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LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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03/05/2024 07:07 PM

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Senator Grall moved the following:

Senate Amendment (with title amendment)

Delete lines 259 - 480

and insert:

Section 3. Subsection (2) of section 435.04, Florida Statutes, as amended by section 2 of chapter 2023-220, Laws of Florida, is amended to read:

435.04 Level 2 screening standards.—

(2) The security background investigations under this section must ensure that persons subject to this section have not been arrested for and are awaiting final disposition of it



911548

12 have not been found guilty of, regardless of adjudication, or
13 entered a plea of nolo contendere or guilty to;7 or have not
14 been adjudicated delinquent and the record has not been sealed
15 or expunged for, any offense prohibited under any of the
16 following provisions of state law or similar law of another
17 jurisdiction:

18 (a) Section 39.205, relating to the failure to report child
19 abuse, abandonment, or neglect.

20 (b) Section 393.135, relating to sexual misconduct with
21 certain developmentally disabled clients and reporting of such
22 sexual misconduct.

23 (c) ~~(b)~~ Section 394.4593, relating to sexual misconduct with
24 certain mental health patients and reporting of such sexual
25 misconduct.

26 (d) Section 414.39, relating to fraud, if the offense was a
27 felony.

28 (e) ~~(e)~~ Section 415.111, relating to adult abuse, neglect,
29 or exploitation of aged persons or disabled adults.

30 (f) ~~(d)~~ Section 777.04, relating to attempts, solicitation,
31 and conspiracy to commit an offense listed in this subsection.

32 (g) ~~(e)~~ Section 782.04, relating to murder.

33 (h) ~~(f)~~ Section 782.07, relating to manslaughter, aggravated
34 manslaughter of an elderly person or disabled adult, or
35 aggravated manslaughter of a child.

36 (i) ~~(g)~~ Section 782.071, relating to vehicular homicide.

37 (j) ~~(h)~~ Section 782.09, relating to killing of an unborn
38 child by injury to the mother.

39 (k) ~~(i)~~ Chapter 784, relating to assault, battery, and
40 culpable negligence, if the offense was a felony.



911548

41 (l)~~(j)~~ Section 784.011, relating to assault, if the victim
42 of the offense was a minor.

43 (m)~~(k)~~ Section 784.021, relating to aggravated assault.

44 (n)~~(l)~~ Section 784.03, relating to battery, if the victim
45 of the offense was a minor.

46 (o)~~(m)~~ Section 784.045, relating to aggravated battery.

47 (p)~~(n)~~ Section 784.075, relating to battery on staff of a
48 detention or commitment facility or on a juvenile probation
49 officer.

50 (q)~~(o)~~ Section 787.01, relating to kidnapping.

51 (r)~~(p)~~ Section 787.02, relating to false imprisonment.

52 (s)~~(q)~~ Section 787.025, relating to luring or enticing a
53 child.

54 (t)~~(r)~~ Section 787.04(2), relating to taking, enticing, or
55 removing a child beyond the state limits with criminal intent
56 pending custody proceedings.

57 (u)~~(s)~~ Section 787.04(3), relating to carrying a child
58 beyond the state lines with criminal intent to avoid producing a
59 child at a custody hearing or delivering the child to the
60 designated person.

61 (v) Section 787.06, relating to human trafficking.

62 (w) Section 787.07, relating to human smuggling.

63 (x)~~(t)~~ Section 790.115(1), relating to exhibiting firearms
64 or weapons within 1,000 feet of a school.

65 (y)~~(u)~~ Section 790.115(2)(b), relating to possessing an
66 electric weapon or device, destructive device, or other weapon
67 on school property.

68 (z)~~(v)~~ Section 794.011, relating to sexual battery.

69 (aa)~~(w)~~ Former s. 794.041, relating to prohibited acts of



911548

70 persons in familial or custodial authority.
71 ~~(bb)(*)~~ Section 794.05, relating to unlawful sexual
72 activity with certain minors.
73 ~~(cc)(y)~~ Section 794.08, relating to female genital
74 mutilation.
75 ~~(dd)(z)~~ Chapter 796, relating to prostitution.
76 ~~(ee)(aa)~~ Section 798.02, relating to lewd and lascivious
77 behavior.
78 ~~(ff)(bb)~~ Chapter 800, relating to lewdness and indecent
79 exposure and offenses against students by authority figures.
80 ~~(gg)(ee)~~ Section 806.01, relating to arson.
81 ~~(hh)(dd)~~ Section 810.02, relating to burglary.
82 ~~(ii)(ee)~~ Section 810.14, relating to voyeurism, if the
83 offense is a felony.
84 ~~(jj)(ff)~~ Section 810.145, relating to video voyeurism, if
85 the offense is a felony.
86 ~~(kk)(gg)~~ Chapter 812, relating to theft, robbery, and
87 related crimes, if the offense is a felony.
88 ~~(ll)(hh)~~ Section 817.563, relating to fraudulent sale of
89 controlled substances, only if the offense was a felony.
90 ~~(mm)(ii)~~ Section 825.102, relating to abuse, aggravated
91 abuse, or neglect of an elderly person or disabled adult.
92 ~~(nn)(jj)~~ Section 825.1025, relating to lewd or lascivious
93 offenses committed upon or in the presence of an elderly person
94 or disabled adult.
95 ~~(oo)(kk)~~ Section 825.103, relating to exploitation of an
96 elderly person or disabled adult, if the offense was a felony.
97 ~~(pp)(ll)~~ Section 826.04, relating to incest.
98 ~~(qq)(mm)~~ Section 827.03, relating to child abuse,



911548

99 aggravated child abuse, or neglect of a child.

100 (rr)~~(nn)~~ Section 827.04, relating to contributing to the
101 delinquency or dependency of a child.

102 (ss)~~(oo)~~ Former s. 827.05, relating to negligent treatment
103 of children.

104 (tt)~~(pp)~~ Section 827.071, relating to sexual performance by
105 a child.

106 (uu) Section 831.311, relating to the unlawful sale,
107 manufacture, alteration, delivery, uttering, or possession of
108 counterfeit-resistant prescription blanks for controlled
109 substances.

110 (vv) Section 836.10, relating to written or electronic
111 threats to kill, do bodily injury, or conduct a mass shooting or
112 an act of terrorism.

113 (ww)~~(qq)~~ Section 843.01, relating to resisting arrest with
114 violence.

115 (xx)~~(rr)~~ Section 843.025, relating to depriving a law
116 enforcement, correctional, or correctional probation officer
117 means of protection or communication.

118 (yy)~~(ss)~~ Section 843.12, relating to aiding in an escape.

119 (zz)~~(tt)~~ Section 843.13, relating to aiding in the escape
120 of juvenile inmates in correctional institutions.

121 (aaa)~~(uu)~~ Chapter 847, relating to obscene literature.

122 (bbb) Section 859.01, relating to poisoning food or water.

123 (ccc) Section 873.01, relating to the prohibition on the
124 purchase or sale of human organs and tissue.

125 (ddd)~~(vv)~~ Section 874.05, relating to encouraging or
126 recruiting another to join a criminal gang.

127 (eee)~~(ww)~~ Chapter 893, relating to drug abuse prevention



911548

128 and control, only if the offense was a felony or if any other
129 person involved in the offense was a minor.

130 (fff)~~(xx)~~ Section 916.1075, relating to sexual misconduct
131 with certain forensic clients and reporting of such sexual
132 misconduct.

133 (ggg)~~(yy)~~ Section 944.35(3), relating to inflicting cruel
134 or inhuman treatment on an inmate resulting in great bodily
135 harm.

136 (hhh)~~(zz)~~ Section 944.40, relating to escape.

137 (iii)~~(aaa)~~ Section 944.46, relating to harboring,
138 concealing, or aiding an escaped prisoner.

139 (jjj)~~(bb)~~ Section 944.47, relating to introduction of
140 contraband into a correctional facility.

141 (kkk)~~(ccc)~~ Section 985.701, relating to sexual misconduct
142 in juvenile justice programs.

143 (lll)~~(ddd)~~ Section 985.711, relating to contraband
144 introduced into detention facilities.

145 Section 4. Subsection (1) of section 435.07, Florida
146 Statutes, as amended by section 3 of chapter 2023-220, Laws of
147 Florida, is amended to read:

148 435.07 Exemptions from disqualification.—Unless otherwise
149 provided by law, the provisions of this section apply to
150 exemptions from disqualification for disqualifying offenses
151 revealed pursuant to background screenings required under this
152 chapter, regardless of whether those disqualifying offenses are
153 listed in this chapter or other laws.

154 (1) (a) The head of the appropriate agency or qualified
155 entity may grant to any employee or person with an affiliation
156 otherwise disqualified from employment an exemption from



911548

157 disqualification for:

158 1. Felonies for which at least 2 ~~3~~ years have elapsed since
159 the applicant for the exemption has completed or been lawfully
160 released from confinement, supervision, or nonmonetary condition
161 imposed by the court for the disqualifying felony;

162 2. Misdemeanors prohibited under any of the statutes cited
163 in this chapter or under similar statutes of other jurisdictions
164 for which the applicant for the exemption has completed or been
165 lawfully released from confinement, supervision, or nonmonetary
166 condition imposed by the court;

167 3. Offenses that were felonies when committed but that are
168 now misdemeanors and for which the applicant for the exemption
169 has completed or been lawfully released from confinement,
170 supervision, or nonmonetary condition imposed by the court; or

171 4. Findings of delinquency. For offenses that would be
172 felonies if committed by an adult and the record has not been
173 sealed or expunged, the exemption may not be granted until at
174 least 3 years have elapsed since the applicant for the exemption
175 has completed or been lawfully released from confinement,
176 supervision, or nonmonetary condition imposed by the court for
177 the disqualifying offense.

178 (b) A person applying for an exemption who was ordered to
179 pay any amount for any fee, fine, fund, lien, ~~civil judgment,~~
180 application, costs of prosecution, trust, or restitution as part
181 of the judgment and sentence for any disqualifying felony or
182 misdemeanor must pay the court-ordered amount in full before he
183 or she is eligible for the exemption.

184
185 For the purposes of this subsection, the term "felonies" means



911548

186 both felonies prohibited under any of the statutes cited in this
187 chapter or under similar statutes of other jurisdictions.

188 Section 5. Paragraph (a) of subsection (2) of section
189 943.0438, Florida Statutes, as amended by section 5 of chapter
190 2023-220, Laws of Florida, is amended to read:

191 943.0438 Athletic coaches for independent sanctioning
192 authorities.-

193 (2) An independent sanctioning authority shall:

194 (a) Effective January 1, 2025, conduct a level 2 background
195 screening under s. 435.04 of each current and prospective
196 athletic coach. The authority may not delegate this
197 responsibility to an individual team and may not authorize any
198 person to act as an athletic coach unless a level 2 background
199 screening is conducted and does not result in disqualification
200 under paragraph (b).

201 Section 6. Subsection (1) of section 456.0135, Florida
202 Statutes, is amended to read:

203 456.0135 General background screening provisions.-

204 (1) An application for initial licensure received on or
205 after January 1, 2013, under chapter 458, chapter 459, chapter
206 460, chapter 461, chapter 462, chapter 463, chapter 464, s.
207 465.007, s. 465.0075, chapter 466, chapter 467, part I, part II,
208 part III, part V, part X s. ~~465.022~~, part XIII, or part XIV of
209 chapter 468, chapter 478, ~~or~~ chapter 480, chapter 483, chapter
210 484, chapter 486, chapter 490, or chapter 491 must ~~shall~~ include
211 fingerprints pursuant to procedures established by the
212 department through a vendor approved by the Department of Law
213 Enforcement and fees imposed for the initial screening and
214 retention of fingerprints. Fingerprints must be submitted



911548

215 electronically to the Department of Law Enforcement for state
216 processing, and the Department of Law Enforcement shall forward
217 the fingerprints to the Federal Bureau of Investigation for
218 national processing. Each board, or the department if there is
219 no board, must ~~shall~~ screen the results to determine whether ~~if~~
220 an applicant meets licensure requirements. For any subsequent
221 renewal of the applicant's license which ~~that~~ requires a
222 national criminal history check, the department shall request
223 the Department of Law Enforcement to forward the retained
224 fingerprints of the applicant to the Federal Bureau of
225 Investigation unless the fingerprints are enrolled in the
226 national retained print arrest notification program.

227 Section 7. The background screening requirements of s.
228 456.0135, Florida Statutes, which apply to initial licensure of
229 a health care practitioner specified in that section also apply
230 to such a practitioner's next licensure renewal that takes place
231 after July 1, 2025, if the practitioner was initially licensed
232 before July 1, 2024, and has not previously complied with the
233 background screening requirements before such renewal. The
234 Department of Health may not renew the license of such a health
235 care practitioner after July 1, 2025, until he or she complies
236 with these background screening requirements.

237 Section 8. Subsection (2) of section 457.105, Florida
238 Statutes, is amended to read:

239 457.105 Licensure qualifications and fees.-

240 (2) A person may become licensed to practice acupuncture if
241 the person applies to the department and meets all of the
242 following criteria:

243 (a) Is 21 years of age or older, has good moral character,



911548

244 and has the ability to communicate in English, which is
245 demonstrated by having passed the national written examination
246 in English or, if such examination was passed in a foreign
247 language, by also having passed a nationally recognized English
248 proficiency examination.†

249 (b) Has completed 60 college credits from an accredited
250 postsecondary institution as a prerequisite to enrollment in an
251 authorized 3-year course of study in acupuncture and oriental
252 medicine, and has completed a 3-year course of study in
253 acupuncture and oriental medicine, and effective July 31, 2001,
254 a 4-year course of study in acupuncture and oriental medicine,
255 which meets standards established by the board by rule, which
256 standards include, but are not limited to, successful completion
257 of academic courses in western anatomy, western physiology,
258 western pathology, western biomedical terminology, first aid,
259 and cardiopulmonary resuscitation (CPR). However, any person who
260 enrolled in an authorized course of study in acupuncture before
261 August 1, 1997, must have completed only a 2-year course of
262 study which meets standards established by the board by rule,
263 which standards must include, but are not limited to, successful
264 completion of academic courses in western anatomy, western
265 physiology, and western pathology.†

266 (c) Has successfully completed a board-approved national
267 certification process, is actively licensed in a state that has
268 examination requirements that are substantially equivalent to or
269 more stringent than those of this state, or passes an
270 examination administered by the department, which examination
271 tests the applicant's competency and knowledge of the practice
272 of acupuncture and oriental medicine. At the request of any



911548

273 applicant, oriental nomenclature for the points must ~~shall~~ be
274 used in the examination. The examination must ~~shall~~ include a
275 practical examination of the knowledge and skills required to
276 practice modern and traditional acupuncture and oriental
277 medicine, covering diagnostic and treatment techniques and
278 procedures. ~~and~~

279 (d) Pays the required fees set by the board by rule not to
280 exceed the following amounts:

281 1. Examination fee: \$500 plus the actual per applicant cost
282 to the department for purchase of the written and practical
283 portions of the examination from a national organization
284 approved by the board.

285 2. Application fee: \$300.

286 3. Reexamination fee: \$500 plus the actual per applicant
287 cost to the department for purchase of the written and practical
288 portions of the examination from a national organization
289 approved by the board.

290 4. Initial biennial licensure fee: \$400, if licensed in the
291 first half of the biennium, and \$200, if licensed in the second
292 half of the biennium.

293 (e) Submits to background screening in accordance with s.
294 456.0135.

295 Section 9. Subsection (1) of section 463.006, Florida
296 Statutes, is amended to read:

297 463.006 Licensure and certification by examination.—

298 (1) Any person desiring to be a licensed practitioner under
299 pursuant to this chapter must apply to the department, submit to
300 background screening in accordance with s. 456.0135, and ~~must~~
301 submit proof to the department that she or he meets all of the



911548

302 following criteria:

303 (a) Has completed the application forms as required by the
304 board, remitted an application fee for certification not to
305 exceed \$250, remitted an examination fee for certification not
306 to exceed \$250, and remitted an examination fee for licensure
307 not to exceed \$325, all as set by the board.

308 (b) Is at least 18 years of age.

309 (c) Has graduated from an accredited school or college of
310 optometry approved by rule of the board.

311 (d) Is of good moral character.

312 (e) Has successfully completed at least 110 hours of
313 transcript-quality coursework and clinical training in general
314 and ocular pharmacology as determined by the board, at an
315 institution that:

316 1. Has facilities for both didactic and clinical
317 instructions in pharmacology; and

318 2. Is accredited by a regional or professional accrediting
319 organization that is recognized and approved by the Commission
320 on Recognition of Postsecondary Accreditation or the United
321 States Department of Education.

322 (f) Has completed at least 1 year of supervised experience
323 in differential diagnosis of eye disease or disorders as part of
324 the optometric training or in a clinical setting as part of the
325 optometric experience.

326 Section 10. Subsection (1) of section 465.007, Florida
327 Statutes, is amended to read:

328 465.007 Licensure by examination.—

329 (1) Any person desiring to be licensed as a pharmacist
330 shall apply to the department to take the licensure examination.



911548

331 The department shall examine each applicant who the board
332 certifies has met all of the following criteria:

333 (a) Completed the application form and remitted an
334 examination fee set by the board not to exceed \$100 plus the
335 actual per applicant cost to the department for purchase of
336 portions of the examination from the National Association of
337 Boards of Pharmacy or a similar national organization. The fees
338 authorized under this section shall be established in sufficient
339 amounts to cover administrative costs.

340 (b) Submitted to background screening in accordance with s.
341 456.0135.

342 (c) ~~(b)~~ Submitted satisfactory proof that she or he is not
343 less than 18 years of age and:

344 1. Is a recipient of a degree from a school or college of
345 pharmacy accredited by an accrediting agency recognized and
346 approved by the United States Office of Education; or

347 2. Is a graduate of a 4-year undergraduate pharmacy program
348 of a school or college of pharmacy located outside the United
349 States, has demonstrated proficiency in English by passing both
350 the Test of English as a Foreign Language (TOEFL) and the Test
351 of Spoken English (TSE), has passed the Foreign Pharmacy
352 Graduate Equivalency Examination that is approved by rule of the
353 board, and has completed a minimum of 500 hours in a supervised
354 work activity program within this state under the supervision of
355 a pharmacist licensed by the department, which program is
356 approved by the board.

357 (d) ~~(c)~~ Submitted satisfactory proof that she or he has
358 completed an internship program approved by the board. No such
359 board-approved program shall exceed 2,080 hours, all of which



911548

360 may be obtained prior to graduation.

361 Section 11. Subsection (1) of section 465.0075, Florida
362 Statutes, is amended to read:

363 465.0075 Licensure by endorsement; requirements; fee.—

364 (1) The department shall issue a license by endorsement to
365 any applicant who applies to the department and remits a
366 nonrefundable fee of not more than \$100, as set by the board,
367 and who whom the board certifies has met all of the following
368 criteria:

369 (a) ~~Has~~ Met the qualifications for licensure in s.
370 465.007(1) (b), ~~and~~ (c), and (d).~~†~~

371 (b) ~~Has~~ Obtained a passing score, as established by rule of
372 the board, on the licensure examination of the National
373 Association of Boards of Pharmacy or a similar nationally
374 recognized examination, if the board certifies that the
375 applicant has taken the required examination.~~†~~

376 (c)1. ~~Has~~ Submitted evidence of the active licensed
377 practice of pharmacy, including practice in community or public
378 health by persons employed by a governmental entity, in another
379 jurisdiction for at least 2 of the immediately preceding 5 years
380 or evidence of successful completion of board-approved
381 postgraduate training or a board-approved clinical competency
382 examination within the year immediately preceding application
383 for licensure; or

384 2. ~~Has~~ Completed an internship meeting the requirements of
385 s. 465.007(1) (d) ~~s. 465.007(1) (e)~~ within the 2 years immediately
386 preceding application.~~†~~ ~~and~~

387 (d) ~~Has~~ Obtained a passing score on the pharmacy
388 jurisprudence portions of the licensure examination, as required



911548

389 by board rule.

390

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

392 And the title is amended as follows:

393 Delete lines 18 - 39

394 and insert:

395 a specified time; amending s. 435.04, F.S.; specifying
396 additional disqualifying offenses under the background
397 screening requirements for certain persons; amending
398 s. 435.07, F.S.; revising requirements for exemptions
399 from disqualification from employment; amending s.
400 943.0438, F.S.; revising the effective date of a
401 requirement that independent sanctioning authorities
402 conduct level 2 background screenings of current and
403 prospective athletic coaches; amending s. 456.0135,
404 F.S.; expanding certain background screening
405 requirements to apply to additional health care
406 practitioners; requiring specified health care
407 practitioners licensed before a specified date to
408 comply with certain background screening requirements
409 upon licensure renewal that takes place after a
410 specified date; prohibiting the Department of Health
411 from renewing specified health care practitioner
412 licenses under certain circumstances beginning on a
413 specified date; amending ss. 457.105, 463.006,
414 465.007, 465.0075, 466.006, 466.0067, 466.007,
415 467.011, 468.1185, 468.1215, 468.1695, 468.209,
416 468.213, 468.355, 468.358, 468.509, 468.513, 468.803,
417 478.45, 483.815, 483.901, 483.914, 484.007, 484.045,



911548

418 486.031, 486.102, 490.005, 490.0051, 490.006,
419 491.0045, 491.0046, 491.005, and 491.006, F.S.;
420 revising licensure, registration, or certification
421 requirements, as applicable, for acupuncturists;
422 optometrists; pharmacists; pharmacist licenses by
423 endorsement; dentists; health access dental licenses;