively, to incorporate the amendments made by
2002 the act; amending s. 483.801, F.S.; exempting certain
2003 persons from clinical laboratory personnel
2004 regulations; amending s. 483.824, F.S.; revising
2005 educational requirements for clinical laboratory
2006 directors; amending s. 490.003, F.S.; defining the
2007 terms "doctoral degree from an American Psychological
2008 Association accredited program" and "doctoral degree
2009 in psychology"; amending ss. 490.005 and 490.0051,
2010 F.S.; revising education requirements for psychologist
2011 licensing and provisional licensing, respectively;
2012 amending s. 491.005, F.S.; revising licensing
2013 requirements for clinical social workers, marriage and
2014 family therapists, and mental health counselors;
2015 providing effective dates.

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