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1
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

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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.
46 406.11, F.S.; revising requirements for medical
47 examiner death certifications; amending s. 456.039,
48 F.S.; requiring certain applicants for licensure as
49 physicians to provide specified documentation to the
50 department at the time of application; amending s.
51 460.406, F.S.; revising provisions related to
52 chiropractic physician licensing; amending s. 464.008,
53 F.S.; deleting a requirement that certain nursing
54 program graduates complete a specified preparatory
55 course; amending s. 464.018, F.S.; revising grounds
56 for disciplinary action against licensed nurses;
57 amending s. 467.003, F.S.; revising and defining
58 terms; amending s. 467.009, F.S.; revising provisions

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

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

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

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

109 381.0045 Targeted outreach for pregnant women.—

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

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117 (3) The department shall:

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

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

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

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

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

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

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

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

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

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146 381.0303 Special needs shelters.—

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

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

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

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

168 381.986 Medical use of marijuana.—

169 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

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

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175 1. As soon as practicable, but no later than July 3, 2017,
176 the department shall license as a medical marijuana treatment
177 center any entity that holds an active, unrestricted license to
178 cultivate, process, transport, and dispense low-THC cannabis,
179 medical cannabis, and cannabis delivery devices, under former s.
180 381.986, Florida Statutes 2016, before July 1, 2017, and which
181 meets the requirements of this section. In addition to the
182 authority granted under this section, these entities are
183 authorized to dispense low-THC cannabis, medical cannabis, and
184 cannabis delivery devices ordered pursuant to former s. 381.986,
185 Florida Statutes 2016, which were entered into the compassionate
186 use registry before July 1, 2017, and are authorized to begin
187 dispensing marijuana under this section on July 3, 2017. The
188 department may grant variances from the representations made in
189 such an entity's original application for approval under former
190 s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

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

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

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204 to the department that it has the existing infrastructure and
205 technical and technological ability to begin cultivating
206 marijuana within 30 days after registration as a medical
207 marijuana treatment center.

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

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

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

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

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

247 381.986 Medical use of marijuana.—

248 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

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

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

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

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

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

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291 4. The ability to secure the premises, resources, and
292 personnel necessary to operate as a medical marijuana treatment
293 center.

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

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

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

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

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

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320 amount of that interest shall be used by the department for the
321 administration of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

405 5. Each medical marijuana treatment center must adopt and
406 enforce policies and procedures to ensure employees and

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407 volunteers receive training on the legal requirements to
408 dispense marijuana to qualified patients.

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

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

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

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

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

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

428 8. A medical marijuana treatment center that produces
429 edibles must hold a permit to operate as a food establishment
430 pursuant to chapter 500, the Florida Food Safety Act, and must
431 comply with all the requirements for food establishments
432 pursuant to chapter 500 and any rules adopted thereunder.
433 Edibles may not contain more than 200 milligrams of
434 tetrahydrocannabinol, and a single serving portion of an edible
435 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles

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436 may have a potency variance of no greater than 15 percent.
437 Edibles may not be attractive to children; be manufactured in
438 the shape of humans, cartoons, or animals; be manufactured in a
439 form that bears any reasonable resemblance to products available
440 for consumption as commercially available candy; or contain any
441 color additives. To discourage consumption of edibles by
442 children, the department shall determine by rule any shapes,
443 forms, and ingredients allowed and prohibited for edibles.
444 Medical marijuana treatment centers may not begin processing or
445 dispensing edibles until after the effective date of the rule.
446 The department shall also adopt sanitation rules providing the
447 standards and requirements for the storage, display, or
448 dispensing of edibles.

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

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

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

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

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

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

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

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

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

543 e. Package the marijuana in compliance with the United
544 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
545 1471 et seq.

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

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

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

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

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

556 (V) The name of the patient.

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

561 (VII) The recommended dose.

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

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

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

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

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

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

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

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

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

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

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610 2017.

611 b. May not dispense more than a 70-day supply of marijuana
612 within any 70-day period to a qualified patient or caregiver.

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

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

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

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

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

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

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

648 (14) EXCEPTIONS TO OTHER LAWS.—

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

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

658 381.99 Rare Disease Advisory Council.—

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

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

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

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

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

670 4. Two individuals ~~An individual~~ who are, or were
671 previously, caregivers for individuals ~~is a caregiver of an~~
672 ~~individual~~ with a rare disease.

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

676 (c) As appointed by the Speaker of the House of
677 Representatives:

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

681 2. A physician who is licensed under chapter 458 or chapter
682 459 and practicing in this state with experience in treating
683 rare diseases.

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

686 4. Two individuals ~~An individual~~ who are, or were
687 previously, caregivers for individuals ~~is a caregiver of an~~
688 ~~individual~~ with a rare disease.

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

691
692 Any vacancy on the advisory council must be filled in the same
693 manner as the original appointment.

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

696 383.216 Community-based prenatal and infant health care.—

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697 (9) Local prenatal and infant health care coalitions shall
698 incorporate as not-for-profit corporations for the purpose of
699 seeking and receiving grants from federal, state, and local
700 government and other contributors. However, a coalition need not
701 be designated as a tax-exempt organization under s. 501(c)(3) of
702 the Internal Revenue Code. The administrative services
703 organization representing all Healthy Start Coalitions under s.
704 409.975(4) may use any method of telecommunication to conduct
705 meetings for any authorized function, provided that the public
706 is given proper notice of and reasonable access to the meeting.

707 Section 7. Subsection (1) of section 406.11, Florida
708 Statutes, is amended to read:

709 406.11 Examinations, investigations, and autopsies.—

710 (1) In any of the following circumstances involving the
711 death of a human being, the medical examiner of the district in
712 which the death occurred or the body was found shall determine
713 the cause of death ~~and certify the death~~ and shall, for that
714 purpose, make or perform such examinations, investigations, and
715 autopsies as he or she deems necessary or as requested by the
716 state attorney:

717 (a) When any person dies in this state:

718 1. Of criminal violence.

719 2. By accident.

720 3. By suicide.

721 4. Suddenly, when in apparent good health.

722 5. Unattended by a practicing physician or other recognized
723 practitioner.

724 6. In any prison or penal institution.

725 7. In police custody.

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726 8. In any suspicious or unusual circumstance.

727 9. By criminal abortion.

728 10. By poison.

729 11. By disease constituting a threat to public health.

730 12. By disease, injury, or toxic agent resulting from
731 employment.

732 (b) When a dead body is brought into this state without
733 proper medical certification.

734 (c) When a body is to be cremated, dissected, or buried at
735 sea.

736 Section 8. Subsection (1) of section 456.039, Florida
737 Statutes, is amended to read:

738 456.039 Designated health care professionals; information
739 required for licensure.—

740 (1) Each person who applies for initial licensure or
741 license renewal as a physician under chapter 458, chapter 459,
742 chapter 460, or chapter 461, except a person applying for
743 registration pursuant to ss. 458.345 and 459.021, must furnish
744 the following information to the department, at the time of
745 application or, ~~and each physician who applies for license~~
746 ~~renewal under chapter 458, chapter 459, chapter 460, or chapter~~
747 ~~461, except a person registered pursuant to ss. 458.345 and~~
748 ~~459.021, must,~~ in conjunction with the renewal of such license
749 ~~and~~ under procedures adopted by the department ~~of Health,~~ and in
750 addition to any other information that may be required from the
751 applicant, ~~furnish the following information to the Department~~
752 ~~of Health:~~

753 (a)1. The name of each medical school that the applicant
754 has attended, with the dates of attendance and the date of

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755 graduation, and a description of all graduate medical education
756 completed by the applicant, excluding any coursework taken to
757 satisfy medical licensure continuing education requirements.

758 2. The name of each hospital at which the applicant has
759 privileges.

760 3. The address at which the applicant will primarily
761 conduct his or her practice.

762 4. Any certification that the applicant has received from a
763 specialty board that is recognized by the board to which the
764 applicant is applying.

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

766 6. Any appointment to the faculty of a medical school which
767 the applicant currently holds and an indication as to whether
768 the applicant has had the responsibility for graduate medical
769 education within the most recent 10 years.

770 7. A description of any criminal offense of which the
771 applicant has been found guilty, regardless of whether
772 adjudication of guilt was withheld, or to which the applicant
773 has pled guilty or nolo contendere. A criminal offense committed
774 in another jurisdiction which would have been a felony or
775 misdemeanor if committed in this state must be reported. If the
776 applicant indicates that a criminal offense is under appeal and
777 submits a copy of the notice for appeal of that criminal
778 offense, the department must state that the criminal offense is
779 under appeal if the criminal offense is reported in the
780 applicant's profile. If the applicant indicates to the
781 department that a criminal offense is under appeal, the
782 applicant must, upon disposition of the appeal, submit to the
783 department a copy of the final written order of disposition.

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784 8. A description of any final disciplinary action taken
785 within the previous 10 years against the applicant by the agency
786 regulating the profession that the applicant is or has been
787 licensed to practice, whether in this state or in any other
788 jurisdiction, by a specialty board that is recognized by the
789 American Board of Medical Specialties, the American Osteopathic
790 Association, or a similar national organization, or by a
791 licensed hospital, health maintenance organization, prepaid
792 health clinic, ambulatory surgical center, or nursing home.
793 Disciplinary action includes resignation from or nonrenewal of
794 medical staff membership or the restriction of privileges at a
795 licensed hospital, health maintenance organization, prepaid
796 health clinic, ambulatory surgical center, or nursing home taken
797 in lieu of or in settlement of a pending disciplinary case
798 related to competence or character. If the applicant indicates
799 that the disciplinary action is under appeal and submits a copy
800 of the document initiating an appeal of the disciplinary action,
801 the department must state that the disciplinary action is under
802 appeal if the disciplinary action is reported in the applicant's
803 profile.

804 9. Relevant professional qualifications as defined by the
805 applicable board.

806 (b) In addition to the information required under paragraph
807 (a), for each applicant seeking ~~who seeks~~ licensure under
808 chapter 458, chapter 459, or chapter 461, ~~and~~ who has practiced
809 previously in this state or in another jurisdiction or a foreign
810 country, ~~must provide~~ the information required of licensees
811 under those chapters pursuant to s. 456.049. An applicant for
812 licensure under chapter 460 who has practiced previously in this

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813 state or in another jurisdiction or a foreign country must
814 provide the same information as is required of licensees under
815 chapter 458, pursuant to s. 456.049.

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

819 Section 9. Subsection (1) of section 460.406, Florida
820 Statutes, is amended to read:

821 460.406 Licensure by examination.—

822 (1) Any person desiring to be licensed as a chiropractic
823 physician must apply to the department to take the licensure
824 examination. There shall be an application fee set by the board
825 not to exceed \$100 which shall be nonrefundable. There shall
826 also be an examination fee not to exceed \$500 plus the actual
827 per applicant cost to the department for purchase of portions of
828 the examination from the National Board of Chiropractic
829 Examiners or a similar national organization, which may be
830 refundable if the applicant is found ineligible to take the
831 examination. The department shall examine each applicant whom
832 ~~who~~ the board certifies has met all of the following criteria:

833 (a) Completed the application form and remitted the
834 appropriate fee.

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

837 (c) Submitted proof satisfactory to the department that he
838 or she is a graduate of a chiropractic college which is
839 accredited by or has status with the Council on Chiropractic
840 Education or its predecessor agency. However, any applicant who
841 is a graduate of a chiropractic college that was initially

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842 accredited by the Council on Chiropractic Education in 1995, who
843 graduated from such college within the 4 years immediately
844 preceding such accreditation, and who is otherwise qualified is
845 ~~shall be~~ eligible to take the examination. An ~~No~~ application for
846 a license to practice chiropractic medicine may not ~~shall~~ be
847 denied solely because the applicant is a graduate of a
848 chiropractic college that subscribes to one philosophy of
849 chiropractic medicine as distinguished from another.

850 (d)1. For an applicant who has matriculated in a
851 chiropractic college before ~~prior to~~ July 2, 1990, completed at
852 least 2 years of residence college work, consisting of a minimum
853 of one-half the work acceptable for a bachelor's degree granted
854 on the basis of a 4-year period of study, in a college or
855 university accredited by an institutional accrediting agency
856 recognized and approved by the United States Department of
857 Education. However, before ~~prior to~~ being certified by the board
858 to sit for the examination, each applicant who has matriculated
859 in a chiropractic college after July 1, 1990, must ~~shall~~ have
860 been granted a bachelor's degree, based upon 4 academic years of
861 study, by a college or university accredited by an institutional
862 ~~a regional~~ accrediting agency that ~~which~~ is a member of the
863 Commission on Recognition of Postsecondary Accreditation.

864 2. Effective July 1, 2000, completed, before ~~prior to~~
865 matriculation in a chiropractic college, at least 3 years of
866 residence college work, consisting of a minimum of 90 semester
867 hours leading to a bachelor's degree in a liberal arts college
868 or university accredited by an institutional accrediting agency
869 recognized and approved by the United States Department of
870 Education. However, before ~~prior to~~ being certified by the board

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871 to sit for the examination, each applicant who has matriculated
872 in a chiropractic college after July 1, 2000, must ~~shall~~ have
873 been granted a bachelor's degree from an institution holding
874 accreditation for that degree from an institutional ~~a regional~~
875 accrediting agency that ~~which~~ is recognized by the United States
876 Department of Education. The applicant's chiropractic degree
877 must consist of credits earned in the chiropractic program and
878 may not include academic credit for courses from the bachelor's
879 degree.

880 (e) Successfully completed the National Board of
881 Chiropractic Examiners certification examination in parts I, II,
882 III, and IV, and the physiotherapy examination of the National
883 Board of Chiropractic Examiners, with a score approved by the
884 board.

885 (f) Submitted to the department a set of fingerprints on a
886 form and under procedures specified by the department, along
887 with payment in an amount equal to the costs incurred by the
888 Department of Health for the criminal background check of the
889 applicant.

890
891 The board may require an applicant who graduated from an
892 institution accredited by the Council on Chiropractic Education
893 more than 10 years before the date of application to the board
894 to take the National Board of Chiropractic Examiners Special
895 Purposes Examination for Chiropractic, or its equivalent, as
896 determined by the board. The board shall establish by rule a
897 passing score.

898 Section 10. Subsection (4) of section 464.008, Florida
899 Statutes, is amended to read:

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900 464.008 Licensure by examination.—

901 ~~(4) If an applicant who graduates from an approved program~~
902 ~~does not take the licensure examination within 6 months after~~
903 ~~graduation, he or she must enroll in and successfully complete a~~
904 ~~board-approved licensure examination preparatory course. The~~
905 ~~applicant is responsible for all costs associated with the~~
906 ~~course and may not use state or federal financial aid for such~~
907 ~~costs. The board shall by rule establish guidelines for~~
908 ~~licensure examination preparatory courses.~~

909 Section 11. Paragraph (e) of subsection (1) of section
910 464.018, Florida Statutes, is amended to read:

911 464.018 Disciplinary actions.—

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

915 (e) Having been found guilty of, ~~regardless of~~
916 ~~adjudication,~~ or entered a plea of nolo contendere or guilty to,
917 regardless of adjudication, any offense prohibited under s.
918 435.04 or similar statute of another jurisdiction; or having
919 committed an act which constitutes domestic violence as defined
920 in s. 741.28.

921 Section 12. Subsections (13) and (14) of section 467.003,
922 Florida Statutes, are renumbered as subsections (14) and (15),
923 respectively, subsections (1) and (12) are amended, and a new
924 subsection (13) is added to that section, to read:

925 467.003 Definitions.—As used in this chapter, unless the
926 context otherwise requires:

927 (1) "Approved midwifery program" means ~~a midwifery school~~
928 ~~or~~ a midwifery training program ~~which is~~ approved by the

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929 department pursuant to s. 467.205.

930 (12) "Preceptor" means a physician licensed under chapter
931 458 or chapter 459, a ~~licensed~~ midwife licensed under this
932 chapter, or a certified nurse midwife licensed under chapter
933 464, who has a minimum of 3 years' professional experience, and
934 who directs, teaches, supervises, and evaluates the learning
935 experiences of a the student midwife as part of an approved
936 midwifery program.

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

943 Section 13. Section 467.009, Florida Statutes, is amended
944 to read:

945 467.009 Accredited and approved midwifery programs;
946 education and training requirements.-

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

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

953 1. Obstetrics.

954 2. Neonatal pediatrics.

955 3. Basic sciences.

956 4. Female reproductive anatomy and physiology.

957 5. Behavioral sciences.

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958 6. Childbirth education.†
959 7. Community care.†
960 8. Epidemiology.†
961 9. Genetics.†
962 10. Embryology.†
963 11. Neonatology.†
964 12. Applied pharmacology.†
965 13. The medical and legal aspects of midwifery.†
966 14. Gynecology and women's health.†
967 15. Family planning.†
968 16. Nutrition during pregnancy and lactation.†
969 17. Breastfeeding.† and
970 18. Basic nursing skills; ~~and any other instruction~~
971 ~~determined by the department and council to be necessary.~~
972 (b) ~~The standards shall incorporate the~~ Core competencies,
973 incorporating those established by the American College of Nurse
974 Midwives and the Midwives Alliance of North America, including
975 knowledge, skills, and professional behavior in all of the
976 following areas:
977 1. Primary management, collaborative management, referral,
978 and medical consultation.†
979 2. Antepartal, intrapartal, postpartal, and neonatal care.†
980 3. Family planning and gynecological care.†
981 4. Common complications.† and
982 5. Professional responsibilities.
983 (c) Noncurricular ~~The standards shall include noncurriculum~~
984 matters under this section, including, but not limited to,
985 staffing and teacher qualifications.
986 (2) An accredited and approved midwifery program must offer

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987 ~~shall include~~ a course of study ~~and clinical training~~ for a
988 minimum of 3 years which incorporates all of the standards,
989 curriculum guidelines, and educational objectives provided in
990 this section and the rules adopted hereunder.

991 (3) An accredited and approved midwifery program may reduce
992 ~~If the applicant is a registered nurse or a licensed practical~~
993 ~~nurse or has previous nursing or midwifery education,~~ the
994 required period of training ~~may be reduced~~ to the extent of the
995 student's applicant's qualifications as a registered nurse or
996 licensed practical nurse or based on prior completion of
997 equivalent nursing or midwifery education, as determined under
998 ~~rules adopted by the department rule. In no case shall the~~
999 ~~training be reduced to a period of less than 2 years.~~

1000 (4)-(3) An accredited and approved midwifery program may
1001 accept students who ~~To be accepted into an approved midwifery~~
1002 ~~program, an applicant shall have both:~~

1003 (a) A high school diploma or its equivalent.

1004 (b) Taken three college-level credits each of math and
1005 English or demonstrated competencies in communication and
1006 computation.

1007 (5)-(4) As part of its course of study, an accredited and
1008 approved midwifery program must require clinical training that
1009 includes all of the following:

1010 (a) A student midwife, during training, shall undertake,
1011 ~~under the supervision of a preceptor,~~ The care of 50 women in
1012 each of the prenatal, intrapartal, and postpartal periods under
1013 the supervision of a preceptor., ~~but~~ The same women need not be
1014 seen through all three periods.

1015 (b)-(5) Observation of ~~The student midwife shall observe an~~

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1016 additional 25 women in the intrapartal period ~~before qualifying~~
1017 ~~for a license.~~

1018 (6) Clinical ~~The~~ training required under this section must
1019 include all of the following:

1020 (a) ~~shall include~~ Training in ~~either~~ hospitals or
1021 alternative birth settings, or both.

1022 (b) A requirement that students demonstrate competency in
1023 the assessment of and differentiation, ~~with particular emphasis~~
1024 ~~on learning the ability to differentiate~~ between low-risk
1025 pregnancies and high-risk pregnancies.

1026 (7) A hospital or birthing center receiving public funds
1027 shall be required to provide student midwives access to observe
1028 labor, delivery, and postpartal procedures, provided the woman
1029 in labor has given informed consent. The Department of Health
1030 shall assist in facilitating access to hospital training for
1031 accredited and approved midwifery programs.

1032 (8) ~~(7)~~ The Department of Education shall adopt curricular
1033 frameworks for midwifery programs offered by ~~conducted within~~
1034 public educational institutions under ~~pursuant to~~ this section.

1035 ~~(8) Nonpublic educational institutions that conduct~~
1036 ~~approved midwifery programs shall be accredited by a member of~~
1037 ~~the Commission on Recognition of Postsecondary Accreditation and~~
1038 ~~shall be licensed by the Commission for Independent Education.~~

1039 Section 14. Section 467.011, Florida Statutes, is amended
1040 to read:

1041 467.011 Licensed midwives; qualifications; examination
1042 ~~Licensure by examination.~~

1043 (1) ~~The department shall administer an examination to test~~
1044 ~~the proficiency of applicants in the core competencies required~~

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1045 ~~to practice midwifery as specified in s. 467.009.~~

1046 ~~(2) The department shall develop, publish, and make~~
1047 ~~available to interested parties at a reasonable cost a~~
1048 ~~bibliography and guide for the examination.~~

1049 ~~(3)~~ The department shall issue a license to practice
1050 midwifery to an applicant who meets all of the following
1051 criteria:

1052 (1) Demonstrates that he or she has graduated from one of
1053 the following:

1054 (a) An accredited and approved midwifery program.

1055 (b) A medical or midwifery program offered in another
1056 state, jurisdiction, territory, or country whose graduation
1057 requirements were equivalent to or exceeded those required by s.
1058 467.009 and the rules adopted thereunder at the time of
1059 graduation.

1060 (2) Demonstrates that he or she has and successfully
1061 completed a prelicensure course offered by an accredited and
1062 approved midwifery program. Students graduating from an
1063 accredited and approved midwifery program may meet this
1064 requirement by showing that the content requirements for the
1065 prelicensure course were covered as part of their course of
1066 study.

1067 (3) Submits an application for licensure on a form approved
1068 by the department and pays the appropriate fee.

1069 (4) Demonstrates that he or she has received a passing
1070 score on an the examination specified by the department, upon
1071 payment of the required licensure fee.

1072 Section 15. Section 467.0125, Florida Statutes, is amended
1073 to read:

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1074 467.0125 Licensed midwives; qualifications; licensure by
1075 endorsement; temporary certificates.—

1076 (1) The department shall issue a license by endorsement to
1077 practice midwifery to an applicant who, upon applying to the
1078 department, demonstrates to the department that she or he meets
1079 all of the following criteria:

1080 (a) ~~1. Holds a valid certificate or diploma from a foreign~~
1081 ~~institution of medicine or midwifery or from a midwifery program~~
1082 ~~offered in another state, bearing the seal of the institution or~~
1083 ~~otherwise authenticated, which renders the individual eligible~~
1084 ~~to practice midwifery in the country or state in which it was~~
1085 ~~issued, provided the requirements therefor are deemed by the~~
1086 ~~department to be substantially equivalent to, or to exceed,~~
1087 ~~those established under this chapter and rules adopted under~~
1088 ~~this chapter, and submits therewith a certified translation of~~
1089 ~~the foreign certificate or diploma; or~~

1090 2. Holds an active, unencumbered ~~a valid certificate or~~
1091 ~~license to practice midwifery in another state, jurisdiction, or~~
1092 territory issued by that state, provided the licensing
1093 requirements of that state, jurisdiction, or territory at the
1094 time the license was issued were ~~therefor are deemed by the~~
1095 ~~department to be substantially equivalent to, or exceeded to~~
1096 ~~exceed,~~ those established under this chapter and the rules
1097 adopted hereunder ~~under this chapter.~~

1098 (b) Has successfully completed a ~~4-month~~ prelicensure
1099 course conducted by an accredited and approved midwifery program
1100 and ~~has submitted documentation to the department of successful~~
1101 ~~completion.~~

1102 (c) Submits an application for licensure on a form approved

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1103 by the department and pays the appropriate fee ~~Has successfully~~
1104 ~~passed the licensed midwifery examination.~~

1105 (2) The department may issue a temporary certificate to
1106 practice in areas of critical need to an applicant ~~any midwife~~
1107 ~~who is~~ qualifying for a midwifery license licensure by
1108 ~~endorsement~~ under subsection (1) who meets all of the following
1109 criteria, with the following restrictions:

1110 (a) Submits an application for a temporary certificate on a
1111 form approved by the department and pays the appropriate fee,
1112 which may not exceed \$50 and is in addition to the fee required
1113 for licensure by endorsement under subsection (1).

1114 (b) Specifies on the application that he or she will ~~The~~
1115 ~~Department of Health shall determine the areas of critical need,~~
1116 ~~and the midwife so certified shall practice only in~~ one or more
1117 of the following locations:

1118 1. A county health department.

1119 2. A correctional facility.

1120 3. A United States Department of Veterans Affairs clinic.

1121 4. A community health center funded by s. 329, s. 330, or
1122 s. 340 of the Public Health Service Act.

1123 5. Any other agency or institution that is approved by the
1124 State Surgeon General and provides health care to meet the needs
1125 of an underserved population in this state.

1126 (c) Will practice only those specific areas, ~~under the~~
1127 supervision auspices ~~of a physician licensed under pursuant to~~
1128 ~~chapter 458 or chapter 459, a certified nurse midwife licensed~~
1129 under pursuant to ~~part I of chapter 464, or a midwife licensed~~
1130 ~~under this chapter,~~ who has a minimum of 3 years' professional
1131 experience.

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1132 (3) The department may issue a temporary certificate under
1133 this section with the following restrictions:

1134 (a) A requirement that a temporary certificateholder
1135 practice only in areas of critical need. The State Surgeon
1136 General shall determine the areas of critical need, which ~~such~~
1137 areas ~~shall~~ include, but are not ~~be~~ limited to, health
1138 professional shortage areas designated by the United States
1139 Department of Health and Human Services.

1140 (b) A requirement that if a temporary certificateholder's
1141 practice area ceases to be an area of critical need, within 30
1142 days after such change the certificateholder must either:

1143 1. Report a new practice area of critical need to the
1144 department; or

1145 2. Voluntarily relinquish the temporary certificate.

1146 (4) The department shall review a temporary
1147 certificateholder's practice at least annually to determine
1148 whether the certificateholder is meeting the requirements of
1149 subsections (2) and (3) and the rules adopted thereunder. If the
1150 department determines that a certificateholder is not meeting
1151 these requirements, the department must revoke the temporary
1152 certificate.

1153 (5) A temporary certificate issued under this section is
1154 ~~shall be valid only as long as an area for which it is issued~~
1155 ~~remains an area of critical need, but no longer than 2 years,~~
1156 ~~and is shall not be renewable.~~

1157 ~~(c) The department may administer an abbreviated oral~~
1158 ~~examination to determine the midwife's competency, but no~~
1159 ~~written regular examination shall be necessary.~~

1160 ~~(d) The department shall not issue a temporary certificate~~

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1161 ~~to any midwife who is under investigation in another state for~~
1162 ~~an act which would constitute a violation of this chapter until~~
1163 ~~such time as the investigation is complete, at which time the~~
1164 ~~provisions of this section shall apply.~~

1165 ~~(e) The department shall review the practice under a~~
1166 ~~temporary certificate at least annually to ascertain that the~~
1167 ~~minimum requirements of the midwifery rules promulgated under~~
1168 ~~this chapter are being met. If it is determined that the minimum~~
1169 ~~requirements are not being met, the department shall immediately~~
1170 ~~revoke the temporary certificate.~~

1171 ~~(f) The fee for a temporary certificate shall not exceed~~
1172 ~~\$50 and shall be in addition to the fee required for licensure.~~

1173 Section 16. Section 467.205, Florida Statutes, is amended
1174 to read:

1175 467.205 Approval of midwifery programs.—

1176 (1) The department must approve an accredited or state-
1177 licensed public or private institution seeking to provide
1178 midwifery education and training as an approved midwifery
1179 program in this state if the institution meets all of the
1180 following criteria:

1181 (a) Submits an application for approval on a form approved
1182 by the department.

1183 (b) Demonstrates to the department's satisfaction that the
1184 proposed midwifery program complies with s. 467.009 and the
1185 rules adopted thereunder.

1186 (c) For a private institution, demonstrates its
1187 accreditation by a member of the Council for Higher Education
1188 Accreditation or an accrediting agency approved by the United
1189 States Department of Education as an institutional accrediting

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1190 agency for direct-entry midwifery education programs and its
1191 licensing or provisional licensing by the Commission for
1192 Independent Education ~~An organization desiring to conduct an~~
1193 ~~approved program for the education of midwives shall apply to~~
1194 ~~the department and submit such evidence as may be required to~~
1195 ~~show that it complies with s. 467.009 and with the rules of the~~
1196 ~~department. Any accredited or state-licensed institution of~~
1197 ~~higher learning, public or private, may provide midwifery~~
1198 ~~education and training.~~

1199 ~~(2) The department shall adopt rules regarding educational~~
1200 ~~objectives, faculty qualifications, curriculum guidelines,~~
1201 ~~administrative procedures, and other training requirements as~~
1202 ~~are necessary to ensure that approved programs graduate midwives~~
1203 ~~competent to practice under this chapter.~~

1204 ~~(3) The department shall survey each organization applying~~
1205 ~~for approval. If the department is satisfied that the program~~
1206 ~~meets the requirements of s. 467.009 and rules adopted pursuant~~
1207 ~~to that section, it shall approve the program.~~

1208 ~~(2)-(4)~~ (2) The department shall, at least once every 3 years,
1209 certify whether each approved midwifery program is currently
1210 compliant, and has maintained compliance, ~~complies with the~~
1211 requirements of standards developed under s. 467.009 and the
1212 rules adopted thereunder.

1213 ~~(3)-(5)~~ (3) If the department finds that an approved midwifery
1214 program is not in compliance with the requirements of s. 467.009
1215 or the rules adopted thereunder, or has lost its accreditation
1216 status, the department must provide its finding to the program
1217 in writing and no longer meets the required standards, it may
1218 place the program on probationary status for a specified period

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1219 of time, which may not exceed 3 years ~~until such time as the~~
1220 ~~standards are restored.~~

1221 (4) If a program on probationary status does not come into
1222 compliance with the requirements of s. 467.009 or the rules
1223 adopted thereunder, or regain its accreditation status, as
1224 applicable, within the period specified by the department ~~fails~~
1225 ~~to correct these conditions within a specified period of time,~~
1226 the department may rescind the program's approval.

1227 (5) A ~~Any~~ program that has ~~having~~ its approval rescinded
1228 has ~~shall have~~ the right to reapply for approval.

1229 (6) The department may grant provisional approval of a new
1230 program seeking accreditation status, for a period not to exceed
1231 5 years, provided that all other requirements of this section
1232 are met.

1233 (7) The department may rescind provisional approval of a
1234 program that fails to meet the requirements of s. 467.009, this
1235 section, or the rules adopted thereunder, in accordance with
1236 procedures provided in subsections (3) and (4) ~~may be granted~~
1237 ~~pending the licensure results of the first graduating class.~~

1238 Section 17. Subsections (2), (3), and (4) and paragraphs
1239 (a) and (b) of subsection (5) of section 468.803, Florida
1240 Statutes, are amended to read:

1241 468.803 License, registration, and examination
1242 requirements.—

1243 (2) An applicant for registration, examination, or
1244 licensure must apply to the department on a form prescribed by
1245 the board for consideration of board approval. Each initial
1246 applicant shall submit ~~a set of~~ fingerprints to the department
1247 in accordance with ~~on a form and under~~ procedures specified by

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1248 the department, ~~along with payment in an amount equal to the~~
1249 ~~costs incurred by the department~~ for state and national criminal
1250 history checks of the applicant. ~~The department shall submit the~~
1251 ~~fingerprints provided by an applicant to the Department of Law~~
1252 ~~Enforcement for a statewide criminal history check, and the~~
1253 ~~Department of Law Enforcement shall forward the fingerprints to~~
1254 ~~the Federal Bureau of Investigation for a national criminal~~
1255 ~~history check of the applicant.~~ The board shall screen the
1256 results to determine if an applicant meets licensure
1257 requirements. The board shall consider for examination,
1258 registration, or licensure each applicant whom ~~who~~ the board
1259 verifies:

1260 (a) Has submitted the completed application and completed
1261 the fingerprinting requirements ~~fingerprint forms~~ and has paid
1262 the applicable application fee, not to exceed \$500, ~~and the cost~~
1263 ~~of the state and national criminal history checks.~~ The
1264 application fee is ~~and cost of the criminal history checks shall~~
1265 ~~be~~ nonrefundable;

1266 (b) Is of good moral character;

1267 (c) Is 18 years of age or older; and

1268 (d) Has completed the appropriate educational preparation.

1269 (3) A person seeking to attain the orthotics or prosthetics
1270 experience required for licensure in this state must be approved
1271 by the board and registered as a resident by the department.
1272 Although a registration may be held in both disciplines, for
1273 independent registrations the board may not approve a second
1274 registration until at least 1 year after the issuance of the
1275 first registration. Notwithstanding subsection (2), a person who
1276 has been approved by the board and registered by the department

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1277 in one discipline may apply for registration in the second
1278 discipline without an additional state or national criminal
1279 history check during the period in which the first registration
1280 is valid. Each independent registration or dual registration is
1281 valid for 2 years after the date of issuance unless otherwise
1282 revoked by the department upon recommendation of the board. The
1283 board shall set a registration fee not to exceed \$500 to be paid
1284 by the applicant. A registration may be renewed once by the
1285 department upon recommendation of the board for a period no
1286 longer than 1 year, as such renewal is defined by ~~the board~~ by
1287 rule. The renewal fee may not exceed one-half the current
1288 registration fee. To be considered by the board for approval of
1289 registration as a resident, the applicant must have one of the
1290 following:

1291 (a) A Bachelor of Science or higher-level postgraduate
1292 degree in orthotics and prosthetics from an institutionally a
1293 ~~regionally~~ accredited college or university recognized by the
1294 Commission on Accreditation of Allied Health Education Programs.

1295 (b) A minimum of a bachelor's degree from an
1296 institutionally ~~a regionally~~ accredited college or university
1297 and a certificate in orthotics or prosthetics from a program
1298 recognized by the Commission on Accreditation of Allied Health
1299 Education Programs, or its equivalent, as determined by the
1300 board.

1301 (c) A minimum of a bachelor's degree from an
1302 institutionally ~~a regionally~~ accredited college or university
1303 and a dual certificate in both orthotics and prosthetics from
1304 programs recognized by the Commission on Accreditation of Allied
1305 Health Education Programs, or its equivalent, as determined by

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1306 the board.

1307 (4) The department may develop and administer a state
1308 examination for an orthotist or a prosthetist license, or the
1309 board may approve the existing examination of a national
1310 standards organization. The examination must be predicated on a
1311 minimum of a baccalaureate-level education and formalized
1312 specialized training in the appropriate field. Each examination
1313 must demonstrate a minimum level of competence in basic
1314 scientific knowledge, written problem solving, and practical
1315 clinical patient management. The board shall require an
1316 examination fee not to exceed the actual cost to the board in
1317 developing, administering, and approving the examination, which
1318 fee must be paid by the applicant. To be considered by the board
1319 for examination, the applicant must have:

1320 (a) For an examination in orthotics:

1321 1. A Bachelor of Science or higher-level postgraduate
1322 degree in orthotics and prosthetics from an institutionally a
1323 ~~regionally~~ accredited college or university recognized by the
1324 Commission on Accreditation of Allied Health Education Programs
1325 or, at a minimum, a bachelor's degree from an institutionally a
1326 ~~regionally~~ accredited college or university and a certificate in
1327 orthotics from a program recognized by the Commission on
1328 Accreditation of Allied Health Education Programs, or its
1329 equivalent, as determined by the board; and

1330 2. An approved orthotics internship of 1 year of qualified
1331 experience, as determined by the board, or an orthotic residency
1332 or dual residency program recognized by the board.

1333 (b) For an examination in prosthetics:

1334 1. A Bachelor of Science or higher-level postgraduate

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1335 degree in orthotics and prosthetics from an institutionally a
1336 ~~regionally~~ accredited college or university recognized by the
1337 Commission on Accreditation of Allied Health Education Programs
1338 or, at a minimum, a bachelor's degree from an institutionally a
1339 ~~regionally~~ accredited college or university and a certificate in
1340 prosthetics from a program recognized by the Commission on
1341 Accreditation of Allied Health Education Programs, or its
1342 equivalent, as determined by the board; and

1343 2. An approved prosthetics internship of 1 year of
1344 qualified experience, as determined by the board, or a
1345 prosthetic residency or dual residency program recognized by the
1346 board.

1347 (5) In addition to the requirements in subsection (2), to
1348 be licensed as:

1349 (a) An orthotist, the applicant must pay a license fee not
1350 to exceed \$500 and must have:

1351 1. A Bachelor of Science or higher-level postgraduate
1352 degree in orthotics and prosthetics from an institutionally a
1353 ~~regionally~~ accredited college or university recognized by the
1354 Commission on Accreditation of Allied Health Education Programs,
1355 or a bachelor's degree from an institutionally accredited
1356 college or university and ~~with~~ a certificate in orthotics from a
1357 program recognized by the Commission on Accreditation of Allied
1358 Health Education Programs, or its equivalent, as determined by
1359 the board;

1360 2. An approved ~~appropriate~~ internship of 1 year of
1361 qualified experience, as determined by the board, or a residency
1362 program recognized by the board;

1363 3. Completed the mandatory courses; and

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1364 4. Passed the state orthotics examination or the board-
1365 approved orthotics examination.

1366 (b) A prosthetist, the applicant must pay a license fee not
1367 to exceed \$500 and must have:

1368 1. A Bachelor of Science or higher-level postgraduate
1369 degree in orthotics and prosthetics from an institutionally a
1370 ~~regionally~~ accredited college or university recognized by the
1371 Commission on Accreditation of Allied Health Education Programs,
1372 or a bachelor's degree from an institutionally accredited
1373 college or university and ~~with~~ a certificate in prosthetics from
1374 a program recognized by the Commission on Accreditation of
1375 Allied Health Education Programs, or its equivalent, as
1376 determined by the board;

1377 2. An internship of 1 year of qualified experience, as
1378 determined by the board, or a residency program recognized by
1379 the board;

1380 3. Completed the mandatory courses; and

1381 4. Passed the state prosthetics examination or the board-
1382 approved prosthetics examination.

1383 Section 18. Section 483.824, Florida Statutes, is amended
1384 to read:

1385 483.824 Qualifications of clinical laboratory director.—A
1386 clinical laboratory director must have 4 years of clinical
1387 laboratory experience with 2 years of experience in the
1388 specialty to be directed or be nationally board certified in the
1389 specialty to be directed, and must meet one of the following
1390 requirements:

1391 (1) Be a physician licensed under chapter 458 or chapter
1392 459;

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1393 (2) Hold an earned doctoral degree in a chemical, physical,
1394 or biological science from an institutionally ~~a regionally~~
1395 accredited institution and maintain national certification
1396 requirements equal to those required by the federal Health Care
1397 Financing Administration; or

1398 (3) For the subspecialty of oral pathology, be a physician
1399 licensed under chapter 458 or chapter 459 or a dentist licensed
1400 under chapter 466.

1401 Section 19. Subsection (3) of section 490.003, Florida
1402 Statutes, is amended to read:

1403 490.003 Definitions.—As used in this chapter:

1404 (3) (a) "Doctoral degree from an American Psychological
1405 Association accredited program" means ~~Effective July 1, 1999,~~
1406 ~~"doctoral-level psychological education" and "doctoral degree in~~
1407 ~~psychology" mean~~ a Psy.D., an Ed.D. in psychology, or a Ph.D. in
1408 psychology from a psychology program at an educational
1409 institution that, at the time the applicant was enrolled and
1410 graduated:

1411 1. (a) Had institutional accreditation from an agency
1412 recognized and approved by the United States Department of
1413 Education or was recognized as a member in good standing with
1414 Universities Canada ~~the Association of Universities and Colleges~~
1415 ~~of Canada~~; and

1416 2. (b) Had programmatic accreditation from the American
1417 Psychological Association.

1418 (b) "Doctoral degree in psychology" means a Psy.D., an
1419 Ed.D. in psychology, or a Ph.D. in psychology from a psychology
1420 program at an educational institution that, at the time the
1421 applicant was enrolled and graduated, had institutional

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1422 accreditation from an agency recognized and approved by the
1423 United States Department of Education or was recognized as a
1424 member in good standing with Universities Canada.

1425 Section 20. Subsection (1) of section 490.005, Florida
1426 Statutes, is amended to read:

1427 490.005 Licensure by examination.—

1428 (1) Any person desiring to be licensed as a psychologist
1429 shall apply to the department to take the licensure examination.
1430 The department shall license each applicant whom ~~who~~ the board
1431 certifies has met all of the following requirements:

1432 (a) Completed the application form and remitted a
1433 nonrefundable application fee not to exceed \$500 and an
1434 examination fee set by the board sufficient to cover the actual
1435 per applicant cost to the department for development, purchase,
1436 and administration of the examination, but not to exceed \$500.

1437 (b) Submitted proof satisfactory to the board that the
1438 applicant has received:

1439 1. A doctoral degree from an American Psychological
1440 Association accredited program ~~Doctoral-level psychological~~
1441 ~~education;~~ or

1442 2. The equivalent of a doctoral degree from an American
1443 Psychological Association accredited program ~~doctoral-level~~
1444 ~~psychological education, as defined in s. 490.003(3), from a~~
1445 ~~program at~~ a school or university located outside the United
1446 States of America which was officially recognized by the
1447 government of the country in which it is located as an
1448 institution or program to train students to practice
1449 professional psychology. The applicant has the burden of
1450 establishing that this requirement has been met.

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1451 (c) Had at least 2 years or 4,000 hours of experience in
1452 the field of psychology in association with or under the
1453 supervision of a licensed psychologist meeting the academic and
1454 experience requirements of this chapter or the equivalent as
1455 determined by the board. The experience requirement may be met
1456 by work performed on or off the premises of the supervising
1457 psychologist if the off-premises work is not the independent,
1458 private practice rendering of psychological services that does
1459 not have a psychologist as a member of the group actually
1460 rendering psychological services on the premises.

1461 (d) Passed the examination. However, an applicant who has
1462 obtained a passing score, as established by the board by rule,
1463 on the psychology licensure examination designated by the board
1464 as the national licensure examination need only pass the Florida
1465 law and rules portion of the examination.

1466 Section 21. Subsection (1) of section 490.0051, Florida
1467 Statutes, is amended to read:

1468 490.0051 Provisional licensure; requirements.—

1469 (1) The department shall issue a provisional psychology
1470 license to each applicant whom ~~who~~ the board certifies has met
1471 all of the following criteria:

1472 (a) Completed the application form and remitted a
1473 nonrefundable application fee not to exceed \$250, as set by
1474 board rule.

1475 (b) Earned a doctoral degree from an American Psychological
1476 Association accredited program ~~in psychology as defined in s.~~
1477 ~~490.003(3).~~

1478 (c) Met any additional requirements established by board
1479 rule.

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1480 Section 22. Effective upon this act becoming a law,
1481 subsections (1), (3), and (4) of section 491.005, Florida
1482 Statutes, are amended to read:

1483 491.005 Licensure by examination.—

1484 (1) CLINICAL SOCIAL WORK.—Upon verification of
1485 documentation and payment of a fee not to exceed \$200, as set by
1486 board rule, ~~plus the actual per applicant cost to the department~~
1487 ~~for purchase of the examination from the American Association of~~
1488 ~~State Social Worker's Boards or a similar national organization,~~
1489 the department shall issue a license as a clinical social worker
1490 to an applicant whom ~~who~~ the board certifies has met all of the
1491 following criteria:

1492 (a) ~~Has~~ Submitted an application and paid the appropriate
1493 fee.

1494 (b)1. ~~Has~~ Received a doctoral degree in social work from a
1495 graduate school of social work which at the time the applicant
1496 graduated was accredited by an accrediting agency recognized by
1497 the United States Department of Education or ~~has~~ received a
1498 master's degree in social work from a graduate school of social
1499 work which at the time the applicant graduated:

1500 a. Was accredited by the Council on Social Work Education;

1501 b. Was accredited by the Canadian Association for ~~of~~
1502 ~~Schools of~~ Social Work Education; or

1503 c. Has been determined to have been a program equivalent to
1504 programs approved by the Council on Social Work Education by the
1505 Foreign Equivalency Determination Service of the Council on
1506 Social Work Education. An applicant who graduated from a program
1507 at a university or college outside of the United States or
1508 Canada must present documentation of the equivalency

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1509 determination from the council in order to qualify.

1510 2. The applicant's graduate program ~~must have~~ emphasized
1511 direct clinical patient or client health care services,
1512 including, but not limited to, coursework in clinical social
1513 work, psychiatric social work, medical social work, social
1514 casework, psychotherapy, or group therapy. The applicant's
1515 graduate program must have included all of the following
1516 coursework:

1517 a. A supervised field placement which was part of the
1518 applicant's advanced concentration in direct practice, during
1519 which the applicant provided clinical services directly to
1520 clients.

1521 b. Completion of 24 semester hours or 32 quarter hours in
1522 theory of human behavior and practice methods as courses in
1523 clinically oriented services, including a minimum of one course
1524 in psychopathology, and no more than one course in research,
1525 taken in a school of social work accredited or approved pursuant
1526 to subparagraph 1.

1527 3. If the course title which appears on the applicant's
1528 transcript does not clearly identify the content of the
1529 coursework, the applicant provided ~~shall be required to provide~~
1530 additional documentation, including, but not limited to, a
1531 syllabus or catalog description published for the course.

1532 (c) Completed ~~Has had~~ at least 2 years of clinical social
1533 work experience, which took place subsequent to completion of a
1534 graduate degree in social work at an institution meeting the
1535 accreditation requirements of this section, under the
1536 supervision of a licensed clinical social worker or the
1537 equivalent who is a qualified supervisor as determined by the

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1538 board. An individual who intends to practice in Florida to
1539 satisfy clinical experience requirements must register pursuant
1540 to s. 491.0045 before commencing practice. If the applicant's
1541 graduate program was not a program which emphasized direct
1542 clinical patient or client health care services as described in
1543 subparagraph (b)2., the supervised experience requirement must
1544 take place after the applicant has completed a minimum of 15
1545 semester hours or 22 quarter hours of the coursework required. A
1546 doctoral internship may be applied toward the clinical social
1547 work experience requirement. A licensed mental health
1548 professional must be on the premises when clinical services are
1549 provided by a registered intern in a private practice setting.

1550 (d) ~~Has~~ Passed a theory and practice examination designated
1551 by board rule provided by the department for this purpose.

1552 (e) ~~Has~~ Demonstrated, in a manner designated by board rule
1553 ~~of the board~~, knowledge of the laws and rules governing the
1554 practice of clinical social work, marriage and family therapy,
1555 and mental health counseling.

1556 (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of
1557 documentation and payment of a fee not to exceed \$200, as set by
1558 board rule, ~~plus the actual cost of the purchase of the~~
1559 ~~examination from the Association of Marital and Family Therapy~~
1560 ~~Regulatory Board, or similar national organization,~~ the
1561 department shall issue a license as a marriage and family
1562 therapist to an applicant whom ~~who~~ the board certifies has met
1563 all of the following criteria:

1564 (a) ~~Has~~ Submitted an application and paid the appropriate
1565 fee.

1566 (b) 1. Attained one of the following:

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1567 a. A minimum of a master's degree in marriage and family
1568 therapy from a program accredited by the Commission on
1569 Accreditation for Marriage and Family Therapy Education.

1570 b. A minimum of a master's degree with a major emphasis in
1571 marriage and family therapy or a closely related field from a
1572 university program accredited by the Council on Accreditation of
1573 Counseling and Related Educational Programs and graduate courses
1574 approved by the board.

1575 c. ~~Has~~ A minimum of a master's degree with an major
1576 emphasis in marriage and family therapy or a closely related
1577 field, with a degree conferred before September 1, 2027, from an
1578 institutionally accredited college or university ~~from a program~~
1579 ~~accredited by the Commission on Accreditation for Marriage and~~
1580 ~~Family Therapy Education or from a Florida university program~~
1581 ~~accredited by the Council for Accreditation of Counseling and~~
1582 ~~Related Educational Programs and graduate courses approved by~~
1583 ~~the board of Clinical Social Work, Marriage and Family Therapy,~~
1584 ~~and Mental Health Counseling.~~

1585 2. If the course title that appears on the applicant's
1586 transcript does not clearly identify the content of the
1587 coursework, the applicant provided ~~shall provide~~ additional
1588 documentation, including, but not limited to, a syllabus or
1589 catalog description published for the course. The required
1590 master's degree must have been received in an institution of
1591 higher education that, at the time the applicant graduated, was
1592 fully accredited by an institutional ~~a regional~~ accrediting body
1593 recognized by the Council for Higher Education Accreditation or
1594 its successor organization ~~Commission on Recognition of~~
1595 ~~Postsecondary Accreditation or was publicly recognized as a~~

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1596 member in good standing with Universities Canada ~~the Association~~
1597 ~~of Universities and Colleges of Canada~~, or an institution of
1598 higher education located outside the United States and Canada
1599 which, at the time the applicant was enrolled and at the time
1600 the applicant graduated, maintained a standard of training
1601 substantially equivalent to the standards of training of those
1602 institutions in the United States which are accredited by an
1603 institutional ~~a regional~~ accrediting body recognized by the
1604 Council for Higher Education Accreditation or its successor
1605 organization ~~Commission on Recognition of Postsecondary~~
1606 ~~Accreditation~~. Such foreign education and training must have
1607 been received in an institution or program of higher education
1608 officially recognized by the government of the country in which
1609 it is located as an institution or program to train students to
1610 practice as professional marriage and family therapists or
1611 psychotherapists. The applicant has the burden of establishing
1612 that the requirements of this provision have been met, and the
1613 board shall require documentation, such as an evaluation by a
1614 foreign equivalency determination service, as evidence that the
1615 applicant's graduate degree program and education were
1616 equivalent to an accredited program in this country. An
1617 applicant with a master's degree from a program that did not
1618 emphasize marriage and family therapy may complete the
1619 coursework requirement in a training institution fully
1620 accredited by the Commission on Accreditation for Marriage and
1621 Family Therapy Education recognized by the United States
1622 Department of Education.

1623 (c) Completed ~~Has had~~ at least 2 years of clinical
1624 experience during which 50 percent of the applicant's clients

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1625 were receiving marriage and family therapy services, which must
1626 be at the post-master's level under the supervision of a
1627 licensed marriage and family therapist with at least 5 years of
1628 experience, or the equivalent, who is a qualified supervisor as
1629 determined by the board. An individual who intends to practice
1630 in Florida to satisfy the clinical experience requirements must
1631 register pursuant to s. 491.0045 before commencing practice. If
1632 a graduate has a master's degree with a major emphasis in
1633 marriage and family therapy or a closely related field which did
1634 not include all of the coursework required by paragraph (b),
1635 credit for the post-master's level clinical experience may not
1636 commence until the applicant has completed a minimum of 10 of
1637 the courses required by paragraph (b), as determined by the
1638 board, and at least 6 semester hours or 9 quarter hours of the
1639 course credits must have been completed in the area of marriage
1640 and family systems, theories, or techniques. Within the 2 years
1641 of required experience, the applicant shall provide direct
1642 individual, group, or family therapy and counseling to cases
1643 including those involving unmarried dyads, married couples,
1644 separating and divorcing couples, and family groups that include
1645 children. A doctoral internship may be applied toward the
1646 clinical experience requirement. A licensed mental health
1647 professional must be on the premises when clinical services are
1648 provided by a registered intern in a private practice setting.

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

1651 (e) ~~Has~~ Demonstrated, in a manner designated by board rule,
1652 knowledge of the laws and rules governing the practice of
1653 clinical social work, marriage and family therapy, and mental

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1654 health counseling.

1655

1656 For the purposes of dual licensure, the department shall license
1657 as a marriage and family therapist any person who meets the
1658 requirements of s. 491.0057. Fees for dual licensure may not
1659 exceed those stated in this subsection.

1660 (4) MENTAL HEALTH COUNSELING.—Upon verification of
1661 documentation and payment of a fee not to exceed \$200, as set by
1662 board rule, ~~plus the actual per applicant cost of purchase of~~
1663 ~~the examination from the National Board for Certified Counselors~~
1664 ~~or its successor organization,~~ the department shall issue a
1665 license as a mental health counselor to an applicant whom ~~who~~
1666 the board certifies has met all of the following criteria:

1667 (a) ~~Has~~ Submitted an application and paid the appropriate
1668 fee.

1669 (b)1. Attained ~~Has~~ a minimum of an earned master's degree
1670 from a mental health counseling program accredited by the
1671 Council for the Accreditation of Counseling and Related
1672 Educational Programs which consists of at least 60 semester
1673 hours or 80 quarter hours of clinical and didactic instruction,
1674 including a course in human sexuality and a course in substance
1675 abuse. If the master's degree is earned from a program related
1676 to the practice of mental health counseling which is not
1677 accredited by the Council for the Accreditation of Counseling
1678 and Related Educational Programs, then the coursework and
1679 practicum, internship, or fieldwork must consist of at least 60
1680 semester hours or 80 quarter hours and meet all of the following
1681 requirements:

1682 a. Thirty-three semester hours or 44 quarter hours of

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1683 graduate coursework, which must include a minimum of 3 semester
1684 hours or 4 quarter hours of graduate-level coursework in each of
1685 the following 11 content areas: counseling theories and
1686 practice; human growth and development; diagnosis and treatment
1687 of psychopathology; human sexuality; group theories and
1688 practice; individual evaluation and assessment; career and
1689 lifestyle assessment; research and program evaluation; social
1690 and cultural foundations; substance abuse; and legal, ethical,
1691 and professional standards issues in the practice of mental
1692 health counseling. Courses in research, thesis or dissertation
1693 work, practicums, internships, or fieldwork may not be applied
1694 toward this requirement.

1695 b. A minimum of 3 semester hours or 4 quarter hours of
1696 graduate-level coursework addressing diagnostic processes,
1697 including differential diagnosis and the use of the current
1698 diagnostic tools, such as the current edition of the American
1699 Psychiatric Association's Diagnostic and Statistical Manual of
1700 Mental Disorders. The graduate program must have emphasized the
1701 common core curricular experience.

1702 c. The equivalent, as determined by the board, of at least
1703 700 hours of university-sponsored supervised clinical practicum,
1704 internship, or field experience that includes at least 280 hours
1705 of direct client services, as required in the accrediting
1706 standards of the Council for Accreditation of Counseling and
1707 Related Educational Programs for mental health counseling
1708 programs. This experience may not be used to satisfy the post-
1709 master's clinical experience requirement.

1710 2. ~~Has~~ Provided additional documentation if a course title
1711 that appears on the applicant's transcript does not clearly

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1712 identify the content of the coursework. The documentation must
1713 include, but is not limited to, a syllabus or catalog
1714 description published for the course.

1715

1716 Education and training in mental health counseling must have
1717 been received in an institution of higher education that, at the
1718 time the applicant graduated, was fully accredited by an
1719 institutional ~~a regional~~ accrediting body recognized by the

1720 Council for Higher Education Accreditation or its successor
1721 organization or was ~~publicly recognized as~~ a member in good

1722 standing with Universities Canada ~~the Association of~~

1723 ~~Universities and Colleges of Canada~~, or an institution of higher
1724 education located outside the United States and Canada which, at
1725 the time the applicant was enrolled and at the time the
1726 applicant graduated, maintained a standard of training

1727 substantially equivalent to the standards of training of those
1728 institutions in the United States which are accredited by an

1729 institutional ~~a regional~~ accrediting body recognized by the
1730 Council for Higher Education Accreditation or its successor

1731 organization. Such foreign education and training must have been
1732 received in an institution or program of higher education

1733 officially recognized by the government of the country in which
1734 it is located as an institution or program to train students to

1735 practice as mental health counselors. The applicant has the
1736 burden of establishing that the requirements of this provision

1737 have been met, and the board shall require documentation, such
1738 as an evaluation by a foreign equivalency determination service,

1739 as evidence that the applicant's graduate degree program and
1740 education were equivalent to an accredited program in this

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1741 country. Beginning July 1, 2025, an applicant must have a
1742 master's degree from a program that is accredited by the Council
1743 for Accreditation of Counseling and Related Educational
1744 Programs, the Masters in Psychology and Counseling Accreditation
1745 Council, or an equivalent accrediting body which consists of at
1746 least 60 semester hours or 80 quarter hours to apply for
1747 licensure under this paragraph.

1748 (c) Completed ~~Has had~~ at least 2 years of clinical
1749 experience in mental health counseling, which must be at the
1750 post-master's level under the supervision of a licensed mental
1751 health counselor or the equivalent who is a qualified supervisor
1752 as determined by the board. An individual who intends to
1753 practice in Florida to satisfy the clinical experience
1754 requirements must register pursuant to s. 491.0045 before
1755 commencing practice. If a graduate has a master's degree with a
1756 major related to the practice of mental health counseling which
1757 did not include all the coursework required under sub-
1758 subparagraphs (b)1.a. and b., credit for the post-master's level
1759 clinical experience may not commence until the applicant has
1760 completed a minimum of seven of the courses required under sub-
1761 subparagraphs (b)1.a. and b., as determined by the board, one of
1762 which must be a course in psychopathology or abnormal
1763 psychology. A doctoral internship may be applied toward the
1764 clinical experience requirement. A licensed mental health
1765 professional must be on the premises when clinical services are
1766 provided by a registered intern in a private practice setting.

1767 (d) ~~Has~~ Passed a theory and practice examination designated
1768 by board rule ~~provided by the department for this purpose.~~

1769 (e) ~~Has~~ Demonstrated, in a manner designated by board rule,

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1770 knowledge of the laws and rules governing the practice of
1771 clinical social work, marriage and family therapy, and mental
1772 health counseling.

1773 Section 23. Effective upon this act becoming a law,
1774 paragraph (d) of subsection (1) of section 766.31, Florida
1775 Statutes, is amended to read:

1776 766.31 Administrative law judge awards for birth-related
1777 neurological injuries; notice of award.—

1778 (1) Upon determining that an infant has sustained a birth-
1779 related neurological injury and that obstetrical services were
1780 delivered by a participating physician at the birth, the
1781 administrative law judge shall make an award providing
1782 compensation for the following items relative to such injury:

1783 (d)1.a. Periodic payments of an award to the parents or
1784 legal guardians of the infant found to have sustained a birth-
1785 related neurological injury, which award may not exceed
1786 \$100,000. However, at the discretion of the administrative law
1787 judge, such award may be made in a lump sum. Beginning on
1788 January 1, 2021, the award may not exceed \$250,000, and each
1789 January 1 thereafter, the maximum award authorized under this
1790 paragraph shall increase by 3 percent.

1791 b. Parents or legal guardians who received an award
1792 pursuant to this section before January 1, 2021, ~~and whose child~~
1793 ~~currently receives benefits under the plan~~ must receive a
1794 retroactive payment in an amount sufficient to bring the total
1795 award paid to the parents or legal guardians pursuant to sub-
1796 subparagraph a. to \$250,000. This additional payment may be made
1797 in a lump sum or in periodic payments as designated by the
1798 parents or legal guardians and must be paid by July 1, 2021.

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1799 2.a. Death benefit for the infant in an amount of \$50,000.
1800 b. Parents or legal guardians who received an award
1801 pursuant to this section, and whose child died since the
1802 inception of the program, must receive a retroactive payment in
1803 an amount sufficient to bring the total award paid to the
1804 parents or legal guardians pursuant to sub-subparagraph a. to
1805 \$50,000. This additional payment may be made in a lump sum or in
1806 periodic payments as designated by the parents or legal
1807 guardians and must be paid by July 1, 2021.

1808
1809 Should there be a final determination of compensability, and the
1810 claimants accept an award under this section, the claimants are
1811 ~~shall~~ not be liable for any expenses, including attorney
1812 ~~attorney's~~ fees, incurred in connection with the filing of a
1813 claim under ss. 766.301-766.316 other than those expenses
1814 awarded under this section.

1815 Section 24. The amendment made to s. 766.31(1)(d)1.b.,
1816 Florida Statutes, by this act applies retroactively. The Florida
1817 Birth-Related Neurological Injury Compensation Plan must provide
1818 the additional payment required under s. 766.31(1)(d)1.b.,
1819 Florida Statutes, to parents and legal guardians who are
1820 eligible for the additional payment under that sub-subparagraph
1821 as a result of the amendment made by this act. The additional
1822 payment may be made in a lump sum or in periodic payments as
1823 designated by the parents or legal guardians and must be paid by
1824 July 1, 2022. This section shall take effect upon this act
1825 becoming a law.

1826 Section 25. Subsection (6) and paragraph (c) of subsection
1827 (9) of section 766.314, Florida Statutes, are amended to read:

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1828 766.314 Assessments; plan of operation.—

1829 (6) (a) The association shall make all assessments required
1830 by this section, except initial assessments of physicians
1831 licensed ~~on or after October 1, 1988, which assessments will be~~
1832 ~~made~~ by the Department of Health Business and Professional
1833 Regulation, and except assessments of casualty insurers pursuant
1834 to subparagraph (5) (c)1., which assessments will be made by the
1835 Office of Insurance Regulation. ~~Beginning October 1, 1989, for~~
1836 ~~any physician licensed between October 1 and December 31 of any~~
1837 ~~year, the Department of Business and Professional Regulation~~
1838 ~~shall make the initial assessment plus the assessment for the~~
1839 ~~following calendar year.~~ The Department of Health Business and
1840 Professional Regulation shall provide the association, in an
1841 electronic format, with a monthly report ~~such frequency as~~
1842 ~~determined to be necessary, a listing, in a computer-readable~~
1843 ~~form,~~ of the names and license numbers ~~addresses~~ of all
1844 physicians licensed under chapter 458 or chapter 459.

1845 (b)1. The association may enforce collection of assessments
1846 required to be paid pursuant to ss. 766.301-766.316 by suit
1847 filed in county court, or in circuit court if the amount due
1848 could exceed the jurisdictional limits of county court. The
1849 association is ~~shall be~~ entitled to an award of attorney
1850 ~~attorney's~~ fees, costs, and interest upon the entry of a
1851 judgment against a physician for failure to pay such assessment,
1852 with such interest accruing until paid. Notwithstanding ~~the~~
1853 ~~provisions of~~ chapters 47 and 48, the association may file such
1854 suit in either Leon County or the county of the residence of the
1855 defendant. The association shall notify the Department of Health
1856 and the applicable board of any unpaid final judgment against a

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1857 physician within 7 days after the entry of final judgment.

1858 2. The Department of Health ~~Business and Professional~~
1859 ~~Regulation~~, upon notification by the association that an
1860 assessment has not been paid and that there is an unsatisfied
1861 judgment against a physician, shall refuse to ~~not~~ renew any
1862 license issued to ~~practice for~~ such physician under ~~issued~~
1863 ~~pursuant to~~ chapter 458 or chapter 459 until the association
1864 notifies the Department of Health that ~~such time as~~ the judgment
1865 is satisfied in full.

1866 (c) The Agency for Health Care Administration shall, upon
1867 notification by the association that an assessment has not been
1868 timely paid, enforce collection of such assessments required to
1869 be paid by hospitals pursuant to ss. 766.301-766.316. Failure of
1870 a hospital to pay such assessment is grounds for disciplinary
1871 action pursuant to s. 395.1065 notwithstanding any ~~provision of~~
1872 law to the contrary.

1873 (9)

1874 (c) ~~If In the event~~ the total of all current estimates
1875 equals 80 percent of the funds on hand and the funds that will
1876 become available to the association within the next 12 months
1877 from all sources described in subsections (4) and (5) and
1878 paragraph (7) (a), the association may ~~shall~~ not accept any new
1879 claims without express authority from the Legislature. Nothing
1880 in this section precludes ~~herein shall preclude~~ the association
1881 from accepting any claim if the injury occurred 18 months or
1882 more before ~~prior to~~ the effective date of this suspension.
1883 Within 30 days after ~~of~~ the effective date of this suspension,
1884 the association shall notify the Governor, the Speaker of the
1885 House of Representatives, the President of the Senate, the

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1886 Office of Insurance Regulation, the Agency for Health Care
1887 Administration, and the Department of Health, ~~and the Department~~
1888 ~~of Business and Professional Regulation~~ of this suspension.

1889 Section 26. Except as otherwise expressly provided in this
1890 act and except for this section, which shall take effect upon
1891 this act becoming a law, this act shall take effect July 1,
1892 2022.