



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

28 468.203 Definitions.—As used in this act, the term:

29 (4) "Occupational therapy" means the therapeutic use of  
 30 occupations through habilitation, rehabilitation, and the  
 31 promotion of health and wellness with individuals, groups, or  
 32 populations, along with their families or organizations, to  
 33 support participation, performance, and function in the home, at  
 34 school, in the workplace, in the community, and in other  
 35 settings for clients who have, or who have been identified as  
 36 being at risk of developing, an illness, an injury, a disease, a  
 37 disorder, a condition, an impairment, a disability, an activity  
 38 limitation, or a participation restriction ~~purposeful activity~~  
 39 ~~or interventions to achieve functional outcomes.~~

40 (a) For the purposes of this subsection:

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

51           2. "Assessment" means the use of skilled observation or  
52 the administration and interpretation of standardized or  
53 nonstandardized tests and measurements to identify areas for  
54 occupational therapy services.

55           3. "Health management" means therapeutic services designed  
56 to develop, manage, and maintain health and wellness routines,  
57 including self-management, performed with the goal of improving  
58 or maintaining health to support participation in occupations.

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

62           5. "Occupational performance" means the ability to  
63 perceive, desire, recall, plan, and carry out roles, routines,  
64 tasks, and subtasks for the purpose of self-maintenance, self-  
65 preservation, productivity, leisure, and rest, for oneself or  
66 for others, in response to internal or external demands of  
67 occupations and contexts.

68           6. "Occupational therapy services in mental health" means  
69 occupation-based interventions and services for individuals,  
70 groups, populations, families, or communities to improve  
71 participation in daily occupations for individuals who are  
72 experiencing, are in recovery from, or are identified as being  
73 at risk of developing mental health conditions.

74           7. "Occupations" means meaningful and purposeful everyday  
75 activities performed and engaged in by individuals, groups,

76 populations, families, or communities which occur in contexts  
77 and over time, such as activities of daily living, instrumental  
78 activities of daily living, health management, rest and sleep,  
79 education, work, play, leisure, and social participation. The  
80 term includes more specific occupations and the execution of  
81 multiple activities that are influenced by performance patterns,  
82 performance skills, and client factors, and that result in  
83 varied outcomes.

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

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

98 2. Methods or approaches used to determine abilities and  
99 limitations related to performance of occupations, including,  
100 but not limited to, the identification of physical, sensory,

101 cognitive, emotional, or social deficiencies ~~Interventions~~  
102 ~~directed toward developing daily living skills, work readiness~~  
103 ~~or work performance, play skills or leisure capacities, or~~  
104 ~~enhancing educational performance skills.~~

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

118  
119 ~~These services may require assessment of the need for use of~~  
120 ~~interventions such as the design, development, adaptation,~~  
121 ~~application, or training in the use of assistive technology~~  
122 ~~devices; the design, fabrication, or application of~~  
123 ~~rehabilitative technology such as selected orthotic devices;~~  
124 ~~training in the use of assistive technology; orthotic or~~  
125 ~~prosthetic devices; the application of physical agent modalities~~

126 | ~~as an adjunct to or in preparation for purposeful activity; the~~  
 127 | ~~use of ergonomic principles; the adaptation of environments and~~  
 128 | ~~processes to enhance functional performance; or the promotion of~~  
 129 | ~~health and wellness.~~

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

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

137 | 468.209 Requirements for licensure.—

138 | (2) An applicant who has practiced as a state-licensed or  
 139 | American Occupational Therapy Association-certified occupational  
 140 | therapy assistant for 4 years and who, before ~~prior to~~ January  
 141 | 24, 1988, completed a minimum of 24 weeks ~~6 months~~ of supervised  
 142 | occupational-therapist-level fieldwork experience may take the  
 143 | examination to be licensed as an occupational therapist without  
 144 | meeting the educational requirements for occupational therapists  
 145 | made otherwise applicable under paragraph (1) (b).

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

148 | 468.215 Issuance of license.—

149 | (2) (a) Any person who is issued a license as an  
 150 | occupational therapist under the terms of this act may use the

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151 words "occupational therapist," "licensed occupational  
152 therapist," or "occupational therapist registered," or ~~he or she~~  
153 may use the letters "O.T.," "L.O.T.," or "O.T.R.," in connection  
154 with his or her name or place of business to denote his or her  
155 registration hereunder.

156 (b) Any person who is issued a license as an occupational  
157 therapist under the terms of this act and holds a doctorate  
158 degree in occupational therapy may also use the words  
159 "occupational therapist doctorate" and the letters "O.T.D." in  
160 connection with his or her name or place of business to denote  
161 his or her registration hereunder.

162 Section 4. Section 468.223, Florida Statutes, is amended  
163 to read:

164 468.223 Prohibitions; penalties.—

165 (1) A person may not:

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

168 (b) Use, in connection with his or her name or place of  
169 business, the words "occupational therapist," "licensed  
170 occupational therapist," "occupational therapist doctorate,"  
171 "occupational therapist registered," "occupational therapy  
172 assistant," "licensed occupational therapy assistant,"  
173 "certified occupational therapy assistant"; the letters "O.T.,"  
174 "L.O.T.," "O.T.D.," "O.T.R.," "O.T.A.," "L.O.T.A.," or  
175 "C.O.T.A."; or any other words, letters, abbreviations, or

176 | insignia indicating or implying that he or she is an  
 177 | occupational therapist or an occupational therapy assistant or,  
 178 | in any way, orally or in writing, in print or by sign, directly  
 179 | or by implication, to represent himself or herself as an  
 180 | occupational therapist or an occupational therapy assistant  
 181 | unless the person is a holder of a valid license issued pursuant  
 182 | to ss. 468.201-468.225;

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

184 |       (d) Knowingly give false or forged evidence to the board  
 185 | or a member thereof;

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

188 |       (f) Employ unlicensed persons to engage in the practice of  
 189 | occupational therapy; or

190 |       (g) Conceal information relative to any violation of ss.  
 191 | 468.201-468.225.

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

195 |       Section 5. Subsection (2) of section 468.225, Florida  
 196 | Statutes, is amended, and paragraph (e) is added to subsection  
 197 | (1) of that section, to read:

198 |       468.225 Exemptions.—

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



201        (e) Any person fulfilling an occupational therapy doctoral  
 202 capstone experience that involves clinical practice or projects.  
 203 To benefit from an exemption under this paragraph, a person must  
 204 register with the department in a manner determined by  
 205 department rule before commencing the capstone experience.

206        (2) No provision of this act shall be construed to  
 207 prohibit physicians, physician assistants, nurses, physical  
 208 therapists, osteopathic physicians or surgeons, clinical  
 209 psychologists, clinical social workers, marriage and family  
 210 therapists, mental health counselors, speech-language  
 211 pathologists, or audiologists from using occupational therapy as  
 212 a part of or incidental to their profession, when they practice  
 213 their profession under the statutes applicable to their  
 214 profession.

215        Section 6. Paragraph (b) of subsection (1) of section  
 216 490.014, Florida Statutes, is amended to read:

217        490.014 Exemptions.—

218        (1)

219        (b) No provision of this chapter shall be construed to  
 220 limit the practice of nursing, clinical social work, marriage  
 221 and family therapy, mental health counseling, occupational  
 222 therapy, or other recognized businesses or professions, or to  
 223 prevent qualified members of other professions from doing work  
 224 of a nature consistent with their training, so long as they do  
 225 not hold themselves out to the public as psychologists or use a

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226 title or description protected by this chapter. Nothing in this  
227 subsection shall be construed to exempt any person from the  
228 provisions of s. 490.012.

229 Section 7. Subsection (2) of section 491.014, Florida  
230 Statutes, is amended to read:

231 491.014 Exemptions.—

232 (2) No provision of this chapter shall be construed to  
233 limit the practice of nursing, school psychology, ~~or~~ psychology,  
234 or occupational therapy, or to prevent qualified members of  
235 other professions from doing work of a nature consistent with  
236 their training and licensure, so long as they do not hold  
237 themselves out to the public as possessing a license,  
238 provisional license, registration, or certificate issued  
239 pursuant to this chapter or use a title protected by this  
240 chapter.

241 Section 8. For the purpose of incorporating the amendment  
242 made by this act to section 490.014, Florida Statutes, in a  
243 reference thereto, paragraph (c) of subsection (1) of section  
244 490.012, Florida Statutes, is reenacted to read:

245 490.012 Violations; penalties; injunction.—

246 (1)

247 (c) No person shall hold herself or himself out by any  
248 title or description incorporating the words, or permutations of  
249 them, "psychology," "psychological," or "psychodiagnostic," or  
250 describe any test or report as psychological, unless such person

251 holds a valid, active license under this chapter or is exempt  
 252 from the provisions of this chapter.

253 Section 9. Paragraph (b) of subsection (4) of section  
 254 1002.394, Florida Statutes, is amended to read:

255 1002.394 The Family Empowerment Scholarship Program.—

256 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

257 (b) Program funds awarded to a student with a disability  
 258 determined eligible pursuant to paragraph (3) (b) may be used for  
 259 the following purposes:

260 1. Instructional materials, including digital devices,  
 261 digital periphery devices, and assistive technology devices that  
 262 allow a student to access instruction or instructional content  
 263 and training on the use of and maintenance agreements for these  
 264 devices.

265 2. Curriculum as defined in subsection (2).

266 3. Specialized services by approved providers or by a  
 267 hospital in this state which are selected by the parent. These  
 268 specialized services may include, but are not limited to:

269 a. Applied behavior analysis services as provided in ss.  
 270 627.6686 and 641.31098.

271 b. Services provided by speech-language pathologists as  
 272 defined in s. 468.1125(8).

273 c. Occupational therapy ~~services~~ as defined in s. 468.203.

274 d. Services provided by physical therapists as defined in  
 275 s. 486.021(8).

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276 e. Services provided by listening and spoken language  
277 specialists and an appropriate acoustical environment for a  
278 child who has a hearing impairment, including deafness, and who  
279 has received an implant or assistive hearing device.

280 4. Tuition or fees associated with full-time or part-time  
281 enrollment in a home education program, an eligible private  
282 school, an eligible postsecondary educational institution or a  
283 program offered by the postsecondary educational institution, a  
284 private tutoring program authorized under s. 1002.43, a virtual  
285 program offered by a department-approved private online provider  
286 that meets the provider qualifications specified in s.  
287 1002.45(2)(a), the Florida Virtual School as a private paying  
288 student, or an approved online course offered pursuant to s.  
289 1003.499 or s. 1004.0961.

290 5. Fees for nationally standardized, norm-referenced  
291 achievement tests, Advanced Placement Examinations, industry  
292 certification examinations, assessments related to postsecondary  
293 education, or other assessments.

294 6. Contributions to the Stanley G. Tate Florida Prepaid  
295 College Program pursuant to s. 1009.98 or the Florida College  
296 Savings Program pursuant to s. 1009.981 for the benefit of the  
297 eligible student.

298 7. Contracted services provided by a public school or  
299 school district, including classes. A student who receives  
300 services under a contract under this paragraph is not considered

301 enrolled in a public school for eligibility purposes as  
302 specified in subsection (6).

303 8. Tuition and fees for part-time tutoring services  
304 provided by a person who holds a valid Florida educator's  
305 certificate pursuant to s. 1012.56, a person who holds an  
306 adjunct teaching certificate pursuant to s. 1012.57, a person  
307 who has a bachelor's degree or a graduate degree in the subject  
308 area in which instruction is given, a person who has  
309 demonstrated a mastery of subject area knowledge pursuant to s.  
310 1012.56(5), or a person certified by a nationally or  
311 internationally recognized research-based training program as  
312 approved by the department. As used in this paragraph, the term  
313 "part-time tutoring services" does not qualify as regular school  
314 attendance as defined in s. 1003.01(13)(e).

315 9. Fees for specialized summer education programs.

316 10. Fees for specialized after-school education programs.

317 11. Transition services provided by job coaches.

318 12. Fees for an annual evaluation of educational progress  
319 by a state-certified teacher under s. 1002.41(1)(f), if this  
320 option is chosen for a home education student.

321 13. Tuition and fees associated with programs offered by  
322 Voluntary Prekindergarten Education Program providers approved  
323 pursuant to s. 1002.55 and school readiness providers approved  
324 pursuant to s. 1002.88.

325 14. Fees for services provided at a center that is a

326 member of the Professional Association of Therapeutic  
327 Horsemanship International.

328 15. Fees for services provided by a therapist who is  
329 certified by the Certification Board for Music Therapists or  
330 credentialed by the Art Therapy Credentials Board, Inc.

331 Section 10. For the purpose of incorporating the amendment  
332 made by this act to section 468.203, Florida Statutes, in a  
333 reference thereto, paragraph (c) of subsection (2) of section  
334 1002.66, Florida Statutes, is reenacted to read:

335 1002.66 Specialized instructional services for children  
336 with disabilities.—

337 (2) The parent of a child who is eligible for the  
338 prekindergarten program for children with disabilities may  
339 select one or more specialized instructional services that are  
340 consistent with the child's individual educational plan. These  
341 specialized instructional services may include, but are not  
342 limited to:

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

344 Section 11. This act shall take effect July 1, 2022.