

By Senator Collins

14-00732C-25

20251270__

1 A bill to be entitled
2 An act relating to the Department of Health;
3 reenacting ss. 381.00316(2)(g) and 381.00319(1)(e),
4 F.S., relating to the prohibition on discrimination by
5 governmental and businesses entities based on health
6 care choices and the prohibition on mask mandates and
7 vaccination and testing mandates for educational
8 institutions, respectively, for purposes of preserving
9 the definition of the term "messenger ribonucleic acid
10 vaccine" notwithstanding its scheduled repeal;
11 repealing s. 9 of chapter 2023-43, Laws of Florida,
12 which provides for the repeal of the definition of the
13 term "messenger ribonucleic acid vaccine"; amending s.
14 381.986, F.S.; deleting the requirement that all
15 officers and board members of medical marijuana
16 treatment centers pass a background screening;
17 defining terms for purposes of background screening
18 requirements for persons affiliated with medical
19 marijuana treatment centers; requiring medical
20 marijuana treatment centers to notify the Department
21 of Health within a specified timeframe of an actual or
22 attempted theft, diversion, or loss of marijuana;
23 requiring medical marijuana treatment centers to
24 report attempted thefts, in addition to actual thefts,
25 to law enforcement within a specified timeframe;
26 amending s. 381.988, F.S.; defining terms for purposes
27 of background screening requirements for persons
28 affiliated with medical marijuana testing
29 laboratories; repealing ss. 383.141, 385.203, 391.221,

14-00732C-25

20251270__

30 and 397.333, F.S., relating to the developmental
31 disability information clearinghouse and advisory
32 council, the Diabetes Advisory Council, the Statewide
33 Children's Medical Services Network Advisory Council,
34 and the Statewide Drug Policy Advisory Council,
35 respectively; amending s. 409.818, F.S.; deleting the
36 Florida Kidcare coordinating council; repealing ss.
37 413.271 and 514.028, F.S., relating to Florida
38 Coordinating Council for the Deaf and Hard of Hearing
39 and the advisory review board, respectively; amending
40 s. 456.0145, F.S.; revising eligibility criteria for
41 licensure by endorsement under the MOBILE Act;
42 repealing s. 468.703, F.S., relating to the Board of
43 Athletic Training; amending ss. 468.701, 468.705,
44 468.707, 468.709, 468.711, 468.713, 468.719, and
45 468.723, F.S.; conforming provisions to changes made
46 by the act to make the department, instead of the
47 Board of Athletic Training, responsible for regulating
48 athletic training; repealing s. 468.801, F.S.,
49 relating to the Board of Orthotists and Prosthetists;
50 amending ss. 468.80, 468.802, 468.803, 468.806,
51 468.808, 468.809, 468.8095, and 468.811, F.S.;
52 conforming provisions to changes made by the act to
53 make the department, instead of the Board of
54 Orthotists and Prosthetists, responsible for
55 regulating orthotics and prosthetics; repealing ss.
56 484.003 and 484.004, F.S., relating to the Board of
57 Opticianry and board headquarters, respectively;
58 amending ss. 484.002, 484.005, 484.006, 484.007,

14-00732C-25

20251270__

59 484.008, 484.009, 484.011, 484.012, 484.013, 484.014,
60 and 484.017, F.S.; conforming provisions to changes
61 made by the act to make the department, instead of the
62 Board of Opticianry, responsible for regulating
63 opticianry; repealing ss. 484.042 and 484.043, F.S.,
64 relating to the Board of Hearing Aid Specialists and
65 board headquarters, respectively; amending ss.
66 484.041, 484.044, 484.0445, 484.0447, 484.045,
67 484.047, 484.0501, 484.0512, 484.053, 484.056, and
68 484.059, F.S.; conforming provisions to changes made
69 by the act to make the department, instead of the
70 Board of Hearing Aid Specialists, responsible for
71 regulating hearing aid specialists; amending s.
72 486.112, F.S.; defining the term "party state";
73 conforming provisions of the Physical Therapy
74 Licensure Compact relating to adverse actions, the
75 data system, and construction and severability to
76 changes made by the act; amending ss. 20.43, 943.031,
77 943.042, and 1004.6495, F.S.; conforming provisions to
78 changes made by the act; requiring the department to
79 conduct a comprehensive study for a specified study of
80 the boards and councils within the department;
81 requiring the department to submit a report of its
82 findings and recommendations to the Governor and the
83 Legislature by a specified date; providing an
84 effective date.

85

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

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14-00732C-25

20251270__

88 Section 1. Notwithstanding the scheduled repeal in section
89 9 of chapter 2023-43, Laws of Florida, paragraph (g) of
90 subsection (2) of section 381.00316, Florida Statutes, is
91 reenacted to read:

92 381.00316 Discrimination by governmental and business
93 entities based on health care choices; prohibition.—

94 (2) As used in this section, the term:

95 (g) "Messenger ribonucleic acid vaccine" means any vaccine
96 that uses laboratory-produced messenger ribonucleic acid to
97 trigger the human body's immune system to generate an immune
98 response.

99 Section 2. Notwithstanding the scheduled repeal in section
100 9 of chapter 2023-43, Laws of Florida, paragraph (e) of
101 subsection (1) of section 381.00319, Florida Statutes, is
102 reenacted to read:

103 381.00319 Prohibition on mask mandates and vaccination and
104 testing mandates for educational institutions.—

105 (1) For purposes of this section, the term:

106 (e) "Messenger ribonucleic acid vaccine" has the same
107 meaning as in s. 381.00316.

108 Section 3. Section 9 of chapter 2023-43, Laws of Florida,
109 is repealed.

110 Section 4. Paragraphs (b), (e), and (f) of subsection (8)
111 of section 381.986, Florida Statutes, are amended to read:

112 381.986 Medical use of marijuana.—

113 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

114 (b) An applicant for licensure as a medical marijuana
115 treatment center must ~~shall~~ apply to the department on a form
116 prescribed by the department and adopted in rule. The department

14-00732C-25

20251270__

117 shall adopt rules pursuant to ss. 120.536(1) and 120.54
118 establishing a procedure for the issuance and biennial renewal
119 of licenses, including initial application and biennial renewal
120 fees sufficient to cover the costs of implementing and
121 administering this section, and establishing supplemental
122 licensure fees for payment beginning May 1, 2018, sufficient to
123 cover the costs of administering ss. 381.989 and 1004.4351. The
124 department shall identify applicants with strong diversity plans
125 reflecting this state's commitment to diversity and implement
126 training programs and other educational programs to enable
127 minority persons and minority business enterprises, as defined
128 in s. 288.703, and veteran business enterprises, as defined in
129 s. 295.187, to compete for medical marijuana treatment center
130 licensure and contracts. Subject to the requirements in
131 subparagraphs (a)2.-4., the department shall issue a license to
132 an applicant if the applicant meets the requirements of this
133 section and pays the initial application fee. The department
134 shall renew the licensure of a medical marijuana treatment
135 center biennially if the licensee meets the requirements of this
136 section and pays the biennial renewal fee. However, the
137 department may not renew the license of a medical marijuana
138 treatment center that has not begun to cultivate, process, and
139 dispense marijuana by the date that the medical marijuana
140 treatment center is required to renew its license. An individual
141 may not be an applicant, owner, officer, board member, or
142 manager on more than one application for licensure as a medical
143 marijuana treatment center. An individual or entity may not be
144 awarded more than one license as a medical marijuana treatment
145 center. An applicant for licensure as a medical marijuana

14-00732C-25

20251270__

146 treatment center must demonstrate:

147 1. That, for the 5 consecutive years before submitting the
148 application, the applicant has been registered to do business in
149 this ~~the~~ state.

150 2. Possession of a valid certificate of registration issued
151 by the Department of Agriculture and Consumer Services pursuant
152 to s. 581.131.

153 3. The technical and technological ability to cultivate and
154 produce marijuana, including, but not limited to, low-THC
155 cannabis.

156 4. The ability to secure the premises, resources, and
157 personnel necessary to operate as a medical marijuana treatment
158 center.

159 5. The ability to maintain accountability of all raw
160 materials, finished products, and any byproducts to prevent
161 diversion or unlawful access to or possession of these
162 substances.

163 6. An infrastructure reasonably located to dispense
164 marijuana to registered qualified patients statewide or
165 regionally as determined by the department.

166 7. The financial ability to maintain operations for the
167 duration of the 2-year approval cycle, including the provision
168 of certified financial statements to the department.

169 a. Upon approval, the applicant must post a \$5 million
170 performance bond issued by an authorized surety insurance
171 company rated in one of the three highest rating categories by a
172 nationally recognized rating service. However, a medical
173 marijuana treatment center serving at least 1,000 qualified
174 patients is only required to maintain a \$2 million performance

14-00732C-25

20251270__

175 bond.

176 b. In lieu of the performance bond required under sub-
177 subparagraph a., the applicant may provide an irrevocable letter
178 of credit payable to the department or provide cash to the
179 department. If provided with cash under this sub-subparagraph,
180 the department must ~~shall~~ deposit the cash in the Grants and
181 Donations Trust Fund within the Department of Health, subject to
182 the same conditions as the bond regarding requirements for the
183 applicant to forfeit ownership of the funds. If the funds
184 deposited under this sub-subparagraph generate interest, the
185 amount of that interest must ~~shall~~ be used by the department for
186 the administration of this section.

187 8. That all owners, ~~officers, board members,~~ and managers
188 have passed a background screening pursuant to subsection (9).
189 As used in this subparagraph, the term:

190 a. "Manager" means any person with the authority to
191 exercise or contribute to the operational control, direction, or
192 management of an applicant or a medical marijuana treatment
193 center or who has authority to supervise any employee of an
194 applicant or a medical marijuana treatment center. This includes
195 officers and board members.

196 b. "Owner" means any person who owns or controls a 5
197 percent or greater share of interests of the applicant or a
198 medical marijuana treatment center which include beneficial or
199 voting rights to interests. In the event that one person owns a
200 beneficial right to interests and another person holds the
201 voting rights with respect to such interests, then in such case,
202 both are considered the owner of such interests.

203 9. The employment of a medical director to supervise the

14-00732C-25

20251270__

204 activities of the medical marijuana treatment center.

205 10. A diversity plan that promotes and ensures the
206 involvement of minority persons and minority business
207 enterprises, as defined in s. 288.703, or veteran business
208 enterprises, as defined in s. 295.187, in ownership, management,
209 and employment. An applicant for licensure renewal must show the
210 effectiveness of the diversity plan by including the following
211 with his or her application for renewal:

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

214 b. Efforts to recruit minority persons and veterans for
215 employment; and

216 c. A record of contracts for services with minority
217 business enterprises and veteran business enterprises.

218 (e) A licensed medical marijuana treatment center shall
219 cultivate, process, transport, and dispense marijuana for
220 medical use. A licensed medical marijuana treatment center may
221 not contract for services directly related to the cultivation,
222 processing, and dispensing of marijuana or marijuana delivery
223 devices, except that a medical marijuana treatment center
224 licensed pursuant to subparagraph (a)1. may contract with a
225 single entity for the cultivation, processing, transporting, and
226 dispensing of marijuana and marijuana delivery devices. A
227 licensed medical marijuana treatment center shall ~~must~~, at all
228 times, maintain compliance with the criteria demonstrated and
229 representations made in the initial application and the criteria
230 established in this subsection. Upon request, the department may
231 grant a medical marijuana treatment center a variance from the
232 representations made in the initial application. Consideration

14-00732C-25

20251270__

233 of such a request must ~~shall~~ be based upon the individual facts
234 and circumstances surrounding the request. A variance may not be
235 granted unless the requesting medical marijuana treatment center
236 can demonstrate to the department that it has a proposed
237 alternative to the specific representation made in its
238 application which fulfills the same or a similar purpose as the
239 specific representation in a way that the department can
240 reasonably determine will not be a lower standard than the
241 specific representation in the application. A variance may not
242 be granted from the requirements in subparagraph 2. and
243 subparagraphs (b)1. and 2.

244 1. A licensed medical marijuana treatment center may
245 transfer ownership to an individual or entity who meets the
246 requirements of this section. A publicly traded corporation or
247 publicly traded company that meets the requirements of this
248 section is not precluded from ownership of a medical marijuana
249 treatment center. To accommodate a change in ownership:

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

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

257 c. Upon receipt of an application for a license, the
258 department shall examine the application and, within 30 days
259 after receipt, notify the applicant in writing of any apparent
260 errors or omissions and request any additional information
261 required.

14-00732C-25

20251270__

262 d. Requested information omitted from an application for
263 licensure must be filed with the department within 21 days after
264 the department's request for omitted information or the
265 application will ~~shall~~ be deemed incomplete and ~~shall be~~
266 withdrawn from further consideration and the fees ~~shall be~~
267 forfeited.

268 e. Within 30 days after the receipt of a complete
269 application, the department shall approve or deny the
270 application.

271 2. A medical marijuana treatment center, and any individual
272 or entity who directly or indirectly owns, controls, or holds
273 with power to vote 5 percent or more of the voting shares of a
274 medical marijuana treatment center, may not acquire direct or
275 indirect ownership or control of any voting shares or other form
276 of ownership of any other medical marijuana treatment center.

277 3. A medical marijuana treatment center may not enter into
278 any form of profit-sharing arrangement with the property owner
279 or lessor of any of its facilities where cultivation,
280 processing, storing, or dispensing of marijuana and marijuana
281 delivery devices occurs.

282 4. All employees of a medical marijuana treatment center
283 must be 21 years of age or older and have passed a background
284 screening pursuant to subsection (9). As used in this
285 subparagraph, the term "employee" means any person who is
286 employed by a medical marijuana treatment center licensee in any
287 capacity, including those whose duties involve any aspect of the
288 cultivation, processing, transportation, or dispensing of
289 marijuana. This requirement applies to all employees, regardless
290 of the compensation received.

14-00732C-25

20251270__

291 5. Each medical marijuana treatment center must adopt and
292 enforce policies and procedures to ensure employees and
293 volunteers receive training on the legal requirements to
294 dispense marijuana to qualified patients.

295 6. When growing marijuana, a medical marijuana treatment
296 center:

297 a. May use pesticides determined by the department, after
298 consultation with the Department of Agriculture and Consumer
299 Services, to be safely applied to plants intended for human
300 consumption, but may not use pesticides designated as
301 restricted-use pesticides pursuant to s. 487.042.

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

304 c. Must inspect seeds and growing plants for plant pests
305 that endanger or threaten the horticultural and agricultural
306 interests of the state in accordance with chapter 581 and any
307 rules adopted thereunder.

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

311 7. Each medical marijuana treatment center must produce and
312 make available for purchase at least one low-THC cannabis
313 product.

314 8. A medical marijuana treatment center that produces
315 edibles must hold a permit to operate as a food establishment
316 pursuant to chapter 500, the Florida Food Safety Act, and must
317 comply with all the requirements for food establishments
318 pursuant to chapter 500 and any rules adopted thereunder.
319 Edibles may not contain more than 200 milligrams of

14-00732C-25

20251270__

320 tetrahydrocannabinol, and a single serving portion of an edible
321 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles
322 may not have a potency variance ~~of no~~ greater than 15 percent.
323 Marijuana products, including edibles, may not be attractive to
324 children; be manufactured in the shape of humans, cartoons, or
325 animals; be manufactured in a form that bears any reasonable
326 resemblance to products available for consumption as
327 commercially available candy; or contain any color additives. To
328 discourage consumption of edibles by children, the department
329 shall determine by rule any shapes, forms, and ingredients
330 allowed and prohibited for edibles. Medical marijuana treatment
331 centers may not begin processing or dispensing edibles until
332 after the effective date of the rule. The department shall also
333 adopt sanitation rules providing the standards and requirements
334 for the storage, display, or dispensing of edibles.

335 9. Within 12 months after licensure, a medical marijuana
336 treatment center must demonstrate to the department that all of
337 its processing facilities have passed a Food Safety Good
338 Manufacturing Practices, such as Global Food Safety Initiative
339 or equivalent, inspection by a nationally accredited certifying
340 body. A medical marijuana treatment center must immediately stop
341 processing at any facility which fails to pass this inspection
342 until it demonstrates to the department that such facility has
343 met this requirement.

344 10. A medical marijuana treatment center that produces
345 prerolled marijuana cigarettes may not use wrapping paper made
346 with tobacco or hemp.

347 11. When processing marijuana, a medical marijuana
348 treatment center must:

14-00732C-25

20251270__

- 349 a. Process the marijuana within an enclosed structure and
350 in a room separate from other plants or products.
- 351 b. Comply with department rules when processing marijuana
352 with hydrocarbon solvents or other solvents or gases exhibiting
353 potential toxicity to humans. The department shall determine by
354 rule the requirements for medical marijuana treatment centers to
355 use such solvents or gases exhibiting potential toxicity to
356 humans.
- 357 c. Comply with federal and state laws and regulations and
358 department rules for solid and liquid wastes. The department
359 shall determine by rule procedures for the storage, handling,
360 transportation, management, and disposal of solid and liquid
361 waste generated during marijuana production and processing. The
362 Department of Environmental Protection shall assist the
363 department in developing such rules.
- 364 d. Test the processed marijuana using a medical marijuana
365 testing laboratory before it is dispensed. Results must be
366 verified and signed by two medical marijuana treatment center
367 employees. Before dispensing, the medical marijuana treatment
368 center must determine that the test results indicate that low-
369 THC cannabis meets the definition of low-THC cannabis, the
370 concentration of tetrahydrocannabinol meets the potency
371 requirements of this section, the labeling of the concentration
372 of tetrahydrocannabinol and cannabidiol is accurate, and all
373 marijuana is safe for human consumption and free from
374 contaminants that are unsafe for human consumption. The
375 department shall determine by rule which contaminants must be
376 tested for and the maximum levels of each contaminant which are
377 safe for human consumption. The Department of Agriculture and

14-00732C-25

20251270__

378 Consumer Services shall assist the department in developing the
379 testing requirements for contaminants that are unsafe for human
380 consumption in edibles. The department shall also determine by
381 rule the procedures for the treatment of marijuana that fails to
382 meet the testing requirements of this section, s. 381.988, or
383 department rule. The department may select samples of marijuana
384 from a medical marijuana treatment center facility which shall
385 be tested by the department to determine whether the marijuana
386 meets the potency requirements of this section, is safe for
387 human consumption, and is accurately labeled with the
388 tetrahydrocannabinol and cannabidiol concentration or to verify
389 the result of marijuana testing conducted by a marijuana testing
390 laboratory. The department may also select samples of marijuana
391 delivery devices from a medical marijuana treatment center to
392 determine whether the marijuana delivery device is safe for use
393 by qualified patients. A medical marijuana treatment center may
394 not require payment from the department for the sample. A
395 medical marijuana treatment center must recall marijuana,
396 including all marijuana and marijuana products made from the
397 same batch of marijuana, that fails to meet the potency
398 requirements of this section, that is unsafe for human
399 consumption, or for which the labeling of the
400 tetrahydrocannabinol and cannabidiol concentration is
401 inaccurate. The department shall adopt rules to establish
402 marijuana potency variations of no greater than 15 percent using
403 negotiated rulemaking pursuant to s. 120.54(2)(d) which accounts
404 for, but is not limited to, time lapses between testing, testing
405 methods, testing instruments, and types of marijuana sampled for
406 testing. The department may not issue any recalls for product

14-00732C-25

20251270__

407 potency as it relates to product labeling before issuing a rule
408 relating to potency variation standards. A medical marijuana
409 treatment center must also recall all marijuana delivery devices
410 determined to be unsafe for use by qualified patients. The
411 medical marijuana treatment center must retain records of all
412 testing and samples of each homogeneous batch of marijuana for
413 at least 9 months. The medical marijuana treatment center must
414 contract with a marijuana testing laboratory to perform audits
415 on the medical marijuana treatment center's standard operating
416 procedures, testing records, and samples and provide the results
417 to the department to confirm that the marijuana or low-THC
418 cannabis meets the requirements of this section and that the
419 marijuana or low-THC cannabis is safe for human consumption. A
420 medical marijuana treatment center shall reserve two processed
421 samples from each batch and retain such samples for at least 9
422 months for the purpose of such audits. A medical marijuana
423 treatment center may use a laboratory that has not been
424 certified by the department under s. 381.988 until such time as
425 at least one laboratory holds the required certification, but in
426 no event later than July 1, 2018.

427 e. Package the marijuana in compliance with the United
428 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
429 1471 et seq.

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

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

434 (II) The name of the medical marijuana treatment center
435 from which the marijuana originates.

14-00732C-25

20251270__

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

438 (IV) The name of the physician who issued the physician
439 certification.

440 (V) The name of the patient.

441 (VI) The product name, if applicable, and dosage form,
442 including concentration of tetrahydrocannabinol and cannabidiol.
443 The product name may not contain wording commonly associated
444 with products that are attractive to children or which promote
445 the recreational use of marijuana.

446 (VII) The recommended dose.

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

449 (IX) A marijuana universal symbol developed by the
450 department.

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

- 454 a. Clinical pharmacology.
455 b. Indications and use.
456 c. Dosage and administration.
457 d. Dosage forms and strengths.
458 e. Contraindications.
459 f. Warnings and precautions.
460 g. Adverse reactions.

461 13. In addition to the packaging and labeling requirements
462 specified in subparagraphs 11. and 12., marijuana in a form for
463 smoking must be packaged in a sealed receptacle with a legible
464 and prominent warning to keep away from children and a warning

14-00732C-25

20251270__

465 that states marijuana smoke contains carcinogens and may
466 negatively affect health. Such receptacles for marijuana in a
467 form for smoking must be plain, opaque, and white without
468 depictions of the product or images other than the medical
469 marijuana treatment center's department-approved logo and the
470 marijuana universal symbol.

471 14. The department shall adopt rules to regulate the types,
472 appearance, and labeling of marijuana delivery devices dispensed
473 from a medical marijuana treatment center. The rules must
474 require marijuana delivery devices to have an appearance
475 consistent with medical use.

476 15. Each edible must be individually sealed in plain,
477 opaque wrapping marked only with the marijuana universal symbol.
478 Where practical, each edible must be marked with the marijuana
479 universal symbol. In addition to the packaging and labeling
480 requirements in subparagraphs 11. and 12., edible receptacles
481 must be plain, opaque, and white without depictions of the
482 product or images other than the medical marijuana treatment
483 center's department-approved logo and the marijuana universal
484 symbol. The receptacle must also include a list of all the
485 edible's ingredients, storage instructions, an expiration date,
486 a legible and prominent warning to keep away from children and
487 pets, and a warning that the edible has not been produced or
488 inspected pursuant to federal food safety laws.

489 16. When dispensing marijuana or a marijuana delivery
490 device, a medical marijuana treatment center:

491 a. May dispense any active, valid order for low-THC
492 cannabis, medical cannabis and cannabis delivery devices issued
493 pursuant to former s. 381.986, Florida Statutes 2016, which was

14-00732C-25

20251270__

494 entered into the medical marijuana use registry before July 1,
495 2017.

496 b. May not dispense more than a 70-day supply of marijuana
497 within any 70-day period to a qualified patient or caregiver.
498 May not dispense more than one 35-day supply of marijuana in a
499 form for smoking within any 35-day period to a qualified patient
500 or caregiver. A 35-day supply of marijuana in a form for smoking
501 may not exceed 2.5 ounces unless an exception to this amount is
502 approved by the department pursuant to paragraph (4) (f).

503 c. Must have the medical marijuana treatment center's
504 employee who dispenses the marijuana or a marijuana delivery
505 device enter into the medical marijuana use registry his or her
506 name or unique employee identifier.

507 d. Must verify that the qualified patient and the
508 caregiver, if applicable, each have an active registration in
509 the medical marijuana use registry and an active and valid
510 medical marijuana use registry identification card, the amount
511 and type of marijuana dispensed matches the physician
512 certification in the medical marijuana use registry for that
513 qualified patient, and the physician certification has not
514 already been filled.

515 e. May not dispense marijuana to a qualified patient who is
516 younger than 18 years of age. If the qualified patient is
517 younger than 18 years of age, marijuana may only be dispensed to
518 the qualified patient's caregiver.

519 f. May not dispense or sell any other type of cannabis,
520 alcohol, or illicit drug-related product, including pipes or
521 wrapping papers made with tobacco or hemp, other than a
522 marijuana delivery device required for the medical use of

14-00732C-25

20251270__

523 marijuana and which is specified in a physician certification.

524 g. Must, upon dispensing the marijuana or marijuana
525 delivery device, record in the registry the date, time,
526 quantity, and form of marijuana dispensed; the type of marijuana
527 delivery device dispensed; and the name and medical marijuana
528 use registry identification number of the qualified patient or
529 caregiver to whom the marijuana delivery device was dispensed.

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

533 (f) To ensure the safety and security of premises where the
534 cultivation, processing, storing, or dispensing of marijuana
535 occurs, and to maintain adequate controls against the diversion,
536 theft, and loss of marijuana or marijuana delivery devices, a
537 medical marijuana treatment center shall:

538 1.a. Maintain a fully operational security alarm system
539 that secures all entry points and perimeter windows and is
540 equipped with motion detectors; pressure switches; and duress,
541 panic, and hold-up alarms; and

542 b. Maintain a video surveillance system that records
543 continuously 24 hours a day and meets the following criteria:

544 (I) Cameras are fixed in a place that allows for the clear
545 identification of persons and activities in controlled areas of
546 the premises. Controlled areas include grow rooms, processing
547 rooms, storage rooms, disposal rooms or areas, and point-of-sale
548 rooms.

549 (II) Cameras are fixed in entrances and exits to the
550 premises, which must ~~shall~~ record from both indoor and outdoor,
551 or ingress and egress, vantage points.

14-00732C-25

20251270__

552 (III) Recorded images must clearly and accurately display
553 the time and date.

554 (IV) Retain video surveillance recordings for at least 45
555 days or longer upon the request of a law enforcement agency.

556 2. Ensure that the medical marijuana treatment center's
557 outdoor premises have sufficient lighting from dusk until dawn.

558 3. Ensure that the indoor premises where dispensing occurs
559 includes a waiting area with sufficient space and seating to
560 accommodate qualified patients and caregivers and at least one
561 private consultation area that is isolated from the waiting area
562 and area where dispensing occurs. A medical marijuana treatment
563 center may not display products or dispense marijuana or
564 marijuana delivery devices in the waiting area.

565 4. Not dispense from its premises marijuana or a marijuana
566 delivery device between the hours of 9 p.m. and 7 a.m., but may
567 perform all other operations and deliver marijuana to qualified
568 patients 24 hours a day.

569 5. Store marijuana in a secured, locked room or a vault.

570 6. Require at least two of its employees, or two employees
571 of a security agency with whom it contracts, to be on the
572 premises at all times where cultivation, processing, or storing
573 of marijuana occurs.

574 7. Require each employee or contractor to wear a photo
575 identification badge at all times while on the premises.

576 8. Require each visitor to wear a visitor pass at all times
577 while on the premises.

578 9. Implement an alcohol and drug-free workplace policy.

579 10. Report to local law enforcement and notify the
580 department through electronic mail within 24 hours after the

14-00732C-25

20251270__

581 medical marijuana treatment center is notified or becomes aware
582 of any actual or attempted ~~the~~ theft, diversion, or loss of
583 marijuana.

584 Section 5. Paragraph (d) of subsection (1) of section
585 381.988, Florida Statutes, is amended to read:

586 381.988 Medical marijuana testing laboratories; marijuana
587 tests conducted by a certified laboratory.-

588 (1) A person or entity seeking to be a certified marijuana
589 testing laboratory must:

590 (d) Require all employees, owners, and managers to submit
591 to and pass a level 2 background screening pursuant to chapter
592 435. The department shall deny certification if the person or
593 entity seeking certification has a disqualifying offense as
594 provided in s. 435.04 or has an arrest awaiting final
595 disposition for, has been found guilty of, or has entered a plea
596 of guilty or nolo contendere to, regardless of adjudication, any
597 offense listed in chapter 837, chapter 895, or chapter 896 or
598 similar law of another jurisdiction. Exemptions from
599 disqualification as provided under s. 435.07 do not apply to
600 this paragraph.

601 1. As used in this paragraph, the term:

602 a. "Employee" means any person whose duties or activities
603 involve any aspect of regulatory compliance testing or research
604 and development testing of marijuana for a certified marijuana
605 testing laboratory, regardless of whether such person is
606 compensated for his or her work.

607 b. "Manager" means any person with authority to exercise or
608 contribute to the operational control, direction, or management
609 of an applicant or certified marijuana testing laboratory or who

14-00732C-25

20251270__

610 has authority to supervise any employee of an applicant or a
611 certified marijuana testing laboratory. This includes officers
612 and board members.

613 c. "Owner" means any person who owns or controls a 5
614 percent or greater share of interests of the applicant or a
615 certified marijuana testing laboratory which include beneficial
616 or voting rights to interests. In the event that one person owns
617 a beneficial right to interests and another person holds the
618 voting rights with respect to such interests, then in such case,
619 both are considered the owner of such interests.

620 2. Such employees, owners, and managers must submit a full
621 set of fingerprints to the department or to a vendor, entity, or
622 agency authorized by s. 943.053(13). The department, vendor,
623 entity, or agency shall forward the fingerprints to the
624 Department of Law Enforcement for state processing, and the
625 Department of Law Enforcement shall forward the fingerprints to
626 the Federal Bureau of Investigation for national processing.

627 3.2. Fees for state and federal fingerprint processing and
628 retention must ~~shall~~ be borne by the certified marijuana testing
629 laboratory. The state cost for fingerprint processing is ~~shall~~
630 ~~be~~ as provided in s. 943.053(3)(e) for records provided to
631 persons or entities other than those specified as exceptions
632 therein.

633 4.3. Fingerprints submitted to the Department of Law
634 Enforcement pursuant to this paragraph must ~~shall~~ be retained by
635 the Department of Law Enforcement as provided in s. 943.05(2)(g)
636 and (h) and, when the Department of Law Enforcement begins
637 participation in the program, enrolled in the Federal Bureau of
638 Investigation's national retained print arrest notification

14-00732C-25

20251270__

639 program. Any arrest record identified must ~~shall~~ be reported to
640 the department.

641 Section 6. Section 383.141, Florida Statutes, is repealed.

642 Section 7. Section 385.203, Florida Statutes, is repealed.

643 Section 8. Section 391.221, Florida Statutes, is repealed.

644 Section 9. Section 397.333, Florida Statutes, is repealed.

645 Section 10. Paragraph (b) of subsection (2) of section
646 409.818, Florida Statutes, is amended to read:

647 409.818 Administration.—In order to implement ss. 409.810-
648 409.821, the following agencies shall have the following duties:

649 (2) The Department of Health shall:

650 ~~(b) Chair a state-level Florida Kidcare coordinating~~
651 ~~council to review and make recommendations concerning the~~
652 ~~implementation and operation of the program. The coordinating~~
653 ~~council shall include representatives from the department, the~~
654 ~~Department of Children and Families, the agency, the Florida~~
655 ~~Healthy Kids Corporation, the Office of Insurance Regulation of~~
656 ~~the Financial Services Commission, local government, health~~
657 ~~insurers, health maintenance organizations, health care~~
658 ~~providers, families participating in the program, and~~
659 ~~organizations representing low-income families.~~

660 Section 11. Section 413.271, Florida Statutes, is repealed.

661 Section 12. Section 514.028, Florida Statutes, is repealed.

662 Section 13. Paragraphs (a) and (c) of subsection (2) of
663 section 456.0145, Florida Statutes, are amended to read:

664 456.0145 Mobile Opportunity by Interstate Licensure
665 Endorsement (MOBILE) Act.—

666 (2) LICENSURE BY ENDORSEMENT.—

667 (a) An applicable board, or the department if there is no

14-00732C-25

20251270__

668 board, shall issue a license to practice in this state to an
669 applicant who meets all of the following criteria:

670 1. Submits a complete application.

671 2. Holds an active, unencumbered license issued by another
672 state, the District of Columbia, or a territory of the United
673 States in a profession with a similar scope of practice, as
674 determined by the board or department, as applicable. The term
675 "scope of practice" means the full spectrum of functions,
676 procedures, actions, and services that a health care
677 practitioner is deemed competent and authorized to perform under
678 a license issued in this state.

679 3.a. Has obtained a passing score on a national licensure
680 examination or holds a national certification recognized by the
681 board, or the department if there is no board, as applicable to
682 the profession for which the applicant is seeking licensure in
683 this state; or

684 b. Meets the requirements of paragraph (b).

685 4. Has actively practiced the profession for which the
686 applicant is applying for at least 2 ~~3~~ years during the 4-year
687 period immediately preceding the date of submission of the
688 application.

689 5. Attests that he or she is not, at the time of submission
690 of the application, the subject of a disciplinary proceeding in
691 a jurisdiction in which he or she holds a license or by the
692 United States Department of Defense for reasons related to the
693 practice of the profession for which he or she is applying.

694 6. Has not had disciplinary action taken against him or her
695 in the 5 years immediately preceding the date of submission of
696 the application.

14-00732C-25

20251270__

697 7. Meets the financial responsibility requirements of s.
698 456.048 or the applicable practice act, if required for the
699 profession for which the applicant is seeking licensure.

700 8. Submits a set of fingerprints for a background screening
701 pursuant to s. 456.0135, if required for the profession for
702 which he or she is applying.

703
704 The department shall verify information submitted by the
705 applicant under this subsection using the National Practitioner
706 Data Bank, as applicable.

707 (c) A person is ineligible for a license under this section
708 if he or she:

709 1. Has a complaint, an allegation, or an investigation
710 pending before a licensing entity in another state, the District
711 of Columbia, or a possession or territory of the United States;

712 2. Has been convicted of or pled nolo contendere to,
713 regardless of adjudication, any felony or misdemeanor related to
714 the practice of a health care profession;

715 3. Has had a health care provider license revoked or
716 suspended by another state, the District of Columbia, or a
717 territory of the United States, or has voluntarily surrendered
718 any such license in lieu of having disciplinary action taken
719 against the license; or

720 4. Has been reported to the National Practitioner Data
721 Bank, unless the reported adverse action was a result of conduct
722 that would not constitute a violation of any law or rule in this
723 state ~~applicant has successfully appealed to have his or her~~
724 ~~name removed from the data bank.~~

725 Section 14. Subsection (3) of section 468.701, Florida

14-00732C-25

20251270__

726 Statutes, is amended to read:

727 468.701 Definitions.—As used in this part, the term:

728 ~~(3) "Board" means the Board of Athletic Training.~~

729 Section 15. Section 468.703, Florida Statutes, is repealed.

730 Section 16. Section 468.705, Florida Statutes, is amended
731 to read:

732 468.705 Rulemaking authority.—The department may ~~board is~~
733 ~~authorized to~~ adopt rules pursuant to ss. 120.536(1) and 120.54
734 to implement provisions of this part conferring duties upon it.
735 ~~The provisions of s. 456.011(5) shall apply to the board's~~
736 ~~activity.~~ Such rules must ~~shall~~ include, but are not ~~be~~ limited
737 to, the allowable scope of practice regarding the use of
738 equipment, procedures, and medication; mandatory requirements
739 and guidelines for communication between the athletic trainer
740 and a physician, including the reporting to the physician of new
741 or recurring injuries or conditions; licensure requirements;
742 licensure examination; continuing education requirements; fees;
743 records and reports to be filed by licensees; protocols; and any
744 other requirements necessary to regulate the practice of
745 athletic training.

746 Section 17. Section 468.707, Florida Statutes, is amended
747 to read:

748 468.707 Licensure requirements.—Any person desiring to be
749 licensed as an athletic trainer must ~~shall~~ apply to the
750 department on a form approved by the department. An applicant
751 must ~~shall~~ also provide records or other evidence, as determined
752 by the department ~~board~~, to prove he or she has met the
753 requirements of this section. The department shall license each
754 applicant who:

14-00732C-25

20251270__

755 (1) Has completed the application form and remitted the
756 required fees.

757 (2) Has submitted to background screening pursuant to s.
758 456.0135. ~~The board may require a background screening for an~~
759 ~~applicant whose license has expired or who is undergoing~~
760 ~~disciplinary action.~~

761 (3) (a) Has obtained, at a minimum, a bachelor's degree from
762 a college or university professional athletic training degree
763 program accredited by the Commission on Accreditation of
764 Athletic Training Education or its successor organization
765 recognized and approved by the United States Department of
766 Education or the Commission on Recognition of Postsecondary
767 Accreditation, approved by the department board, or recognized
768 by the Board of Certification, and has passed the national
769 examination to be certified by the Board of Certification; or

770 (b) Has obtained, at a minimum, a bachelor's degree, has
771 completed the Board of Certification internship requirements,
772 and holds a current certification from the Board of
773 Certification.

774 (4) Has current certification in both cardiopulmonary
775 resuscitation and the use of an automated external defibrillator
776 set forth in the continuing education requirements as determined
777 by the department board pursuant to s. 468.711.

778 (5) Has completed any other requirements as determined by
779 the department ~~and approved by the board.~~

780 Section 18. Section 468.709, Florida Statutes, is amended
781 to read:

782 468.709 Fees.—

783 (1) The department board shall, by rule, establish fees for

14-00732C-25

20251270__

784 the following purposes:

- 785 (a) An application fee, not to exceed \$100.
 786 (b) An initial licensure fee, not to exceed \$200.
 787 (c) A biennial renewal fee, not to exceed \$200.
 788 (d) An inactive fee, not to exceed \$100.
 789 (e) A delinquent fee, not to exceed \$100.
 790 (f) A reactivation fee, not to exceed \$100.
 791 (g) A voluntary inactive fee, not to exceed \$100.

792 (2) The department ~~board~~ shall establish fees at a level,
 793 not to exceed the statutory fee cap, that is adequate to ensure
 794 the continued operation of the regulatory program under this
 795 part. The department may not ~~board shall neither~~ set or ~~nor~~
 796 maintain the fees at a level that will substantially exceed this
 797 need.

798 Section 19. Subsection (2) of section 468.711, Florida
 799 Statutes, is amended to read:

800 468.711 Renewal of license; continuing education.—

801 (2) The department ~~board~~ may, by rule, prescribe continuing
 802 education requirements, not to exceed 24 hours biennially. The
 803 criteria for continuing education must ~~shall~~ be approved by the
 804 department ~~board~~ and must include a current certification in
 805 both cardiopulmonary resuscitation and the use of an automated
 806 external defibrillator as set forth in the continuing education
 807 requirements as determined by the department ~~board~~.

808 Section 20. Subsection (2) of section 468.713, Florida
 809 Statutes, is amended to read:

810 468.713 Responsibilities of athletic trainers.—

811 (2) An athletic trainer shall work within his or her
 812 allowable scope of practice as specified by department ~~board~~

14-00732C-25

20251270__

813 rule under s. 468.705. An athletic trainer may not provide,
814 offer to provide, or represent that he or she is qualified to
815 provide any care or services that he or she lacks the education,
816 training, or experience to provide or that he or she is
817 otherwise prohibited by law from providing.

818 Section 21. Subsection (2) of section 468.719, Florida
819 Statutes, is amended to read:

820 468.719 Disciplinary actions.—

821 (2) The department ~~board~~ may enter an order denying
822 licensure or imposing any of the penalties in s. 456.072(2)
823 against any applicant for licensure or licensee who is found
824 guilty of violating any provision of subsection (1) of this
825 section or who is found guilty of violating any provision of s.
826 456.072(1).

827 Section 22. Subsection (2) of section 468.723, Florida
828 Statutes, is amended to read:

829 468.723 Exemptions.—This part does not prohibit or
830 restrict:

831 (2) An athletic training student acting under the direct
832 supervision of a licensed athletic trainer. For purposes of this
833 subsection, the term "direct supervision" means the physical
834 presence of an athletic trainer so that the athletic trainer is
835 immediately available to the athletic training student and able
836 to intervene on behalf of the athletic training student. The
837 supervision must comply with department ~~board~~ rule.

838 Section 23. Subsections (2), (4), (5), and (18) of section
839 468.80, Florida Statutes, are amended to read:

840 468.80 Definitions.—As used in this part, the term:

841 ~~(2) "Board" means the Board of Orthotists and Prosthetists.~~

14-00732C-25

20251270__

842 (3)~~(4)~~ "Internship" means a program in which a person
843 receives clinical experience under the supervision of a licensed
844 orthotist or prosthetist as defined by department ~~the board~~ by
845 rule.

846 (4)~~(5)~~ "Mandatory courses" means continuing education
847 courses that the department ~~board~~ has defined by rule and
848 required for license issuance or renewal. Notwithstanding s.
849 456.013(7), the department ~~board~~ shall require completion of a
850 1-hour course relating to the prevention of medical errors as a
851 part of the licensure issuance and biennial renewal process. The
852 1-hour medical errors course counts toward the total number of
853 continuing education hours required. The course must be approved
854 by the department ~~board~~, be developed specifically for the field
855 of orthotics and prosthetics, and include a study of root-cause
856 analysis, error reduction and prevention, patient safety, and
857 medical records.

858 (17)~~(18)~~ "Resident" means a person registered to practice
859 orthotics or prosthetics under the supervision of a licensed
860 orthotist or prosthetist as defined by ~~the~~ department ~~board~~ by
861 rule.

862 Section 24. Section 468.801, Florida Statutes, is repealed.

863 Section 25. Section 468.802, Florida Statutes, is amended
864 to read:

865 468.802 Authority to adopt rules.—The department ~~board~~
866 shall adopt rules pursuant to ss. 120.536(1) and 120.54 to
867 implement ~~the provisions of~~ this part, including rules relating
868 to standards of practice for orthotists, orthotic fitters,
869 orthotic fitter assistants, pedorthists, prosthetists, and
870 residents.

14-00732C-25

20251270__

871 Section 26. Subsections (2) through (5) of section 468.803,
872 Florida Statutes, as amended by section 25, chapter 2024-243,
873 Laws of Florida, are amended to read:

874 468.803 License, registration, and examination
875 requirements.—

876 (2) An applicant for registration, examination, or
877 licensure must apply to the department on a form prescribed by
878 the department ~~board for consideration of board approval~~. Each
879 initial applicant must ~~shall~~ submit fingerprints to the
880 department in accordance with s. 456.0135 and any other
881 procedures specified by the department for state and national
882 criminal history checks of the applicant. The department ~~board~~
883 shall screen the results to determine if an applicant meets
884 licensure requirements. The department ~~board~~ shall consider for
885 examination, registration, or licensure each applicant whom the
886 department ~~board~~ verifies meets all of the following criteria:

887 (a) Has submitted the completed application and completed
888 the fingerprinting requirements and has paid the applicable
889 application fee, not to exceed \$500. The application fee is
890 nonrefundable.

891 (b) Is of good moral character.

892 (c) Is 18 years of age or older.

893 (d) Has completed the appropriate educational preparation.

894 (3) A person seeking to attain the orthotics or prosthetics
895 experience required for licensure in this state must be approved
896 by the department ~~board~~ and registered as a resident by the
897 department. Although a registration may be held in both
898 disciplines, for independent registrations the department ~~board~~
899 may not approve a second registration until at least 1 year

14-00732C-25

20251270__

900 after the issuance of the first registration. Notwithstanding
901 subsection (2), a person who has been approved ~~by the board~~ and
902 registered by the department in one discipline may apply for
903 registration in the second discipline without an additional
904 state or national criminal history check during the period in
905 which the first registration is valid. Each independent
906 registration or dual registration is valid for 2 years after the
907 date of issuance unless otherwise revoked by the department ~~upon~~
908 ~~recommendation of the board~~. The department board shall set a
909 registration fee not to exceed \$500 to be paid by the applicant.
910 A registration may be renewed once by the department ~~upon~~
911 ~~recommendation of the board~~ for a period no longer than 1 year,
912 as such renewal is defined by department board rule. The renewal
913 fee may not exceed one-half the current registration fee. To be
914 considered by the department board for approval of registration
915 as a resident, the applicant must have one of the following:

916 (a) A Bachelor of Science or higher-level postgraduate
917 degree in orthotics and prosthetics from an institutionally
918 accredited college or university recognized by the Commission on
919 Accreditation of Allied Health Education Programs.

920 (b) A minimum of a bachelor's degree from an
921 institutionally accredited college or university and a
922 certificate in orthotics or prosthetics from a program
923 recognized by the Commission on Accreditation of Allied Health
924 Education Programs, or its equivalent, as determined by the
925 department board.

926 (c) A minimum of a bachelor's degree from an
927 institutionally accredited college or university and a dual
928 certificate in both orthotics and prosthetics from programs

14-00732C-25

20251270__

929 recognized by the Commission on Accreditation of Allied Health
930 Education Programs, or its equivalent, as determined by the
931 department board.

932 (4) The department may develop and administer a state
933 examination for an orthotist or a prosthetist license, ~~or the~~
934 ~~board~~ may approve the existing examination of a national
935 standards organization. The examination must be predicated on a
936 minimum of a baccalaureate-level education and formalized
937 specialized training in the appropriate field. Each examination
938 must demonstrate a minimum level of competence in basic
939 scientific knowledge, written problem solving, and practical
940 clinical patient management. The department board shall require
941 an examination fee not to exceed the actual cost to the
942 department board in developing, administering, and approving the
943 examination, which fee must be paid by the applicant. To be
944 considered by the department board for examination, the
945 applicant must have:

946 (a) For an examination in orthotics:

947 1. A Bachelor of Science or higher-level postgraduate
948 degree in orthotics and prosthetics from an institutionally
949 accredited college or university recognized by the Commission on
950 Accreditation of Allied Health Education Programs or, at a
951 minimum, a bachelor's degree from an institutionally accredited
952 college or university and a certificate in orthotics from a
953 program recognized by the Commission on Accreditation of Allied
954 Health Education Programs, or its equivalent, as determined by
955 the department board; and

956 2. An approved orthotics internship of 1 year of qualified
957 experience, as determined by the department board, or an

14-00732C-25

20251270__

958 orthotic residency or dual residency program recognized by the
959 department board.

960 (b) For an examination in prosthetics:

961 1. A Bachelor of Science or higher-level postgraduate
962 degree in orthotics and prosthetics from an institutionally
963 accredited college or university recognized by the Commission on
964 Accreditation of Allied Health Education Programs or, at a
965 minimum, a bachelor's degree from an institutionally accredited
966 college or university and a certificate in prosthetics from a
967 program recognized by the Commission on Accreditation of Allied
968 Health Education Programs, or its equivalent, as determined by
969 the department board; and

970 2. An approved prosthetics internship of 1 year of
971 qualified experience, as determined by the department board, or
972 a prosthetic residency or dual residency program recognized by
973 the department board.

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

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

978 1. A Bachelor of Science or higher-level postgraduate
979 degree in orthotics and prosthetics from an institutionally
980 accredited college or university recognized by the Commission on
981 Accreditation of Allied Health Education Programs, or a
982 bachelor's degree from an institutionally accredited college or
983 university and a certificate in orthotics from a program
984 recognized by the Commission on Accreditation of Allied Health
985 Education Programs, or its equivalent, as determined by the
986 department board;

14-00732C-25

20251270__

987 2. An approved internship of 1 year of qualified
988 experience, as determined by the department board, or a
989 residency program recognized by the department board;

990 3. Completed the mandatory courses; and

991 4. Passed the state orthotics examination or the
992 department-approved board-approved orthotics examination.

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

995 1. A Bachelor of Science or higher-level postgraduate
996 degree in orthotics and prosthetics from an institutionally
997 accredited college or university recognized by the Commission on
998 Accreditation of Allied Health Education Programs, or a
999 bachelor's degree from an institutionally accredited college or
1000 university and a certificate in prosthetics from a program
1001 recognized by the Commission on Accreditation of Allied Health
1002 Education Programs, or its equivalent, as determined by the
1003 department board;

1004 2. An internship of 1 year of qualified experience, as
1005 determined by the department board, or a residency program
1006 recognized by the department board;

1007 3. Completed the mandatory courses; and

1008 4. Passed the state prosthetics examination or the
1009 department-approved board-approved prosthetics examination.

1010 (c) An orthotic fitter, the applicant must pay a license
1011 fee not to exceed \$500 and must have:

1012 1. A high school diploma or its equivalent;

1013 2. A minimum of 40 hours of training in orthotics
1014 education, as approved by the department board;

1015 3. Two years of supervised experience in orthotics acquired

14-00732C-25

20251270__

1016 after completion of the required education, as approved by the
1017 department board; and

1018 4. Completed the mandatory courses.

1019 (d) An orthotic fitter assistant, the applicant must pay a
1020 license fee not to exceed \$500 and must have:

1021 1. A high school diploma or its equivalent;

1022 2. A minimum of 40 hours of training in orthotics
1023 education, as approved by the department board; and

1024 3. Completed the mandatory courses.

1025 (e) A pedorthist, the applicant must pay a license fee not
1026 to exceed \$500 and must have:

1027 1. A high school diploma or its equivalent;

1028 2. A minimum of 120 hours of training, as approved by the
1029 department board;

1030 3. An internship of 80 hours of qualified working
1031 experience, as determined by the department board; and

1032 4. Completed the mandatory courses.

1033 Section 27. Section 468.806, Florida Statutes, is amended
1034 to read:

1035 468.806 Biennial renewal of license.—

1036 (1) The department shall renew a license upon receipt of
1037 the required documentation, renewal application, and renewal
1038 fee, not to exceed \$500, as set by the department board. The
1039 applicant for license renewal must submit information necessary
1040 to conduct a statewide criminal history check along with payment
1041 in an amount equal to the costs incurred by the department for a
1042 statewide criminal history check. The department shall submit
1043 the required information for a statewide criminal history check
1044 of the applicant to the Department of Law Enforcement.

14-00732C-25

20251270__

1045 (2) The department ~~board~~ shall adopt rules establishing a
1046 procedure for the biennial license renewal.

1047 (3) The department ~~board~~ may by rule prescribe continuing
1048 education requirements and approve course criteria, not to
1049 exceed 30 hours biennially, as a condition for license renewal.
1050 The department ~~board~~ shall establish by rule mandatory courses
1051 to safeguard the welfare of the public and licensed
1052 practitioners, standards and qualifications for continuing
1053 education courses, standards and qualifications for course
1054 providers, and a procedure for approving continuing education
1055 courses and providers and set a fee for continuing education
1056 course and provider approval.

1057 Section 28. Section 468.808, Florida Statutes, is amended
1058 to read:

1059 468.808 Support personnel.—A person must be licensed to
1060 practice orthotics, prosthetics, or pedorthics in this state.
1061 However, a licensed orthotist, prosthetist, or pedorthist may
1062 delegate duties, not to include patient evaluation, treatment
1063 formulation, or the final fitting of a device before ~~prior to~~
1064 patient use, to nonlicensed support personnel. All other
1065 delegated duties must be performed under the supervision, as
1066 defined by department ~~the board~~ by rule, of a licensed
1067 orthotist, prosthetist, or pedorthist, and the persons acting as
1068 support personnel must be identified as such by wearing an
1069 identification tag as defined by department ~~the board~~ by rule.
1070 In such instances the supervising licensee is responsible for
1071 all acts performed by such persons.

1072 Section 29. Paragraph (a) of subsection (1) of section
1073 468.809, Florida Statutes, is amended to read:

14-00732C-25

20251270__

1074 468.809 Prohibitions; penalties.—

1075 (1) A person may not:

1076 (a) Make a false or fraudulent statement in any
1077 application, affidavit, or statement presented to the department
1078 ~~board~~ or in any proceeding before the department board.

1079 Section 30. Subsections (1) and (3) of section 468.8095,
1080 Florida Statutes, are amended to read:

1081 468.8095 Practitioner and resident identification.—

1082 (1) A licensee or person registered with the department
1083 shall post a license or registration and a recent photograph of
1084 the licensee or registrant at each facility where patients are
1085 seen by the licensee or registrant in a manner determined by
1086 department ~~the board~~ by rule. This requirement does not extend
1087 to areas where the licensee or registrant may visit and normally
1088 does not treat patients. The posted license or registration must
1089 be valid.

1090 (3) During patient contact, each licensee or person
1091 registered with the department shall prominently wear an
1092 identification tag or badge with the name, recent photograph,
1093 and license or registration number, as applicable, of the
1094 licensee or registrant. The size and appearance of the
1095 identification tag or badge is ~~shall be~~ determined by department
1096 ~~the board~~ by rule. Persons licensed in more than one practice
1097 field under this part may list both license numbers. Licensees
1098 or registrants working in facilities requiring the wearing of a
1099 specific identification tag may substitute the identification
1100 tag or badge required by this subsection with the facility's
1101 design as determined by the department board.

1102 Section 31. Subsection (2) of section 468.811, Florida

14-00732C-25

20251270__

1103 Statutes, is amended to read:

1104 468.811 Disciplinary proceedings.—

1105 (2) The department ~~board~~ may enter an order denying
1106 licensure or imposing any of the penalties in s. 456.072(2)
1107 against any applicant for licensure or licensee who is found
1108 guilty of violating any provision of subsection (1) of this
1109 section or who is found guilty of violating any provision of s.
1110 456.072(1).

1111 Section 32. Subsections (2), (3), and (6) of section
1112 484.002, Florida Statutes, are amended to read:

1113 484.002 Definitions.—As used in this part:

1114 (2) ~~“Board” means the Board of Opticianry.~~

1115 ~~(3)~~ “Opticianry” means the preparation and dispensing of
1116 lenses, spectacles, eyeglasses, contact lenses, and other
1117 optical devices to the intended user or agent thereof, upon the
1118 written prescription of a licensed allopathic or osteopathic
1119 physician or optometrist who is duly licensed to practice or
1120 upon presentation of a duplicate prescription. The selection of
1121 frame designs, the actual sales transaction, and the transfer of
1122 physical possession of lenses, spectacles, eyeglasses, contact
1123 lenses, and other optical devices subsequent to performance of
1124 all services of the optician are ~~shall~~ not be considered the
1125 practice of opticianry; however, such physical possession may
1126 ~~shall~~ not be transferred until the optician has completed the
1127 fitting of the optical device upon the customer. The practice of
1128 opticianry also includes the duplication of lenses accurately as
1129 to power, without prescription. A department-certified ~~board-~~
1130 ~~certified~~ optician qualified and operating under rules
1131 established by the department ~~board~~ may fill, fit, adapt, or

14-00732C-25

20251270__

1132 dispense any soft contact lens prescription. Such optician may
1133 fill, fit, adapt, or dispense any extended wear or hard contact
1134 lens prescription to the extent authorized to do so by the
1135 prescribing allopathic or osteopathic physician or optometrist.

1136 (5) ~~(6)~~ "Department-certified ~~Board-certified~~ optician"
1137 means an optician licensed in this state who:

1138 (a) Has passed the National Contact Lens Registry
1139 Examination;

1140 (b) Has successfully completed a department-approved ~~board-~~
1141 ~~approved~~ course of at least 20 contact hours covering the
1142 competencies required in fitting, adapting, and dispensing of
1143 contact lenses;

1144 (c) Has met any other requirements established by the
1145 department ~~board~~ to assure competence in the fitting, adapting,
1146 and dispensing of contact lenses;

1147 (d) Has completed the application form and remitted a
1148 nonrefundable application fee set by the department ~~board~~ not to
1149 exceed \$100; and

1150 (e) Has been issued a certificate by the department.

1151 Section 33. Section 484.003, Florida Statutes, is repealed.

1152 Section 34. Section 484.004, Florida Statutes, is repealed.

1153 Section 35. Section 484.005, Florida Statutes, is amended
1154 to read:

1155 484.005 Authority to make rules.—The department may ~~board~~
1156 ~~has authority to~~ adopt rules pursuant to ss. 120.536(1) and
1157 120.54 to implement the provisions of this part conferring
1158 duties upon it. Such rules must ~~shall~~ include, but need not be
1159 limited to, rules relating to:

1160 (1) A standard of practice for opticians licensed pursuant

14-00732C-25

20251270__

1161 to this part.

1162 (2) Minimum equipment which must ~~shall~~ be used ~~utilized~~ to
1163 prepare, fit, measure, and dispense lenses, spectacles,
1164 eyeglasses, contact lenses, and other optical devices allowed
1165 under the practice of opticianry.

1166 (3) Procedures for transfer of prescription files upon the
1167 going out of business of an optician, corporation, or other
1168 person.

1169 (4) A standard of practice for filling prescriptions for
1170 contact lenses and fitting, adapting, and dispensing contact
1171 lenses.

1172 Section 36. Section 484.006, Florida Statutes, is amended
1173 to read:

1174 484.006 Certain rules prohibited.—The department may not
1175 adopt any rule or policy that prohibits:

1176 (1) ~~No rule or policy of the board shall prohibit~~ Any
1177 optician from offering a discount in any form or manner in
1178 conjunction with the practice of opticianry or from advertising,
1179 either directly or indirectly by any means whatsoever, any
1180 definite or indefinite price or credit terms on prescriptive or
1181 corrective lenses, frames, complete prescriptive or corrective
1182 glasses, or other opticianry service.

1183 (2) ~~No rule or policy of the board shall prohibit~~ Any
1184 optician from practicing jointly with optometrists or allopathic
1185 or osteopathic physicians licensed in this state.

1186 (3) ~~No rule or policy of the board shall prohibit~~ The sale
1187 of spectacles for reading purposes; toy glasses; goggles or
1188 sunglasses consisting of plano white, plano colored, or plano
1189 tinted glasses; or readymade nonprescription glasses; nor may

14-00732C-25

20251270__

1190 ~~shall~~ anything in this part be construed to affect in any way
1191 the manufacturing and sale of plastic or glass artificial eyes
1192 or any person engaged in the manufacturing or sale of plastic or
1193 glass artificial eyes.

1194 ~~(4) No rule or policy of the board shall prohibit~~ Any
1195 optician licensed under this part from engaging in the practice
1196 of opticianry with, or in the employ of, any partnership,
1197 corporation, lay body, organization, group, or individual.

1198 ~~(5) No rule or policy of the board shall prohibit~~ The
1199 location of offices or branch offices by an optician.

1200 ~~(6) No rule or policy of the board shall prohibit~~ The
1201 practice of opticianry under a trade name or service mark.

1202 Section 37. Subsections (1) and (3) of section 484.007,
1203 Florida Statutes, as amended by section 30 of chapter 2024-243,
1204 Laws of Florida, are amended to read:

1205 484.007 Licensure of opticians; permitting of optical
1206 establishments.—

1207 (1) Any person desiring to practice opticianry must ~~shall~~
1208 apply to the department, upon forms prescribed by it, to take a
1209 licensure examination. The department shall examine each
1210 applicant who ~~the board certifies~~ meets all of the following
1211 criteria:

1212 (a) Has completed the application form and remitted a
1213 nonrefundable application fee set by the department ~~board~~, in
1214 the amount of \$100 or less, and an examination fee set by the
1215 department ~~board~~, in the amount of \$325 plus the actual per
1216 applicant cost to the department for purchase of portions of the
1217 examination from the American Board of Opticianry or a similar
1218 national organization, or less, and refundable if the department

14-00732C-25

20251270__

1219 ~~board~~ finds the applicant ineligible to take the examination.

1220 (b) Submits to background screening in accordance with s.

1221 456.0135.

1222 (c) Is not younger than 18 years of age.

1223 (d) Is a graduate of an accredited high school or possesses

1224 a certificate of equivalency of a high school education.

1225 (e)1. Has received an associate degree, or its equivalent,

1226 in opticianry from an educational institution the curriculum of

1227 which is accredited by an accrediting agency recognized and

1228 approved by the United States Department of Education or the

1229 Council on Postsecondary Education or approved by the department

1230 ~~board~~; or

1231 2. Has registered as an apprentice with the department and

1232 paid a registration fee not to exceed \$60, as set by department

1233 ~~rule of the board~~. The apprentice must ~~shall~~ complete 6,240

1234 hours of training under the supervision of an optician licensed

1235 in this state for at least 1 year or of a physician or

1236 optometrist licensed under the laws of this state. These

1237 requirements must be met within 5 years after the date of

1238 registration. However, any time spent in a recognized school may

1239 be considered as part of the apprenticeship program provided

1240 herein. The department ~~board~~ may establish administrative

1241 processing fees sufficient to cover the cost of administering

1242 apprentice rules as adopted ~~promulgated~~ by the department ~~board~~.

1243 (3) The department ~~board~~ shall certify ~~to the department~~

1244 for licensure by endorsement any applicant who meets the

1245 requirements for licensure by endorsement under s. 456.0145.

1246 Section 38. Section 484.008, Florida Statutes, is amended

1247 to read:

14-00732C-25

20251270__

1248 484.008 Renewal of license.—

1249 (1) The department shall renew a license upon receipt of
1250 the renewal application and the fee set by the department ~~board~~
1251 not to exceed \$350.

1252 (2) The department shall adopt rules establishing a
1253 procedure for the biennial renewal of licenses.

1254 (3) The department ~~board~~ may by rule prescribe continuing
1255 education, not to exceed 20 hours biennially, as a condition for
1256 renewal of a license or certificate. The criteria for such
1257 programs or courses must ~~shall~~ be approved by the department
1258 ~~board~~. All education programs which contribute to the
1259 advancement, extension, or enhancement of professional skills
1260 and knowledge, whether conducted by a nonprofit or a
1261 profitmaking entity, are eligible for approval. The department
1262 ~~board~~ may establish by rule an application fee not to exceed
1263 \$200 for anyone seeking approval to provide continuing education
1264 courses and may provide by rule for a fee not to exceed \$200 for
1265 renewal of providership.

1266 (4) The department ~~board~~ may excuse any licensee or group
1267 of licensees from the continuing education requirement, until
1268 the licensee or group of licensees is capable of fulfilling the
1269 continuing education requirement, if an unusual circumstance,
1270 emergency, or hardship prevented the licensee or group of
1271 licensees from complying with such requirement.

1272 Section 39. Section 484.009, Florida Statutes, is amended
1273 to read:

1274 484.009 Inactive status.—

1275 (1) A license that has become inactive may be reactivated
1276 under s. 484.008 upon application to the department. The

14-00732C-25

20251270__

1277 department ~~board~~ shall prescribe by rule continuing education
1278 requirements as a condition of reactivating a license. The
1279 continuing education requirements for reactivating a license may
1280 not exceed 12 classroom hours for each year the license was
1281 inactive.

1282 (2) The department ~~board~~ shall adopt ~~promulgate~~ rules
1283 relating to licenses which have become inactive and for the
1284 renewal of inactive licenses. The department ~~board~~ shall
1285 prescribe by rule a fee not to exceed \$200 for the reactivation
1286 of an inactive license and a fee not to exceed \$50 for the
1287 renewal of an inactive license.

1288 Section 40. Section 484.011, Florida Statutes, is amended
1289 to read:

1290 484.011 Supportive personnel.—No person other than a
1291 licensed optician may engage in the practice of opticianry,
1292 except that a licensed optician may delegate to nonlicensed
1293 supportive personnel those duties, tasks, and functions which
1294 fall within the purview of s. 484.002(2) ~~s. 484.002(3)~~. All such
1295 delegated acts shall be performed under the direct supervision
1296 of a licensed optician, who shall be responsible for all such
1297 acts performed by persons under her or his supervision.

1298 Section 41. Subsection (2) of section 484.012, Florida
1299 Statutes, is amended to read:

1300 484.012 Prescriptions; filing; duplication of
1301 prescriptions; duplication of lenses.—

1302 (2) Upon request by the intended user of the prescribed
1303 lenses, spectacles, eyeglasses, contact lenses, or other optical
1304 devices, or by an agent of the intended user, the optician who
1305 fills the original prescription shall duplicate, on a form

14-00732C-25

20251270__

1306 prescribed by rule of the department ~~board~~, the original
1307 prescription. However, for medical reasons only, the prescribing
1308 allopathic or osteopathic physician or optometrist may, upon the
1309 original prescription, prohibit its duplication. Any duplication
1310 is ~~shall be~~ considered a valid prescription to be filled for a
1311 period of 5 years from the date of the original prescription,
1312 except that a contact lens prescription is ~~shall be~~ considered a
1313 valid prescription to be filled for a period of 2 years from the
1314 date of the original prescription.

1315 Section 42. Paragraph (a) of subsection (1) of section
1316 484.013, Florida Statutes, is amended to read:

1317 484.013 Violations and penalties.—

1318 (1) It is unlawful for any person:

1319 (a) To make a false or fraudulent statement, either for
1320 herself or himself or for another person, in any application,
1321 affidavit, or statement presented to the department ~~board~~ or in
1322 any proceeding before the department ~~board~~.

1323 Section 43. Paragraphs (a) and (m) of subsection (1) and
1324 subsections (2) and (3) of section 484.014, Florida Statutes,
1325 are amended to read:

1326 484.014 Disciplinary actions.—

1327 (1) The following acts constitute grounds for denial of a
1328 license or disciplinary action, as specified in s. 456.072(2):

1329 (a) Procuring, or attempting to procure, a license by
1330 misrepresentation, bribery, or fraud or through an error of the
1331 department ~~or the board~~.

1332 (m) Willfully failing to report any person who the licensee
1333 knows is in violation of this part or of rules of the department
1334 ~~or the board~~.

14-00732C-25

20251270__

1335 (2) The department ~~board~~ may enter an order denying
1336 licensure or imposing any of the penalties in s. 456.072(2)
1337 against any applicant for licensure or licensee who is found
1338 guilty of violating any provision of subsection (1) of this
1339 section or who is found guilty of violating any provision of s.
1340 456.072(1).

1341 (3) The department may ~~board shall~~ not reinstate the
1342 license of an optician it has deemed unqualified until such time
1343 as it is satisfied that the optician has complied with all the
1344 terms and conditions set forth in the final order and that such
1345 person is capable of safely engaging in the practice of
1346 opticianry.

1347 Section 44. Section 484.017, Florida Statutes, is amended
1348 to read:

1349 484.017 Reciprocity.—In order to ensure that opticians
1350 licensed in this state may be licensed in other states, the
1351 department ~~board~~ may enter into reciprocity agreements with
1352 other states.

1353 Section 45. Subsection (1) of section 484.041, Florida
1354 Statutes, is amended to read:

1355 484.041 Definitions.—As used in this part, the term:
1356 ~~(1) "Board" means the Board of Hearing Aid Specialists.~~

1357 Section 46. Section 484.042, Florida Statutes, is repealed.

1358 Section 47. Section 484.043, Florida Statutes, is repealed.

1359 Section 48. Section 484.044, Florida Statutes, is amended
1360 to read:

1361 484.044 Authority to make rules.—

1362 (1) The department may ~~board has authority to~~ adopt rules
1363 pursuant to ss. 120.536(1) and 120.54 to implement the

14-00732C-25

20251270__

1364 provisions of this part conferring duties upon it.

1365 (2) The department ~~board~~ shall adopt rules requiring that
1366 each prospective purchaser of a prescription hearing aid be
1367 notified by the attending hearing aid specialist, at the time of
1368 the initial examination for fitting and sale of a hearing aid,
1369 of telecoil, "t" coil, or "t" switch technology. The rules must
1370 ~~shall~~ further require that hearing aid specialists make
1371 available to prospective purchasers or clients information
1372 regarding telecoils, "t" coils, or "t" switches.

1373 Section 49. Section 484.0445, Florida Statutes, is amended
1374 to read:

1375 484.0445 Training program.—

1376 (1) The department ~~board~~ shall establish by rule a training
1377 program for a minimum 6 months in length, which may include a
1378 department-approved ~~board-approved~~ home study course.

1379 (2) A trainee shall perform the functions of a hearing aid
1380 specialist in accordance with department ~~board~~ rules only under
1381 the direct supervision of a licensed hearing aid specialist. The
1382 term "direct supervision" means that the sponsor is responsible
1383 for all work being performed by the trainee. The sponsor or a
1384 hearing aid specialist designated by the sponsor shall give
1385 final approval to work performed by the trainee and shall be
1386 physically present at the time the prescription hearing aid is
1387 delivered to the client.

1388 (3) The department ~~board~~ may limit pursuant to rule the
1389 number of trainees a hearing aid specialist may supervise.

1390 (4) The department ~~board~~ may, by rule, require that a
1391 licensed hearing aid specialist acting as a sponsor or as the
1392 designee of a sponsor under this section be certified by the

14-00732C-25

20251270__

1393 National Board for Certification in Hearing Instrument Sciences.

1394 Section 50. Section 484.0447, Florida Statutes, is amended
1395 to read:

1396 484.0447 Fees.—The department ~~board~~ shall by rule establish
1397 fees to be paid as follows:

1398 (1) Examination application fee, not to exceed \$150;

1399 (2) Examination fee, not to exceed \$175, which is
1400 refundable if the applicant is found to be ineligible to take
1401 the examination;

1402 (3) Reexamination fee, not to exceed \$175;

1403 (4) Initial licensure fee, not to exceed \$600;

1404 (5) Trainee registration fee, not to exceed \$100; and

1405 (6) Biennial renewal fee, not to exceed \$600.

1406 Section 51. Subsections (2) and (3) of section 484.045,
1407 Florida Statutes, as amended by section 31 of chapter 2024-243,
1408 Laws of Florida, are amended to read:

1409 484.045 Licensure by examination.—

1410 (2) The department shall license each applicant who ~~the~~
1411 ~~board certifies~~ meets all of the following criteria:

1412 (a) Has completed the application form and remitted the
1413 required fees.

1414 (b) Has submitted to background screening in accordance
1415 with s. 456.0135.

1416 (c) Is of good moral character.

1417 (d) Is 18 years of age or older.

1418 (e) Is a graduate of an accredited high school or its
1419 equivalent.

1420 (f)1. Has met the requirements of the training program; or

1421 2.a. Has a valid, current license as a hearing aid

14-00732C-25

20251270__

1422 specialist or its equivalent from another state and has been
1423 actively practicing in such capacity for at least 12 months; or

1424 b. Is currently certified by the National Board for
1425 Certification in Hearing Instrument Sciences and has been
1426 actively practicing for at least 12 months.

1427 (g) Has passed an examination, as prescribed by department
1428 ~~board~~ rule.

1429 (h) Has demonstrated, in a manner designated by rule of the
1430 department board, knowledge of state laws and rules relating to
1431 the fitting and dispensing of prescription hearing aids.

1432 (3) A person who fails the examination may make application
1433 for reexamination to the appropriate examining entity, as
1434 prescribed by department board rule.

1435 Section 52. Section 484.047, Florida Statutes, is amended
1436 to read:

1437 484.047 Renewal of license.—

1438 (1) The department board by rule shall provide a method for
1439 the biennial renewal of a license.

1440 (2) In addition to the other requirements for renewal
1441 provided in this section and by the department board, the
1442 department shall renew a license upon receipt of the renewal
1443 application and the renewal fee. A licensee must maintain, if
1444 applicable, a certificate from a manufacturer or independent
1445 testing agent certifying that the testing room meets the
1446 requirements of s. 484.0501(6) and, if applicable, a certificate
1447 from a manufacturer or independent testing agent stating that
1448 all audiometric testing equipment used by the licensee has been
1449 calibrated acoustically to American National Standards Institute
1450 standards on an annual basis. Possession of an applicable

14-00732C-25

20251270__

1451 certificate is a prerequisite to renewal.

1452 (3) A licensee shall notify the department ~~board~~ in writing
1453 of any change of address.

1454 (4) The department ~~board~~ may adopt rules to require no more
1455 than 30 approved hours of mandatory continuing education for the
1456 renewal of a hearing aid specialist's license.

1457 Section 53. Subsection (7) of section 484.0501, Florida
1458 Statutes, is amended to read:

1459 484.0501 Minimal procedures and equipment.—

1460 (7) The department ~~board~~ may prescribe the minimum
1461 procedures and equipment which must be used in the conducting of
1462 hearing assessments, and for the fitting and selling of
1463 prescription hearing aids, including equipment that will measure
1464 the prescription hearing aid's response curves to ensure that
1465 they meet the manufacturer's specifications. These procedures
1466 and equipment may differ from those provided in this section in
1467 order to take full advantage of devices and equipment which may
1468 hereafter become available and which are demonstrated to be of
1469 greater efficiency and accuracy. The department ~~board~~ shall
1470 adopt and enforce rules necessary to implement this subsection
1471 and subsection (6).

1472 Section 54. Subsections (1) and (2) of section 484.0512,
1473 Florida Statutes, are amended to read:

1474 484.0512 Thirty-day trial period; purchaser's right to
1475 cancel; notice; refund; cancellation fee; criminal penalty.—

1476 (1) A person selling a prescription hearing aid in this
1477 state must provide the buyer with written notice of a 30-day
1478 trial period and money-back guarantee. The guarantee must permit
1479 the purchaser to cancel the purchase for a valid reason, as

14-00732C-25

20251270__

1480 defined by department ~~board~~ rule, within 30 days after receiving
1481 the prescription hearing aid, by returning the prescription
1482 hearing aid or mailing written notice of cancellation to the
1483 seller. If the prescription hearing aid must be repaired,
1484 remade, or adjusted during the 30-day trial period, the running
1485 of the 30-day trial period is suspended 1 day for each 24-hour
1486 period that the prescription hearing aid is not in the
1487 purchaser's possession. A repaired, remade, or adjusted
1488 prescription hearing aid must be claimed by the purchaser within
1489 3 working days after notification of availability. The running
1490 of the 30-day trial period resumes on the day the purchaser
1491 reclaims the repaired, remade, or adjusted prescription hearing
1492 aid or on the fourth day after notification of availability,
1493 whichever occurs earlier.

1494 (2) The department ~~board~~, in consultation with the Board of
1495 Speech-Language Pathology and Audiology, shall prescribe by rule
1496 the terms and conditions to be contained in the money-back
1497 guarantee and any exceptions thereto. Such rules must provide,
1498 at a minimum, that the charges for earmolds and service provided
1499 to fit the prescription hearing aid may be retained by the
1500 licensee. The rules must also set forth any reasonable charges
1501 to be held by the licensee as a cancellation fee. The terms and
1502 conditions of the guarantee, including the total amount
1503 available for refund, must be provided in writing to the
1504 purchaser before the signing of the contract.

1505 Section 55. Paragraph (d) of subsection (1) and subsection
1506 (3) of section 484.053, Florida Statutes, are amended to read:

1507 484.053 Prohibitions; penalties.—

1508 (1) A person may not:

14-00732C-25

20251270__

1509 (d) Give false, incomplete, or forged evidence to the
1510 department board ~~or a member thereof~~ for the purposes of
1511 obtaining a license;

1512 (3) If a person licensed under this part allows the sale of
1513 a prescription hearing aid by an unlicensed person not
1514 registered as a trainee or fails to comply with the requirements
1515 of s. 484.0445(2) relating to supervision of trainees, the
1516 department board ~~board~~ must, upon determination of that violation,
1517 order the full refund of moneys paid by the purchaser upon
1518 return of the prescription hearing aid to the seller's place of
1519 business.

1520 Section 56. Paragraphs (b) and (t) of subsection (1) and
1521 subsections (2) and (3) of section 484.056, Florida Statutes,
1522 are amended to read:

1523 484.056 Disciplinary proceedings.—

1524 (1) The following acts constitute grounds for denial of a
1525 license or disciplinary action, as specified in s. 456.072(2):

1526 (b) Attempting to procure a license to dispense hearing
1527 aids by bribery, by fraudulent misrepresentations, or through an
1528 error of the department ~~or the board~~.

1529 (t) Failure to submit to the department board ~~board~~ on an annual
1530 basis, or such other basis as may be provided by rule,
1531 certification of testing and calibration of audiometric testing
1532 equipment on the form approved by the department board ~~board~~.

1533 (2) (a) The department board ~~board~~ may enter an order denying
1534 licensure or imposing any of the penalties in s. 456.072(2)
1535 against any applicant for licensure or licensee who is found
1536 guilty of violating any provision of subsection (1) of this
1537 section or who is found guilty of violating any provision of s.

14-00732C-25

20251270__

1538 456.072 (1).

1539 (b) The department ~~board~~ shall revoke the license of any
1540 hearing aid specialist found guilty of canvassing as described
1541 in this section.

1542 (3) The department shall reissue the license of a hearing
1543 aid specialist who has been disciplined upon certification by
1544 the department ~~board~~ that the hearing aid specialist has
1545 complied with all of the terms and conditions set forth in the
1546 final order.

1547 Section 57. Subsection (4) of section 484.059, Florida
1548 Statutes, is amended to read:

1549 484.059 Exemptions.—

1550 (4) Section 484.053(1)(a) does not apply to registered
1551 trainees operating in compliance with this part and department
1552 ~~board~~ rules.

1553 Section 58. Section 486.112, Florida Statutes, is amended
1554 to read:

1555 486.112 Physical Therapy Licensure Compact.—The Physical
1556 Therapy Licensure Compact is hereby enacted into law and entered
1557 into by this state with all other jurisdictions legally joining
1558 therein in the form substantially as follows:

1559

1560 ARTICLE I

1561 PURPOSE AND OBJECTIVES

1562

1563 (1) The purpose of the compact is to facilitate interstate
1564 practice of physical therapy with the goal of improving public
1565 access to physical therapy services. The compact preserves the
1566 regulatory authority of member states to protect public health

14-00732C-25

20251270__

1567 and safety through their current systems of state licensure. For
1568 purposes of state regulation under the compact, the practice of
1569 physical therapy is deemed to have occurred in the state where
1570 the patient is located at the time physical therapy is provided
1571 to the patient.

1572 (2) The compact is designed to achieve all of the following
1573 objectives:

1574 (a) Increase public access to physical therapy services by
1575 providing for the mutual recognition of other member state
1576 licenses.

1577 (b) Enhance the states' ability to protect the public's
1578 health and safety.

1579 (c) Encourage the cooperation of member states in
1580 regulating multistate physical therapy practice.

1581 (d) Support spouses of relocating military members.

1582 (e) Enhance the exchange of licensure, investigative, and
1583 disciplinary information between member states.

1584 (f) Allow a remote state to hold a provider of services
1585 with a compact privilege in that state accountable to that
1586 state's practice standards.

1587
1588 ARTICLE II

1589 DEFINITIONS

1590
1591 As used in the compact, and except as otherwise provided,
1592 the term:

1593 (1) "Active duty military" means full-time duty status in
1594 the active uniformed service of the United States, including
1595 members of the National Guard and Reserve on active duty orders

14-00732C-25

20251270__

1596 pursuant to 10 U.S.C. chapter 1209 or chapter 1211.

1597 (2) "Adverse action" means disciplinary action taken by a
1598 physical therapy licensing board based upon misconduct,
1599 unacceptable performance, or a combination of both.

1600 (3) "Alternative program" means a nondisciplinary
1601 monitoring or practice remediation process approved by a state's
1602 physical therapy licensing board. The term includes, but is not
1603 limited to, programs that address substance abuse issues.

1604 (4) "Compact privilege" means the authorization granted by
1605 a remote state to allow a licensee from another member state to
1606 practice as a physical therapist or physical therapist assistant
1607 in the remote state under its laws and rules.

1608 (5) "Continuing competence" means a requirement, as a
1609 condition of license renewal, to provide evidence of
1610 participation in, and completion of, educational and
1611 professional activities relevant to the practice of physical
1612 therapy.

1613 (6) "Data system" means the coordinated database and
1614 reporting system created by the Physical Therapy Compact
1615 Commission for the exchange of information between member states
1616 relating to licensees or applicants under the compact, including
1617 identifying information, licensure data, investigative
1618 information, adverse actions, nonconfidential information
1619 related to alternative program participation, any denials of
1620 applications for licensure, and other information as specified
1621 by commission rule.

1622 (7) "Encumbered license" means a license that a physical
1623 therapy licensing board has limited in any way.

1624 (8) "Executive board" means a group of directors elected or

14-00732C-25

20251270__

1625 appointed to act on behalf of, and within the powers granted to
1626 them by, the commission.

1627 (9) "Home state" means the member state that is the
1628 licensee's primary state of residence.

1629 (10) "Investigative information" means information,
1630 records, and documents received or generated by a physical
1631 therapy licensing board pursuant to an investigation.

1632 (11) "Jurisprudence requirement" means the assessment of an
1633 individual's knowledge of the laws and rules governing the
1634 practice of physical therapy in a specific state.

1635 (12) "Licensee" means an individual who currently holds an
1636 authorization from a state to practice as a physical therapist
1637 or physical therapist assistant.

1638 (13) "Member state" means a state that has enacted the
1639 compact.

1640 (14) "Party state" means any member state in which a
1641 licensee holds a current license or compact privilege or is
1642 applying for a license or compact privilege.

1643 (15) "Physical therapist" means an individual licensed by a
1644 state to practice physical therapy.

1645 (16)~~(15)~~ "Physical therapist assistant" means an individual
1646 licensed by a state to assist a physical therapist in specified
1647 areas of physical therapy.

1648 (17)~~(16)~~ "Physical therapy" or "the practice of physical
1649 therapy" means the care and services provided by or under the
1650 direction and supervision of a licensed physical therapist.

1651 (18)~~(17)~~ "Physical Therapy Compact Commission" or
1652 "commission" means the national administrative body whose
1653 membership consists of all states that have enacted the compact.

14-00732C-25

20251270__

1683 record search on criminal background checks to make licensure
1684 decisions in accordance with subsection (2).

1685 (e) Comply with the commission's rules.

1686 (f) Use a recognized national examination as a requirement
1687 for licensure pursuant to the commission's rules.

1688 (g) Have continuing competence requirements as a condition
1689 for license renewal.

1690 (2) Upon adoption of the compact, a member state has the
1691 authority to obtain biometric-based information from each
1692 licensee applying for a compact privilege and submit this
1693 information to the Federal Bureau of Investigation for a
1694 criminal background check in accordance with 28 U.S.C. s. 534
1695 and 34 U.S.C. s. 40316.

1696 (3) A member state must grant the compact privilege to a
1697 licensee holding a valid unencumbered license in another member
1698 state in accordance with the terms of the compact and rules.

1699

1700 ARTICLE IV

1701 COMPACT PRIVILEGE

1702

1703 (1) To exercise the compact privilege under the compact, a
1704 licensee must satisfy all of the following conditions:

1705 (a) Hold a license in the home state.

1706 (b) Not have an encumbrance on any state license.

1707 (c) Be eligible for a compact privilege in all member
1708 states in accordance with subsections (4), (7), and (8).

1709 (d) Not have had an adverse action against any license or
1710 compact privilege within the preceding 2 years.

1711 (e) Notify the commission that the licensee is seeking the

14-00732C-25

20251270__

1712 compact privilege within a remote state.

1713 (f) Meet any jurisprudence requirements established by the
1714 remote state in which the licensee is seeking a compact
1715 privilege.

1716 (g) Report to the commission adverse action taken by any
1717 nonmember state within 30 days after the date the adverse action
1718 is taken.

1719 (2) The compact privilege is valid until the expiration
1720 date of the home license. The licensee must continue to meet the
1721 requirements of subsection (1) to maintain the compact privilege
1722 in a remote state.

1723 (3) A licensee providing physical therapy in a remote state
1724 under the compact privilege must comply with the laws and rules
1725 of the remote state.

1726 (4) A licensee providing physical therapy in a remote state
1727 is subject to that state's regulatory authority. A remote state
1728 may, in accordance with due process and that state's laws,
1729 remove a licensee's compact privilege in the remote state for a
1730 specific period of time, impose fines, and take any other
1731 necessary actions to protect the health and safety of its
1732 citizens. The licensee is not eligible for a compact privilege
1733 in any member state until the specific period of time for
1734 removal has ended and all fines are paid.

1735 (5) If a home state license is encumbered, the licensee
1736 loses the compact privilege in any remote state until the
1737 following conditions are met:

1738 (a) The home state license is no longer encumbered.

1739 (b) Two years have elapsed from the date of the adverse
1740 action.

14-00732C-25

20251270__

1741 (6) Once an encumbered license in the home state is
1742 restored to good standing, the licensee must meet the
1743 requirements of subsection (1) to obtain a compact privilege in
1744 any remote state.

1745 (7) If a licensee's compact privilege in any remote state
1746 is removed, the licensee loses the compact privilege in all
1747 remote states until all of the following conditions are met:

1748 (a) The specific period of time for which the compact
1749 privilege was removed has ended.

1750 (b) All fines have been paid.

1751 (c) Two years have elapsed from the date of the adverse
1752 action.

1753 (8) Once the requirements of subsection (7) have been met,
1754 the licensee must meet the requirements of subsection (1) to
1755 obtain a compact privilege in a remote state.

1756

1757 ARTICLE V

1758 ACTIVE DUTY MILITARY PERSONNEL

1759 AND THEIR SPOUSES

1760

1761 A licensee who is active duty military or is the spouse of
1762 an individual who is active duty military may choose any of the
1763 following locations to designate his or her home state:

1764 (1) Home of record.

1765 (2) Permanent change of station location.

1766 (3) State of current residence, if it is different from the
1767 home of record or permanent change of station location.

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1769 ARTICLE VI

14-00732C-25

20251270__

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ADVERSE ACTIONS

(1) A home state has exclusive power to impose adverse action against a license issued by the home state.

(2) A home state may take adverse action based on the investigative information of a remote state, so long as the home state follows its own procedures for imposing adverse action.

(3) The compact does not override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation remain nonpublic if required by the member state's laws. Member states must require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

(4) A member state may investigate actual or alleged violations of the laws and rules for the practice of physical therapy committed in any other member state by a physical therapist or physical therapist assistant practicing under the compact who holds a license or compact privilege in such other member state.

(5) A remote state may do any of the following:

(a) Take adverse actions as set forth in subsection (4) of Article IV against a licensee's compact privilege in the state.

(b) Issue subpoenas for both hearings and investigations which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a physical therapy licensing board in a party ~~member~~ state for the attendance and testimony of witnesses or for the production of evidence from

14-00732C-25

20251270__

1799 another party ~~member~~ state must be enforced in the latter state
1800 by any court of competent jurisdiction, according to the
1801 practice and procedure of that court applicable to subpoenas
1802 issued in proceedings pending before it. The issuing authority
1803 shall pay any witness fees, travel expenses, mileage, and other
1804 fees required by the service laws of the state where the
1805 witnesses or evidence is located.

1806 (c) If otherwise permitted by state law, recover from the
1807 licensee the costs of investigations and disposition of cases
1808 resulting from any adverse action taken against that licensee.

1809 (6) (a) In addition to the authority granted to a member
1810 state by its respective physical therapy practice act or other
1811 applicable state law, a member state may participate with other
1812 member states in joint investigations of licensees.

1813 (b) Member states shall share any investigative,
1814 litigation, or compliance materials in furtherance of any joint
1815 or individual investigation initiated under the compact.

1816 ARTICLE VII

1817 ESTABLISHMENT OF THE

1818 PHYSICAL THERAPY COMPACT COMMISSION

1819
1820 (1) COMMISSION CREATED.—The member states hereby create and
1821 establish a joint public agency known as the Physical Therapy
1822 Compact Commission:

1823 (a) The commission is an instrumentality of the member
1824 states.

1825 (b) Venue is proper, and judicial proceedings by or against
1826 the commission must be brought solely and exclusively, in a
1827 court of competent jurisdiction where the principal office of

14-00732C-25

20251270__

1828 the commission is located. The commission may waive venue and
1829 jurisdictional defenses to the extent it adopts or consents to
1830 participate in alternative dispute resolution proceedings.

1831 (c) The compact may not be construed to be a waiver of
1832 sovereign immunity.

1833 (2) MEMBERSHIP, VOTING, AND MEETINGS.—

1834 (a) Each member state has and is limited to one delegate
1835 selected by that member state's physical therapy licensing board
1836 to serve on the commission. The delegate must be a current
1837 member of the physical therapy licensing board who is a physical
1838 therapist, a physical therapist assistant, a public member, or
1839 the board administrator.

1840 (b) A delegate may be removed or suspended from office as
1841 provided by the law of the state from which the delegate is
1842 appointed. Any vacancy occurring on the commission must be
1843 filled by the physical therapy licensing board of the member
1844 state for which the vacancy exists.

1845 (c) Each delegate is entitled to one vote with regard to
1846 the adoption of rules and bylaws and shall otherwise have an
1847 opportunity to participate in the business and affairs of the
1848 commission.

1849 (d) A delegate shall vote in person or by such other means
1850 as provided in the bylaws. The bylaws may provide for delegates'
1851 participation in meetings by telephone or other means of
1852 communication.

1853 (e) The commission shall meet at least once during each
1854 calendar year. Additional meetings may be held as set forth in
1855 the bylaws.

1856 (f) All meetings must be open to the public, and public

14-00732C-25

20251270__

1857 notice of meetings must be given in the same manner as required
1858 under the rulemaking provisions in Article IX.

1859 (g) The commission or the executive board or other
1860 committees of the commission may convene in a closed, nonpublic
1861 meeting if the commission or executive board or other committees
1862 of the commission must discuss any of the following:

1863 1. Noncompliance of a member state with its obligations
1864 under the compact.

1865 2. The employment, compensation, or discipline of, or other
1866 matters, practices, or procedures related to, specific employees
1867 or other matters related to the commission's internal personnel
1868 practices and procedures.

1869 3. Current, threatened, or reasonably anticipated
1870 litigation against the commission, executive board, or other
1871 committees of the commission.

1872 4. Negotiation of contracts for the purchase, lease, or
1873 sale of goods, services, or real estate.

1874 5. An accusation of any person of a crime or a formal
1875 censure of any person.

1876 6. Information disclosing trade secrets or commercial or
1877 financial information that is privileged or confidential.

1878 7. Information of a personal nature where disclosure would
1879 constitute a clearly unwarranted invasion of personal privacy.

1880 8. Investigatory records compiled for law enforcement
1881 purposes.

1882 9. Information related to any investigative reports
1883 prepared by or on behalf of or for use of the commission or
1884 other committee charged with responsibility for investigation or
1885 determination of compliance issues pursuant to the compact.

14-00732C-25

20251270__

1886 10. Matters specifically exempted from disclosure by
1887 federal or member state statute.

1888 (h) If a meeting, or portion of a meeting, is closed
1889 pursuant to this subsection, the commission's legal counsel or
1890 designee must certify that the meeting may be closed and must
1891 reference each relevant exempting provision.

1892 (i) The commission shall keep minutes that fully and
1893 clearly describe all matters discussed in a meeting and shall
1894 provide a full and accurate summary of actions taken and the
1895 reasons therefor, including a description of the views
1896 expressed. All documents considered in connection with an action
1897 must be identified in the minutes. All minutes and documents of
1898 a closed meeting must remain under seal, subject to release only
1899 by a majority vote of the commission or order of a court of
1900 competent jurisdiction.

1901 (3) DUTIES.—The commission shall do all of the following:

1902 (a) Establish the fiscal year of the commission.

1903 (b) Establish bylaws.

1904 (c) Maintain its financial records in accordance with the
1905 bylaws.

1906 (d) Meet and take such actions as are consistent with the
1907 provisions of the compact and the bylaws.

1908 (4) POWERS.—The commission may do any of the following:

1909 (a) Adopt uniform rules to facilitate and coordinate
1910 implementation and administration of the compact. The rules have
1911 the force and effect of law and are binding in all member
1912 states.

1913 (b) Bring and prosecute legal proceedings or actions in the
1914 name of the commission, provided that the standing of any state

14-00732C-25

20251270__

1915 physical therapy licensing board to sue or be sued under
1916 applicable law is not affected.

1917 (c) Purchase and maintain insurance and bonds.

1918 (d) Borrow, accept, or contract for services of personnel,
1919 including, but not limited to, employees of a member state.

1920 (e) Hire employees and elect or appoint officers; fix the
1921 compensation of, define the duties of, and grant appropriate
1922 authority to such individuals to carry out the purposes of the
1923 compact; and establish the commission's personnel policies and
1924 programs relating to conflicts of interest, qualifications of
1925 personnel, and other related personnel matters.

1926 (f) Accept any appropriate donations and grants of money,
1927 equipment, supplies, materials, and services and receive, use,
1928 and dispose of the same, provided that at all times the
1929 commission avoids any appearance of impropriety or conflict of
1930 interest.

1931 (g) Lease, purchase, accept appropriate gifts or donations
1932 of, or otherwise own, hold, improve, or use any property, real,
1933 personal, or mixed, provided that at all times the commission
1934 avoids any appearance of impropriety or conflict of interest.

1935 (h) Sell, convey, mortgage, pledge, lease, exchange,
1936 abandon, or otherwise dispose of any property, real, personal,
1937 or mixed.

1938 (i) Establish a budget and make expenditures.

1939 (j) Borrow money.

1940 (k) Appoint committees, including standing committees
1941 composed of members, state regulators, state legislators or
1942 their representatives, and consumer representatives, and such
1943 other interested persons as may be designated in the compact and

14-00732C-25

20251270__

1944 the bylaws.

1945 (l) Provide information to, receive information from, and
1946 cooperate with law enforcement agencies.

1947 (m) Establish and elect an executive board.

1948 (n) Perform such other functions as may be necessary or
1949 appropriate to achieve the purposes of the compact consistent
1950 with the state regulation of physical therapy licensure and
1951 practice.

1952 (5) THE EXECUTIVE BOARD.—

1953 (a) The executive board may act on behalf of the commission
1954 according to the terms of the compact.

1955 (b) The executive board shall be composed of the following
1956 nine members:

1957 1. Seven voting members who are elected by the commission
1958 from the current membership of the commission.

1959 2. One ex officio, nonvoting member from the recognized
1960 national physical therapy professional association.

1961 3. One ex officio, nonvoting member from the recognized
1962 membership organization of the physical therapy licensing
1963 boards.

1964 (c) The ex officio members shall be selected by their
1965 respective organizations.

1966 (d) The commission may remove any member of the executive
1967 board as provided in its bylaws.

1968 (e) The executive board shall meet at least annually.

1969 (f) The executive board shall do all of the following:

1970 1. Recommend to the entire commission changes to the rules
1971 or bylaws, compact legislation, fees paid by compact member
1972 states, such as annual dues, and any commission compact fee

14-00732C-25

20251270__

1973 charged to licensees for the compact privilege.

1974 2. Ensure compact administration services are appropriately
1975 provided, contractually or otherwise.

1976 3. Prepare and recommend the budget.

1977 4. Maintain financial records on behalf of the commission.

1978 5. Monitor compact compliance of member states and provide
1979 compliance reports to the commission.

1980 6. Establish additional committees as necessary.

1981 7. Perform other duties as provided in the rules or bylaws.

1982 (6) FINANCING OF THE COMMISSION.—

1983 (a) The commission shall pay, or provide for the payment
1984 of, the reasonable expenses of its establishment, organization,
1985 and ongoing activities.

1986 (b) The commission may accept any appropriate revenue
1987 sources, donations, and grants of money, equipment, supplies,
1988 materials, and services.

1989 (c) The commission may levy and collect an annual
1990 assessment from each member state or impose fees on other
1991 parties to cover the cost of the operations and activities of
1992 the commission and its staff. Such assessments and fees must
1993 total to an amount sufficient to cover the commission's annual
1994 budget as approved each year for which revenue is not provided
1995 by other sources. The aggregate annual assessment amount must be
1996 allocated based upon a formula to be determined by the
1997 commission, which shall adopt a rule binding upon all member
1998 states.

1999 (d) The commission may not incur obligations of any kind
2000 before securing the funds adequate to meet such obligations; nor
2001 may the commission pledge the credit of any of the member

14-00732C-25

20251270__

2002 states, except by and with the authority of the member state.

2003 (e) The commission shall keep accurate accounts of all
2004 receipts and disbursements. The receipts and disbursements of
2005 the commission are subject to the audit and accounting
2006 procedures established under its bylaws. However, all receipts
2007 and disbursements of funds handled by the commission must be
2008 audited yearly by a certified or licensed public accountant, and
2009 the report of the audit must be included in and become part of
2010 the annual report of the commission.

2011 (7) QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION.—

2012 (a) The members, officers, executive director, employees,
2013 and representatives of the commission are immune from suit and
2014 liability, whether personally or in their official capacity, for
2015 any claim for damage to or loss of property or personal injury
2016 or other civil liability caused by or arising out of any actual
2017 or alleged act, error, or omission that occurred, or that the
2018 person against whom the claim is made had a reasonable basis for
2019 believing occurred, within the scope of commission employment,
2020 duties, or responsibilities. However, this paragraph may not be
2021 construed to protect any such person from suit or liability for
2022 any damage, loss, injury, or liability caused by the
2023 intentional, willful, or wanton misconduct of that person.

2024 (b) The commission shall defend any member, officer,
2025 executive director, employee, or representative of the
2026 commission in any civil action seeking to impose liability
2027 arising out of any actual or alleged act, error, or omission
2028 that occurred within the scope of commission employment, duties,
2029 or responsibilities, or that the person against whom the claim
2030 is made had a reasonable basis for believing occurred within the

14-00732C-25

20251270__

2031 scope of commission employment, duties, or responsibilities.
2032 However, this subsection may not be construed to prohibit any
2033 member, officer, executive director, employee, or representative
2034 of the commission from retaining his or her own counsel or to
2035 require the commission to defend such person if the actual or
2036 alleged act, error, or omission resulted from that person's
2037 intentional, willful, or wanton misconduct.

2038 (c) The commission shall indemnify and hold harmless any
2039 member, officer, executive director, employee, or representative
2040 of the commission for the amount of any settlement or judgment
2041 obtained against that person arising out of any actual or
2042 alleged act, error, or omission that occurred within the scope
2043 of commission employment, duties, or responsibilities, or that
2044 such person had a reasonable basis for believing occurred within
2045 the scope of commission employment, duties, or responsibilities,
2046 provided that the actual or alleged act, error, or omission did
2047 not result from the intentional, willful, or wanton misconduct
2048 of that person.

2049

2050 ARTICLE VIII

2051 DATA SYSTEM

2052

2053 (1) The commission shall provide for the development,
2054 maintenance, and use of a coordinated database and reporting
2055 system containing licensure, adverse action, and investigative
2056 information on all licensees in member states.

2057 (2) Notwithstanding any other provision of state law to the
2058 contrary, a member state shall submit a uniform data set to the
2059 data system on all individuals to whom the compact is applicable

14-00732C-25

20251270__

2060 as required by the rules of the commission, which data set must
2061 include all of the following:

2062 (a) Identifying information.

2063 (b) Licensure data.

2064 (c) Investigative information.

2065 (d) Adverse actions against a license or compact privilege.

2066 (e) Nonconfidential information related to alternative
2067 program participation.

2068 (f) Any denial of application for licensure, and the reason
2069 for such denial.

2070 (g) Other information that may facilitate the
2071 administration of the compact, as determined by the rules of the
2072 commission.

2073 (3) Investigative information in the system pertaining to a
2074 licensee in any member state must be available only to other
2075 party member states.

2076 (4) The commission shall promptly notify all member states
2077 of any adverse action taken against a licensee or an individual
2078 applying for a license in a member state. Adverse action
2079 information pertaining to a licensee in any member state must be
2080 available to all other member states.

2081 (5) Member states contributing information to the data
2082 system may designate information that may not be shared with the
2083 public without the express permission of the contributing state.

2084 (6) Any information submitted to the data system which is
2085 subsequently required to be expunged by the laws of the member
2086 state contributing the information must be removed from the data
2087 system.

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14-00732C-25

20251270__

2089 ARTICLE IX
2090 RULEMAKING
2091

2092 (1) The commission shall exercise its rulemaking powers
2093 pursuant to the criteria set forth in this article and the rules
2094 adopted thereunder. Rules and amendments become binding as of
2095 the date specified in each rule or amendment.

2096 (2) If a majority of the legislatures of the member states
2097 rejects a rule by enactment of a statute or resolution in the
2098 same manner used to adopt the compact within 4 years after the
2099 date of adoption of the rule, such rule does not have further
2100 force and effect in any member state.

2101 (3) Rules or amendments to the rules must be adopted at a
2102 regular or special meeting of the commission.

2103 (4) Before adoption of a final rule by the commission, and
2104 at least 30 days before the meeting at which the rule will be
2105 considered and voted upon, the commission must file a notice of
2106 proposed rulemaking on all of the following:

2107 (a) The website of the commission or another publicly
2108 accessible platform.

2109 (b) The website of each member state physical therapy
2110 licensing board or another publicly accessible platform or the
2111 publication in which each state would otherwise publish proposed
2112 rules.

2113 (5) The notice of proposed rulemaking must include all of
2114 the following:

2115 (a) The proposed date, time, and location of the meeting in
2116 which the rule or amendment will be considered and voted upon.

2117 (b) The text of the proposed rule or amendment and the

14-00732C-25

20251270__

2118 reason for the proposed rule.

2119 (c) A request for comments on the proposed rule or
2120 amendment from any interested person.

2121 (d) The manner in which interested persons may submit
2122 notice to the commission of their intention to attend the public
2123 hearing and any written comments.

2124 (6) Before adoption of a proposed rule or amendment, the
2125 commission must allow persons to submit written data, facts,
2126 opinions, and arguments, which must be made available to the
2127 public.

2128 (7) The commission must grant an opportunity for a public
2129 hearing before it adopts a rule or an amendment if a hearing is
2130 requested by any of the following:

2131 (a) At least 25 persons.

2132 (b) A state or federal governmental subdivision or agency.

2133 (c) An association having at least 25 members.

2134 (8) If a scheduled public hearing is held on the proposed
2135 rule or amendment, the commission must publish the date, time,
2136 and location of the hearing. If the hearing is held through
2137 electronic means, the commission must publish the mechanism for
2138 access to the electronic hearing.

2139 (a) All persons wishing to be heard at the hearing must
2140 notify the executive director of the commission or another
2141 designated member in writing of their desire to appear and
2142 testify at the hearing at least 5 business days before the
2143 scheduled date of the hearing.

2144 (b) Hearings must be conducted in a manner providing each
2145 person who wishes to comment a fair and reasonable opportunity
2146 to comment orally or in writing.

14-00732C-25

20251270__

2147 (c) All hearings must be recorded. A copy of the recording
2148 must be made available on request.

2149 (d) This article may not be construed to require a separate
2150 hearing on each rule. Rules may be grouped for the convenience
2151 of the commission at hearings required by this article.

2152 (9) Following the scheduled hearing date, or by the close
2153 of business on the scheduled hearing date if the hearing was not
2154 held, the commission shall consider all written and oral
2155 comments received.

2156 (10) If no written notice of intent to attend the public
2157 hearing by interested parties is received, the commission may
2158 proceed with adoption of the proposed rule without a public
2159 hearing.

2160 (11) The commission shall, by majority vote of all members,
2161 take final action on the proposed rule and shall determine the
2162 effective date of the rule, if any, based on the rulemaking
2163 record and the full text of the rule.

2164 (12) Upon determination that an emergency exists, the
2165 commission may consider and adopt an emergency rule without
2166 prior notice, opportunity for comment, or hearing, provided that
2167 the usual rulemaking procedures provided in the compact and in
2168 this article are retroactively applied to the rule as soon as
2169 reasonably possible, in no event later than 90 days after the
2170 effective date of the rule. For the purposes of this subsection,
2171 an emergency rule is one that must be adopted immediately in
2172 order to do any of the following:

2173 (a) Meet an imminent threat to public health, safety, or
2174 welfare.

2175 (b) Prevent a loss of commission or member state funds.

14-00732C-25

20251270__

2176 (c) Meet a deadline for the adoption of an administrative
2177 rule established by federal law or rule.

2178 (d) Protect public health and safety.

2179 (13) The commission or an authorized committee of the
2180 commission may direct revisions to a previously adopted rule or
2181 amendment for purposes of correcting typographical errors,
2182 errors in format, errors in consistency, or grammatical errors.
2183 Public notice of any revisions must be posted on the website of
2184 the commission. The revision is subject to challenge by any
2185 person for a period of 30 days after posting. The revision may
2186 be challenged only on grounds that the revision results in a
2187 material change to a rule. A challenge must be made in writing
2188 and delivered to the chair of the commission before the end of
2189 the notice period. If a challenge is not made, the revision
2190 takes effect without further action. If the revision is
2191 challenged, the revision may not take effect without the
2192 approval of the commission.

2193

2194 ARTICLE X

2195 OVERSIGHT, DISPUTE RESOLUTION,

2196 AND ENFORCEMENT

2197

2198 (1) OVERSIGHT.—

2199 (a) The executive, legislative, and judicial branches of
2200 state government in each member state shall enforce the compact
2201 and take all actions necessary and appropriate to carry out the
2202 compact's purposes and intent. The provisions of the compact and
2203 the rules adopted pursuant thereto shall have standing as
2204 statutory law.

14-00732C-25

20251270__

2205 (b) All courts shall take judicial notice of the compact
2206 and the rules in any judicial or administrative proceeding in a
2207 member state pertaining to the subject matter of the compact
2208 which may affect the powers, responsibilities, or actions of the
2209 commission.

2210 (c) The commission is entitled to receive service of
2211 process in any such proceeding and has standing to intervene in
2212 such a proceeding for all purposes. Failure to provide service
2213 of process to the commission renders a judgment or an order void
2214 as to the commission, the compact, or the adopted rules.

2215 (2) DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION.—

2216 (a) If the commission determines that a member state has
2217 defaulted in the performance of its obligations or
2218 responsibilities under the compact or the adopted rules, the
2219 commission must do all of the following:

2220 1. Provide written notice to the defaulting state and other
2221 member states of the nature of the default, the proposed means
2222 of curing the default, and any other action to be taken by the
2223 commission.

2224 2. Provide remedial training and specific technical
2225 assistance regarding the default.

2226 (b) If a state in default fails to cure the default, the
2227 defaulting state may be terminated from the compact upon an
2228 affirmative vote of a majority of the member states, and all
2229 rights, privileges, and benefits conferred by the compact may be
2230 terminated on the effective date of termination. A cure of the
2231 default does not relieve the offending state of obligations or
2232 liabilities incurred during the period of default.

2233 (c) Termination of membership in the compact may be imposed

14-00732C-25

20251270__

2234 only after all other means of securing compliance have been
2235 exhausted. The commission shall give notice of intent to suspend
2236 or terminate a defaulting member state to the governor and
2237 majority and minority leaders of the defaulting state's
2238 legislature and to each of the member states.

2239 (d) A state that has been terminated from the compact is
2240 responsible for all assessments, obligations, and liabilities
2241 incurred through the effective date of termination, including
2242 obligations that extend beyond the effective date of
2243 termination.

2244 (e) The commission does not bear any costs related to a
2245 state that is found to be in default or that has been terminated
2246 from the compact, unless agreed upon in writing between the
2247 commission and the defaulting state.

2248 (f) The defaulting state may appeal the action of the
2249 commission by petitioning the United States District Court for
2250 the District of Columbia or the federal district where the
2251 commission has its principal offices. The prevailing member
2252 shall be awarded all costs of such litigation, including
2253 reasonable attorney fees.

2254 (3) DISPUTE RESOLUTION.—

2255 (a) Upon request by a member state, the commission must
2256 attempt to resolve disputes related to the compact which arise
2257 among member states and between member and nonmember states.

2258 (b) The commission shall adopt a rule providing for both
2259 mediation and binding dispute resolution for disputes as
2260 appropriate.

2261 (4) ENFORCEMENT.—

2262 (a) The commission, in the reasonable exercise of its

14-00732C-25

20251270__

2263 discretion, shall enforce the compact and the commission's
2264 rules.

2265 (b) By majority vote, the commission may initiate legal
2266 action in the United States District Court for the District of
2267 Columbia or the federal district where the commission has its
2268 principal offices against a member state in default to enforce
2269 compliance with the provisions of the compact and its adopted
2270 rules and bylaws. The relief sought may include both injunctive
2271 relief and damages. In the event judicial enforcement is
2272 necessary, the prevailing member shall be awarded all costs of
2273 such litigation, including reasonable attorney fees.

2274 (c) The remedies under this article are not the exclusive
2275 remedies of the commission. The commission may pursue any other
2276 remedies available under federal or state law.

2277

2278

ARTICLE XI

2279

DATE OF IMPLEMENTATION OF THE

2280

PHYSICAL THERAPY COMPACT

2281

AND ASSOCIATED RULES; WITHDRAWAL;

2282

AND AMENDMENTS

2283

2284 (1) The compact becomes effective on the date that the
2285 compact statute is enacted into law in the tenth member state.
2286 The provisions that become effective at that time are limited to
2287 the powers granted to the commission relating to assembly and
2288 the adoption of rules. Thereafter, the commission shall meet and
2289 exercise rulemaking powers necessary for the implementation and
2290 administration of the compact.

2291 (2) Any state that joins the compact subsequent to the

14-00732C-25

20251270__

2292 commission's initial adoption of the rules is subject to the
2293 rules as they exist on the date that the compact becomes law in
2294 that state. Any rule that has been previously adopted by the
2295 commission has the full force and effect of law on the day the
2296 compact becomes law in that state.

2297 (3) Any member state may withdraw from the compact by
2298 enacting a statute repealing the same.

2299 (a) A member state's withdrawal does not take effect until
2300 6 months after enactment of the repealing statute.

2301 (b) Withdrawal does not affect the continuing requirement
2302 of the withdrawing state's physical therapy licensing board to
2303 comply with the investigative and adverse action reporting
2304 requirements of this act before the effective date of
2305 withdrawal.

2306 (4) The compact may not be construed to invalidate or
2307 prevent any physical therapy licensure agreement or other
2308 cooperative arrangement between a member state and a nonmember
2309 state which does not conflict with the provisions of the
2310 compact.

2311 (5) The compact may be amended by the member states. An
2312 amendment to the compact does not become effective and binding
2313 upon any member state until it is enacted into the laws of all
2314 member states.

2315

2316

ARTICLE XII

2317

CONSTRUCTION AND SEVERABILITY

2318

2319 The compact must be liberally construed so as to carry out
2320 the purposes thereof. The provisions of the compact are

14-00732C-25

20251270__

2321 severable, and if any phrase, clause, sentence, or provision of
2322 the compact is declared to be contrary to the constitution of
2323 any party ~~member~~ state or of the United States or the
2324 applicability thereof to any government, agency, person, or
2325 circumstance is held invalid, the validity of the remainder of
2326 the compact and the applicability thereof to any government,
2327 agency, person, or circumstance is not affected thereby. If the
2328 compact is held contrary to the constitution of any party ~~member~~
2329 state, the compact remains in full force and effect as to the
2330 remaining party ~~member~~ states and in full force and effect as to
2331 the party ~~member~~ state affected as to all severable matters.

2332 Section 59. Paragraph (g) of subsection (3) of section
2333 20.43, Florida Statutes, is amended to read:

2334 20.43 Department of Health.—There is created a Department
2335 of Health.

2336 (3) The following divisions of the Department of Health are
2337 established:

2338 (g) Division of Medical Quality Assurance, which is
2339 responsible for the following boards and professions established
2340 within the division:

- 2341 1. The Board of Acupuncture, created under chapter 457.
- 2342 2. The Board of Medicine, created under chapter 458.
- 2343 3. The Board of Osteopathic Medicine, created under chapter
2344 459.
- 2345 4. The Board of Chiropractic Medicine, created under
2346 chapter 460.
- 2347 5. The Board of Podiatric Medicine, created under chapter
2348 461.
- 2349 6. Naturopathy, as provided under chapter 462.

14-00732C-25

20251270__

- 2350 7. The Board of Optometry, created under chapter 463.
- 2351 8. The Board of Nursing, created under part I of chapter
- 2352 464.
- 2353 9. Nursing assistants, as provided under part II of chapter
- 2354 464.
- 2355 10. The Board of Pharmacy, created under chapter 465.
- 2356 11. The Board of Dentistry, created under chapter 466.
- 2357 12. Midwifery, as provided under chapter 467.
- 2358 13. The Board of Speech-Language Pathology and Audiology,
- 2359 created under part I of chapter 468.
- 2360 14. The Board of Nursing Home Administrators, created under
- 2361 part II of chapter 468.
- 2362 15. The Board of Occupational Therapy, created under part
- 2363 III of chapter 468.
- 2364 16. Respiratory therapy, as provided under part V of
- 2365 chapter 468.
- 2366 17. Dietetics and nutrition practice, as provided under
- 2367 part X of chapter 468.
- 2368 18. ~~The Board of Athletic~~ trainers, as provided ~~Training,~~
- 2369 ~~created~~ under part XIII of chapter 468.
- 2370 19. ~~The Board of~~ Orthotists and prosthetists, as provided
- 2371 ~~created~~ under part XIV of chapter 468.
- 2372 20. Electrolysis, as provided under chapter 478.
- 2373 21. The Board of Massage Therapy, created under chapter
- 2374 480.
- 2375 22. The Board of Clinical Laboratory Personnel, created
- 2376 under part I of chapter 483.
- 2377 23. Medical physicists, as provided under part II of
- 2378 chapter 483.

14-00732C-25

20251270__

2379 24. ~~The Board of~~ Opticianry, as provided ~~created~~ under part
2380 I of chapter 484.

2381 25. ~~The Board of~~ Hearing aid specialists, as provided
2382 ~~created~~ under part II of chapter 484.

2383 26. The Board of Physical Therapy Practice, created under
2384 chapter 486.

2385 27. The Board of Psychology, created under chapter 490.

2386 28. School psychologists, as provided under chapter 490.

2387 29. The Board of Clinical Social Work, Marriage and Family
2388 Therapy, and Mental Health Counseling, created under chapter
2389 491.

2390 30. Emergency medical technicians and paramedics, as
2391 provided under part III of chapter 401.

2392 Section 60. Paragraph (a) of subsection (5) of section
2393 943.031, Florida Statutes, is amended to read:

2394 943.031 Florida Violent Crime and Drug Control Council.—

2395 (5) DUTIES OF COUNCIL.—Subject to funding provided to the
2396 department by the Legislature, the council shall provide advice
2397 and make recommendations, as necessary, to the executive
2398 director of the department.

2399 (a) The council may advise the executive director on the
2400 feasibility of undertaking initiatives which include, but are
2401 not limited to, the following:

2402 1. Establishing a program that provides grants to criminal
2403 justice agencies that develop and implement effective violent
2404 crime prevention and investigative programs and which provides
2405 grants to law enforcement agencies for the purpose of drug
2406 control, criminal gang, and illicit money laundering
2407 investigative efforts or task force efforts that are determined

14-00732C-25

20251270__

2408 by the council to significantly contribute to achieving the
2409 state's goal of reducing drug-related crime, that represent
2410 significant criminal gang investigative efforts, or that
2411 represent a significant illicit money laundering investigative
2412 effort, ~~or that otherwise significantly support statewide~~
2413 ~~strategies developed by the Statewide Drug Policy Advisory~~
2414 ~~Council established under s. 397.333~~, subject to the limitations
2415 provided in this section. The grant program may include an
2416 innovations grant program to provide startup funding for new
2417 initiatives by local and state law enforcement agencies to
2418 combat violent crime or to implement drug control, criminal
2419 gang, or illicit money laundering investigative efforts or task
2420 force efforts by law enforcement agencies, including, but not
2421 limited to, initiatives such as:

- 2422 a. Providing enhanced community-oriented policing.
- 2423 b. Providing additional undercover officers and other
2424 investigative officers to assist with violent crime
2425 investigations in emergency situations.
- 2426 c. Providing funding for multiagency or statewide drug
2427 control, criminal gang, or illicit money laundering
2428 investigative efforts or task force efforts that cannot be
2429 reasonably funded completely by alternative sources and that
2430 significantly contribute to achieving the state's goal of
2431 reducing drug-related crime, that represent significant criminal
2432 gang investigative efforts, or that represent a significant
2433 illicit money laundering investigative effort, ~~or that otherwise~~
2434 ~~significantly support statewide strategies developed by the~~
2435 ~~Statewide Drug Policy Advisory Council established under s.~~
2436 ~~397.333~~.

14-00732C-25

20251270__

2437 2. Expanding the use of automated biometric identification
2438 systems at the state and local levels.

2439 3. Identifying methods to prevent violent crime.

2440 4. Identifying methods to enhance multiagency or statewide
2441 drug control, criminal gang, or illicit money laundering
2442 investigative efforts or task force efforts that significantly
2443 contribute to achieving the state's goal of reducing drug-
2444 related crime, that represent significant criminal gang
2445 investigative efforts, or that represent a significant illicit
2446 money laundering investigative effort, ~~or that otherwise~~
2447 ~~significantly support statewide strategies developed by the~~
2448 ~~Statewide Drug Policy Advisory Council established under s.~~
2449 ~~397.333.~~

2450 5. Enhancing criminal justice training programs that
2451 address violent crime, drug control, illicit money laundering
2452 investigative techniques, or efforts to control and eliminate
2453 criminal gangs.

2454 6. Developing and promoting crime prevention services and
2455 educational programs that serve the public, including, but not
2456 limited to:

2457 a. Enhanced victim and witness counseling services that
2458 also provide crisis intervention, information referral,
2459 transportation, and emergency financial assistance.

2460 b. A well-publicized rewards program for the apprehension
2461 and conviction of criminals who perpetrate violent crimes.

2462 7. Enhancing information sharing and assistance in the
2463 criminal justice community by expanding the use of community
2464 partnerships and community policing programs. Such expansion may
2465 include the use of civilian employees or volunteers to relieve

14-00732C-25

20251270__

2466 law enforcement officers of clerical work in order to enable the
 2467 officers to concentrate on street visibility within the
 2468 community.

2469 Section 61. Paragraph (a) of subsection (1) of section
 2470 943.042, Florida Statutes, is amended to read:

2471 943.042 Violent Crime Investigative Emergency and Drug
 2472 Control Strategy Implementation Account.—

2473 (1) There is created a Violent Crime Investigative
 2474 Emergency and Drug Control Strategy Implementation Account
 2475 within the Department of Law Enforcement Operating Trust Fund.
 2476 The account shall be used to provide emergency supplemental
 2477 funds to:

2478 (a) State and local law enforcement agencies that are
 2479 involved in complex and lengthy violent crime investigations, or
 2480 matching funding to multiagency or statewide drug control or
 2481 illicit money laundering investigative efforts or task force
 2482 efforts that significantly contribute to achieving the state's
 2483 goal of reducing drug-related crime or that represent a
 2484 significant illicit money laundering investigative effort, ~~or~~
 2485 ~~that otherwise significantly support statewide strategies~~
 2486 ~~developed by the Statewide Drug Policy Advisory Council~~
 2487 ~~established under s. 397.333;~~

2488 Section 62. Paragraph (a) of subsection (5) of section
 2489 1004.6495, Florida Statutes, is amended to read:

2490 1004.6495 Florida Postsecondary Comprehensive Transition
 2491 Program and Florida Center for Students with Unique Abilities.—

2492 (5) CENTER RESPONSIBILITIES.—The Florida Center for
 2493 Students with Unique Abilities is established within the
 2494 University of Central Florida. At a minimum, the center shall:

14-00732C-25

20251270__

2495 (a) Disseminate information to students with disabilities
2496 and their parents, including, but not limited to:

2497 1. Education programs, services, and resources that are
2498 available at eligible institutions.

2499 2. Supports, accommodations, technical assistance, or
2500 training provided by eligible institutions, ~~the advisory council~~
2501 ~~established pursuant to s. 383.141,~~ and regional autism centers
2502 established pursuant to s. 1004.55.

2503 3. Mentoring, networking, and employment opportunities.

2504 Section 63. The Department of Health shall conduct a
2505 comprehensive study to evaluate and determine the efficiency of
2506 boards and councils within the department. The department shall
2507 submit a report of its findings and recommendations to the
2508 Governor, the President of the Senate, and the Speaker of the
2509 House of Representatives no later than December 15, 2025.

2510 Section 64. This act shall take effect July 1, 2025.