

2022768e1

1 A bill to be entitled
2 An act relating to the Department of Health; amending
3 s. 381.0045, F.S.; revising the purpose of the
4 department's targeted outreach program for certain
5 pregnant women; requiring the department to encourage
6 high-risk pregnant women of unknown status to be
7 tested for sexually transmissible diseases; requiring
8 the department to provide specified information to
9 pregnant women who have human immunodeficiency virus
10 (HIV); requiring the department to link women with
11 mental health services when available; requiring the
12 department to educate pregnant women who have HIV on
13 certain information; requiring the department to
14 provide, for a specified purpose, continued oversight
15 of newborns exposed to HIV; amending s. 381.0303,
16 F.S.; removing the Children's Medical Services office
17 from parties required to coordinate in the development
18 of local emergency management plans for special needs
19 shelters; amending s. 381.986, F.S.; authorizing
20 certain applicants for medical marijuana treatment
21 center licenses to transfer their initial application
22 fee to one subsequent opportunity to apply for
23 licensure under certain circumstances; prohibiting the
24 department from renewing a medical marijuana treatment
25 center's license under certain circumstances;
26 authorizing the department to select samples of
27 marijuana from medical marijuana treatment center
28 facilities for certain testing; authorizing the
29 department to select samples of marijuana delivery

2022768e1

30 devices from medical marijuana treatment centers to
31 determine whether such devices are safe for use;
32 requiring the department to adopt certain rules using
33 negotiated rulemaking procedures; requiring medical
34 marijuana treatment centers to recall marijuana and
35 marijuana delivery devices, instead of just edibles,
36 under certain circumstances; exempting the department
37 and its employees from criminal provisions if they
38 acquire, possess, test, transport, or lawfully dispose
39 of marijuana and marijuana delivery devices under
40 certain circumstances; amending s. 381.99, F.S.;

41 revising the membership of the Rare Disease Advisory
42 Council; amending s. 383.216, F.S.; authorizing the
43 organization representing all Healthy Start Coalitions
44 to use any method of telecommunication to conduct
45 meetings under certain circumstances; amending s.
46 456.039, F.S.; requiring certain applicants for
47 licensure as physicians to provide specified
48 documentation to the department at the time of
49 application; amending s. 460.406, F.S.; revising
50 provisions related to chiropractic physician
51 licensing; amending s. 464.008, F.S.; deleting a
52 requirement that certain nursing program graduates
53 complete a specified preparatory course; amending s.
54 464.018, F.S.; revising grounds for disciplinary
55 action against licensed nurses; amending s. 467.003,
56 F.S.; revising and defining terms; amending s.
57 467.009, F.S.; revising provisions related to
58 accredited and approved midwifery programs; amending

2022768e1

59 s. 467.011, F.S.; revising requirements for licensure
60 of midwives; amending s. 467.0125, F.S.; revising
61 requirements for licensure by endorsement of midwives;
62 revising requirements for temporary certificates to
63 practice midwifery in this state; amending s. 467.205,
64 F.S.; revising provisions relating to approval,
65 continued monitoring, probationary status, provisional
66 approval, and approval rescission of midwifery
67 programs; amending s. 468.803, F.S.; revising
68 provisions related to orthotist and prosthetist
69 registration, examination, and licensing; amending s.
70 483.824, F.S.; revising educational requirements for
71 clinical laboratory directors; amending s. 490.003,
72 F.S.; defining the terms "doctoral degree from an
73 American Psychological Association accredited program"
74 and "doctoral degree in psychology"; amending ss.
75 490.005 and 490.0051, F.S.; revising education
76 requirements for psychologist licensure and
77 provisional licensure, respectively; amending s.
78 491.005, F.S.; revising requirements for licensure of
79 clinical social workers, marriage and family
80 therapists, and mental health counselors; amending s.
81 766.31, F.S.; revising eligibility requirements for
82 certain retroactive payments to parents or legal
83 guardians under the Florida Birth-Related Neurological
84 Injury Compensation Plan; providing retroactive
85 applicability; requiring the plan to make certain
86 retroactive payments to eligible parents or guardians;
87 authorizing the plan to make such payments in a lump

2022768e1

88 sum or periodically as designated by eligible parents
89 or legal guardians; requiring the plan to make the
90 payments by a specified date; amending s. 766.314,
91 F.S.; deleting obsolete language and updating
92 provisions to conform to current law; revising the
93 frequency with which the department must submit
94 certain reports to the Florida Birth-Related
95 Neurological Injury Compensation Association; revising
96 the content of such reports; authorizing the
97 association to enforce the collection of certain
98 assessments in circuit court under certain
99 circumstances; requiring the association to notify the
100 department and the applicable regulatory board of any
101 unpaid final judgment against a physician within a
102 specified timeframe; providing effective dates.

103
104 Be It Enacted by the Legislature of the State of Florida:

105
106 Section 1. Subsections (2) and (3) of section 381.0045,
107 Florida Statutes, are amended to read:

108 381.0045 Targeted outreach for pregnant women.—

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

116 (3) The department shall:

2022768e1

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

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

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

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

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

132 (f) Link women with substance abuse treatment and mental
133 health services, when available, and act as a liaison with
134 Healthy Start coalitions, children's medical services, Ryan
135 White-funded providers, and other services of the Department of
136 Health.

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

139 (h) Provide continued oversight of any newborn exposed to
140 HIV to determine the newborn's final HIV status and ensure
141 continued linkage to care if the newborn is diagnosed with HIV
142 ~~to HIV-exposed newborns.~~

143 Section 2. Paragraphs (a) and (c) of subsection (2) of
144 section 381.0303, Florida Statutes, are amended to read:

145 381.0303 Special needs shelters.-

2022768e1

146 (2) SPECIAL NEEDS SHELTER PLAN; STAFFING; STATE AGENCY
147 ASSISTANCE.—If funds have been appropriated to support disaster
148 coordinator positions in county health departments:

149 (a) The department shall assume lead responsibility for the
150 coordination of local medical and health care providers, the
151 American Red Cross, and other interested parties in developing a
152 plan for the staffing and medical management of special needs
153 shelters and. ~~The local Children's Medical Services offices~~
154 ~~shall assume lead responsibility for the coordination of local~~
155 ~~medical and health care providers, the American Red Cross, and~~
156 ~~other interested parties in developing a plan for the staffing~~
157 ~~and medical management of~~ pediatric special needs shelters.
158 Plans must conform to the local comprehensive emergency
159 management plan.

160 (c) The appropriate county health department, ~~Children's~~
161 ~~Medical Services office,~~ and local emergency management agency
162 shall jointly decide who has responsibility for medical
163 supervision in each special needs shelter.

164 Section 3. Effective upon this act becoming a law,
165 paragraph (a) of subsection (8) of section 381.986, Florida
166 Statutes, is amended to read:

167 381.986 Medical use of marijuana.—

168 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

169 (a) The department shall license medical marijuana
170 treatment centers to ensure reasonable statewide accessibility
171 and availability as necessary for qualified patients registered
172 in the medical marijuana use registry and who are issued a
173 physician certification under this section.

174 1. As soon as practicable, but no later than July 3, 2017,

2022768e1

175 the department shall license as a medical marijuana treatment
176 center any entity that holds an active, unrestricted license to
177 cultivate, process, transport, and dispense low-THC cannabis,
178 medical cannabis, and cannabis delivery devices, under former s.
179 381.986, Florida Statutes 2016, before July 1, 2017, and which
180 meets the requirements of this section. In addition to the
181 authority granted under this section, these entities are
182 authorized to dispense low-THC cannabis, medical cannabis, and
183 cannabis delivery devices ordered pursuant to former s. 381.986,
184 Florida Statutes 2016, which were entered into the compassionate
185 use registry before July 1, 2017, and are authorized to begin
186 dispensing marijuana under this section on July 3, 2017. The
187 department may grant variances from the representations made in
188 such an entity's original application for approval under former
189 s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

190 2. The department shall license as medical marijuana
191 treatment centers 10 applicants that meet the requirements of
192 this section, under the following parameters:

193 a. As soon as practicable, but no later than August 1,
194 2017, the department shall license any applicant whose
195 application was reviewed, evaluated, and scored by the
196 department and which was denied a dispensing organization
197 license by the department under former s. 381.986, Florida
198 Statutes 2014; which had one or more administrative or judicial
199 challenges pending as of January 1, 2017, or had a final ranking
200 within one point of the highest final ranking in its region
201 under former s. 381.986, Florida Statutes 2014; which meets the
202 requirements of this section; and which provides documentation
203 to the department that it has the existing infrastructure and

2022768e1

204 technical and technological ability to begin cultivating
205 marijuana within 30 days after registration as a medical
206 marijuana treatment center.

207 b. As soon as practicable, the department shall license one
208 applicant that is a recognized class member of *Pigford v.*
209 *Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers*
210 *Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011). An applicant licensed
211 under this sub-subparagraph is exempt from the requirement of
212 subparagraph (b)2. An applicant that applies for licensure under
213 this sub-subparagraph, pays its initial application fee, is
214 determined by the department through the application process to
215 qualify as a recognized class member, and is not awarded a
216 license under this sub-subparagraph may transfer its initial
217 application fee to one subsequent opportunity to apply for
218 licensure under subparagraph 4.

219 c. As soon as practicable, but no later than October 3,
220 2017, the department shall license applicants that meet the
221 requirements of this section in sufficient numbers to result in
222 10 total licenses issued under this subparagraph, while
223 accounting for the number of licenses issued under sub-
224 subparagraphs a. and b.

225 3. For up to two of the licenses issued under subparagraph
226 2., the department shall give preference to applicants that
227 demonstrate in their applications that they own one or more
228 facilities that are, or were, used for the canning,
229 concentrating, or otherwise processing of citrus fruit or citrus
230 molasses and will use or convert the facility or facilities for
231 the processing of marijuana.

232 4. Within 6 months after the registration of 100,000 active

2022768e1

233 qualified patients in the medical marijuana use registry, the
234 department shall license four additional medical marijuana
235 treatment centers that meet the requirements of this section.
236 Thereafter, the department shall license four medical marijuana
237 treatment centers within 6 months after the registration of each
238 additional 100,000 active qualified patients in the medical
239 marijuana use registry that meet the requirements of this
240 section.

241 Section 4. Present paragraphs (e) through (h) of subsection
242 (14) of section 381.986, Florida Statutes, are redesignated as
243 paragraphs (f) through (i), respectively, a new paragraph (e) is
244 added to that subsection, and paragraphs (b) and (e) of
245 subsection (8) of that section are amended, to read:

246 381.986 Medical use of marijuana.—

247 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

248 (b) An applicant for licensure as a medical marijuana
249 treatment center shall apply to the department on a form
250 prescribed by the department and adopted in rule. The department
251 shall adopt rules pursuant to ss. 120.536(1) and 120.54
252 establishing a procedure for the issuance and biennial renewal
253 of licenses, including initial application and biennial renewal
254 fees sufficient to cover the costs of implementing and
255 administering this section, and establishing supplemental
256 licensure fees for payment beginning May 1, 2018, sufficient to
257 cover the costs of administering ss. 381.989 and 1004.4351. The
258 department shall identify applicants with strong diversity plans
259 reflecting this state's commitment to diversity and implement
260 training programs and other educational programs to enable
261 minority persons and minority business enterprises, as defined

2022768e1

262 in s. 288.703, and veteran business enterprises, as defined in
263 s. 295.187, to compete for medical marijuana treatment center
264 licensure and contracts. Subject to the requirements in
265 subparagraphs (a)2.-4., the department shall issue a license to
266 an applicant if the applicant meets the requirements of this
267 section and pays the initial application fee. The department
268 shall renew the licensure of a medical marijuana treatment
269 center biennially if the licensee meets the requirements of this
270 section and pays the biennial renewal fee. However, the
271 department may not renew the license of a medical marijuana
272 treatment center that has not begun to cultivate, process, and
273 dispense marijuana by the date that the medical marijuana
274 treatment center is required to renew its license. An individual
275 may not be an applicant, owner, officer, board member, or
276 manager on more than one application for licensure as a medical
277 marijuana treatment center. An individual or entity may not be
278 awarded more than one license as a medical marijuana treatment
279 center. An applicant for licensure as a medical marijuana
280 treatment center must demonstrate:

281 1. That, for the 5 consecutive years before submitting the
282 application, the applicant has been registered to do business in
283 the state.

284 2. Possession of a valid certificate of registration issued
285 by the Department of Agriculture and Consumer Services pursuant
286 to s. 581.131.

287 3. The technical and technological ability to cultivate and
288 produce marijuana, including, but not limited to, low-THC
289 cannabis.

290 4. The ability to secure the premises, resources, and

2022768e1

291 personnel necessary to operate as a medical marijuana treatment
292 center.

293 5. The ability to maintain accountability of all raw
294 materials, finished products, and any byproducts to prevent
295 diversion or unlawful access to or possession of these
296 substances.

297 6. An infrastructure reasonably located to dispense
298 marijuana to registered qualified patients statewide or
299 regionally as determined by the department.

300 7. The financial ability to maintain operations for the
301 duration of the 2-year approval cycle, including the provision
302 of certified financial statements to the department.

303 a. Upon approval, the applicant must post a \$5 million
304 performance bond issued by an authorized surety insurance
305 company rated in one of the three highest rating categories by a
306 nationally recognized rating service. However, a medical
307 marijuana treatment center serving at least 1,000 qualified
308 patients is only required to maintain a \$2 million performance
309 bond.

310 b. In lieu of the performance bond required under sub-
311 subparagraph a., the applicant may provide an irrevocable letter
312 of credit payable to the department or provide cash to the
313 department. If provided with cash under this sub-subparagraph,
314 the department shall deposit the cash in the Grants and
315 Donations Trust Fund within the Department of Health, subject to
316 the same conditions as the bond regarding requirements for the
317 applicant to forfeit ownership of the funds. If the funds
318 deposited under this sub-subparagraph generate interest, the
319 amount of that interest shall be used by the department for the

2022768e1

320 administration of this section.

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

323 9. The employment of a medical director to supervise the
324 activities of the medical marijuana treatment center.

325 10. A diversity plan that promotes and ensures the
326 involvement of minority persons and minority business
327 enterprises, as defined in s. 288.703, or veteran business
328 enterprises, as defined in s. 295.187, in ownership, management,
329 and employment. An applicant for licensure renewal must show the
330 effectiveness of the diversity plan by including the following
331 with his or her application for renewal:

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

334 b. Efforts to recruit minority persons and veterans for
335 employment; and

336 c. A record of contracts for services with minority
337 business enterprises and veteran business enterprises.

338 (e) A licensed medical marijuana treatment center shall
339 cultivate, process, transport, and dispense marijuana for
340 medical use. A licensed medical marijuana treatment center may
341 not contract for services directly related to the cultivation,
342 processing, and dispensing of marijuana or marijuana delivery
343 devices, except that a medical marijuana treatment center
344 licensed pursuant to subparagraph (a)1. may contract with a
345 single entity for the cultivation, processing, transporting, and
346 dispensing of marijuana and marijuana delivery devices. A
347 licensed medical marijuana treatment center must, at all times,
348 maintain compliance with the criteria demonstrated and

2022768e1

349 representations made in the initial application and the criteria
350 established in this subsection. Upon request, the department may
351 grant a medical marijuana treatment center a variance from the
352 representations made in the initial application. Consideration
353 of such a request shall be based upon the individual facts and
354 circumstances surrounding the request. A variance may not be
355 granted unless the requesting medical marijuana treatment center
356 can demonstrate to the department that it has a proposed
357 alternative to the specific representation made in its
358 application which fulfills the same or a similar purpose as the
359 specific representation in a way that the department can
360 reasonably determine will not be a lower standard than the
361 specific representation in the application. A variance may not
362 be granted from the requirements in subparagraph 2. and
363 subparagraphs (b)1. and 2.

364 1. A licensed medical marijuana treatment center may
365 transfer ownership to an individual or entity who meets the
366 requirements of this section. A publicly traded corporation or
367 publicly traded company that meets the requirements of this
368 section is not precluded from ownership of a medical marijuana
369 treatment center. To accommodate a change in ownership:

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

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

377 c. Upon receipt of an application for a license, the

2022768e1

378 department shall examine the application and, within 30 days
379 after receipt, notify the applicant in writing of any apparent
380 errors or omissions and request any additional information
381 required.

382 d. Requested information omitted from an application for
383 licensure must be filed with the department within 21 days after
384 the department's request for omitted information or the
385 application shall be deemed incomplete and shall be withdrawn
386 from further consideration and the fees shall be forfeited.

387 e. Within 30 days after the receipt of a complete
388 application, the department shall approve or deny the
389 application.

390 2. A medical marijuana treatment center, and any individual
391 or entity who directly or indirectly owns, controls, or holds
392 with power to vote 5 percent or more of the voting shares of a
393 medical marijuana treatment center, may not acquire direct or
394 indirect ownership or control of any voting shares or other form
395 of ownership of any other medical marijuana treatment center.

396 3. A medical marijuana treatment center may not enter into
397 any form of profit-sharing arrangement with the property owner
398 or lessor of any of its facilities where cultivation,
399 processing, storing, or dispensing of marijuana and marijuana
400 delivery devices occurs.

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

404 5. Each medical marijuana treatment center must adopt and
405 enforce policies and procedures to ensure employees and
406 volunteers receive training on the legal requirements to

2022768e1

407 dispense marijuana to qualified patients.

408 6. When growing marijuana, a medical marijuana treatment
409 center:

410 a. May use pesticides determined by the department, after
411 consultation with the Department of Agriculture and Consumer
412 Services, to be safely applied to plants intended for human
413 consumption, but may not use pesticides designated as
414 restricted-use pesticides pursuant to s. 487.042.

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

417 c. Must inspect seeds and growing plants for plant pests
418 that endanger or threaten the horticultural and agricultural
419 interests of the state in accordance with chapter 581 and any
420 rules adopted thereunder.

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

424 7. Each medical marijuana treatment center must produce and
425 make available for purchase at least one low-THC cannabis
426 product.

427 8. A medical marijuana treatment center that produces
428 edibles must hold a permit to operate as a food establishment
429 pursuant to chapter 500, the Florida Food Safety Act, and must
430 comply with all the requirements for food establishments
431 pursuant to chapter 500 and any rules adopted thereunder.
432 Edibles may not contain more than 200 milligrams of
433 tetrahydrocannabinol, and a single serving portion of an edible
434 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles
435 may have a potency variance of no greater than 15 percent.

2022768e1

436 Edibles may not be attractive to children; be manufactured in
437 the shape of humans, cartoons, or animals; be manufactured in a
438 form that bears any reasonable resemblance to products available
439 for consumption as commercially available candy; or contain any
440 color additives. To discourage consumption of edibles by
441 children, the department shall determine by rule any shapes,
442 forms, and ingredients allowed and prohibited for edibles.
443 Medical marijuana treatment centers may not begin processing or
444 dispensing edibles until after the effective date of the rule.
445 The department shall also adopt sanitation rules providing the
446 standards and requirements for the storage, display, or
447 dispensing of edibles.

448 9. Within 12 months after licensure, a medical marijuana
449 treatment center must demonstrate to the department that all of
450 its processing facilities have passed a Food Safety Good
451 Manufacturing Practices, such as Global Food Safety Initiative
452 or equivalent, inspection by a nationally accredited certifying
453 body. A medical marijuana treatment center must immediately stop
454 processing at any facility which fails to pass this inspection
455 until it demonstrates to the department that such facility has
456 met this requirement.

457 10. A medical marijuana treatment center that produces
458 prerolled marijuana cigarettes may not use wrapping paper made
459 with tobacco or hemp.

460 11. When processing marijuana, a medical marijuana
461 treatment center must:

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

464 b. Comply with department rules when processing marijuana

2022768e1

465 with hydrocarbon solvents or other solvents or gases exhibiting
466 potential toxicity to humans. The department shall determine by
467 rule the requirements for medical marijuana treatment centers to
468 use such solvents or gases exhibiting potential toxicity to
469 humans.

470 c. Comply with federal and state laws and regulations and
471 department rules for solid and liquid wastes. The department
472 shall determine by rule procedures for the storage, handling,
473 transportation, management, and disposal of solid and liquid
474 waste generated during marijuana production and processing. The
475 Department of Environmental Protection shall assist the
476 department in developing such rules.

477 d. Test the processed marijuana using a medical marijuana
478 testing laboratory before it is dispensed. Results must be
479 verified and signed by two medical marijuana treatment center
480 employees. Before dispensing, the medical marijuana treatment
481 center must determine that the test results indicate that low-
482 THC cannabis meets the definition of low-THC cannabis, the
483 concentration of tetrahydrocannabinol meets the potency
484 requirements of this section, the labeling of the concentration
485 of tetrahydrocannabinol and cannabidiol is accurate, and all
486 marijuana is safe for human consumption and free from
487 contaminants that are unsafe for human consumption. The
488 department shall determine by rule which contaminants must be
489 tested for and the maximum levels of each contaminant which are
490 safe for human consumption. The Department of Agriculture and
491 Consumer Services shall assist the department in developing the
492 testing requirements for contaminants that are unsafe for human
493 consumption in edibles. The department shall also determine by

2022768e1

494 rule the procedures for the treatment of marijuana that fails to
495 meet the testing requirements of this section, s. 381.988, or
496 department rule. The department may select samples of marijuana
497 ~~a random sample~~ from ~~edibles available for purchase in a~~ medical
498 marijuana treatment center dispensing facility which shall be
499 tested by the department to determine whether ~~that~~ the marijuana
500 ~~edible~~ meets the potency requirements of this section, is safe
501 for human consumption, and is accurately labeled with the
502 ~~labeling of~~ the tetrahydrocannabinol and cannabidiol
503 concentration or to verify the result of marijuana testing
504 conducted by a marijuana testing laboratory. The department may
505 also select samples of marijuana delivery devices from a medical
506 marijuana treatment center to determine whether the marijuana
507 delivery device is safe for use by qualified patients ~~is~~
508 ~~accurate.~~ A medical marijuana treatment center may not require
509 payment from the department for the sample. A medical marijuana
510 treatment center must recall marijuana edibles, including all
511 marijuana and marijuana products edibles made from the same
512 batch of marijuana, that fails ~~which fail~~ to meet the potency
513 requirements of this section, that is ~~which are~~ unsafe for human
514 consumption, or for which the labeling of the
515 tetrahydrocannabinol and cannabidiol concentration is
516 inaccurate. The department shall adopt rules to establish
517 marijuana potency variations of no greater than 15 percent using
518 negotiated rulemaking pursuant to s. 120.54(2)(d) which accounts
519 for, but is not limited to, time lapses between testing, testing
520 methods, testing instruments, and types of marijuana sampled for
521 testing. The department may not issue any recalls for product
522 potency as it relates to product labeling before issuing a rule

2022768e1

523 relating to potency variation standards. A medical marijuana
524 treatment center must also recall all marijuana delivery devices
525 determined to be unsafe for use by qualified patients. The
526 medical marijuana treatment center must retain records of all
527 testing and samples of each homogenous batch of marijuana for at
528 least 9 months. The medical marijuana treatment center must
529 contract with a marijuana testing laboratory to perform audits
530 on the medical marijuana treatment center's standard operating
531 procedures, testing records, and samples and provide the results
532 to the department to confirm that the marijuana or low-THC
533 cannabis meets the requirements of this section and that the
534 marijuana or low-THC cannabis is safe for human consumption. A
535 medical marijuana treatment center shall reserve two processed
536 samples from each batch and retain such samples for at least 9
537 months for the purpose of such audits. A medical marijuana
538 treatment center may use a laboratory that has not been
539 certified by the department under s. 381.988 until such time as
540 at least one laboratory holds the required certification, but in
541 no event later than July 1, 2018.

542 e. Package the marijuana in compliance with the United
543 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
544 1471 et seq.

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

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

549 (II) The name of the medical marijuana treatment center
550 from which the marijuana originates.

551 (III) The batch number and harvest number from which the

2022768e1

552 marijuana originates and the date dispensed.

553 (IV) The name of the physician who issued the physician
554 certification.

555 (V) The name of the patient.

556 (VI) The product name, if applicable, and dosage form,
557 including concentration of tetrahydrocannabinol and cannabidiol.
558 The product name may not contain wording commonly associated
559 with products marketed by or to children.

560 (VII) The recommended dose.

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

563 (IX) A marijuana universal symbol developed by the
564 department.

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

- 568 a. Clinical pharmacology.
569 b. Indications and use.
570 c. Dosage and administration.
571 d. Dosage forms and strengths.
572 e. Contraindications.
573 f. Warnings and precautions.
574 g. Adverse reactions.

575 13. In addition to the packaging and labeling requirements
576 specified in subparagraphs 11. and 12., marijuana in a form for
577 smoking must be packaged in a sealed receptacle with a legible
578 and prominent warning to keep away from children and a warning
579 that states marijuana smoke contains carcinogens and may
580 negatively affect health. Such receptacles for marijuana in a

2022768e1

581 form for smoking must be plain, opaque, and white without
582 depictions of the product or images other than the medical
583 marijuana treatment center's department-approved logo and the
584 marijuana universal symbol.

585 14. The department shall adopt rules to regulate the types,
586 appearance, and labeling of marijuana delivery devices dispensed
587 from a medical marijuana treatment center. The rules must
588 require marijuana delivery devices to have an appearance
589 consistent with medical use.

590 15. Each edible shall be individually sealed in plain,
591 opaque wrapping marked only with the marijuana universal symbol.
592 Where practical, each edible shall be marked with the marijuana
593 universal symbol. In addition to the packaging and labeling
594 requirements in subparagraphs 11. and 12., edible receptacles
595 must be plain, opaque, and white without depictions of the
596 product or images other than the medical marijuana treatment
597 center's department-approved logo and the marijuana universal
598 symbol. The receptacle must also include a list of all the
599 edible's ingredients, storage instructions, an expiration date,
600 a legible and prominent warning to keep away from children and
601 pets, and a warning that the edible has not been produced or
602 inspected pursuant to federal food safety laws.

603 16. When dispensing marijuana or a marijuana delivery
604 device, a medical marijuana treatment center:

605 a. May dispense any active, valid order for low-THC
606 cannabis, medical cannabis and cannabis delivery devices issued
607 pursuant to former s. 381.986, Florida Statutes 2016, which was
608 entered into the medical marijuana use registry before July 1,
609 2017.

2022768e1

610 b. May not dispense more than a 70-day supply of marijuana
611 within any 70-day period to a qualified patient or caregiver.
612 May not dispense more than one 35-day supply of marijuana in a
613 form for smoking within any 35-day period to a qualified patient
614 or caregiver. A 35-day supply of marijuana in a form for smoking
615 may not exceed 2.5 ounces unless an exception to this amount is
616 approved by the department pursuant to paragraph (4) (f).

617 c. Must have the medical marijuana treatment center's
618 employee who dispenses the marijuana or a marijuana delivery
619 device enter into the medical marijuana use registry his or her
620 name or unique employee identifier.

621 d. Must verify that the qualified patient and the
622 caregiver, if applicable, each have an active registration in
623 the medical marijuana use registry and an active and valid
624 medical marijuana use registry identification card, the amount
625 and type of marijuana dispensed matches the physician
626 certification in the medical marijuana use registry for that
627 qualified patient, and the physician certification has not
628 already been filled.

629 e. May not dispense marijuana to a qualified patient who is
630 younger than 18 years of age. If the qualified patient is
631 younger than 18 years of age, marijuana may only be dispensed to
632 the qualified patient's caregiver.

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

638 g. Must, upon dispensing the marijuana or marijuana

2022768e1

639 delivery device, record in the registry the date, time,
640 quantity, and form of marijuana dispensed; the type of marijuana
641 delivery device dispensed; and the name and medical marijuana
642 use registry identification number of the qualified patient or
643 caregiver to whom the marijuana delivery device was dispensed.

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

647 (14) EXCEPTIONS TO OTHER LAWS.—

648 (e) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
649 any other law, but subject to the requirements of this section,
650 the department, including an employee of the department acting
651 within the scope of his or her employment, may acquire, possess,
652 test, transport, and lawfully dispose of marijuana and marijuana
653 delivery devices as provided in this section, in s. 381.988, and
654 by department rule.

655 Section 5. Paragraphs (b) and (c) of subsection (2) of
656 section 381.99, Florida Statutes, are amended to read:

657 381.99 Rare Disease Advisory Council.—

658 (2) The advisory council is composed of the following
659 members:

660 (b) As appointed by the President of the Senate:

661 1. A representative from an academic research institution
662 in this state which receives grant funding for research
663 regarding rare diseases.

664 2. A physician who is licensed under chapter 458 or chapter
665 459 and practicing in this state with experience in treating
666 rare diseases.

667 3. An individual who is 18 years of age or older who has a

2022768e1

668 rare disease.

669 4. Two individuals ~~An individual~~ who are caregivers for
670 individuals ~~is a caregiver of an individual~~ with a rare disease.

671 5. A representative of an organization operating in this
672 state which provides care or other support to individuals with
673 rare diseases.

674 (c) As appointed by the Speaker of the House of
675 Representatives:

676 1. A representative from an academic research institution
677 in this state which receives grant funding for research
678 regarding rare diseases.

679 2. A physician who is licensed under chapter 458 or chapter
680 459 and practicing in this state with experience in treating
681 rare diseases.

682 3. An individual who is 18 years of age or older who has a
683 rare disease.

684 4. Two individuals ~~An individual~~ who are caregivers for
685 individuals ~~is a caregiver of an individual~~ with a rare disease.

686 5. A representative of organizations in this state which
687 provide care or other support to individuals with rare diseases.

688

689 Any vacancy on the advisory council must be filled in the same
690 manner as the original appointment.

691 Section 6. Subsection (9) of section 383.216, Florida
692 Statutes, is amended to read:

693 383.216 Community-based prenatal and infant health care.—

694 (9) Local prenatal and infant health care coalitions shall
695 incorporate as not-for-profit corporations for the purpose of
696 seeking and receiving grants from federal, state, and local

2022768e1

697 government and other contributors. However, a coalition need not
698 be designated as a tax-exempt organization under s. 501(c)(3) of
699 the Internal Revenue Code. The administrative services
700 organization representing all Healthy Start Coalitions under s.
701 409.975(4) may use any method of telecommunication to conduct
702 meetings for any authorized function, provided that the public
703 is given proper notice of and reasonable access to the meeting.

704 Section 7. Subsection (1) of section 456.039, Florida
705 Statutes, is amended to read:

706 456.039 Designated health care professionals; information
707 required for licensure.—

708 (1) Each person who applies for initial licensure or
709 license renewal as a physician under chapter 458, chapter 459,
710 chapter 460, or chapter 461, except a person applying for
711 registration pursuant to ss. 458.345 and 459.021, must furnish
712 the following information to the department, at the time of
713 application or, ~~and each physician who applies for license~~
714 ~~renewal under chapter 458, chapter 459, chapter 460, or chapter~~
715 ~~461, except a person registered pursuant to ss. 458.345 and~~
716 ~~459.021, must,~~ in conjunction with the renewal of such license
717 ~~and~~ under procedures adopted by the department ~~of Health,~~ and in
718 addition to any other information that may be required from the
719 applicant, ~~furnish the following information to the Department~~
720 ~~of Health:~~

721 (a)1. The name of each medical school that the applicant
722 has attended, with the dates of attendance and the date of
723 graduation, and a description of all graduate medical education
724 completed by the applicant, excluding any coursework taken to
725 satisfy medical licensure continuing education requirements.

2022768e1

726 2. The name of each hospital at which the applicant has
727 privileges.

728 3. The address at which the applicant will primarily
729 conduct his or her practice.

730 4. Any certification that the applicant has received from a
731 specialty board that is recognized by the board to which the
732 applicant is applying.

733 5. The year that the applicant began practicing medicine.

734 6. Any appointment to the faculty of a medical school which
735 the applicant currently holds and an indication as to whether
736 the applicant has had the responsibility for graduate medical
737 education within the most recent 10 years.

738 7. A description of any criminal offense of which the
739 applicant has been found guilty, regardless of whether
740 adjudication of guilt was withheld, or to which the applicant
741 has pled guilty or nolo contendere. A criminal offense committed
742 in another jurisdiction which would have been a felony or
743 misdemeanor if committed in this state must be reported. If the
744 applicant indicates that a criminal offense is under appeal and
745 submits a copy of the notice for appeal of that criminal
746 offense, the department must state that the criminal offense is
747 under appeal if the criminal offense is reported in the
748 applicant's profile. If the applicant indicates to the
749 department that a criminal offense is under appeal, the
750 applicant must, upon disposition of the appeal, submit to the
751 department a copy of the final written order of disposition.

752 8. A description of any final disciplinary action taken
753 within the previous 10 years against the applicant by the agency
754 regulating the profession that the applicant is or has been

2022768e1

755 licensed to practice, whether in this state or in any other
756 jurisdiction, by a specialty board that is recognized by the
757 American Board of Medical Specialties, the American Osteopathic
758 Association, or a similar national organization, or by a
759 licensed hospital, health maintenance organization, prepaid
760 health clinic, ambulatory surgical center, or nursing home.
761 Disciplinary action includes resignation from or nonrenewal of
762 medical staff membership or the restriction of privileges at a
763 licensed hospital, health maintenance organization, prepaid
764 health clinic, ambulatory surgical center, or nursing home taken
765 in lieu of or in settlement of a pending disciplinary case
766 related to competence or character. If the applicant indicates
767 that the disciplinary action is under appeal and submits a copy
768 of the document initiating an appeal of the disciplinary action,
769 the department must state that the disciplinary action is under
770 appeal if the disciplinary action is reported in the applicant's
771 profile.

772 9. Relevant professional qualifications as defined by the
773 applicable board.

774 (b) In addition to the information required under paragraph
775 (a), for each applicant seeking ~~who seeks~~ licensure under
776 chapter 458, chapter 459, or chapter 461, ~~and~~ who has practiced
777 previously in this state or in another jurisdiction or a foreign
778 country, ~~must provide~~ the information required of licensees
779 under those chapters pursuant to s. 456.049. An applicant for
780 licensure under chapter 460 who has practiced previously in this
781 state or in another jurisdiction or a foreign country must
782 provide the same information as is required of licensees under
783 chapter 458, pursuant to s. 456.049.

2022768e1

784 (c) For each applicant seeking licensure under chapter 458
785 or chapter 459, proof of payment of the assessment required
786 under s. 766.314, if applicable.

787 Section 8. Subsection (1) of section 460.406, Florida
788 Statutes, is amended to read:

789 460.406 Licensure by examination.—

790 (1) Any person desiring to be licensed as a chiropractic
791 physician must apply to the department to take the licensure
792 examination. There shall be an application fee set by the board
793 not to exceed \$100 which shall be nonrefundable. There shall
794 also be an examination fee not to exceed \$500 plus the actual
795 per applicant cost to the department for purchase of portions of
796 the examination from the National Board of Chiropractic
797 Examiners or a similar national organization, which may be
798 refundable if the applicant is found ineligible to take the
799 examination. The department shall examine each applicant whom
800 ~~who~~ the board certifies has met all of the following criteria:

801 (a) Completed the application form and remitted the
802 appropriate fee.

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

805 (c) Submitted proof satisfactory to the department that he
806 or she is a graduate of a chiropractic college which is
807 accredited by or has status with the Council on Chiropractic
808 Education or its predecessor agency. However, any applicant who
809 is a graduate of a chiropractic college that was initially
810 accredited by the Council on Chiropractic Education in 1995, who
811 graduated from such college within the 4 years immediately
812 preceding such accreditation, and who is otherwise qualified is

2022768e1

813 ~~shall be~~ eligible to take the examination. An ~~No~~ application for
814 a license to practice chiropractic medicine may not ~~shall~~ be
815 denied solely because the applicant is a graduate of a
816 chiropractic college that subscribes to one philosophy of
817 chiropractic medicine as distinguished from another.

818 (d)1. For an applicant who has matriculated in a
819 chiropractic college before ~~prior to~~ July 2, 1990, completed at
820 least 2 years of residence college work, consisting of a minimum
821 of one-half the work acceptable for a bachelor's degree granted
822 on the basis of a 4-year period of study, in a college or
823 university accredited by an institutional accrediting agency
824 recognized and approved by the United States Department of
825 Education. However, before ~~prior to~~ being certified by the board
826 to sit for the examination, each applicant who has matriculated
827 in a chiropractic college after July 1, 1990, must ~~shall~~ have
828 been granted a bachelor's degree, based upon 4 academic years of
829 study, by a college or university accredited by an institutional
830 ~~a regional~~ accrediting agency that ~~which~~ is a member of the
831 Commission on Recognition of Postsecondary Accreditation.

832 2. Effective July 1, 2000, completed, before ~~prior to~~
833 matriculation in a chiropractic college, at least 3 years of
834 residence college work, consisting of a minimum of 90 semester
835 hours leading to a bachelor's degree in a liberal arts college
836 or university accredited by an institutional accrediting agency
837 recognized and approved by the United States Department of
838 Education. However, before ~~prior to~~ being certified by the board
839 to sit for the examination, each applicant who has matriculated
840 in a chiropractic college after July 1, 2000, must ~~shall~~ have
841 been granted a bachelor's degree from an institution holding

2022768e1

842 accreditation for that degree from an institutional ~~a regional~~
843 accrediting agency that ~~which~~ is recognized by the United States
844 Department of Education. The applicant's chiropractic degree
845 must consist of credits earned in the chiropractic program and
846 may not include academic credit for courses from the bachelor's
847 degree.

848 (e) Successfully completed the National Board of
849 Chiropractic Examiners certification examination in parts I, II,
850 III, and IV, and the physiotherapy examination of the National
851 Board of Chiropractic Examiners, with a score approved by the
852 board.

853 (f) Submitted to the department a set of fingerprints on a
854 form and under procedures specified by the department, along
855 with payment in an amount equal to the costs incurred by the
856 Department of Health for the criminal background check of the
857 applicant.

858
859 The board may require an applicant who graduated from an
860 institution accredited by the Council on Chiropractic Education
861 more than 10 years before the date of application to the board
862 to take the National Board of Chiropractic Examiners Special
863 Purposes Examination for Chiropractic, or its equivalent, as
864 determined by the board. The board shall establish by rule a
865 passing score.

866 Section 9. Subsection (4) of section 464.008, Florida
867 Statutes, is amended to read:

868 464.008 Licensure by examination.—

869 ~~(4) If an applicant who graduates from an approved program~~
870 ~~does not take the licensure examination within 6 months after~~

2022768e1

871 ~~graduation, he or she must enroll in and successfully complete a~~
872 ~~board-approved licensure examination preparatory course. The~~
873 ~~applicant is responsible for all costs associated with the~~
874 ~~course and may not use state or federal financial aid for such~~
875 ~~costs. The board shall by rule establish guidelines for~~
876 ~~licensure examination preparatory courses.~~

877 Section 10. Paragraph (e) of subsection (1) of section
878 464.018, Florida Statutes, is amended to read:

879 464.018 Disciplinary actions.—

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

883 (e) Having been found guilty of, ~~regardless of~~
884 ~~adjudication,~~ or entered a plea of nolo contendere or guilty to,
885 regardless of adjudication, any offense prohibited under s.
886 435.04 or similar statute of another jurisdiction; or having
887 committed an act which constitutes domestic violence as defined
888 in s. 741.28.

889 Section 11. Present subsections (13) and (14) of section
890 467.003, Florida Statutes, are redesignated as subsections (14)
891 and (15), respectively, a new subsection (13) is added to that
892 section, and subsections (1) and (12) of that section are
893 amended, to read:

894 467.003 Definitions.—As used in this chapter, unless the
895 context otherwise requires:

896 (1) "Approved midwifery program" means ~~a midwifery school~~
897 ~~or~~ a midwifery training program ~~which is~~ approved by the
898 department pursuant to s. 467.205.

899 (12) "Preceptor" means a physician licensed under chapter

2022768e1

900 458 or chapter 459, a ~~licensed~~ midwife licensed under this
901 chapter, or a certified nurse midwife licensed under chapter
902 464, who has a minimum of 3 years' professional experience, and
903 who directs, teaches, supervises, and evaluates the learning
904 experiences of a the student midwife as part of an approved
905 midwifery program.

906 (13) "Prelicensure course" means a course of study, offered
907 by an accredited midwifery program and approved by the
908 department, which an applicant for licensure must complete
909 before a license may be issued and which provides instruction in
910 the laws and rules of this state and demonstrates the student's
911 competency to practice midwifery under this chapter.

912 Section 12. Section 467.009, Florida Statutes, is amended
913 to read:

914 467.009 Accredited and approved midwifery programs;
915 education and training requirements.—

916 (1) The department shall adopt standards for accredited and
917 approved midwifery programs which must include, but need not be
918 limited to, standards for all of the following:

919 (a) . ~~The standards shall encompass~~ Clinical and classroom
920 instruction in all aspects of prenatal, intrapartal, and
921 postpartal care, including all of the following:

- 922 1. Obstetrics.
- 923 2. Neonatal pediatrics.
- 924 3. Basic sciences.
- 925 4. Female reproductive anatomy and physiology.
- 926 5. Behavioral sciences.
- 927 6. Childbirth education.
- 928 7. Community care.

2022768e1

929 8. Epidemiology.~~†~~

930 9. Genetics.~~†~~

931 10. Embryology.~~†~~

932 11. Neonatology.~~†~~

933 12. Applied pharmacology.~~†~~

934 13. The medical and legal aspects of midwifery.~~†~~

935 14. Gynecology and women's health.~~†~~

936 15. Family planning.~~†~~

937 16. Nutrition during pregnancy and lactation.~~†~~

938 17. Breastfeeding.~~†~~ and

939 18. Basic nursing skills;~~†~~ and any other instruction
940 ~~determined by the department and council to be necessary.~~

941 ~~(b) The standards shall incorporate the Core competencies,~~
942 incorporating those established by the American College of Nurse
943 Midwives and the Midwives Alliance of North America, including
944 knowledge, skills, and professional behavior in all of the
945 following areas:

946 1. Primary management, collaborative management, referral,
947 and medical consultation.~~†~~

948 2. Antepartal, intrapartal, postpartal, and neonatal care.~~†~~

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

950 4. Common complications.~~†~~ and

951 5. Professional responsibilities.

952 (c) Noncurricular ~~The standards shall include noneurriculum~~
953 ~~matters under this section, including, but not limited to,~~
954 ~~staffing and teacher qualifications.~~

955 (2) An accredited and approved midwifery program must offer
956 ~~shall include a course of study and clinical training for a~~
957 minimum of 3 years which incorporates all of the standards,

2022768e1

958 curriculum guidelines, and educational objectives provided in
959 this section and the rules adopted hereunder.

960 (3) An accredited and approved midwifery program may reduce
961 ~~If the applicant is a registered nurse or a licensed practical~~
962 ~~nurse or has previous nursing or midwifery education,~~ the
963 required period of training ~~may be reduced~~ to the extent of the
964 student's applicant's qualifications as a registered nurse or
965 licensed practical nurse or based on prior completion of
966 equivalent nursing or midwifery education, as determined ~~under~~
967 ~~rules adopted by the department rule.~~ ~~In no case shall the~~
968 ~~training be reduced to a period of less than 2 years.~~

969 (4)-(3) An accredited and approved midwifery program may
970 accept students who ~~To be accepted into an approved midwifery~~
971 ~~program, an applicant shall have both:~~

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

973 (b) Taken three college-level credits each of math and
974 English or demonstrated competencies in communication and
975 computation.

976 (5)-(4) As part of its course of study, an accredited and
977 approved midwifery program must require clinical training that
978 includes all of the following:

979 (a) A student midwife, during training, shall undertake,
980 ~~under the supervision of a preceptor,~~ The care of 50 women in
981 each of the prenatal, intrapartal, and postpartal periods under
982 the supervision of a preceptor. ~~but~~ The same women need not be
983 seen through all three periods.

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

2022768e1

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

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

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

995 ~~(7)~~ A hospital or birthing center receiving public funds
996 shall be required to provide student midwives access to observe
997 labor, delivery, and postpartal procedures, provided the woman
998 in labor has given informed consent. The Department of Health
999 shall assist in facilitating access to hospital training for
1000 accredited and approved midwifery programs.

1001 ~~(8)(7)~~ The Department of Education shall adopt curricular
1002 frameworks for midwifery programs offered by ~~conducted within~~
1003 public educational institutions under ~~pursuant to~~ this section.

1004 ~~(8) Nonpublic educational institutions that conduct~~
1005 ~~approved midwifery programs shall be accredited by a member of~~
1006 ~~the Commission on Recognition of Postsecondary Accreditation and~~
1007 ~~shall be licensed by the Commission for Independent Education.~~

1008 Section 13. Section 467.011, Florida Statutes, is amended
1009 to read:

1010 467.011 Licensed midwives; qualifications; examination
1011 ~~Licensure by examination.~~

1012 ~~(1) The department shall administer an examination to test~~
1013 ~~the proficiency of applicants in the core competencies required~~
1014 ~~to practice midwifery as specified in s. 467.009.~~

1015 ~~(2) The department shall develop, publish, and make~~

2022768e1

1016 ~~available to interested parties at a reasonable cost a~~
1017 ~~bibliography and guide for the examination.~~

1018 ~~(3)~~ The department shall issue a license to practice
1019 midwifery to an applicant who meets all of the following
1020 criteria:

1021 (1) Demonstrates that he or she has graduated from one of
1022 the following:

1023 (a) An accredited and approved midwifery program.

1024 (b) A medical or midwifery program offered in another
1025 state, jurisdiction, territory, or country whose graduation
1026 requirements were equivalent to or exceeded those required by s.
1027 467.009 and the rules adopted thereunder at the time of
1028 graduation.

1029 (2) Demonstrates that he or she has and successfully
1030 completed a prelicensure course offered by an accredited and
1031 approved midwifery program. Students graduating from an
1032 accredited and approved midwifery program may meet this
1033 requirement by showing that the content requirements for the
1034 prelicensure course were covered as part of their course of
1035 study.

1036 (3) Submits an application for licensure on a form approved
1037 by the department and pays the appropriate fee.

1038 (4) Demonstrates that he or she has received a passing
1039 score on an ~~the~~ examination specified by the department, ~~upon~~
1040 payment of the required licensure fee.

1041 Section 14. Section 467.0125, Florida Statutes, is amended
1042 to read:

1043 467.0125 Licensed midwives; qualifications; Licensure by
1044 endorsement; temporary certificates.-

2022768e1

1045 (1) The department shall issue a license by endorsement to
1046 practice midwifery to an applicant who, upon applying to the
1047 department, demonstrates to the department that she or he meets
1048 all of the following criteria:

1049 (a) ~~1. Holds a valid certificate or diploma from a foreign~~
1050 ~~institution of medicine or midwifery or from a midwifery program~~
1051 ~~offered in another state, bearing the seal of the institution or~~
1052 ~~otherwise authenticated, which renders the individual eligible~~
1053 ~~to practice midwifery in the country or state in which it was~~
1054 ~~issued, provided the requirements therefor are deemed by the~~
1055 ~~department to be substantially equivalent to, or to exceed,~~
1056 ~~those established under this chapter and rules adopted under~~
1057 ~~this chapter, and submits therewith a certified translation of~~
1058 ~~the foreign certificate or diploma; or~~

1059 2. Holds an active, unencumbered ~~a valid certificate or~~
1060 ~~license to practice midwifery in another state, jurisdiction, or~~
1061 ~~territory issued by that state, provided the licensing~~
1062 ~~requirements of that state, jurisdiction, or territory at the~~
1063 ~~time the license was issued were therefor are deemed by the~~
1064 ~~department to be substantially equivalent to, or exceeded to~~
1065 ~~exceed,~~ those established under this chapter and the rules
1066 adopted hereunder ~~under this chapter.~~

1067 (b) Has successfully completed a ~~4-month~~ prelicensure
1068 course conducted by an accredited and approved midwifery program
1069 and ~~has submitted documentation to the department of successful~~
1070 ~~completion.~~

1071 (c) Submits an application for licensure on a form approved
1072 by the department and pays the appropriate fee ~~Has successfully~~
1073 ~~passed the licensed midwifery examination.~~

2022768e1

1074 (2) The department may issue a temporary certificate to
1075 practice in areas of critical need to an applicant ~~any midwife~~
1076 ~~who is~~ qualifying for a midwifery license ~~licensure by~~
1077 ~~endorsement~~ under subsection (1) who meets all of the following
1078 criteria, ~~with the following restrictions:~~

1079 (a) Submits an application for a temporary certificate on a
1080 form approved by the department and pays the appropriate fee,
1081 which may not exceed \$50 and is in addition to the fee required
1082 for licensure by endorsement under subsection (1).

1083 (b) Specifies on the application that he or she will ~~The~~
1084 ~~Department of Health shall determine the areas of critical need,~~
1085 ~~and the midwife so certified shall practice only in~~ one or more
1086 of the following locations:

1087 1. A county health department.

1088 2. A correctional facility.

1089 3. A United States Department of Veterans Affairs clinic.

1090 4. A community health center funded by s. 329, s. 330, or
1091 s. 340 of the Public Health Service Act.

1092 5. Any other agency or institution that is approved by the
1093 State Surgeon General and provides health care to meet the needs
1094 of an underserved population in this state.

1095 (c) Will practice only those specific areas, under the
1096 supervision ~~auspices~~ of a physician licensed under ~~pursuant to~~
1097 chapter 458 or chapter 459, a certified nurse midwife licensed
1098 under ~~pursuant to~~ part I of chapter 464, or a midwife licensed
1099 under this chapter, who has a minimum of 3 years' professional
1100 experience.

1101 (3) The department may issue a temporary certificate under
1102 this section with the following restrictions:

2022768e1

1103 (a) A requirement that a temporary certificateholder
1104 practice only in areas of critical need. The State Surgeon
1105 General shall determine the areas of critical need, which ~~Such~~
1106 areas ~~shall~~ include, but are not ~~be~~ limited to, health
1107 professional shortage areas designated by the United States
1108 Department of Health and Human Services.

1109 (b) A requirement that if a temporary certificateholder's
1110 practice area ceases to be an area of critical need, within 30
1111 days after such change the certificateholder must either:

1112 1. Report a new practice area of critical need to the
1113 department; or

1114 2. Voluntarily relinquish the temporary certificate.

1115 (4) The department shall review a temporary
1116 certificateholder's practice at least annually to determine
1117 whether the certificateholder is meeting the requirements of
1118 subsections (2) and (3) and the rules adopted thereunder. If the
1119 department determines that a certificateholder is not meeting
1120 these requirements, the department must revoke the temporary
1121 certificate.

1122 (5) A temporary certificate issued under this section is
1123 shall ~~be~~ valid ~~only~~ as long as an area for which it is issued
1124 remains an area of critical need, but no longer than 2 years,
1125 and is ~~shall~~ not ~~be~~ renewable.

1126 ~~(c) The department may administer an abbreviated oral~~
1127 ~~examination to determine the midwife's competency, but no~~
1128 ~~written regular examination shall be necessary.~~

1129 ~~(d) The department shall not issue a temporary certificate~~
1130 ~~to any midwife who is under investigation in another state for~~
1131 ~~an act which would constitute a violation of this chapter until~~

2022768e1

1132 ~~such time as the investigation is complete, at which time the~~
1133 ~~provisions of this section shall apply.~~

1134 ~~(e) The department shall review the practice under a~~
1135 ~~temporary certificate at least annually to ascertain that the~~
1136 ~~minimum requirements of the midwifery rules promulgated under~~
1137 ~~this chapter are being met. If it is determined that the minimum~~
1138 ~~requirements are not being met, the department shall immediately~~
1139 ~~revoke the temporary certificate.~~

1140 ~~(f) The fee for a temporary certificate shall not exceed~~
1141 ~~\$50 and shall be in addition to the fee required for licensure.~~

1142 Section 15. Section 467.205, Florida Statutes, is amended
1143 to read:

1144 467.205 Approval of midwifery programs.—

1145 (1) The department must approve an accredited or state-
1146 licensed public or private institution seeking to provide
1147 midwifery education and training as an approved midwifery
1148 program in this state if the institution meets all of the
1149 following criteria:

1150 (a) Submits an application for approval on a form approved
1151 by the department.

1152 (b) Demonstrates to the department's satisfaction that the
1153 proposed midwifery program complies with s. 467.009 and the
1154 rules adopted thereunder.

1155 (c) For a private institution, demonstrates its
1156 accreditation by a member of the Council for Higher Education
1157 Accreditation or an accrediting agency approved by the United
1158 States Department of Education as an institutional accrediting
1159 agency for direct-entry midwifery education programs and its
1160 licensing or provisional licensing by the Commission for

2022768e1

1161 Independent Education ~~An organization desiring to conduct an~~
1162 ~~approved program for the education of midwives shall apply to~~
1163 ~~the department and submit such evidence as may be required to~~
1164 ~~show that it complies with s. 467.009 and with the rules of the~~
1165 ~~department. Any accredited or state licensed institution of~~
1166 ~~higher learning, public or private, may provide midwifery~~
1167 ~~education and training.~~

1168 ~~(2) The department shall adopt rules regarding educational~~
1169 ~~objectives, faculty qualifications, curriculum guidelines,~~
1170 ~~administrative procedures, and other training requirements as~~
1171 ~~are necessary to ensure that approved programs graduate midwives~~
1172 ~~competent to practice under this chapter.~~

1173 ~~(3) The department shall survey each organization applying~~
1174 ~~for approval. If the department is satisfied that the program~~
1175 ~~meets the requirements of s. 467.009 and rules adopted pursuant~~
1176 ~~to that section, it shall approve the program.~~

1177 ~~(2)-(4)~~ The department shall, at least once every 3 years,
1178 certify whether each approved midwifery program is currently
1179 compliant, and has maintained compliance, ~~complies~~ with the
1180 requirements of standards developed under s. 467.009 and the
1181 rules adopted thereunder.

1182 ~~(3)-(5)~~ If the department finds that an approved midwifery
1183 program is not in compliance with the requirements of s. 467.009
1184 or the rules adopted thereunder, or has lost its accreditation
1185 status, the department must provide its finding to the program
1186 in writing and ~~no longer meets the required standards,~~ it may
1187 place the program on probationary status for a specified period
1188 of time, which may not exceed 3 years ~~until such time as the~~
1189 standards are restored.

2022768e1

1190 (4) If a program on probationary status does not come into
1191 compliance with the requirements of s. 467.009 or the rules
1192 adopted thereunder, or regain its accreditation status, as
1193 applicable, within the period specified by the department fails
1194 ~~to correct these conditions within a specified period of time,~~
1195 the department may rescind the program's approval.

1196 (5) A Any program that has ~~having~~ its approval rescinded
1197 has shall have the right to reapply for approval.

1198 (6) The department may grant provisional approval of a new
1199 program seeking accreditation status, for a period not to exceed
1200 5 years, provided that all other requirements of this section
1201 are met.

1202 (7) The department may rescind provisional approval of a
1203 program that fails to meet the requirements of s. 467.009, this
1204 section, or the rules adopted thereunder, in accordance with
1205 procedures provided in subsections (3) and (4) ~~may be granted~~
1206 ~~pending the licensure results of the first graduating class.~~

1207 Section 16. Subsections (2), (3), and (4) and paragraphs
1208 (a) and (b) of subsection (5) of section 468.803, Florida
1209 Statutes, are amended to read:

1210 468.803 License, registration, and examination
1211 requirements.—

1212 (2) An applicant for registration, examination, or
1213 licensure must apply to the department on a form prescribed by
1214 the board for consideration of board approval. Each initial
1215 applicant shall submit ~~a set of~~ fingerprints to the department
1216 in accordance with ~~on a form and under~~ procedures specified by
1217 the department, ~~along with payment in an amount equal to the~~
1218 ~~costs incurred by the department~~ for state and national criminal

2022768e1

1219 history checks of the applicant. ~~The department shall submit the~~
1220 ~~fingerprints provided by an applicant to the Department of Law~~
1221 ~~Enforcement for a statewide criminal history check, and the~~
1222 ~~Department of Law Enforcement shall forward the fingerprints to~~
1223 ~~the Federal Bureau of Investigation for a national criminal~~
1224 ~~history check of the applicant.~~ The board shall screen the
1225 results to determine if an applicant meets licensure
1226 requirements. The board shall consider for examination,
1227 registration, or licensure each applicant whom ~~who~~ the board
1228 verifies:

1229 (a) Has submitted the completed application and completed
1230 the fingerprinting requirements ~~fingerprint forms~~ and has paid
1231 the applicable application fee, not to exceed \$500, ~~and the cost~~
1232 ~~of the state and national criminal history checks.~~ The
1233 application fee is ~~and cost of the criminal history checks shall~~
1234 ~~be~~ nonrefundable;

1235 (b) Is of good moral character;

1236 (c) Is 18 years of age or older; and

1237 (d) Has completed the appropriate educational preparation.

1238 (3) A person seeking to attain the orthotics or prosthetics
1239 experience required for licensure in this state must be approved
1240 by the board and registered as a resident by the department.
1241 Although a registration may be held in both disciplines, for
1242 independent registrations the board may not approve a second
1243 registration until at least 1 year after the issuance of the
1244 first registration. Notwithstanding subsection (2), a person who
1245 has been approved by the board and registered by the department
1246 in one discipline may apply for registration in the second
1247 discipline without an additional state or national criminal

2022768e1

1248 history check during the period in which the first registration
1249 is valid. Each independent registration or dual registration is
1250 valid for 2 years after the date of issuance unless otherwise
1251 revoked by the department upon recommendation of the board. The
1252 board shall set a registration fee not to exceed \$500 to be paid
1253 by the applicant. A registration may be renewed once by the
1254 department upon recommendation of the board for a period no
1255 longer than 1 year, as such renewal is defined by ~~the board~~ by
1256 rule. The renewal fee may not exceed one-half the current
1257 registration fee. To be considered by the board for approval of
1258 registration as a resident, the applicant must have one of the
1259 following:

1260 (a) A Bachelor of Science or higher-level postgraduate
1261 degree in orthotics and prosthetics from an institutionally ~~a~~
1262 ~~regionally~~ accredited college or university recognized by the
1263 Commission on Accreditation of Allied Health Education Programs.

1264 (b) A minimum of a bachelor's degree from an
1265 institutionally ~~a regionally~~ accredited college or university
1266 and a certificate in orthotics or prosthetics from a program
1267 recognized by the Commission on Accreditation of Allied Health
1268 Education Programs, or its equivalent, as determined by the
1269 board.

1270 (c) A minimum of a bachelor's degree from an
1271 institutionally ~~a regionally~~ accredited college or university
1272 and a dual certificate in both orthotics and prosthetics from
1273 programs recognized by the Commission on Accreditation of Allied
1274 Health Education Programs, or its equivalent, as determined by
1275 the board.

1276 (4) The department may develop and administer a state

2022768e1

1277 examination for an orthotist or a prosthetist license, or the
1278 board may approve the existing examination of a national
1279 standards organization. The examination must be predicated on a
1280 minimum of a baccalaureate-level education and formalized
1281 specialized training in the appropriate field. Each examination
1282 must demonstrate a minimum level of competence in basic
1283 scientific knowledge, written problem solving, and practical
1284 clinical patient management. The board shall require an
1285 examination fee not to exceed the actual cost to the board in
1286 developing, administering, and approving the examination, which
1287 fee must be paid by the applicant. To be considered by the board
1288 for examination, the applicant must have:

1289 (a) For an examination in orthotics:

1290 1. A Bachelor of Science or higher-level postgraduate
1291 degree in orthotics and prosthetics from an institutionally a
1292 ~~regionally~~ accredited college or university recognized by the
1293 Commission on Accreditation of Allied Health Education Programs
1294 or, at a minimum, a bachelor's degree from an institutionally a
1295 ~~regionally~~ accredited college or university and a certificate in
1296 orthotics from a program recognized by the Commission on
1297 Accreditation of Allied Health Education Programs, or its
1298 equivalent, as determined by the board; and

1299 2. An approved orthotics internship of 1 year of qualified
1300 experience, as determined by the board, or an orthotic residency
1301 or dual residency program recognized by the board.

1302 (b) For an examination in prosthetics:

1303 1. A Bachelor of Science or higher-level postgraduate
1304 degree in orthotics and prosthetics from an institutionally a
1305 ~~regionally~~ accredited college or university recognized by the

2022768e1

1306 Commission on Accreditation of Allied Health Education Programs
1307 or, at a minimum, a bachelor's degree from an institutionally a
1308 ~~regionally~~ accredited college or university and a certificate in
1309 prosthetics from a program recognized by the Commission on
1310 Accreditation of Allied Health Education Programs, or its
1311 equivalent, as determined by the board; and

1312 2. An approved prosthetics internship of 1 year of
1313 qualified experience, as determined by the board, or a
1314 prosthetic residency or dual residency program recognized by the
1315 board.

1316 (5) In addition to the requirements in subsection (2), to
1317 be licensed as:

1318 (a) An orthotist, the applicant must pay a license fee not
1319 to exceed \$500 and must have:

1320 1. A Bachelor of Science or higher-level postgraduate
1321 degree in orthotics and prosthetics from an institutionally a
1322 ~~regionally~~ accredited college or university recognized by the
1323 Commission on Accreditation of Allied Health Education Programs,
1324 or a bachelor's degree from an institutionally accredited
1325 college or university and ~~with~~ a certificate in orthotics from a
1326 program recognized by the Commission on Accreditation of Allied
1327 Health Education Programs, or its equivalent, as determined by
1328 the board;

1329 2. An approved ~~appropriate~~ internship of 1 year of
1330 qualified experience, as determined by the board, or a residency
1331 program recognized by the board;

1332 3. Completed the mandatory courses; and

1333 4. Passed the state orthotics examination or the board-
1334 approved orthotics examination.

2022768e1

1335 (b) A prosthetist, the applicant must pay a license fee not
1336 to exceed \$500 and must have:

1337 1. A Bachelor of Science or higher-level postgraduate
1338 degree in orthotics and prosthetics from an institutionally a
1339 ~~regionally~~ accredited college or university recognized by the
1340 Commission on Accreditation of Allied Health Education Programs,
1341 or a bachelor's degree from an institutionally accredited
1342 college or university and with a certificate in prosthetics from
1343 a program recognized by the Commission on Accreditation of
1344 Allied Health Education Programs, or its equivalent, as
1345 determined by the board;

1346 2. An internship of 1 year of qualified experience, as
1347 determined by the board, or a residency program recognized by
1348 the board;

1349 3. Completed the mandatory courses; and

1350 4. Passed the state prosthetics examination or the board-
1351 approved prosthetics examination.

1352 Section 17. Section 483.824, Florida Statutes, is amended
1353 to read:

1354 483.824 Qualifications of clinical laboratory director.—A
1355 clinical laboratory director must have 4 years of clinical
1356 laboratory experience with 2 years of experience in the
1357 specialty to be directed or be nationally board certified in the
1358 specialty to be directed, and must meet one of the following
1359 requirements:

1360 (1) Be a physician licensed under chapter 458 or chapter
1361 459;

1362 (2) Hold an earned doctoral degree in a chemical, physical,
1363 or biological science from an institutionally a ~~regionally~~

2022768e1

1364 accredited institution and maintain national certification
1365 requirements equal to those required by the federal Health Care
1366 Financing Administration; or

1367 (3) For the subspecialty of oral pathology, be a physician
1368 licensed under chapter 458 or chapter 459 or a dentist licensed
1369 under chapter 466.

1370 Section 18. Subsection (3) of section 490.003, Florida
1371 Statutes, is amended to read:

1372 490.003 Definitions.—As used in this chapter:

1373 (3) (a) "Doctoral degree from an American Psychological
1374 Association accredited program" means ~~Effective July 1, 1999,~~
1375 ~~"doctoral-level psychological education" and "doctoral degree in~~
1376 ~~psychology"~~ mean a Psy.D., an Ed.D. in psychology, or a Ph.D. in
1377 psychology from a psychology program at an educational
1378 institution that, at the time the applicant was enrolled and
1379 graduated:

1380 1. (a) Had institutional accreditation from an agency
1381 recognized and approved by the United States Department of
1382 Education or was recognized as a member in good standing with
1383 Universities Canada ~~the Association of Universities and Colleges~~
1384 ~~of Canada; and~~

1385 2. (b) Had programmatic accreditation from the American
1386 Psychological Association.

1387 (b) "Doctoral degree in psychology" means a Psy.D., an
1388 Ed.D. in psychology, or a Ph.D. in psychology from a psychology
1389 program at an educational institution that, at the time the
1390 applicant was enrolled and graduated, had institutional
1391 accreditation from an agency recognized and approved by the
1392 United States Department of Education or was recognized as a

2022768e1

1393 member in good standing with Universities Canada.

1394 Section 19. Subsection (1) of section 490.005, Florida
1395 Statutes, is amended to read:

1396 490.005 Licensure by examination.—

1397 (1) Any person desiring to be licensed as a psychologist
1398 shall apply to the department to take the licensure examination.
1399 The department shall license each applicant whom ~~who~~ the board
1400 certifies has met all of the following requirements:

1401 (a) Completed the application form and remitted a
1402 nonrefundable application fee not to exceed \$500 and an
1403 examination fee set by the board sufficient to cover the actual
1404 per applicant cost to the department for development, purchase,
1405 and administration of the examination, but not to exceed \$500.

1406 (b) Submitted proof satisfactory to the board that the
1407 applicant has received:

1408 1. A doctoral degree from an American Psychological
1409 Association accredited program ~~Doctoral-level psychological~~
1410 ~~education~~; or

1411 2. The equivalent of a doctoral degree from an American
1412 Psychological Association accredited program ~~doctoral-level~~
1413 ~~psychological education, as defined in s. 490.003(3), from a~~
1414 ~~program at~~ a school or university located outside the United
1415 States of America which was officially recognized by the
1416 government of the country in which it is located as an
1417 institution or program to train students to practice
1418 professional psychology. The applicant has the burden of
1419 establishing that this requirement has been met.

1420 (c) Had at least 2 years or 4,000 hours of experience in
1421 the field of psychology in association with or under the

2022768e1

1422 supervision of a licensed psychologist meeting the academic and
1423 experience requirements of this chapter or the equivalent as
1424 determined by the board. The experience requirement may be met
1425 by work performed on or off the premises of the supervising
1426 psychologist if the off-premises work is not the independent,
1427 private practice rendering of psychological services that does
1428 not have a psychologist as a member of the group actually
1429 rendering psychological services on the premises.

1430 (d) Passed the examination. However, an applicant who has
1431 obtained a passing score, as established by the board by rule,
1432 on the psychology licensure examination designated by the board
1433 as the national licensure examination need only pass the Florida
1434 law and rules portion of the examination.

1435 Section 20. Subsection (1) of section 490.0051, Florida
1436 Statutes, is amended to read:

1437 490.0051 Provisional licensure; requirements.—

1438 (1) The department shall issue a provisional psychology
1439 license to each applicant whom ~~who~~ the board certifies has met
1440 all of the following criteria:

1441 (a) Completed the application form and remitted a
1442 nonrefundable application fee not to exceed \$250, as set by
1443 board rule.

1444 (b) Earned a doctoral degree from an American Psychological
1445 Association accredited program in psychology ~~as defined in s.~~
1446 ~~490.003(3).~~

1447 (c) Met any additional requirements established by board
1448 rule.

1449 Section 21. Effective upon this act becoming a law,
1450 subsections (1), (3), and (4) of section 491.005, Florida

2022768e1

1451 Statutes, are amended to read:

1452 491.005 Licensure by examination.—

1453 (1) CLINICAL SOCIAL WORK.—Upon verification of
1454 documentation and payment of a fee not to exceed \$200, as set by
1455 board rule, ~~plus the actual per applicant cost to the department~~
1456 ~~for purchase of the examination from the American Association of~~
1457 ~~State Social Worker's Boards or a similar national organization,~~
1458 the department shall issue a license as a clinical social worker
1459 to an applicant whom ~~who~~ the board certifies has met all of the
1460 following criteria:

1461 (a) ~~Has~~ Submitted an application and paid the appropriate
1462 fee.

1463 (b)1. ~~Has~~ Received a doctoral degree in social work from a
1464 graduate school of social work which at the time the applicant
1465 graduated was accredited by an accrediting agency recognized by
1466 the United States Department of Education or ~~has~~ received a
1467 master's degree in social work from a graduate school of social
1468 work which at the time the applicant graduated:

1469 a. Was accredited by the Council on Social Work Education;

1470 b. Was accredited by the Canadian Association for ~~of~~

1471 ~~Schools of Social Work~~ Education; or

1472 c. Has been determined to have been a program equivalent to
1473 programs approved by the Council on Social Work Education by the
1474 Foreign Equivalency Determination Service of the Council on
1475 Social Work Education. An applicant who graduated from a program
1476 at a university or college outside of the United States or
1477 Canada must present documentation of the equivalency
1478 determination from the council in order to qualify.

1479 2. The applicant's graduate program ~~must have~~ emphasized

2022768e1

1480 direct clinical patient or client health care services,
1481 including, but not limited to, coursework in clinical social
1482 work, psychiatric social work, medical social work, social
1483 casework, psychotherapy, or group therapy. The applicant's
1484 graduate program must have included all of the following
1485 coursework:

1486 a. A supervised field placement which was part of the
1487 applicant's advanced concentration in direct practice, during
1488 which the applicant provided clinical services directly to
1489 clients.

1490 b. Completion of 24 semester hours or 32 quarter hours in
1491 theory of human behavior and practice methods as courses in
1492 clinically oriented services, including a minimum of one course
1493 in psychopathology, and no more than one course in research,
1494 taken in a school of social work accredited or approved pursuant
1495 to subparagraph 1.

1496 3. If the course title which appears on the applicant's
1497 transcript does not clearly identify the content of the
1498 coursework, the applicant provided ~~shall be required to provide~~
1499 additional documentation, including, but not limited to, a
1500 syllabus or catalog description published for the course.

1501 (c) Completed ~~Has had~~ at least 2 years of clinical social
1502 work experience, which took place subsequent to completion of a
1503 graduate degree in social work at an institution meeting the
1504 accreditation requirements of this section, under the
1505 supervision of a licensed clinical social worker or the
1506 equivalent who is a qualified supervisor as determined by the
1507 board. An individual who intends to practice in Florida to
1508 satisfy clinical experience requirements must register pursuant

2022768e1

1509 to s. 491.0045 before commencing practice. If the applicant's
1510 graduate program was not a program which emphasized direct
1511 clinical patient or client health care services as described in
1512 subparagraph (b)2., the supervised experience requirement must
1513 take place after the applicant has completed a minimum of 15
1514 semester hours or 22 quarter hours of the coursework required. A
1515 doctoral internship may be applied toward the clinical social
1516 work experience requirement. A licensed mental health
1517 professional must be on the premises when clinical services are
1518 provided by a registered intern in a private practice setting.

1519 (d) ~~Has~~ Passed a theory and practice examination designated
1520 by board rule ~~provided by the department for this purpose.~~

1521 (e) ~~Has~~ Demonstrated, in a manner designated by board rule
1522 ~~of the board~~, knowledge of the laws and rules governing the
1523 practice of clinical social work, marriage and family therapy,
1524 and mental health counseling.

1525 (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of
1526 documentation and payment of a fee not to exceed \$200, as set by
1527 board rule, ~~plus the actual cost of the purchase of the~~
1528 ~~examination from the Association of Marital and Family Therapy~~
1529 ~~Regulatory Board, or similar national organization,~~ the
1530 department shall issue a license as a marriage and family
1531 therapist to an applicant whom ~~who~~ the board certifies has met
1532 all of the following criteria:

1533 (a) ~~Has~~ Submitted an application and paid the appropriate
1534 fee.

1535 (b) 1. Attained one of the following:

1536 a. A minimum of a master's degree in marriage and family
1537 therapy from a program accredited by the Commission on

2022768e1

1538 Accreditation for Marriage and Family Therapy Education.

1539 b. A minimum of a master's degree with a major emphasis in
1540 marriage and family therapy or a closely related field from a
1541 university program accredited by the Council on Accreditation of
1542 Counseling and Related Educational Programs and graduate courses
1543 approved by the board.

1544 c. ~~Has~~ A minimum of a master's degree with an major
1545 emphasis in marriage and family therapy or a closely related
1546 field, with a degree conferred before September 1, 2027, from an
1547 institutionally accredited college or university ~~from a program~~
1548 ~~accredited by the Commission on Accreditation for Marriage and~~
1549 ~~Family Therapy Education or from a Florida university program~~
1550 ~~accredited by the Council for Accreditation of Counseling and~~
1551 ~~Related Educational Programs and graduate courses approved by~~
1552 ~~the board of Clinical Social Work, Marriage and Family Therapy,~~
1553 ~~and Mental Health Counseling.~~

1554 2. If the course title that appears on the applicant's
1555 transcript does not clearly identify the content of the
1556 coursework, the applicant provided ~~shall provide~~ additional
1557 documentation, including, but not limited to, a syllabus or
1558 catalog description published for the course. The required
1559 master's degree must have been received in an institution of
1560 higher education that, at the time the applicant graduated, was
1561 fully accredited by an institutional ~~a regional~~ accrediting body
1562 recognized by the Council for Higher Education Accreditation or
1563 its successor organization ~~Commission on Recognition of~~
1564 ~~Postsecondary Accreditation or was publicly recognized as a~~
1565 member in good standing with Universities Canada ~~the Association~~
1566 ~~of Universities and Colleges of Canada, or an institution of~~

2022768e1

1567 higher education located outside the United States and Canada
1568 which, at the time the applicant was enrolled and at the time
1569 the applicant graduated, maintained a standard of training
1570 substantially equivalent to the standards of training of those
1571 institutions in the United States which are accredited by an
1572 institutional ~~a regional~~ accrediting body recognized by the
1573 Council for Higher Education Accreditation or its successor
1574 organization ~~Commission on Recognition of Postsecondary~~
1575 ~~Accreditation~~. Such foreign education and training must have
1576 been received in an institution or program of higher education
1577 officially recognized by the government of the country in which
1578 it is located as an institution or program to train students to
1579 practice as professional marriage and family therapists or
1580 psychotherapists. The applicant has the burden of establishing
1581 that the requirements of this provision have been met, and the
1582 board shall require documentation, such as an evaluation by a
1583 foreign equivalency determination service, as evidence that the
1584 applicant's graduate degree program and education were
1585 equivalent to an accredited program in this country. An
1586 applicant with a master's degree from a program that did not
1587 emphasize marriage and family therapy may complete the
1588 coursework requirement in a training institution fully
1589 accredited by the Commission on Accreditation for Marriage and
1590 Family Therapy Education recognized by the United States
1591 Department of Education.

1592 (c) Completed ~~Has had~~ at least 2 years of clinical
1593 experience during which 50 percent of the applicant's clients
1594 were receiving marriage and family therapy services, which must
1595 be at the post-master's level under the supervision of a

2022768e1

1596 licensed marriage and family therapist with at least 5 years of
1597 experience, or the equivalent, who is a qualified supervisor as
1598 determined by the board. An individual who intends to practice
1599 in Florida to satisfy the clinical experience requirements must
1600 register pursuant to s. 491.0045 before commencing practice. If
1601 a graduate has a master's degree with a major emphasis in
1602 marriage and family therapy or a closely related field which did
1603 not include all of the coursework required by paragraph (b),
1604 credit for the post-master's level clinical experience may not
1605 commence until the applicant has completed a minimum of 10 of
1606 the courses required by paragraph (b), as determined by the
1607 board, and at least 6 semester hours or 9 quarter hours of the
1608 course credits must have been completed in the area of marriage
1609 and family systems, theories, or techniques. Within the 2 years
1610 of required experience, the applicant shall provide direct
1611 individual, group, or family therapy and counseling to cases
1612 including those involving unmarried dyads, married couples,
1613 separating and divorcing couples, and family groups that include
1614 children. A doctoral internship may be applied toward the
1615 clinical experience requirement. A licensed mental health
1616 professional must be on the premises when clinical services are
1617 provided by a registered intern in a private practice setting.

1618 (d) ~~Has~~ Passed a theory and practice examination designated
1619 by board rule ~~provided by the department~~.

1620 (e) ~~Has~~ Demonstrated, in a manner designated by board rule,
1621 knowledge of the laws and rules governing the practice of
1622 clinical social work, marriage and family therapy, and mental
1623 health counseling.

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2022768e1

1625 For the purposes of dual licensure, the department shall license
1626 as a marriage and family therapist any person who meets the
1627 requirements of s. 491.0057. Fees for dual licensure may not
1628 exceed those stated in this subsection.

1629 (4) MENTAL HEALTH COUNSELING.—Upon verification of
1630 documentation and payment of a fee not to exceed \$200, as set by
1631 board rule, ~~plus the actual per applicant cost of purchase of~~
1632 ~~the examination from the National Board for Certified Counselors~~
1633 ~~or its successor organization,~~ the department shall issue a
1634 license as a mental health counselor to an applicant whom ~~who~~
1635 the board certifies has met all of the following criteria:

1636 (a) ~~Has~~ Submitted an application and paid the appropriate
1637 fee.

1638 (b)1. Attained ~~Has~~ a minimum of an earned master's degree
1639 from a mental health counseling program accredited by the
1640 Council for the Accreditation of Counseling and Related
1641 Educational Programs which consists of at least 60 semester
1642 hours or 80 quarter hours of clinical and didactic instruction,
1643 including a course in human sexuality and a course in substance
1644 abuse. If the master's degree is earned from a program related
1645 to the practice of mental health counseling which is not
1646 accredited by the Council for the Accreditation of Counseling
1647 and Related Educational Programs, then the coursework and
1648 practicum, internship, or fieldwork must consist of at least 60
1649 semester hours or 80 quarter hours and meet all of the following
1650 requirements:

1651 a. Thirty-three semester hours or 44 quarter hours of
1652 graduate coursework, which must include a minimum of 3 semester
1653 hours or 4 quarter hours of graduate-level coursework in each of

2022768e1

1654 the following 11 content areas: counseling theories and
1655 practice; human growth and development; diagnosis and treatment
1656 of psychopathology; human sexuality; group theories and
1657 practice; individual evaluation and assessment; career and
1658 lifestyle assessment; research and program evaluation; social
1659 and cultural foundations; substance abuse; and legal, ethical,
1660 and professional standards issues in the practice of mental
1661 health counseling. Courses in research, thesis or dissertation
1662 work, practicums, internships, or fieldwork may not be applied
1663 toward this requirement.

1664 b. A minimum of 3 semester hours or 4 quarter hours of
1665 graduate-level coursework addressing diagnostic processes,
1666 including differential diagnosis and the use of the current
1667 diagnostic tools, such as the current edition of the American
1668 Psychiatric Association's Diagnostic and Statistical Manual of
1669 Mental Disorders. The graduate program must have emphasized the
1670 common core curricular experience.

1671 c. The equivalent, as determined by the board, of at least
1672 700 hours of university-sponsored supervised clinical practicum,
1673 internship, or field experience that includes at least 280 hours
1674 of direct client services, as required in the accrediting
1675 standards of the Council for Accreditation of Counseling and
1676 Related Educational Programs for mental health counseling
1677 programs. This experience may not be used to satisfy the post-
1678 master's clinical experience requirement.

1679 2. ~~Has~~ Provided additional documentation if a course title
1680 that appears on the applicant's transcript does not clearly
1681 identify the content of the coursework. The documentation must
1682 include, but is not limited to, a syllabus or catalog

2022768e1

1683 description published for the course.
1684
1685 Education and training in mental health counseling must have
1686 been received in an institution of higher education that, at the
1687 time the applicant graduated, was fully accredited by an
1688 institutional ~~a regional~~ accrediting body recognized by the
1689 Council for Higher Education Accreditation or its successor
1690 organization or was ~~publicly recognized as~~ a member in good
1691 standing with Universities Canada ~~the Association of~~
1692 ~~Universities and Colleges of Canada~~, or an institution of higher
1693 education located outside the United States and Canada which, at
1694 the time the applicant was enrolled and at the time the
1695 applicant graduated, maintained a standard of training
1696 substantially equivalent to the standards of training of those
1697 institutions in the United States which are accredited by an
1698 institutional ~~a regional~~ accrediting body recognized by the
1699 Council for Higher Education Accreditation or its successor
1700 organization. Such foreign education and training must have been
1701 received in an institution or program of higher education
1702 officially recognized by the government of the country in which
1703 it is located as an institution or program to train students to
1704 practice as mental health counselors. The applicant has the
1705 burden of establishing that the requirements of this provision
1706 have been met, and the board shall require documentation, such
1707 as an evaluation by a foreign equivalency determination service,
1708 as evidence that the applicant's graduate degree program and
1709 education were equivalent to an accredited program in this
1710 country. Beginning July 1, 2025, an applicant must have a
1711 master's degree from a program that is accredited by the Council

2022768e1

1712 for Accreditation of Counseling and Related Educational
1713 Programs, the Masters in Psychology and Counseling Accreditation
1714 Council, or an equivalent accrediting body which consists of at
1715 least 60 semester hours or 80 quarter hours to apply for
1716 licensure under this paragraph.

1717 (c) Completed ~~Has had~~ at least 2 years of clinical
1718 experience in mental health counseling, which must be at the
1719 post-master's level under the supervision of a licensed mental
1720 health counselor or the equivalent who is a qualified supervisor
1721 as determined by the board. An individual who intends to
1722 practice in Florida to satisfy the clinical experience
1723 requirements must register pursuant to s. 491.0045 before
1724 commencing practice. If a graduate has a master's degree with a
1725 major related to the practice of mental health counseling which
1726 did not include all the coursework required under sub-
1727 subparagraphs (b)1.a. and b., credit for the post-master's level
1728 clinical experience may not commence until the applicant has
1729 completed a minimum of seven of the courses required under sub-
1730 subparagraphs (b)1.a. and b., as determined by the board, one of
1731 which must be a course in psychopathology or abnormal
1732 psychology. A doctoral internship may be applied toward the
1733 clinical experience requirement. A licensed mental health
1734 professional must be on the premises when clinical services are
1735 provided by a registered intern in a private practice setting.

1736 (d) ~~Has~~ Passed a theory and practice examination designated
1737 by board rule ~~provided by the department for this purpose.~~

1738 (e) ~~Has~~ Demonstrated, in a manner designated by board rule,
1739 knowledge of the laws and rules governing the practice of
1740 clinical social work, marriage and family therapy, and mental

2022768e1

1741 health counseling.

1742 Section 22. Effective upon this act becoming a law,
1743 paragraph (d) of subsection (1) of section 766.31, Florida
1744 Statutes, is amended to read:

1745 766.31 Administrative law judge awards for birth-related
1746 neurological injuries; notice of award.—

1747 (1) Upon determining that an infant has sustained a birth-
1748 related neurological injury and that obstetrical services were
1749 delivered by a participating physician at the birth, the
1750 administrative law judge shall make an award providing
1751 compensation for the following items relative to such injury:

1752 (d)1.a. Periodic payments of an award to the parents or
1753 legal guardians of the infant found to have sustained a birth-
1754 related neurological injury, which award may not exceed
1755 \$100,000. However, at the discretion of the administrative law
1756 judge, such award may be made in a lump sum. Beginning on
1757 January 1, 2021, the award may not exceed \$250,000, and each
1758 January 1 thereafter, the maximum award authorized under this
1759 paragraph shall increase by 3 percent.

1760 b. Parents or legal guardians who received an award
1761 pursuant to this section before January 1, 2021, ~~and whose child~~
1762 ~~currently receives benefits under the plan~~ must receive a
1763 retroactive payment in an amount sufficient to bring the total
1764 award paid to the parents or legal guardians pursuant to sub-
1765 subparagraph a. to \$250,000. This additional payment may be made
1766 in a lump sum or in periodic payments as designated by the
1767 parents or legal guardians and must be paid by July 1, 2021.

1768 2.a. Death benefit for the infant in an amount of \$50,000.

1769 b. Parents or legal guardians who received an award

2022768e1

1770 pursuant to this section, and whose child died since the
1771 inception of the program, must receive a retroactive payment in
1772 an amount sufficient to bring the total award paid to the
1773 parents or legal guardians pursuant to sub-subparagraph a. to
1774 \$50,000. This additional payment may be made in a lump sum or in
1775 periodic payments as designated by the parents or legal
1776 guardians and must be paid by July 1, 2021.

1777
1778 Should there be a final determination of compensability, and the
1779 claimants accept an award under this section, the claimants are
1780 ~~shall~~ not be liable for any expenses, including attorney
1781 ~~attorney's~~ fees, incurred in connection with the filing of a
1782 claim under ss. 766.301-766.316 other than those expenses
1783 awarded under this section.

1784 Section 23. The amendment made to s. 766.31(1)(d)1.b.,
1785 Florida Statutes, by this act applies retroactively. The Florida
1786 Birth-Related Neurological Injury Compensation Plan must provide
1787 the additional payment required under s. 766.31(1)(d)1.b.,
1788 Florida Statutes, to parents and legal guardians who are
1789 eligible for the additional payment under that sub-subparagraph
1790 as a result of the amendment made by this act. The additional
1791 payment may be made in a lump sum or in periodic payments as
1792 designated by the parents or legal guardians and must be paid by
1793 July 1, 2022. This section shall take effect upon this act
1794 becoming a law.

1795 Section 24. Subsection (6) and paragraph (c) of subsection
1796 (9) of section 766.314, Florida Statutes, are amended to read:

1797 766.314 Assessments; plan of operation.—

1798 (6) (a) The association shall make all assessments required

2022768e1

1799 by this section, except initial assessments of physicians
1800 licensed ~~on or after October 1, 1988, which assessments will be~~
1801 ~~made by the Department of Health Business and Professional~~
1802 ~~Regulation~~, and except assessments of casualty insurers pursuant
1803 to subparagraph (5)(c)1., which assessments will be made by the
1804 Office of Insurance Regulation. ~~Beginning October 1, 1989, for~~
1805 ~~any physician licensed between October 1 and December 31 of any~~
1806 ~~year, the Department of Business and Professional Regulation~~
1807 ~~shall make the initial assessment plus the assessment for the~~
1808 ~~following calendar year.~~ The Department of Health Business and
1809 Professional Regulation shall provide the association, in an
1810 electronic format, with a monthly report ~~such frequency as~~
1811 ~~determined to be necessary, a listing, in a computer-readable~~
1812 ~~form~~, of the names and license numbers ~~addresses~~ of all
1813 physicians licensed under chapter 458 or chapter 459.

1814 (b)1. The association may enforce collection of assessments
1815 required to be paid pursuant to ss. 766.301-766.316 by suit
1816 filed in county court, or in circuit court if the amount due
1817 could exceed the jurisdictional limits of county court. The
1818 association ~~is~~ shall be entitled to an award of attorney
1819 ~~attorney's~~ fees, costs, and interest upon the entry of a
1820 judgment against a physician for failure to pay such assessment,
1821 with such interest accruing until paid. Notwithstanding ~~the~~
1822 ~~provisions of~~ chapters 47 and 48, the association may file such
1823 suit in either Leon County or the county of the residence of the
1824 defendant. The association shall notify the Department of Health
1825 and the applicable board of any unpaid final judgment against a
1826 physician within 7 days after the entry of final judgment.

1827 2. The Department of Health Business and Professional

2022768e1

1828 ~~Regulation~~, upon notification by the association that an
1829 assessment has not been paid and that there is an unsatisfied
1830 judgment against a physician, shall refuse to not renew any
1831 license issued to ~~practice for~~ such physician under issued
1832 ~~pursuant to~~ chapter 458 or chapter 459 until the association
1833 notifies the Department of Health that such time as the judgment
1834 is satisfied in full.

1835 (c) The Agency for Health Care Administration shall, upon
1836 notification by the association that an assessment has not been
1837 timely paid, enforce collection of such assessments required to
1838 be paid by hospitals pursuant to ss. 766.301-766.316. Failure of
1839 a hospital to pay such assessment is grounds for disciplinary
1840 action pursuant to s. 395.1065 notwithstanding any ~~provision of~~
1841 law to the contrary.

1842 (9)

1843 (c) If ~~In the event~~ the total of all current estimates
1844 equals 80 percent of the funds on hand and the funds that will
1845 become available to the association within the next 12 months
1846 from all sources described in subsections (4) and (5) and
1847 paragraph (7) (a), the association may ~~shall~~ not accept any new
1848 claims without express authority from the Legislature. Nothing
1849 in this section precludes herein shall preclude the association
1850 from accepting any claim if the injury occurred 18 months or
1851 more before ~~prior to~~ the effective date of this suspension.
1852 Within 30 days after ~~of~~ the effective date of this suspension,
1853 the association shall notify the Governor, the Speaker of the
1854 House of Representatives, the President of the Senate, the
1855 Office of Insurance Regulation, the Agency for Health Care
1856 Administration, and the Department of Health, ~~and the Department~~

2022768e1

1857 ~~of Business and Professional Regulation~~ of this suspension.

1858 Section 25. Except as otherwise expressly provided in this
1859 act and except for this section, which shall take effect upon
1860 this act becoming a law, this act shall take effect July 1,
1861 2022.