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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to occupational therapy; amending s. 468.203, F.S.; revising and defining terms; amending s. 468.209, F.S.; revising the fieldwork experience requirement for certain persons to take the examination for licensure as an occupational therapist; amending s. 468.215, F.S.; authorizing licensed occupational therapists to use a specified title and initials; amending s. 468.223, F.S.; prohibiting certain persons from using a specified title and initials; providing criminal penalties; amending s. 468.225, F.S.; providing construction; reenacting ss. 1002.385(5)(c) and 1002.66(2)(c), F.S., relating to the Gardiner Scholarship and specialized instructional services for children with disabilities, respectively, to incorporate the amendment made to s. 468.203, F.S., in references thereto; providing an effective date.

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

Section 1. Subsection (4) of section 468.203, Florida Statutes, is amended to read:

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

(4) "Occupational therapy" means the therapeutic use of occupations with individuals, groups, or populations, along with their families or organizations to support participation,



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28 performance, and function in roles and situations in the home,
29 school, workplace, community, and other settings for clients who
30 have or are at risk of developing an illness, injury, disease,
31 disorder, condition, impairment, disability, activity
32 limitation, or participation restriction ~~purposeful activity or~~
33 ~~interventions to achieve functional outcomes.~~

34 (a) For the purposes of this subsection:

35 1. "Activities of daily living" means functions and tasks
36 for self-care which are performed on a daily or routine basis,
37 including functional mobility, bathing, dressing, eating and
38 swallowing, personal hygiene and grooming, toileting, and other
39 similar tasks ~~"Achieving functional outcomes" means to maximize~~
40 ~~the independence and the maintenance of health of any individual~~
41 ~~who is limited by a physical injury or illness, a cognitive~~
42 ~~impairment, a psychosocial dysfunction, a mental illness, a~~
43 ~~developmental or a learning disability, or an adverse~~
44 ~~environmental condition.~~

45 2. "Assessment" means the use of skilled observation or the
46 administration and interpretation of standardized or
47 nonstandardized tests and measurements to identify areas for
48 occupational therapy services.

49 3. "Behavioral health services" means the promotion of
50 occupational performance through services to support positive
51 mental health by providing direct individual and group
52 interventions to improve the client's participation in daily
53 occupations.

54 4. "Health management" means activities related to
55 developing, managing, and maintaining health and wellness,
56 including self-management, with the goal of improving or



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57 maintaining health to support participation in occupations.

58 5. "Instrumental activities of daily living" means daily or
59 routine activities a person must perform to live independently
60 within the home and community.

61 6. "Mental health services" means the promotion of
62 occupational performance related to mental health, coping,
63 resilience, and well-being by providing individual, group, and
64 population level supports and services to improve the client's
65 participation in daily occupations for those who are at risk of,
66 experiencing, or in recovery from these conditions, along with
67 their families and communities.

68 7. "Occupations" means meaningful and purposeful everyday
69 activities performed and engaged in by individuals, groups,
70 populations, families, or communities which occur in contexts
71 and over time, such as activities of daily living, instrumental
72 activities of daily living, health management, rest and sleep,
73 education, work, play, leisure, and social participation. The
74 term includes more specific occupations and execution of
75 multiple activities that are influenced by performance patterns,
76 performance skills, and client factors.

77 8. "Occupational performance" means the ability to
78 perceive, desire, recall, plan, and carry out roles, routines,
79 tasks, and subtasks for the purposes of self-maintenance, self-
80 preservation, productivity, leisure, and rest, for oneself or
81 others, in response to internal or external demands of
82 occupations and contexts.

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

85 1. Assessment, treatment, and education of, and



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86 consultation with, individuals, groups, and populations whose
87 abilities to participate safely in occupations, including
88 activities of daily living, instrumental activities of daily
89 living, rest and sleep, education, work, play, leisure, and
90 social participation, are impaired or at risk for impairment due
91 to issues related to, but not limited to, developmental
92 deficiencies, the aging process, learning disabilities, physical
93 environment and sociocultural context, physical injury or
94 disease, cognitive impairments, and psychological and social
95 disabilities ~~The assessment, treatment, and education of or~~
96 ~~consultation with the individual, family, or other persons.~~

97 2. Methods or approaches to determine abilities and
98 limitations related to performance of occupations, including,
99 but not limited to, the identification of physical, sensory,
100 cognitive, emotional, or social deficiencies ~~Interventions~~
101 ~~directed toward developing daily living skills, work readiness~~
102 ~~or work performance, play skills or leisure capacities, or~~
103 ~~enhancing educational performance skills.~~

104 3. Specific occupational therapy techniques used for
105 treatment which involve, but are not limited to, training in
106 activities of daily living; environmental modification;
107 assessment of the need for the use of interventions such as the
108 design, fabrication, and application of orthotics or orthotic
109 devices; selecting, applying, and training in the use of
110 assistive technology and adaptive devices; sensory, motor, and
111 cognitive activities; therapeutic exercises; manual techniques;
112 physical agent modalities; behavioral health services; and
113 mental health services ~~Providing for the development of:~~
114 ~~sensory-motor, perceptual, or neuromuscular functioning; range~~



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115 ~~of motion; or emotional, motivational, cognitive, or~~
116 ~~psychosocial components of performance.~~

117
118 ~~These services may require assessment of the need for use of~~
119 ~~interventions such as the design, development, adaptation,~~
120 ~~application, or training in the use of assistive technology~~
121 ~~devices; the design, fabrication, or application of~~
122 ~~rehabilitative technology such as selected orthotic devices;~~
123 ~~training in the use of assistive technology; orthotic or~~
124 ~~prosthetic devices; the application of physical agent modalities~~
125 ~~as an adjunct to or in preparation for purposeful activity; the~~
126 ~~use of ergonomic principles; the adaptation of environments and~~
127 ~~processes to enhance functional performance; or the promotion of~~
128 ~~health and wellness.~~

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

134 Section 2. Subsection (2) of section 468.209, Florida
135 Statutes, is amended to read:

136 468.209 Requirements for licensure.—

137 (2) An applicant who has practiced as a state-licensed or
138 American Occupational Therapy Association-certified occupational
139 therapy assistant for 4 years and who, before ~~prior to~~ January
140 24, 1988, completed a minimum of 24 weeks ~~6 months~~ of supervised
141 occupational-therapist-level fieldwork experience may take the
142 examination to be licensed as an occupational therapist without
143 meeting the educational requirements for occupational therapists



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144 made otherwise applicable under paragraph (1) (b) .

145 Section 3. Subsection (2) of section 468.215, Florida
146 Statutes, is amended to read:

147 468.215 Issuance of license.—

148 (2) Any person who is issued a license as an occupational
149 therapist under the terms of this act may use the words
150 "occupational therapist," "licensed occupational therapist,"
151 "occupational therapist doctorate," or "occupational therapist
152 registered," or he or she may use the letters "O.T.," "L.O.T.,"
153 "O.T.D.," or "O.T.R.," in connection with his or her name or
154 place of business to denote his or her registration hereunder.

155 Section 4. Section 468.223, Florida Statutes, is amended to
156 read:

157 468.223 Prohibitions; penalties.—

158 (1) A person may not:

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

161 (b) Use, in connection with his or her name or place of
162 business, the words "occupational therapist," "licensed
163 occupational therapist," "occupational therapist doctorate,"
164 "occupational therapist registered," "occupational therapy
165 assistant," "licensed occupational therapy assistant,"
166 "certified occupational therapy assistant"; the letters "O.T.,"
167 "L.O.T.," "O.T.D.," "O.T.R.," "O.T.A.," "L.O.T.A.," or
168 "C.O.T.A."; or any other words, letters, abbreviations, or
169 insignia indicating or implying that he or she is an
170 occupational therapist or an occupational therapy assistant or,
171 in any way, orally or in writing, in print or by sign, directly
172 or by implication, to represent himself or herself as an



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173 occupational therapist or an occupational therapy assistant
174 unless the person is a holder of a valid license issued pursuant
175 to ss. 468.201-468.225;

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

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

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

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

183 (g) Conceal information relative to any violation of ss.
184 468.201-468.225.

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

188 Section 5. Paragraph (e) is added to subsection (1) of
189 section 468.225, Florida Statutes, to read:

190 468.225 Exemptions.—

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

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

195 Section 6. For the purpose of incorporating the amendment
196 made by this act to section 468.203, Florida Statutes, in a
197 reference thereto, paragraph (c) of subsection (5) of section
198 1002.385, Florida Statutes, is reenacted to read:

199 1002.385 The Gardiner Scholarship.—

200 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be
201 used to meet the individual educational needs of an eligible



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202 student and may be spent for the following purposes:

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

206 1. Applied behavior analysis services as provided in ss.
207 627.6686 and 641.31098.

208 2. Services provided by speech-language pathologists as
209 defined in s. 468.1125.

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

211 4. Services provided by physical therapists as defined in
212 s. 486.021.

213 5. Services provided by listening and spoken language
214 specialists and an appropriate acoustical environment for a
215 child who is deaf or hard of hearing and who has received an
216 implant or assistive hearing device.

217

218 A provider of any services receiving payments pursuant to this
219 subsection may not share, refund, or rebate any moneys from the
220 Gardiner Scholarship with the parent or participating student in
221 any manner. A parent, student, or provider of any services may
222 not bill an insurance company, Medicaid, or any other agency for
223 the same services that are paid for using Gardiner Scholarship
224 funds.

225 Section 7. For the purpose of incorporating the amendment
226 made by this act to section 468.203, Florida Statutes, in a
227 reference thereto, paragraph (c) of subsection (2) of section
228 1002.66, Florida Statutes, is reenacted to read:

229 1002.66 Specialized instructional services for children
230 with disabilities.-



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231 (2) The parent of a child who is eligible for the
232 prekindergarten program for children with disabilities may
233 select one or more specialized instructional services that are
234 consistent with the child's individual educational plan. These
235 specialized instructional services may include, but are not
236 limited to:

237 (c) Occupational therapy as defined in s. 468.203.
238 Section 8. This act shall take effect July 1, 2021.