

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~~ a
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. Section 468.1265, Florida Statutes, is amended
1115 to read:

1116 468.1265 Sale or distribution of hearing aids through
1117 mail; penalty.—It is unlawful for any person to sell or
1118 distribute hearing aids through the mail to a client who is
1119 younger than 21 years of age ~~the ultimate consumer~~. Any person
1120 who violates this section commits a misdemeanor of the second
1121 degree, punishable as provided in s. 775.082 or s. 775.083.

1122 Section 23. Subsection (4) of section 468.203, Florida
1123 Statutes, is amended to read:

1124 468.203 Definitions.—As used in this act, the term:

1125 (4) "Occupational therapy" means the therapeutic use of
1126 occupations through habilitation, rehabilitation, and the

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1127 promotion of health and wellness with individuals, groups, or
1128 populations, along with their families or organizations to
1129 support participation, performance, and function in the home,
1130 school, workplace, community, and other settings for clients who
1131 have or are at risk of developing an illness, injury, disease,
1132 disorder, condition, impairment, disability, activity
1133 limitation, or participation restriction ~~purposeful activity or~~
1134 ~~interventions to achieve functional outcomes.~~

1135 (a) For the purposes of this subsection:

1136 1. "Activities of daily living" means functions and tasks
1137 for self-care which are performed on a daily or routine basis,
1138 including functional mobility, bathing, dressing, eating and
1139 swallowing, personal hygiene and grooming, toileting, and other
1140 similar tasks. ~~"Achieving functional outcomes" means to maximize~~
1141 ~~the independence and the maintenance of health of any individual~~
1142 ~~who is limited by a physical injury or illness, a cognitive~~
1143 ~~impairment, a psychosocial dysfunction, a mental illness, a~~
1144 ~~developmental or a learning disability, or an adverse~~
1145 ~~environmental condition.~~

1146 2. "Assessment" means the use of skilled observation or
1147 the administration and interpretation of standardized or
1148 nonstandardized tests and measurements to identify areas for
1149 occupational therapy services.

1150 3. "Behavioral health services" means the promotion of
1151 occupational performance through services to support positive

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1152 mental health by providing direct individual and group
1153 interventions to improve the client's participation in daily
1154 occupations.

1155 4. "Health management" means activities related to
1156 developing, managing, and maintaining health and wellness,
1157 including self-management, with the goal of improving or
1158 maintaining health to support participation in occupations.

1159 5. "Instrumental activities of daily living" means daily
1160 or routine activities a person must perform to live
1161 independently within the home and community.

1162 6. "Mental health services" means the promotion of
1163 occupational performance related to mental health, coping,
1164 resilience, and well-being by providing individual, group, and
1165 population level supports and services to improve the client's
1166 participation in daily occupations for those who are at risk of,
1167 experiencing, or in recovery from these conditions, along with
1168 their families and communities.

1169 7. "Occupations" means meaningful and purposeful everyday
1170 activities performed and engaged in by individuals, groups,
1171 populations, families, or communities which occur in contexts
1172 and over time, such as activities of daily living, instrumental
1173 activities of daily living, health management, rest and sleep,
1174 education, work, play, leisure, and social participation. The
1175 term includes more specific occupations and execution of
1176 multiple activities that are influenced by performance patterns,

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1177 performance skills, and client factors, resulting in varied
1178 outcomes.

1179 8. "Occupational performance" means the ability to
1180 perceive, desire, recall, plan, and carry out roles, routines,
1181 tasks, and subtasks for the purpose of self-maintenance, self-
1182 preservation, productivity, leisure, and rest, for oneself or
1183 others, in response to internal or external demands of
1184 occupations and contexts.

1185 (b) The practice of occupational therapy includes services
1186 include, but is are not limited to:

1187 1. Assessment, treatment, education of, and consultation
1188 with, individuals, groups, and populations whose abilities to
1189 participate safely in occupations, including activities of daily
1190 living, instrumental activities of daily living, rest and sleep,
1191 education, work, play, leisure, and social participation are
1192 impaired or at risk for impairment due to issues related, but
1193 not limited, to developmental deficiencies, the aging process,
1194 learning disabilities, physical environment and sociocultural
1195 context, physical injury or disease, cognitive impairments, and
1196 psychological and social disabilities ~~The assessment, treatment,~~
1197 ~~and education of or consultation with the individual, family, or~~
1198 ~~other persons.~~

1199 2. Methods or approaches to determine abilities and
1200 limitations related to performance of occupations, including,
1201 but not limited to, the identification of physical, sensory,

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1202 ~~cognitive, emotional, or social deficiencies Interventions~~
1203 ~~directed toward developing daily living skills, work readiness~~
1204 ~~or work performance, play skills or leisure capacities, or~~
1205 ~~enhancing educational performance skills.~~

1206 3. Specific occupational therapy techniques used for
1207 treatment that involve, but are not limited to, training in
1208 activities of daily living; environmental modification;
1209 assessment of the need for the use of interventions such as the
1210 design, fabrication, and application of orthotics or orthotic
1211 devices; selecting, applying, and training in the use of
1212 assistive technology and adaptive devices; sensory, motor, and
1213 cognitive activities; therapeutic exercises; manual techniques;
1214 physical agent modalities; behavioral health services; and
1215 mental health services ~~Providing for the development of:~~
1216 ~~sensory-motor, perceptual, or neuromuscular functioning; range~~
1217 ~~of motion; or emotional, motivational, cognitive, or~~
1218 ~~psychosocial components of performance.~~

1219
1220 ~~These services may require assessment of the need for use of~~
1221 ~~interventions such as the design, development, adaptation,~~
1222 ~~application, or training in the use of assistive technology~~
1223 ~~devices; the design, fabrication, or application of~~
1224 ~~rehabilitative technology such as selected orthotic devices;~~
1225 ~~training in the use of assistive technology; orthotic or~~
1226 ~~prosthetic devices; the application of physical agent modalities~~

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1227 ~~as an adjunct to or in preparation for purposeful activity; the~~
1228 ~~use of ergonomic principles; the adaptation of environments and~~
1229 ~~processes to enhance functional performance; or the promotion of~~
1230 ~~health and wellness.~~

1231 (c) The use of devices subject to 21 C.F.R. s. 801.109 and
1232 identified by the board is expressly prohibited except by an
1233 occupational therapist or occupational therapy assistant who has
1234 received training as specified by the board. The board shall
1235 adopt rules to carry out the purpose of this provision.

1236 Section 24. Subsection (2) of section 468.209, Florida
1237 Statutes, is amended to read:

1238 468.209 Requirements for licensure.—

1239 (2) An applicant who has practiced as a state-licensed or
1240 American Occupational Therapy Association-certified occupational
1241 therapy assistant for 4 years and who, before ~~prior to~~ January
1242 24, 1988, completed a minimum of 24 weeks ~~6 months~~ of supervised
1243 occupational-therapist-level fieldwork experience may take the
1244 examination to be licensed as an occupational therapist without
1245 meeting the educational requirements for occupational therapists
1246 made otherwise applicable under paragraph (1) (b).

1247 Section 25. Subsection (2) of section 468.215, Florida
1248 Statutes, is amended to read:

1249 468.215 Issuance of license.—

1250 (2) Any person who is issued a license as an occupational
1251 therapist under the terms of this act may use the words

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1252 "occupational therapist," "licensed occupational therapist,"
1253 "occupational therapist doctorate," or "occupational therapist
1254 registered," or he or she may use the letters "O.T.," "L.O.T.,"
1255 "O.T.D.," or "O.T.R.," in connection with his or her name or
1256 place of business to denote his or her registration hereunder.

1257 Section 26. Section 468.223, Florida Statutes, is amended
1258 to read:

1259 468.223 Prohibitions; penalties.—

1260 (1) A person may not:

1261 (a) Practice occupational therapy unless such person is
1262 licensed pursuant to ss. 468.201-468.225;

1263 (b) Use, in connection with his or her name or place of
1264 business, the words "occupational therapist," "licensed
1265 occupational therapist," "occupational therapist doctorate,"
1266 "occupational therapist registered," "occupational therapy
1267 assistant," "licensed occupational therapy assistant,"
1268 "certified occupational therapy assistant"; the letters "O.T.,"
1269 "L.O.T.," "O.T.D.," "O.T.R.," "O.T.A.," "L.O.T.A.," or
1270 "C.O.T.A."; or any other words, letters, abbreviations, or
1271 insignia indicating or implying that he or she is an
1272 occupational therapist or an occupational therapy assistant or,
1273 in any way, orally or in writing, in print or by sign, directly
1274 or by implication, to represent himself or herself as an
1275 occupational therapist or an occupational therapy assistant

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1276 unless the person is a holder of a valid license issued pursuant
1277 to ss. 468.201-468.225;

1278 (c) Present as his or her own the license of another;

1279 (d) Knowingly give false or forged evidence to the board
1280 or a member thereof;

1281 (e) Use or attempt to use a license that ~~which~~ has been
1282 suspended, revoked, or placed on inactive or delinquent status;

1283 (f) Employ unlicensed persons to engage in the practice of
1284 occupational therapy; or

1285 (g) Conceal information relative to any violation of ss.
1286 468.201-468.225.

1287 (2) Any person who violates any provision of this section
1288 commits a misdemeanor of the second degree, punishable as
1289 provided in s. 775.082 or s. 775.083.

1290 Section 27. Paragraph (e) is added to subsection (1) of
1291 section 468.225, Florida Statutes, to read:

1292 468.225 Exemptions.—

1293 (1) Nothing in this act shall be construed as preventing
1294 or restricting the practice, services, or activities of:

1295 (e) Any person fulfilling an occupational therapy doctoral
1296 capstone experience that involves clinical practice or projects.

1297 Section 28. Subsections (2), (3), and (4) and paragraphs
1298 (a) and (b) of subsection (5) of section 468.803, Florida
1299 Statutes, are amended to read:

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1300 468.803 License, registration, and examination
1301 requirements.—

1302 (2) An applicant for registration, examination, or
1303 licensure must apply to the department on a form prescribed by
1304 the board for consideration of board approval. Each initial
1305 applicant shall submit ~~a set of~~ fingerprints to the department
1306 ~~on a form and~~ under procedures specified by the department,
1307 ~~along with payment in an amount equal to the costs incurred by~~
1308 ~~the department~~ for state and national criminal history checks of
1309 the applicant. ~~The department shall submit the fingerprints~~
1310 ~~provided by an applicant to the Department of Law Enforcement~~
1311 ~~for a statewide criminal history check, and the Department of~~
1312 ~~Law Enforcement shall forward the fingerprints to the Federal~~
1313 ~~Bureau of Investigation for a national criminal history check of~~
1314 ~~the applicant.~~ The board shall screen the results to determine
1315 if an applicant meets licensure requirements. The board shall
1316 consider for examination, registration, or licensure each
1317 applicant who the board verifies:

1318 (a) Has submitted the completed application and completed
1319 the fingerprinting requirements ~~fingerprint forms~~ and has paid
1320 the applicable application fee, not to exceed \$500, ~~and the cost~~
1321 ~~of the state and national criminal history checks.~~ The
1322 application fee is ~~and cost of the criminal history checks shall~~
1323 ~~be~~ nonrefundable;

1324 (b) Is of good moral character;

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1325 (c) Is 18 years of age or older; and
1326 (d) Has completed the appropriate educational preparation.
1327 (3) A person seeking to attain the orthotics or
1328 prosthetics experience required for licensure in this state must
1329 be approved by the board and registered as a resident by the
1330 department. Although a registration may be held in both
1331 disciplines, for independent registrations the board may not
1332 approve a second registration until at least 1 year after the
1333 issuance of the first registration. Notwithstanding subsection
1334 (2), a person who has been approved by the board and registered
1335 by the department in one discipline may apply for registration
1336 in the second discipline without an additional state or national
1337 criminal history check during the period in which the first
1338 registration is valid. Each independent registration or dual
1339 registration is valid for 2 years after the date of issuance
1340 unless otherwise revoked by the department upon recommendation
1341 of the board. The board shall set a registration fee not to
1342 exceed \$500 to be paid by the applicant. A registration may be
1343 renewed once by the department upon recommendation of the board
1344 for a period no longer than 1 year, as such renewal is defined
1345 by the board by rule. The renewal fee may not exceed one-half
1346 the current registration fee. To be considered by the board for
1347 approval of registration as a resident, the applicant must have
1348 one of the following:

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1349 (a) A Bachelor of Science or higher-level postgraduate
1350 degree in orthotics and prosthetics from an ~~a regionally~~
1351 accredited college or university recognized by the Commission on
1352 Accreditation of Allied Health Education Programs.

1353 (b) A minimum of a bachelor's degree from an
1354 institutionally ~~a regionally~~ accredited college or university
1355 and a certificate in orthotics or prosthetics from a program
1356 recognized by the Commission on Accreditation of Allied Health
1357 Education Programs, or its equivalent, as determined by the
1358 board.

1359 (c) A minimum of a bachelor's degree from an
1360 institutionally ~~a regionally~~ accredited college or university
1361 and a dual certificate in both orthotics and prosthetics from
1362 programs recognized by the Commission on Accreditation of Allied
1363 Health Education Programs, or its equivalent, as determined by
1364 the board.

1365 (4) The department may develop and administer a state
1366 examination for an orthotist or a prosthetist license, or the
1367 board may approve the existing examination of a national
1368 standards organization. The examination must be predicated on a
1369 minimum of a baccalaureate-level education and formalized
1370 specialized training in the appropriate field. Each examination
1371 must demonstrate a minimum level of competence in basic
1372 scientific knowledge, written problem solving, and practical
1373 clinical patient management. The board shall require an

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1374 examination fee not to exceed the actual cost to the board in
1375 developing, administering, and approving the examination, which
1376 fee must be paid by the applicant. To be considered by the board
1377 for examination, the applicant must have:

1378 (a) For an examination in orthotics:

1379 1. A Bachelor of Science or higher-level postgraduate
1380 degree in orthotics and prosthetics from an institutionally a
1381 ~~regionally~~ accredited college or university recognized by the
1382 Commission on Accreditation of Allied Health Education Programs
1383 or, at a minimum, a bachelor's degree from an institutionally a
1384 ~~regionally~~ accredited college or university and a certificate in
1385 orthotics from a program recognized by the Commission on
1386 Accreditation of Allied Health Education Programs, or its
1387 equivalent, as determined by the board; and

1388 2. An approved orthotics internship of 1 year of qualified
1389 experience, as determined by the board, or an orthotic residency
1390 or dual residency program recognized by the board.

1391 (b) For an examination in prosthetics:

1392 1. A Bachelor of Science or higher-level postgraduate
1393 degree in orthotics and prosthetics from an institutionally a
1394 ~~regionally~~ accredited college or university recognized by the
1395 Commission on Accreditation of Allied Health Education Programs
1396 or, at a minimum, a bachelor's degree from an institutionally a
1397 ~~regionally~~ accredited college or university and a certificate in
1398 prosthetics from a program recognized by the Commission on

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1399 Accreditation of Allied Health Education Programs, or its
1400 equivalent, as determined by the board; and

1401 2. An approved prosthetics internship of 1 year of
1402 qualified experience, as determined by the board, or a
1403 prosthetic residency or dual residency program recognized by the
1404 board.

1405 (5) In addition to the requirements in subsection (2), to
1406 be licensed as:

1407 (a) An orthotist, the applicant must pay a license fee not
1408 to exceed \$500 and must have:

1409 1. A Bachelor of Science or higher-level postgraduate
1410 degree in Orthotics and Prosthetics from an institutionally a
1411 ~~regionally~~ accredited college or university recognized by the
1412 Commission on Accreditation of Allied Health Education Programs,
1413 or a bachelor's degree from an institutionally accredited
1414 college or university and with a certificate in orthotics from a
1415 program recognized by the Commission on Accreditation of Allied
1416 Health Education Programs, or its equivalent, as determined by
1417 the board;

1418 2. An approved ~~appropriate~~ internship of 1 year of
1419 qualified experience, as determined by the board, or a residency
1420 program recognized by the board;

1421 3. Completed the mandatory courses; and

1422 4. Passed the state orthotics examination or the board-
1423 approved orthotics examination.

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1424 (b) A prosthetist, the applicant must pay a license fee
1425 not to exceed \$500 and must have:

1426 1. A Bachelor of Science or higher-level postgraduate
1427 degree in Orthotics and Prosthetics from an institutionally a
1428 regionally accredited college or university recognized by the
1429 Commission on Accreditation of Allied Health Education Programs,
1430 or a bachelor's degree from an institutionally accredited
1431 college or university and with a certificate in prosthetics from
1432 a program recognized by the Commission on Accreditation of
1433 Allied Health Education Programs, or its equivalent, as
1434 determined by the board;

1435 2. An internship of 1 year of qualified experience, as
1436 determined by the board, or a residency program recognized by
1437 the board;

1438 3. Completed the mandatory courses; and

1439 4. Passed the state prosthetics examination or the board-
1440 approved prosthetics examination.

1441 Section 29. Section 484.054, Florida Statutes, is amended
1442 to read:

1443 484.054 Sale or distribution of hearing aids through mail;
1444 penalty.—It is unlawful for any person to sell or distribute
1445 hearing aids through the mail to a client who is younger than 21
1446 years of age ~~the ultimate consumer~~. Any violation of this
1447 section constitutes a misdemeanor of the second degree,
1448 punishable as provided in s. 775.082 or s. 775.083.

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1449 Section 30. For the purpose of incorporating the amendment
1450 made by this act to section 468.203, Florida Statutes, in a
1451 reference thereto, paragraph (c) of subsection (5) of section
1452 1002.385, Florida Statutes, is reenacted to read:

1453 1002.385 The Gardiner Scholarship.—

1454 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must
1455 be used to meet the individual educational needs of an eligible
1456 student and may be spent for the following purposes:

1457 (c) Specialized services by approved providers or by a
1458 hospital in this state which are selected by the parent. These
1459 specialized services may include, but are not limited to:

1460 1. Applied behavior analysis services as provided in ss.
1461 627.6686 and 641.31098.

1462 2. Services provided by speech-language pathologists as
1463 defined in s. 468.1125.

1464 3. Occupational therapy services as defined in s. 468.203.

1465 4. Services provided by physical therapists as defined in
1466 s. 486.021.

1467 5. Services provided by listening and spoken language
1468 specialists and an appropriate acoustical environment for a
1469 child who is deaf or hard of hearing and who has received an
1470 implant or assistive hearing device.

1471
1472 A provider of any services receiving payments pursuant to this
1473 subsection may not share, refund, or rebate any moneys from the

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1474 Gardiner Scholarship with the parent or participating student in
1475 any manner. A parent, student, or provider of any services may
1476 not bill an insurance company, Medicaid, or any other agency for
1477 the same services that are paid for using Gardiner Scholarship
1478 funds.

1479 Section 31. For the purpose of incorporating the amendment
1480 made by this act to section 468.203, Florida Statutes, in a
1481 reference thereto, paragraph (c) of subsection (2) of section
1482 1002.66, Florida Statutes, is reenacted to read:

1483 1002.66 Specialized instructional services for children
1484 with disabilities.—

1485 (2) The parent of a child who is eligible for the
1486 prekindergarten program for children with disabilities may
1487 select one or more specialized instructional services that are
1488 consistent with the child's individual educational plan. These
1489 specialized instructional services may include, but are not
1490 limited to:

1491 (c) Occupational therapy as defined in s. 468.203.

1492 Section 32. Subsection (7) is added to section 483.801,
1493 Florida Statutes, to read:

1494 483.801 Exemptions.—This part applies to all clinical
1495 laboratories and clinical laboratory personnel within this
1496 state, except:

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1497 (7) A registered nurse licensed under chapter 464
1498 performing alternate-site testing within a hospital or offsite
1499 emergency department licensed under chapter 395.

1500 Section 33. Section 483.824, Florida Statutes, is amended
1501 to read:

1502 483.824 Qualifications of clinical laboratory director.—A
1503 clinical laboratory director must have 4 years of clinical
1504 laboratory experience with 2 years of experience in the
1505 specialty to be directed or be nationally board certified in the
1506 specialty to be directed, and must meet one of the following
1507 requirements:

1508 (1) Be a physician licensed under chapter 458 or chapter
1509 459;

1510 (2) Hold an earned doctoral degree in a chemical,
1511 physical, or biological science from an ~~a regionally~~ accredited
1512 institution and maintain national certification requirements
1513 equal to those required by the federal Health Care Financing
1514 Administration; or

1515 (3) For the subspecialty of oral pathology, be a physician
1516 licensed under chapter 458 or chapter 459 or a dentist licensed
1517 under chapter 466.

1518 Section 34. Subsection (3) of section 490.003, Florida
1519 Statutes, is amended to read:

1520 490.003 Definitions.—As used in this chapter:

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1521 (3) (a) "Doctoral degree from an American Psychological
1522 Association accredited program" means ~~Effective July 1, 1999,~~
1523 ~~"doctoral-level psychological education" and "doctoral degree in~~
1524 ~~psychology" mean~~ a Psy.D., an Ed.D. in psychology, or a Ph.D. in
1525 psychology from a psychology program at an educational
1526 institution that, at the time the applicant was enrolled and
1527 graduated:

1528 1.(a) Had institutional accreditation from an agency
1529 recognized and approved by the United States Department of
1530 Education or was recognized as a member in good standing with
1531 the Association of Universities and Colleges of Canada; and

1532 2.(b) Had programmatic accreditation from the American
1533 Psychological Association.

1534 (b) "Doctoral degree in psychology" means a Psy.D., an
1535 Ed.D. in psychology, or a Ph.D. in psychology from a psychology
1536 program at an educational institution that, at the time the
1537 applicant was enrolled and graduated, had institutional
1538 accreditation from an agency recognized and approved by the
1539 United States Department of Education or was recognized as a
1540 member in good standing with the Association of Universities and
1541 Colleges of Canada.

1542 Section 35. Subsection (1) of section 490.005, Florida
1543 Statutes, is amended to read:

1544 490.005 Licensure by examination.—

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1545 (1) Any person desiring to be licensed as a psychologist
1546 shall apply to the department to take the licensure examination.
1547 The department shall license each applicant who the board
1548 certifies has met all of the following requirements:

1549 (a) Completed the application form and remitted a
1550 nonrefundable application fee not to exceed \$500 and an
1551 examination fee set by the board sufficient to cover the actual
1552 per applicant cost to the department for development, purchase,
1553 and administration of the examination, but not to exceed \$500.

1554 (b) Submitted proof satisfactory to the board that the
1555 applicant has received:

1556 1. A doctoral degree from an American Psychological
1557 Association accredited program ~~Doctoral-level psychological~~
1558 ~~education;~~ or

1559 2. The equivalent of a doctoral degree from an American
1560 Psychological Association accredited program ~~doctoral-level~~
1561 ~~psychological education, as defined in s. 490.003(3),~~ from a
1562 program at a school or university located outside the United
1563 States of America which was officially recognized by the
1564 government of the country in which it is located as an
1565 institution or program to train students to practice
1566 professional psychology. The applicant has the burden of
1567 establishing that this requirement has been met.

1568 (c) Had at least 2 years or 4,000 hours of experience in
1569 the field of psychology in association with or under the

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1570 supervision of a licensed psychologist meeting the academic and
1571 experience requirements of this chapter or the equivalent as
1572 determined by the board. The experience requirement may be met
1573 by work performed on or off the premises of the supervising
1574 psychologist if the off-premises work is not the independent,
1575 private practice rendering of psychological services that does
1576 not have a psychologist as a member of the group actually
1577 rendering psychological services on the premises.

1578 (d) Passed the examination. However, an applicant who has
1579 obtained a passing score, as established by the board by rule,
1580 on the psychology licensure examination designated by the board
1581 as the national licensure examination need only pass the Florida
1582 law and rules portion of the examination.

1583 Section 36. Subsection (1) of section 490.0051, Florida
1584 Statutes, is amended to read:

1585 490.0051 Provisional licensure; requirements.—

1586 (1) The department shall issue a provisional psychology
1587 license to each applicant who the board certifies has:

1588 (a) Completed the application form and remitted a
1589 nonrefundable application fee not to exceed \$250, as set by
1590 board rule.

1591 (b) Earned a doctoral degree from an American
1592 Psychological Association accredited program in psychology as
1593 defined in s. 490.003(3).

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1594 (c) Met any additional requirements established by board
1595 rule.

1596 Section 37. Subsections (1), (3), and (4) of section
1597 491.005, Florida Statutes, are amended to read:

1598 491.005 Licensure by examination.—

1599 (1) CLINICAL SOCIAL WORK.—Upon verification of
1600 documentation and payment of a fee not to exceed \$200, as set by
1601 board rule, ~~plus the actual per applicant cost to the department~~
1602 ~~for purchase of the examination from the American Association of~~
1603 ~~State Social Worker's Boards or a similar national organization,~~
1604 the department shall issue a license as a clinical social worker
1605 to an applicant who the board certifies has met all of the
1606 following criteria:

1607 (a) ~~Has~~ Submitted an application and paid the appropriate
1608 fee.

1609 (b)1. ~~Has~~ Received a doctoral degree in social work from a
1610 graduate school of social work which at the time the applicant
1611 graduated was accredited by an accrediting agency recognized by
1612 the United States Department of Education or ~~has~~ received a
1613 master's degree in social work from a graduate school of social
1614 work which at the time the applicant graduated:

1615 a. Was accredited by the Council on Social Work Education;

1616 b. Was accredited by the Canadian Association of Schools
1617 of Social Work; or

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1618 c. Has been determined to have been a program equivalent
1619 to programs approved by the Council on Social Work Education by
1620 the Foreign Equivalency Determination Service of the Council on
1621 Social Work Education. An applicant who graduated from a program
1622 at a university or college outside of the United States or
1623 Canada must present documentation of the equivalency
1624 determination from the council in order to qualify.

1625 2. The applicant's graduate program must have emphasized
1626 direct clinical patient or client health care services,
1627 including, but not limited to, coursework in clinical social
1628 work, psychiatric social work, medical social work, social
1629 casework, psychotherapy, or group therapy. The applicant's
1630 graduate program must have included all of the following
1631 coursework:

1632 a. A supervised field placement which was part of the
1633 applicant's advanced concentration in direct practice, during
1634 which the applicant provided clinical services directly to
1635 clients.

1636 b. Completion of 24 semester hours or 32 quarter hours in
1637 theory of human behavior and practice methods as courses in
1638 clinically oriented services, including a minimum of one course
1639 in psychopathology, and no more than one course in research,
1640 taken in a school of social work accredited or approved pursuant
1641 to subparagraph 1.

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1642 3. If the course title which appears on the applicant's
1643 transcript does not clearly identify the content of the
1644 coursework, the applicant shall be required to provide
1645 additional documentation, including, but not limited to, a
1646 syllabus or catalog description published for the course.

1647 (c) ~~Has~~ Had at least 2 years of clinical social work
1648 experience, which took place subsequent to completion of a
1649 graduate degree in social work at an institution meeting the
1650 accreditation requirements of this section, under the
1651 supervision of a licensed clinical social worker or the
1652 equivalent who is a qualified supervisor as determined by the
1653 board. An individual who intends to practice in Florida to
1654 satisfy clinical experience requirements must register pursuant
1655 to s. 491.0045 before commencing practice. If the applicant's
1656 graduate program was not a program which emphasized direct
1657 clinical patient or client health care services as described in
1658 subparagraph (b)2., the supervised experience requirement must
1659 take place after the applicant has completed a minimum of 15
1660 semester hours or 22 quarter hours of the coursework required. A
1661 doctoral internship may be applied toward the clinical social
1662 work experience requirement. A licensed mental health
1663 professional must be on the premises when clinical services are
1664 provided by a registered intern in a private practice setting.

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1665 (d) ~~Has~~ Passed a theory and practice examination
1666 designated by board rule provided by the department for this
1667 purpose.

1668 (e) ~~Has~~ Demonstrated, in a manner designated by rule of
1669 the board, knowledge of the laws and rules governing the
1670 practice of clinical social work, marriage and family therapy,
1671 and mental health counseling.

1672 (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of
1673 documentation and payment of a fee not to exceed \$200, as set by
1674 board rule, ~~plus the actual cost of the purchase of the~~
1675 ~~examination from the Association of Marital and Family Therapy~~
1676 ~~Regulatory Board, or similar national organization,~~ the
1677 department shall issue a license as a marriage and family
1678 therapist to an applicant who the board certifies has met all of
1679 the following criteria:

1680 (a) ~~Has~~ Submitted an application and paid the appropriate
1681 fee.

1682 (b) 1. Obtained one of the following:

1683 a. ~~Has~~ A minimum of a master's degree with major emphasis
1684 in marriage and family therapy or a closely related field from a
1685 program accredited by the Commission on Accreditation for
1686 Marriage and Family Therapy Education or from a Florida
1687 university program accredited by the Council for Accreditation
1688 of Counseling and Related Educational Programs.

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1689 b. A minimum of a master's degree with an emphasis in
1690 marriage and family therapy with a degree conferred date before
1691 July 1, 2026, from an institutionally accredited Florida college
1692 or university that is not yet accredited by the Commission on
1693 Accreditation for Marriage and Family Therapy Education or the
1694 Council for Accreditation of Counseling and Related Educational
1695 Programs.

1696 2. Completed ~~and~~ graduate courses approved by the Board of
1697 Clinical Social Work, Marriage and Family Therapy, and Mental
1698 Health Counseling.

1699
1700 If the course title that appears on the applicant's transcript
1701 does not clearly identify the content of the coursework, the
1702 applicant shall provide additional documentation, including, but
1703 not limited to, a syllabus or catalog description published for
1704 the course. The required master's degree must have been received
1705 in an institution of higher education that, at the time the
1706 applicant graduated, was fully accredited by an institutional ~~a~~
1707 ~~regional~~ accrediting body recognized by the Commission on
1708 Recognition of Postsecondary Accreditation or publicly
1709 recognized as a member in good standing with the Association of
1710 Universities and Colleges of Canada, or an institution of higher
1711 education located outside the United States and Canada which, at
1712 the time the applicant was enrolled and at the time the
1713 applicant graduated, maintained a standard of training

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1714 substantially equivalent to the standards of training of those
1715 institutions in the United States which are accredited by an
1716 institutional ~~a regional~~ accrediting body recognized by the
1717 Commission on Recognition of Postsecondary Accreditation. Such
1718 foreign education and training must have been received in an
1719 institution or program of higher education officially recognized
1720 by the government of the country in which it is located as an
1721 institution or program to train students to practice as
1722 professional marriage and family therapists or psychotherapists.
1723 The applicant has the burden of establishing that the
1724 requirements of this provision have been met, and the board
1725 shall require documentation, such as an evaluation by a foreign
1726 equivalency determination service, as evidence that the
1727 applicant's graduate degree program and education were
1728 equivalent to an accredited program in this country. An
1729 applicant with a master's degree from a program that did not
1730 emphasize marriage and family therapy may complete the
1731 coursework requirement in a training institution fully
1732 accredited by the Commission on Accreditation for Marriage and
1733 Family Therapy Education recognized by the United States
1734 Department of Education.

1735 (c) ~~Has~~ Had at least 2 years of clinical experience during
1736 which 50 percent of the applicant's clients were receiving
1737 marriage and family therapy services, which must have been ~~be~~ at
1738 the post-master's level under the supervision of a licensed

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1739 marriage and family therapist with at least 5 years of
1740 experience, or the equivalent, who is a qualified supervisor as
1741 determined by the board. An individual who intends to practice
1742 in Florida to satisfy the clinical experience requirements must
1743 register pursuant to s. 491.0045 before commencing practice. If
1744 a graduate has a master's degree with a major emphasis in
1745 marriage and family therapy or a closely related field which did
1746 not include all of the coursework required by paragraph (b),
1747 credit for the post-master's level clinical experience may not
1748 commence until the applicant has completed a minimum of 10 of
1749 the courses required by paragraph (b), as determined by the
1750 board, and at least 6 semester hours or 9 quarter hours of the
1751 course credits must have been completed in the area of marriage
1752 and family systems, theories, or techniques. Within the 2 years
1753 of required experience, the applicant must ~~shall~~ provide direct
1754 individual, group, or family therapy and counseling to cases
1755 including those involving unmarried dyads, married couples,
1756 separating and divorcing couples, and family groups that include
1757 children. A doctoral internship may be applied toward the
1758 clinical experience requirement. A licensed mental health
1759 professional must be on the premises when clinical services are
1760 provided by a registered intern in a private practice setting.

1761 (d) ~~Has~~ Passed a theory and practice examination
1762 designated by board rule ~~provided by the department.~~

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1763 (e) ~~Has~~ Demonstrated, in a manner designated by board
1764 rule, knowledge of the laws and rules governing the practice of
1765 clinical social work, marriage and family therapy, and mental
1766 health counseling.

1767
1768 For the purposes of dual licensure, the department shall license
1769 as a marriage and family therapist any person who meets the
1770 requirements of s. 491.0057. Fees for dual licensure may not
1771 exceed those stated in this subsection.

1772 (4) MENTAL HEALTH COUNSELING.—Upon verification of
1773 documentation and payment of a fee not to exceed \$200, as set by
1774 board rule, ~~plus the actual per applicant cost of purchase of~~
1775 ~~the examination from the National Board for Certified Counselors~~
1776 ~~or its successor organization,~~ the department shall issue a
1777 license as a mental health counselor to an applicant who the
1778 board certifies has met all of the following criteria:

1779 (a) ~~Has~~ Submitted an application and paid the appropriate
1780 fee.

1781 (b)1. Obtained ~~Has~~ a minimum of an earned master's degree
1782 from a mental health counseling program accredited by the
1783 Council for the Accreditation of Counseling and Related
1784 Educational Programs which consists of at least 60 semester
1785 hours or 80 quarter hours of clinical and didactic instruction,
1786 including a course in human sexuality and a course in substance
1787 abuse. If the master's degree is earned from a program related

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1788 to the practice of mental health counseling which is not
1789 accredited by the Council for the Accreditation of Counseling
1790 and Related Educational Programs, then the coursework and
1791 practicum, internship, or fieldwork must consist of at least 60
1792 semester hours or 80 quarter hours and meet all of the following
1793 requirements:

1794 a. Thirty-three semester hours or 44 quarter hours of
1795 graduate coursework, which must include a minimum of 3 semester
1796 hours or 4 quarter hours of graduate-level coursework in each of
1797 the following 11 content areas: counseling theories and
1798 practice; human growth and development; diagnosis and treatment
1799 of psychopathology; human sexuality; group theories and
1800 practice; individual evaluation and assessment; career and
1801 lifestyle assessment; research and program evaluation; social
1802 and cultural foundations; substance abuse; and legal, ethical,
1803 and professional standards issues in the practice of mental
1804 health counseling. Courses in research, thesis or dissertation
1805 work, practicums, internships, or fieldwork may not be applied
1806 toward this requirement.

1807 b. A minimum of 3 semester hours or 4 quarter hours of
1808 graduate-level coursework addressing diagnostic processes,
1809 including differential diagnosis and the use of the current
1810 diagnostic tools, such as the current edition of the American
1811 Psychiatric Association's Diagnostic and Statistical Manual of

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1812 Mental Disorders. The graduate program must have emphasized the
1813 common core curricular experience.

1814 c. The equivalent, as determined by the board, of at least
1815 700 hours of university-sponsored supervised clinical practicum,
1816 internship, or field experience that includes at least 280 hours
1817 of direct client services, as required in the accrediting
1818 standards of the Council for Accreditation of Counseling and
1819 Related Educational Programs for mental health counseling
1820 programs. This experience may not be used to satisfy the post-
1821 master's clinical experience requirement.

1822 2. ~~Has~~ Provided additional documentation if a course title
1823 that appears on the applicant's transcript does not clearly
1824 identify the content of the coursework. The documentation must
1825 include, but is not limited to, a syllabus or catalog
1826 description published for the course.

1827
1828 Education and training in mental health counseling must have
1829 been received in an institution of higher education that, at the
1830 time the applicant graduated, was fully accredited by an
1831 institutional ~~a regional~~ accrediting body recognized by the
1832 Council for Higher Education Accreditation or its successor
1833 organization or publicly recognized as a member in good standing
1834 with the Association of Universities and Colleges of Canada, or
1835 an institution of higher education located outside the United
1836 States and Canada which, at the time the applicant was enrolled

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1837 and at the time the applicant graduated, maintained a standard
1838 of training substantially equivalent to the standards of
1839 training of those institutions in the United States which are
1840 accredited by an institutional ~~a regional~~ accrediting body
1841 recognized by the Council for Higher Education Accreditation or
1842 its successor organization. Such foreign education and training
1843 must have been received in an institution or program of higher
1844 education officially recognized by the government of the country
1845 in which it is located as an institution or program to train
1846 students to practice as mental health counselors. The applicant
1847 has the burden of establishing that the requirements of this
1848 provision have been met, and the board shall require
1849 documentation, such as an evaluation by a foreign equivalency
1850 determination service, as evidence that the applicant's graduate
1851 degree program and education were equivalent to an accredited
1852 program in this country. Beginning July 1, 2025, an applicant
1853 must have a master's degree from a program that is accredited by
1854 the Council for Accreditation of Counseling and Related
1855 Educational Programs, the Masters in Psychology and Counseling
1856 Accreditation Council, or an equivalent accrediting body which
1857 consists of at least 60 semester hours or 80 quarter hours to
1858 apply for licensure under this paragraph.

1859 (c) ~~Has~~ Had at least 2 years of clinical experience in
1860 mental health counseling, which must be at the post-master's
1861 level under the supervision of a licensed mental health

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1862 counselor or the equivalent who is a qualified supervisor as
1863 determined by the board. An individual who intends to practice
1864 in Florida to satisfy the clinical experience requirements must
1865 register pursuant to s. 491.0045 before commencing practice. If
1866 a graduate has a master's degree with a major related to the
1867 practice of mental health counseling which did not include all
1868 the coursework required under sub-subparagraphs (b)1.a. and b.,
1869 credit for the post-master's level clinical experience may not
1870 commence until the applicant has completed a minimum of seven of
1871 the courses required under sub-subparagraphs (b)1.a. and b., as
1872 determined by the board, one of which must be a course in
1873 psychopathology or abnormal psychology. A doctoral internship
1874 may be applied toward the clinical experience requirement. A
1875 licensed mental health professional must be on the premises when
1876 clinical services are provided by a registered intern in a
1877 private practice setting.

1878 (d) ~~Has~~ Passed a theory and practice examination
1879 designated by department rule ~~provided by the department for~~
1880 ~~this purpose.~~

1881 (e) ~~Has~~ Demonstrated, in a manner designated by board
1882 rule, knowledge of the laws and rules governing the practice of
1883 clinical social work, marriage and family therapy, and mental
1884 health counseling.

1885 Section 38. Except as otherwise expressly provided in this
1886 act, this act shall take effect July 1, 2021.

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Amendment No.

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

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to the Department of Health; amending s. 381.0045, F.S.; revising the purpose of the department's targeted outreach program for certain pregnant women; requiring the department to encourage high-risk pregnant women of unknown status to be tested for sexually transmissible diseases; requiring the department to provide specified information to pregnant women who have human immunodeficiency virus (HIV); requiring the department to link women with mental health services when available; requiring the department to educate pregnant women who have HIV on certain information; requiring the department to provide, for a specified purpose, continued oversight of newborns exposed to HIV; amending s. 381.986, F.S.; authorizing the Department of Health to select samples of marijuana available in certain facilities for testing for specified purposes; authorizing the department to sample marijuana delivery devices from a dispensing facility to determine safety; requiring that a medical marijuana treatment center recall all

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1912 marijuana, rather than only edibles, under certain
1913 circumstances; authorizing the department and certain
1914 employees to acquire, possess, test, transport, and
1915 dispose of marijuana; prohibiting the department from
1916 renewing a medical marijuana treatment center's
1917 license under certain circumstances; amending s.
1918 381.988, F.S.; authorizing the department and certain
1919 employees to acquire, possess, test, transport, and
1920 dispose of marijuana; creating s. 395.3042, F.S.;
1921 requiring the Department of Health to send a list of
1922 certain providers of adult cardiovascular services to
1923 specified persons and entities annually; requiring the
1924 department to develop a sample heart attack-triage
1925 assessment tool to be posted on its website and
1926 distributed to licensed emergency medical services
1927 providers; requiring such providers to use the
1928 assessment tool; requiring medical directors of such
1929 providers to develop and implement certain specified
1930 protocols; requiring that such protocols include the
1931 development and implementation of certain plans;
1932 requiring the compliance of certain licensed emergency
1933 medical services providers; amending s. 400.506, F.S.;
1934 requiring a licensed nurse registry that authorizes a
1935 registered nurse to delegate tasks to a certified
1936 nursing assistant or a home health aide to ensure that

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1937 certain requirements are met; amending s. 401.465,
1938 F.S.; defining the term "telecommunicator
1939 cardiopulmonary resuscitation training"; conforming
1940 cross-references; requiring certain 911 public safety
1941 telecommunicators to complete biennial
1942 telecommunicator cardiopulmonary resuscitation
1943 training; amending s. 408.033, F.S.; authorizing local
1944 health councils to collect utilization data from
1945 licensed hospitals within their respective local
1946 health council districts for a specified purpose;
1947 amending s. 456.47, F.S.; revising the prohibition on
1948 prescribing controlled substances through the use of
1949 telehealth to include only specified controlled
1950 substances; amending s. 460.406, F.S.; revising
1951 provisions related to chiropractic physician
1952 licensing; amending s. 464.008, F.S.; deleting a
1953 requirement that certain nursing program graduates
1954 complete a specified preparatory course; amending s.
1955 464.0156, F.S.; authorizing a registered nurse to
1956 delegate the administration of certain duties for the
1957 care of a patient of a nurse registry; amending s.
1958 464.018, F.S.; revising grounds for disciplinary
1959 action against licensed nurses; amending s. 464.2035,
1960 F.S.; authorizing certified nursing assistants to
1961 administer certain medication to patients of nurse

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1962 registries under certain circumstances; conforming a
1963 provision to changes made by the act; amending s.
1964 466.028, F.S.; revising grounds for disciplinary
1965 action by the Board of Dentistry; amending s.
1966 466.0285, F.S.; exempting certain specialty hospitals
1967 from prohibitions relating to the employment of
1968 dentists and dental hygienists and the control of
1969 dental equipment and materials by nondentists;
1970 exempting such hospitals from a prohibition on
1971 nondentists entering into certain agreements with
1972 dentists or dental hygienists; making technical
1973 changes; amending s. 467.003, F.S.; revising and
1974 defining terms; amending s. 467.009, F.S.; revising
1975 provisions related to approved midwifery programs;
1976 amending s. 467.011, F.S.; revising provisions
1977 relating to licensure of midwives; amending s.
1978 467.0125, F.S.; revising provisions relating to
1979 licensure by endorsement of midwives; revising
1980 requirements for temporary certificates to practice
1981 midwifery in this state; amending s. 467.205, F.S.;
1982 revising provisions relating to approval, continued
1983 monitoring, probationary status, provisional approval,
1984 and approval rescission of midwifery programs;
1985 amending s. 468.1265, F.S.; revising a prohibition on
1986 the sale or distribution of hearing aids through the

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1987 mail; amending s. 468.203, F.S.; revising and
1988 providing definitions; amending s. 468.209, F.S.;
1989 revising the fieldwork experience requirement for
1990 certain persons to take the examination for licensure
1991 as an occupational therapist; amending s. 468.215,
1992 F.S.; authorizing licensed occupational therapists to
1993 use a specified title and initials in accordance with
1994 the rules of a national certifying organization;
1995 amending s. 468.223, F.S.; prohibiting certain persons
1996 from using a specified title and initials; providing
1997 criminal penalties; amending s. 468.225, F.S.;
1998 providing construction; amending s. 468.803, F.S.;
1999 revising provisions related to orthotist and
2000 prosthetist registration, examination, and licensing;
2001 amending s. 484.054, F.S.; revising a prohibition on
2002 the sale or distribution of hearing aids through the
2003 mail; reenacting ss. 1002.385(5)(c) and 1002.66(2)(c),
2004 F.S., relating to the Gardiner Scholarship and
2005 specialized instructional services for children with
2006 disabilities, respectively, to incorporate the
2007 amendments made by the act; amending s. 483.801, F.S.;
2008 exempting certain persons from clinical laboratory
2009 personnel regulations; amending s. 483.824, F.S.;
2010 revising educational requirements for clinical
2011 laboratory directors; amending s. 490.003, F.S.;

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2012 defining the terms "doctoral degree from an American
2013 Psychological Association accredited program" and
2014 "doctoral degree in psychology"; amending ss. 490.005
2015 and 490.0051, F.S.; revising education requirements
2016 for psychologist licensing and provisional licensing,
2017 respectively; amending s. 491.005, F.S.; revising
2018 licensing requirements for clinical social workers,
2019 marriage and family therapists, and mental health
2020 counselors; providing effective dates.

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