

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,
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 | amending s. 486.112, F.S.; defining the term "party
43 | state"; conforming provisions; repealing s. 468.703,
44 | F.S., relating to the Board of Athletic Training;
45 | amending ss. 468.701, 468.705, 468.707, 468.709,
46 | 468.711, 468.713, 468.719, and 468.723, F.S.;
47 | conforming provisions to changes made by the act to
48 | make the department, instead of the Board of Athletic
49 | Training, responsible for regulating athletic
50 | training; repealing s. 468.801, F.S., relating to the

51 Board of Orthotists and Prosthetists; amending ss.
52 468.80, 468.802, 468.803, 468.806, 468.808, 468.809,
53 468.8095, and 468.811, F.S.; conforming provisions to
54 changes made by the act to make the department,
55 instead of the Board of Orthotists and Prosthetists,
56 responsible for regulating orthotics and prosthetics;
57 repealing ss. 484.003 and 484.004, F.S., relating to
58 the Board of Opticianry and board headquarters,
59 respectively; amending ss. 484.002, 484.005, 484.006,
60 484.007, 484.008, 484.009, 484.011, 484.012, 484.013,
61 484.014, and 484.017, F.S.; conforming provisions to
62 changes made by the act to make the department,
63 instead of the Board of Opticianry, responsible for
64 regulating opticianry; repealing ss. 484.042 and
65 484.043, F.S., relating to the Board of Hearing Aid
66 Specialists and board headquarters, respectively;
67 amending ss. 484.041, 484.044, 484.0445, 484.0447,
68 484.045, 484.047, 484.0501, 484.0512, 484.053,
69 484.056, and 484.059, F.S.; conforming provisions to
70 changes made by the act to make the department,
71 instead of the Board of Hearing Aid Specialists,
72 responsible for regulating hearing aid specialists;
73 amending ss. 20.43, 943.031, 943.042, and 1004.6495,
74 F.S.; conforming provisions to changes made by the
75 act; requiring the department to conduct a

76 comprehensive study for a specified study of the
 77 boards and councils within the department; requiring
 78 the department to submit a report of its findings and
 79 recommendations to the Governor and the Legislature by
 80 a specified date; providing an effective date.

81

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

83

84 **Section 1. Notwithstanding the scheduled repeal in section**
 85 **9 of chapter 2023-43, Laws of Florida, paragraph (g) of**
 86 **subsection (2) of section 381.00316, Florida Statutes, is**
 87 **reenacted to read:**

88 381.00316 Discrimination by governmental and business
 89 entities based on health care choices; prohibition.—

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

91 (g) "Messenger ribonucleic acid vaccine" means any vaccine
 92 that uses laboratory-produced messenger ribonucleic acid to
 93 trigger the human body's immune system to generate an immune
 94 response.

95 **Section 2. Notwithstanding the scheduled repeal in section**
 96 **9 of chapter 2023-43, Laws of Florida, paragraph (e) of**
 97 **subsection (1) of section 381.00319, Florida Statutes, is**
 98 **reenacted to read:**

99 381.00319 Prohibition on mask mandates and vaccination and
 100 testing mandates for educational institutions.—

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

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

104 **Section 3.** Section 9 of chapter 2023-43, Laws of Florida,
105 is repealed.

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

108 381.986 Medical use of marijuana.—

109 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

110 (b) An applicant for licensure as a medical marijuana
111 treatment center must ~~shall~~ apply to the department on a form
112 prescribed by the department and adopted in rule. The department
113 shall adopt rules pursuant to ss. 120.536(1) and 120.54
114 establishing a procedure for the issuance and biennial renewal
115 of licenses, including initial application and biennial renewal
116 fees sufficient to cover the costs of implementing and
117 administering this section, and establishing supplemental
118 licensure fees for payment beginning May 1, 2018, sufficient to
119 cover the costs of administering ss. 381.989 and 1004.4351. The
120 department shall identify applicants with strong diversity plans
121 reflecting this state's commitment to diversity and implement
122 training programs and other educational programs to enable
123 minority persons and minority business enterprises, as defined
124 in s. 288.703, and veteran business enterprises, as defined in
125 s. 295.187, to compete for medical marijuana treatment center

126 licensure and contracts. Subject to the requirements in
127 subparagraphs (a)2.-4., the department shall issue a license to
128 an applicant if the applicant meets the requirements of this
129 section and pays the initial application fee. The department
130 shall renew the licensure of a medical marijuana treatment
131 center biennially if the licensee meets the requirements of this
132 section and pays the biennial renewal fee. However, the
133 department may not renew the license of a medical marijuana
134 treatment center that has not begun to cultivate, process, and
135 dispense marijuana by the date that the medical marijuana
136 treatment center is required to renew its license. An individual
137 may not be an applicant, owner, officer, board member, or
138 manager on more than one application for licensure as a medical
139 marijuana treatment center. An individual or entity may not be
140 awarded more than one license as a medical marijuana treatment
141 center. An applicant for licensure as a medical marijuana
142 treatment center must demonstrate:

143 1. That, for the 5 consecutive years before submitting the
144 application, the applicant has been registered to do business in
145 this ~~the~~ state.

146 2. Possession of a valid certificate of registration
147 issued by the Department of Agriculture and Consumer Services
148 pursuant to s. 581.131.

149 3. The technical and technological ability to cultivate
150 and produce marijuana, including, but not limited to, low-THC

151 cannabis.

152 4. The ability to secure the premises, resources, and
153 personnel necessary to operate as a medical marijuana treatment
154 center.

155 5. The ability to maintain accountability of all raw
156 materials, finished products, and any byproducts to prevent
157 diversion or unlawful access to or possession of these
158 substances.

159 6. An infrastructure reasonably located to dispense
160 marijuana to registered qualified patients statewide or
161 regionally as determined by the department.

162 7. The financial ability to maintain operations for the
163 duration of the 2-year approval cycle, including the provision
164 of certified financial statements to the department.

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

172 b. In lieu of the performance bond required under sub-
173 subparagraph a., the applicant may provide an irrevocable letter
174 of credit payable to the department or provide cash to the
175 department. If provided with cash under this sub-subparagraph,

176 the department must ~~shall~~ deposit the cash in the Grants and
177 Donations Trust Fund within the Department of Health, subject to
178 the same conditions as the bond regarding requirements for the
179 applicant to forfeit ownership of the funds. If the funds
180 deposited under this sub-subparagraph generate interest, the
181 amount of that interest must ~~shall~~ be used by the department for
182 the administration of this section.

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

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

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

199 9. The employment of a medical director to supervise the
200 activities of the medical marijuana treatment center.

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

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

210 b. Efforts to recruit minority persons and veterans for
211 employment; and

212 c. A record of contracts for services with minority
213 business enterprises and veteran business enterprises.

214 (e) A licensed medical marijuana treatment center shall
215 cultivate, process, transport, and dispense marijuana for
216 medical use. A licensed medical marijuana treatment center may
217 not contract for services directly related to the cultivation,
218 processing, and dispensing of marijuana or marijuana delivery
219 devices, except that a medical marijuana treatment center
220 licensed pursuant to subparagraph (a)1. may contract with a
221 single entity for the cultivation, processing, transporting, and
222 dispensing of marijuana and marijuana delivery devices. A
223 licensed medical marijuana treatment center shall ~~must~~, at all
224 times, maintain compliance with the criteria demonstrated and
225 representations made in the initial application and the criteria

226 established in this subsection. Upon request, the department may
227 grant a medical marijuana treatment center a variance from the
228 representations made in the initial application. Consideration
229 of such a request must ~~shall~~ be based upon the individual facts
230 and circumstances surrounding the request. A variance may not be
231 granted unless the requesting medical marijuana treatment center
232 can demonstrate to the department that it has a proposed
233 alternative to the specific representation made in its
234 application which fulfills the same or a similar purpose as the
235 specific representation in a way that the department can
236 reasonably determine will not be a lower standard than the
237 specific representation in the application. A variance may not
238 be granted from the requirements in subparagraph 2. and
239 subparagraphs (b)1. and 2.

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

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

249 b. The individual or entity applying for initial licensure
250 due to a change of ownership must submit an application that

251 must be received by the department at least 60 days before the
252 date of change of ownership.

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

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

264 e. Within 30 days after the receipt of a complete
265 application, the department shall approve or deny the
266 application.

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

274 3. A medical marijuana treatment center may not enter into
275 any form of profit-sharing arrangement with the property owner

276 or lessor of any of its facilities where cultivation,
277 processing, storing, or dispensing of marijuana and marijuana
278 delivery devices occurs.

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

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

292 6. When growing marijuana, a medical marijuana treatment
293 center:

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

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

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

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

308 7. Each medical marijuana treatment center must produce
309 and make available for purchase at least one low-THC cannabis
310 product.

311 8. A medical marijuana treatment center that produces
312 edibles must hold a permit to operate as a food establishment
313 pursuant to chapter 500, the Florida Food Safety Act, and must
314 comply with all the requirements for food establishments
315 pursuant to chapter 500 and any rules adopted thereunder.
316 Edibles may not contain more than 200 milligrams of
317 tetrahydrocannabinol, and a single serving portion of an edible
318 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles
319 may not have a potency variance ~~of no~~ greater than 15 percent.
320 Marijuana products, including edibles, may not be attractive to
321 children; be manufactured in the shape of humans, cartoons, or
322 animals; be manufactured in a form that bears any reasonable
323 resemblance to products available for consumption as
324 commercially available candy; or contain any color additives. To
325 discourage consumption of edibles by children, the department

326 shall determine by rule any shapes, forms, and ingredients
327 allowed and prohibited for edibles. Medical marijuana treatment
328 centers may not begin processing or dispensing edibles until
329 after the effective date of the rule. The department shall also
330 adopt sanitation rules providing the standards and requirements
331 for the storage, display, or dispensing of edibles.

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

341 10. A medical marijuana treatment center that produces
342 prerolled marijuana cigarettes may not use wrapping paper made
343 with tobacco or hemp.

344 11. When processing marijuana, a medical marijuana
345 treatment center must:

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

348 b. Comply with department rules when processing marijuana
349 with hydrocarbon solvents or other solvents or gases exhibiting
350 potential toxicity to humans. The department shall determine by

351 rule the requirements for medical marijuana treatment centers to
352 use such solvents or gases exhibiting potential toxicity to
353 humans.

354 c. Comply with federal and state laws and regulations and
355 department rules for solid and liquid wastes. The department
356 shall determine by rule procedures for the storage, handling,
357 transportation, management, and disposal of solid and liquid
358 waste generated during marijuana production and processing. The
359 Department of Environmental Protection shall assist the
360 department in developing such rules.

361 d. Test the processed marijuana using a medical marijuana
362 testing laboratory before it is dispensed. Results must be
363 verified and signed by two medical marijuana treatment center
364 employees. Before dispensing, the medical marijuana treatment
365 center must determine that the test results indicate that low-
366 THC cannabis meets the definition of low-THC cannabis, the
367 concentration of tetrahydrocannabinol meets the potency
368 requirements of this section, the labeling of the concentration
369 of tetrahydrocannabinol and cannabidiol is accurate, and all
370 marijuana is safe for human consumption and free from
371 contaminants that are unsafe for human consumption. The
372 department shall determine by rule which contaminants must be
373 tested for and the maximum levels of each contaminant which are
374 safe for human consumption. The Department of Agriculture and
375 Consumer Services shall assist the department in developing the

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

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

424 e. Package the marijuana in compliance with the United
425 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.

426 | 1471 et seq.

427 | f. Package the marijuana in a receptacle that has a firmly
428 | affixed and legible label stating the following information:

429 | (I) The marijuana or low-THC cannabis meets the
430 | requirements of sub-subparagraph d.

431 | (II) The name of the medical marijuana treatment center
432 | from which the marijuana originates.

433 | (III) The batch number and harvest number from which the
434 | marijuana originates and the date dispensed.

435 | (IV) The name of the physician who issued the physician
436 | certification.

437 | (V) The name of the patient.

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

443 | (VII) The recommended dose.

444 | (VIII) A warning that it is illegal to transfer medical
445 | marijuana to another person.

446 | (IX) A marijuana universal symbol developed by the
447 | department.

448 | 12. The medical marijuana treatment center shall include
449 | in each package a patient package insert with information on the
450 | specific product dispensed related to:

- 451 a. Clinical pharmacology.
- 452 b. Indications and use.
- 453 c. Dosage and administration.
- 454 d. Dosage forms and strengths.
- 455 e. Contraindications.
- 456 f. Warnings and precautions.
- 457 g. Adverse reactions.
- 458 13. In addition to the packaging and labeling requirements
- 459 specified in subparagraphs 11. and 12., marijuana in a form for
- 460 smoking must be packaged in a sealed receptacle with a legible
- 461 and prominent warning to keep away from children and a warning
- 462 that states marijuana smoke contains carcinogens and may
- 463 negatively affect health. Such receptacles for marijuana in a
- 464 form for smoking must be plain, opaque, and white without
- 465 depictions of the product or images other than the medical
- 466 marijuana treatment center's department-approved logo and the
- 467 marijuana universal symbol.
- 468 14. The department shall adopt rules to regulate the
- 469 types, appearance, and labeling of marijuana delivery devices
- 470 dispensed from a medical marijuana treatment center. The rules
- 471 must require marijuana delivery devices to have an appearance
- 472 consistent with medical use.
- 473 15. Each edible must be individually sealed in plain,
- 474 opaque wrapping marked only with the marijuana universal symbol.
- 475 Where practical, each edible must be marked with the marijuana

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

486 16. When dispensing marijuana or a marijuana delivery
487 device, a medical marijuana treatment center:

488 a. May dispense any active, valid order for low-THC
489 cannabis, medical cannabis and cannabis delivery devices issued
490 pursuant to former s. 381.986, Florida Statutes 2016, which was
491 entered into the medical marijuana use registry before July 1,
492 2017.

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

500 c. Must have the medical marijuana treatment center's

501 employee who dispenses the marijuana or a marijuana delivery
502 device enter into the medical marijuana use registry his or her
503 name or unique employee identifier.

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

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

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

521 g. Must, upon dispensing the marijuana or marijuana
522 delivery device, record in the registry the date, time,
523 quantity, and form of marijuana dispensed; the type of marijuana
524 delivery device dispensed; and the name and medical marijuana
525 use registry identification number of the qualified patient or

526 caregiver to whom the marijuana delivery device was dispensed.

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

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

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

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

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

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

549 (III) Recorded images must clearly and accurately display
550 the time and date.

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

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

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

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

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

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

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

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

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

576 10. Report to local law enforcement and notify the
577 department through electronic mail within 24 hours after the
578 medical marijuana treatment center is notified or becomes aware
579 of any actual or attempted ~~the~~ theft, diversion, or loss of
580 marijuana.

581 **Section 5. Paragraph (d) of subsection (1) of section**
582 **381.988, Florida Statutes, is amended to read:**

583 381.988 Medical marijuana testing laboratories; marijuana
584 tests conducted by a certified laboratory.—

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

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

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

599 a. "Employee" means any person whose duties or activities
600 involve any aspect of regulatory compliance testing or research

601 and development testing of marijuana for a certified marijuana
602 testing laboratory, regardless of whether such person is
603 compensated for his or her work.

604 b. "Manager" means any person with authority to exercise
605 or contribute to the operational control, direction, or
606 management of an applicant or certified marijuana testing
607 laboratory or who has authority to supervise any employee of an
608 applicant or a certified marijuana testing laboratory. This
609 includes officers and board members.

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

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

624 3.2. Fees for state and federal fingerprint processing and
625 retention must ~~shall~~ be borne by the certified marijuana testing

626 laboratory. The state cost for fingerprint processing ~~is shall~~
627 ~~be~~ as provided in s. 943.053(3)(e) for records provided to
628 persons or entities other than those specified as exceptions
629 therein.

630 ~~4.3.~~ Fingerprints submitted to the Department of Law
631 Enforcement pursuant to this paragraph must ~~shall~~ be retained by
632 the Department of Law Enforcement as provided in s. 943.05(2)(g)
633 and (h) and, when the Department of Law Enforcement begins
634 participation in the program, enrolled in the Federal Bureau of
635 Investigation's national retained print arrest notification
636 program. Any arrest record identified must ~~shall~~ be reported to
637 the department.

638 **Section 6.** Section 383.141, Florida Statutes, is repealed.

639 **Section 7.** Section 385.203, Florida Statutes, is repealed.

640 **Section 8.** Section 391.221, Florida Statutes, is repealed.

641 **Section 9.** Section 397.333, Florida Statutes, is repealed.

642 **Section 10. Paragraph (b) of subsection (2) of section**
643 **409.818, Florida Statutes, is amended to read:**

644 409.818 Administration.—In order to implement ss. 409.810-
645 409.821, the following agencies shall have the following duties:

646 (2) The Department of Health shall:

647 ~~(b) Chair a state-level Florida Kidcare coordinating~~
648 ~~council to review and make recommendations concerning the~~
649 ~~implementation and operation of the program. The coordinating~~
650 ~~council shall include representatives from the department, the~~

651 ~~Department of Children and Families, the agency, the Florida~~
652 ~~Healthy Kids Corporation, the Office of Insurance Regulation of~~
653 ~~the Financial Services Commission, local government, health~~
654 ~~insurers, health maintenance organizations, health care~~
655 ~~providers, families participating in the program, and~~
656 ~~organizations representing low income families.~~

657 **Section 11.** Section 413.271, Florida Statutes, is
658 repealed.

659 **Section 12.** Section 514.028, Florida Statutes, is
660 repealed.

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

663 456.0145 Mobile Opportunity by Interstate Licensure
664 Endorsement (MOBILE) Act.—

665 (2) LICENSURE BY ENDORSEMENT.—

666 (a) An applicable board, or the department if there is no
667 board, shall issue a license to practice in this state to an
668 applicant who meets all of the following criteria:

669 1. Submits a complete application.

670 2. Holds an active, unencumbered license issued by another
671 state, the District of Columbia, or a territory of the United
672 States in a profession with a similar scope of practice, as
673 determined by the board or department, as applicable. The term
674 "scope of practice" means the full spectrum of functions,
675 procedures, actions, and services that a health care

676 practitioner is deemed competent and authorized to perform under
677 a license issued in this state.

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

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

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

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

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

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

701 screening pursuant to s. 456.0135, if required for the
 702 profession for 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
 708 section 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**

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
730 repealed.

731 **Section 16. Section 486.112, Florida Statutes, is amended**
732 **to read:**

733 486.112 Physical Therapy Licensure Compact.—The Physical
734 Therapy Licensure Compact is hereby enacted into law and entered
735 into by this state with all other jurisdictions legally joining
736 therein in the form substantially as follows:

737 ARTICLE I

738 PURPOSE AND OBJECTIVES

739 (1) The purpose of the compact is to facilitate interstate
740 practice of physical therapy with the goal of improving public
741 access to physical therapy services. The compact preserves the
742 regulatory authority of member states to protect public health
743 and safety through their current systems of state licensure. For
744 purposes of state regulation under the compact, the practice of
745 physical therapy is deemed to have occurred in the state where
746 the patient is located at the time physical therapy is provided
747 to the patient.

748 (2) The compact is designed to achieve all of the
749 following objectives:

750 (a) Increase public access to physical therapy services by
 751 providing for the mutual recognition of other member state
 752 licenses.

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

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

757 (d) Support spouses of relocating military members.

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

760 (f) Allow a remote state to hold a provider of services
 761 with a compact privilege in that state accountable to that
 762 state's practice standards.

763

764 ARTICLE II

765 DEFINITIONS

766 As used in the compact, and except as otherwise provided,
 767 the term:

768 (1) "Active duty military" means full-time duty status in
 769 the active uniformed service of the United States, including
 770 members of the National Guard and Reserve on active duty orders
 771 pursuant to 10 U.S.C. chapter 1209 or chapter 1211.

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

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

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

783 (5) "Continuing competence" means a requirement, as a
784 condition of license renewal, to provide evidence of
785 participation in, and completion of, educational and
786 professional activities relevant to the practice of physical
787 therapy.

788 (6) "Data system" means the coordinated database and
789 reporting system created by the Physical Therapy Compact
790 Commission for the exchange of information between member states
791 relating to licensees or applicants under the compact, including
792 identifying information, licensure data, investigative
793 information, adverse actions, nonconfidential information
794 related to alternative program participation, any denials of
795 applications for licensure, and other information as specified
796 by commission rule.

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

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

800 or appointed to act on behalf of, and within the powers granted
801 to them by, the commission.

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

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

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

810 (12) "Licensee" means an individual who currently holds an
811 authorization from a state to practice as a physical therapist
812 or physical therapist assistant.

813 (13) "Member state" means a state that has enacted the
814 compact.

815 (14) "Party state" means any member state in which a
816 licensee holds a current license or compact privilege or is
817 applying for a license or compact.

818 (15)~~(14)~~ "Physical therapist" means an individual licensed
819 by a state to practice physical therapy.

820 (16)~~(15)~~ "Physical therapist assistant" means an
821 individual licensed by a state to assist a physical therapist in
822 specified areas of physical therapy.

823 (17)~~(16)~~ "Physical therapy" or "the practice of physical
824 therapy" means the care and services provided by or under the

825 direction and supervision of a licensed physical therapist.

826 (18)~~(17)~~ "Physical Therapy Compact Commission" or
827 "commission" means the national administrative body whose
828 membership consists of all states that have enacted the compact.

829 (19)~~(18)~~ "Physical therapy licensing board" means the
830 agency of a state which is responsible for the licensing and
831 regulation of physical therapists and physical therapist
832 assistants.

833 (20)~~(19)~~ "Remote state" means a member state other than
834 the home state where a licensee is exercising or seeking to
835 exercise the compact privilege.

836 (21)~~(20)~~ "Rule" means a regulation, principle, or
837 directive adopted by the commission which has the force of law.

838 (22)~~(21)~~ "State" means any state, commonwealth, district,
839 or territory of the United States of America which regulates the
840 practice of physical therapy.

841 ARTICLE III

842 STATE PARTICIPATION IN THE COMPACT

843 (1) To participate in the compact, a state must do all of
844 the following:

845 (a) Participate fully in the commission's data system,
846 including using the commission's unique identifier, as defined
847 by commission rule.

848 (b) Have a mechanism in place for receiving and

849 investigating complaints about licensees.

850 (c) Notify the commission, in accordance with the terms of
851 the compact and rules, of any adverse action or the availability
852 of investigative information regarding a licensee.

853 (d) Fully implement a criminal background check
854 requirement, within a timeframe established by commission rule,
855 which uses results from the Federal Bureau of Investigation
856 record search on criminal background checks to make licensure
857 decisions in accordance with subsection (2).

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

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

861 (g) Have continuing competence requirements as a condition
862 for license renewal.

863 (2) Upon adoption of the compact, a member state has the
864 authority to obtain biometric-based information from each
865 licensee applying for a compact privilege and submit this
866 information to the Federal Bureau of Investigation for a
867 criminal background check in accordance with 28 U.S.C. s. 534
868 and 34 U.S.C. s. 40316.

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

872 ARTICLE IV

873 COMPACT PRIVILEGE

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

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

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

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

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

882 (e) Notify the commission that the licensee is seeking the
883 compact privilege within a remote state.

884 (f) Meet any jurisprudence requirements established by the
885 remote state in which the licensee is seeking a compact
886 privilege.

887 (g) Report to the commission adverse action taken by any
888 nonmember state within 30 days after the date the adverse action
889 is taken.

890 (2) The compact privilege is valid until the expiration
891 date of the home license. The licensee must continue to meet the
892 requirements of subsection (1) to maintain the compact privilege
893 in a remote state.

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

897 (4) A licensee providing physical therapy in a remote
898 state is subject to that state's regulatory authority. A remote

899 | state may, in accordance with due process and that state's laws,
900 | remove a licensee's compact privilege in the remote state for a
901 | specific period of time, impose fines, and take any other
902 | necessary actions to protect the health and safety of its
903 | citizens. The licensee is not eligible for a compact privilege
904 | in any member state until the specific period of time for
905 | removal has ended and all fines are paid.

906 | (5) If a home state license is encumbered, the licensee
907 | loses the compact privilege in any remote state until the
908 | following conditions are met:

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

910 | (b) Two years have elapsed from the date of the adverse
911 | action.

912 | (6) Once an encumbered license in the home state is
913 | restored to good standing, the licensee must meet the
914 | requirements of subsection (1) to obtain a compact privilege in
915 | any remote state.

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

919 | (a) The specific period of time for which the compact
920 | privilege was removed has ended.

921 | (b) All fines have been paid.

922 | (c) Two years have elapsed from the date of the adverse
923 | action.

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

927 ARTICLE V

928 ACTIVE DUTY MILITARY PERSONNEL

929 AND THEIR SPOUSES

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

- 933 (1) Home of record.
- 934 (2) Permanent change of station location.
- 935 (3) State of current residence, if it is different from
 936 the home of record or permanent change of station location.

937
 938 ARTICLE VI

939 ADVERSE ACTIONS

- 940 (1) A home state has exclusive power to impose adverse
 941 action against a license issued by the home state.
- 942 (2) A home state may take adverse action based on the
 943 investigative information of a remote state, so long as the home
 944 state follows its own procedures for imposing adverse action.
- 945 (3) The compact does not override a member state's
 946 decision that participation in an alternative program may be
 947 used in lieu of adverse action and that such participation

948 remain nonpublic if required by the member state's laws. Member
949 states must require licensees who enter any alternative programs
950 in lieu of discipline to agree not to practice in any other
951 member state during the term of the alternative program without
952 prior authorization from such other member state.

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

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

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

962 (b) Issue subpoenas for both hearings and investigations
963 which require the attendance and testimony of witnesses and the
964 production of evidence. Subpoenas issued by a physical therapy
965 licensing board in a party ~~member~~ state for the attendance and
966 testimony of witnesses or for the production of evidence from
967 another party ~~member~~ state must be enforced in the latter state
968 by any court of competent jurisdiction, according to the
969 practice and procedure of that court applicable to subpoenas
970 issued in proceedings pending before it. The issuing authority
971 shall pay any witness fees, travel expenses, mileage, and other
972 fees required by the service laws of the state where the

973 witnesses or evidence is located.

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

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

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

984 ARTICLE VII

985 ESTABLISHMENT OF THE

986 PHYSICAL THERAPY COMPACT COMMISSION

987 (1) COMMISSION CREATED.—The member states hereby create
988 and establish a joint public agency known as the Physical
989 Therapy Compact Commission:

990 (a) The commission is an instrumentality of the member
991 states.

992 (b) Venue is proper, and judicial proceedings by or
993 against the commission must be brought solely and exclusively,
994 in a court of competent jurisdiction where the principal office
995 of the commission is located. The commission may waive venue and
996 jurisdictional defenses to the extent it adopts or consents to
997 participate in alternative dispute resolution proceedings.

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

1000 (2) MEMBERSHIP, VOTING, AND MEETINGS.—

1001 (a) Each member state has and is limited to one delegate
 1002 selected by that member state's physical therapy licensing board
 1003 to serve on the commission. The delegate must be a current
 1004 member of the physical therapy licensing board who is a physical
 1005 therapist, a physical therapist assistant, a public member, or
 1006 the board administrator.

1007 (b) A delegate may be removed or suspended from office as
 1008 provided by the law of the state from which the delegate is
 1009 appointed. Any vacancy occurring on the commission must be
 1010 filled by the physical therapy licensing board of the member
 1011 state for which the vacancy exists.

1012 (c) Each delegate is entitled to one vote with regard to
 1013 the adoption of rules and bylaws and shall otherwise have an
 1014 opportunity to participate in the business and affairs of the
 1015 commission.

1016 (d) A delegate shall vote in person or by such other means
 1017 as provided in the bylaws. The bylaws may provide for delegates'
 1018 participation in meetings by telephone or other means of
 1019 communication.

1020 (e) The commission shall meet at least once during each
 1021 calendar year. Additional meetings may be held as set forth in
 1022 the bylaws.

1023 (f) All meetings must be open to the public, and public
 1024 notice of meetings must be given in the same manner as required
 1025 under the rulemaking provisions in Article IX.

1026 (g) The commission or the executive board or other
 1027 committees of the commission may convene in a closed, nonpublic
 1028 meeting if the commission or executive board or other committees
 1029 of the commission must discuss any of the following:

1030 1. Noncompliance of a member state with its obligations
 1031 under the compact.

1032 2. The employment, compensation, or discipline of, or
 1033 other matters, practices, or procedures related to, specific
 1034 employees or other matters related to the commission's internal
 1035 personnel practices and procedures.

1036 3. Current, threatened, or reasonably anticipated
 1037 litigation against the commission, executive board, or other
 1038 committees of the commission.

1039 4. Negotiation of contracts for the purchase, lease, or
 1040 sale of goods, services, or real estate.

1041 5. An accusation of any person of a crime or a formal
 1042 censure of any person.

1043 6. Information disclosing trade secrets or commercial or
 1044 financial information that is privileged or confidential.

1045 7. Information of a personal nature where disclosure would
 1046 constitute a clearly unwarranted invasion of personal privacy.

1047 8. Investigatory records compiled for law enforcement

1048 | purposes.

1049 | 9. Information related to any investigative reports
1050 | prepared by or on behalf of or for use of the commission or
1051 | other committee charged with responsibility for investigation or
1052 | determination of compliance issues pursuant to the compact.

1053 | 10. Matters specifically exempted from disclosure by
1054 | federal or member state statute.

1055 | (h) If a meeting, or portion of a meeting, is closed
1056 | pursuant to this subsection, the commission's legal counsel or
1057 | designee must certify that the meeting may be closed and must
1058 | reference each relevant exempting provision.

1059 | (i) The commission shall keep minutes that fully and
1060 | clearly describe all matters discussed in a meeting and shall
1061 | provide a full and accurate summary of actions taken and the
1062 | reasons therefor, including a description of the views
1063 | expressed. All documents considered in connection with an action
1064 | must be identified in the minutes. All minutes and documents of
1065 | a closed meeting must remain under seal, subject to release only
1066 | by a majority vote of the commission or order of a court of
1067 | competent jurisdiction.

1068 | (3) DUTIES.—The commission shall do all of the following:

1069 | (a) Establish the fiscal year of the commission.

1070 | (b) Establish bylaws.

1071 | (c) Maintain its financial records in accordance with the
1072 | bylaws.

1073 (d) Meet and take such actions as are consistent with the
 1074 provisions of the compact and the bylaws.

1075 (4) POWERS.—The commission may do any of the following:

1076 (a) Adopt uniform rules to facilitate and coordinate
 1077 implementation and administration of the compact. The rules have
 1078 the force and effect of law and are binding in all member
 1079 states.

1080 (b) Bring and prosecute legal proceedings or actions in
 1081 the name of the commission, provided that the standing of any
 1082 state physical therapy licensing board to sue or be sued under
 1083 applicable law is not affected.

1084 (c) Purchase and maintain insurance and bonds.

1085 (d) Borrow, accept, or contract for services of personnel,
 1086 including, but not limited to, employees of a member state.

1087 (e) Hire employees and elect or appoint officers; fix the
 1088 compensation of, define the duties of, and grant appropriate
 1089 authority to such individuals to carry out the purposes of the
 1090 compact; and establish the commission's personnel policies and
 1091 programs relating to conflicts of interest, qualifications of
 1092 personnel, and other related personnel matters.

1093 (f) Accept any appropriate donations and grants of money,
 1094 equipment, supplies, materials, and services and receive, use,
 1095 and dispose of the same, provided that at all times the
 1096 commission avoids any appearance of impropriety or conflict of
 1097 interest.

1098 (g) Lease, purchase, accept appropriate gifts or donations
 1099 of, or otherwise own, hold, improve, or use any property, real,
 1100 personal, or mixed, provided that at all times the commission
 1101 avoids any appearance of impropriety or conflict of interest.

1102 (h) Sell, convey, mortgage, pledge, lease, exchange,
 1103 abandon, or otherwise dispose of any property, real, personal,
 1104 or mixed.

1105 (i) Establish a budget and make expenditures.

1106 (j) Borrow money.

1107 (k) Appoint committees, including standing committees
 1108 composed of members, state regulators, state legislators or
 1109 their representatives, and consumer representatives, and such
 1110 other interested persons as may be designated in the compact and
 1111 the bylaws.

1112 (l) Provide information to, receive information from, and
 1113 cooperate with law enforcement agencies.

1114 (m) Establish and elect an executive board.

1115 (n) Perform such other functions as may be necessary or
 1116 appropriate to achieve the purposes of the compact consistent
 1117 with the state regulation of physical therapy licensure and
 1118 practice.

1119 (5) THE EXECUTIVE BOARD.—

1120 (a) The executive board may act on behalf of the
 1121 commission according to the terms of the compact.

1122 (b) The executive board shall be composed of the following

1123 nine members:

1124 1. Seven voting members who are elected by the commission

1125 from the current membership of the commission.

1126 2. One ex officio, nonvoting member from the recognized

1127 national physical therapy professional association.

1128 3. One ex officio, nonvoting member from the recognized

1129 membership organization of the physical therapy licensing

1130 boards.

1131 (c) The ex officio members shall be selected by their

1132 respective organizations.

1133 (d) The commission may remove any member of the executive

1134 board as provided in its bylaws.

1135 (e) The executive board shall meet at least annually.

1136 (f) The executive board shall do all of the following:

1137 1. Recommend to the entire commission changes to the rules

1138 or bylaws, compact legislation, fees paid by compact member

1139 states, such as annual dues, and any commission compact fee

1140 charged to licensees for the compact privilege.

1141 2. Ensure compact administration services are

1142 appropriately provided, contractually or otherwise.

1143 3. Prepare and recommend the budget.

1144 4. Maintain financial records on behalf of the commission.

1145 5. Monitor compact compliance of member states and provide

1146 compliance reports to the commission.

1147 6. Establish additional committees as necessary.

1148 7. Perform other duties as provided in the rules or
1149 bylaws.

1150 (6) FINANCING OF THE COMMISSION.—

1151 (a) The commission shall pay, or provide for the payment
1152 of, the reasonable expenses of its establishment, organization,
1153 and ongoing activities.

1154 (b) The commission may accept any appropriate revenue
1155 sources, donations, and grants of money, equipment, supplies,
1156 materials, and services.

1157 (c) The commission may levy and collect an annual
1158 assessment from each member state or impose fees on other
1159 parties to cover the cost of the operations and activities of
1160 the commission and its staff. Such assessments and fees must
1161 total to an amount sufficient to cover the commission's annual
1162 budget as approved each year for which revenue is not provided
1163 by other sources. The aggregate annual assessment amount must be
1164 allocated based upon a formula to be determined by the
1165 commission, which shall adopt a rule binding upon all member
1166 states.

1167 (d) The commission may not incur obligations of any kind
1168 before securing the funds adequate to meet such obligations; nor
1169 may the commission pledge the credit of any of the member
1170 states, except by and with the authority of the member state.

1171 (e) The commission shall keep accurate accounts of all
1172 receipts and disbursements. The receipts and disbursements of

1173 the commission are subject to the audit and accounting
1174 procedures established under its bylaws. However, all receipts
1175 and disbursements of funds handled by the commission must be
1176 audited yearly by a certified or licensed public accountant, and
1177 the report of the audit must be included in and become part of
1178 the annual report of the commission.

1179 (7) QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION.—

1180 (a) The members, officers, executive director, employees,
1181 and representatives of the commission are immune from suit and
1182 liability, whether personally or in their official capacity, for
1183 any claim for damage to or loss of property or personal injury
1184 or other civil liability caused by or arising out of any actual
1185 or alleged act, error, or omission that occurred, or that the
1186 person against whom the claim is made had a reasonable basis for
1187 believing occurred, within the scope of commission employment,
1188 duties, or responsibilities. However, this paragraph may not be
1189 construed to protect any such person from suit or liability for
1190 any damage, loss, injury, or liability caused by the
1191 intentional, willful, or wanton misconduct of that person.

1192 (b) The commission shall defend any member, officer,
1193 executive director, employee, or representative of the
1194 commission in any civil action seeking to impose liability
1195 arising out of any actual or alleged act, error, or omission
1196 that occurred within the scope of commission employment, duties,
1197 or responsibilities, or that the person against whom the claim

1198 is made had a reasonable basis for believing occurred within the
1199 scope of commission employment, duties, or responsibilities.
1200 However, this subsection may not be construed to prohibit any
1201 member, officer, executive director, employee, or representative
1202 of the commission from retaining his or her own counsel or to
1203 require the commission to defend such person if the actual or
1204 alleged act, error, or omission resulted from that person's
1205 intentional, willful, or wanton misconduct.

1206 (c) The commission shall indemnify and hold harmless any
1207 member, officer, executive director, employee, or representative
1208 of the commission for the amount of any settlement or judgment
1209 obtained against that person arising out of any actual or
1210 alleged act, error, or omission that occurred within the scope
1211 of commission employment, duties, or responsibilities, or that
1212 such person had a reasonable basis for believing occurred within
1213 the scope of commission employment, duties, or responsibilities,
1214 provided that the actual or alleged act, error, or omission did
1215 not result from the intentional, willful, or wanton misconduct
1216 of that person.

1217

1218 ARTICLE VIII

1219 DATA SYSTEM

1220 (1) The commission shall provide for the development,
1221 maintenance, and use of a coordinated database and reporting
1222 system containing licensure, adverse action, and investigative

1223 information on all licensees in member states.

1224 (2) Notwithstanding any other provision of state law to
 1225 the contrary, a member state shall submit a uniform data set to
 1226 the data system on all individuals to whom the compact is
 1227 applicable as required by the rules of the commission, which
 1228 data set must include all of the following:

1229 (a) Identifying information.

1230 (b) Licensure data.

1231 (c) Investigative information.

1232 (d) Adverse actions against a license or compact
 1233 privilege.

1234 (e) Nonconfidential information related to alternative
 1235 program participation.

1236 (f) Any denial of application for licensure, and the
 1237 reason for such denial.

1238 (g) Other information that may facilitate the
 1239 administration of the compact, as determined by the rules of the
 1240 commission.

1241 (3) Investigative information in the system pertaining to
 1242 a licensee in any party ~~member~~ state must be available only to
 1243 other member states.

1244 (4) The commission shall promptly notify all member states
 1245 of any adverse action taken against a licensee or an individual
 1246 applying for a license in a member state. Adverse action
 1247 information pertaining to a licensee in any member state must be

1248 available to all other member states.

1249 (5) Member states contributing information to the data
1250 system may designate information that may not be shared with the
1251 public without the express permission of the contributing state.

1252 (6) Any information submitted to the data system which is
1253 subsequently required to be expunged by the laws of the member
1254 state contributing the information must be removed from the data
1255 system.

1256 ARTICLE IX

1257 RULEMAKING

1258 (1) The commission shall exercise its rulemaking powers
1259 pursuant to the criteria set forth in this article and the rules
1260 adopted thereunder. Rules and amendments become binding as of
1261 the date specified in each rule or amendment.

1262 (2) If a majority of the legislatures of the member states
1263 rejects a rule by enactment of a statute or resolution in the
1264 same manner used to adopt the compact within 4 years after the
1265 date of adoption of the rule, such rule does not have further
1266 force and effect in any member state.

1267 (3) Rules or amendments to the rules must be adopted at a
1268 regular or special meeting of the commission.

1269 (4) Before adoption of a final rule by the commission, and
1270 at least 30 days before the meeting at which the rule will be
1271 considered and voted upon, the commission must file a notice of

1272 | proposed rulemaking on all of the following:

1273 | (a) The website of the commission or another publicly
1274 | accessible platform.

1275 | (b) The website of each member state physical therapy
1276 | licensing board or another publicly accessible platform or the
1277 | publication in which each state would otherwise publish proposed
1278 | rules.

1279 | (5) The notice of proposed rulemaking must include all of
1280 | the following:

1281 | (a) The proposed date, time, and location of the meeting
1282 | in which the rule or amendment will be considered and voted
1283 | upon.

1284 | (b) The text of the proposed rule or amendment and the
1285 | reason for the proposed rule.

1286 | (c) A request for comments on the proposed rule or
1287 | amendment from any interested person.

1288 | (d) The manner in which interested persons may submit
1289 | notice to the commission of their intention to attend the public
1290 | hearing and any written comments.

1291 | (6) Before adoption of a proposed rule or amendment, the
1292 | commission must allow persons to submit written data, facts,
1293 | opinions, and arguments, which must be made available to the
1294 | public.

1295 | (7) The commission must grant an opportunity for a public
1296 | hearing before it adopts a rule or an amendment if a hearing is

1297 requested by any of the following:

1298 (a) At least 25 persons.

1299 (b) A state or federal governmental subdivision or agency.

1300 (c) An association having at least 25 members.

1301 (8) If a scheduled public hearing is held on the proposed

1302 rule or amendment, the commission must publish the date, time,

1303 and location of the hearing. If the hearing is held through

1304 electronic means, the commission must publish the mechanism for

1305 access to the electronic hearing.

1306 (a) All persons wishing to be heard at the hearing must

1307 notify the executive director of the commission or another

1308 designated member in writing of their desire to appear and

1309 testify at the hearing at least 5 business days before the

1310 scheduled date of the hearing.

1311 (b) Hearings must be conducted in a manner providing each

1312 person who wishes to comment a fair and reasonable opportunity

1313 to comment orally or in writing.

1314 (c) All hearings must be recorded. A copy of the recording

1315 must be made available on request.

1316 (d) This article may not be construed to require a

1317 separate hearing on each rule. Rules may be grouped for the

1318 convenience of the commission at hearings required by this

1319 article.

1320 (9) Following the scheduled hearing date, or by the close

1321 of business on the scheduled hearing date if the hearing was not

1322 held, the commission shall consider all written and oral
1323 comments received.

1324 (10) If no written notice of intent to attend the public
1325 hearing by interested parties is received, the commission may
1326 proceed with adoption of the proposed rule without a public
1327 hearing.

1328 (11) The commission shall, by majority vote of all
1329 members, take final action on the proposed rule and shall
1330 determine the effective date of the rule, if any, based on the
1331 rulemaking record and the full text of the rule.

1332 (12) Upon determination that an emergency exists, the
1333 commission may consider and adopt an emergency rule without
1334 prior notice, opportunity for comment, or hearing, provided that
1335 the usual rulemaking procedures provided in the compact and in
1336 this article are retroactively applied to the rule as soon as
1337 reasonably possible, in no event later than 90 days after the
1338 effective date of the rule. For the purposes of this subsection,
1339 an emergency rule is one that must be adopted immediately in
1340 order to do any of the following:

1341 (a) Meet an imminent threat to public health, safety, or
1342 welfare.

1343 (b) Prevent a loss of commission or member state funds.

1344 (c) Meet a deadline for the adoption of an administrative
1345 rule established by federal law or rule.

1346 (d) Protect public health and safety.

1347 (13) The commission or an authorized committee of the
 1348 commission may direct revisions to a previously adopted rule or
 1349 amendment for purposes of correcting typographical errors,
 1350 errors in format, errors in consistency, or grammatical errors.
 1351 Public notice of any revisions must be posted on the website of
 1352 the commission. The revision is subject to challenge by any
 1353 person for a period of 30 days after posting. The revision may
 1354 be challenged only on grounds that the revision results in a
 1355 material change to a rule. A challenge must be made in writing
 1356 and delivered to the chair of the commission before the end of
 1357 the notice period. If a challenge is not made, the revision
 1358 takes effect without further action. If the revision is
 1359 challenged, the revision may not take effect without the
 1360 approval of the commission.

1361 ARTICLE X
 1362 OVERSIGHT, DISPUTE RESOLUTION,
 1363 AND ENFORCEMENT

1364 (1) OVERSIGHT.—
 1365 (a) The executive, legislative, and judicial branches of
 1366 state government in each member state shall enforce the compact
 1367 and take all actions necessary and appropriate to carry out the
 1368 compact's purposes and intent. The provisions of the compact and
 1369 the rules adopted pursuant thereto shall have standing as
 1370 statutory law.

1371 (b) All courts shall take judicial notice of the compact
1372 and the rules in any judicial or administrative proceeding in a
1373 member state pertaining to the subject matter of the compact
1374 which may affect the powers, responsibilities, or actions of the
1375 commission.

1376 (c) The commission is entitled to receive service of
1377 process in any such proceeding and has standing to intervene in
1378 such a proceeding for all purposes. Failure to provide service
1379 of process to the commission renders a judgment or an order void
1380 as to the commission, the compact, or the adopted rules.

1381 (2) DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION.—

1382 (a) If the commission determines that a member state has
1383 defaulted in the performance of its obligations or
1384 responsibilities under the compact or the adopted rules, the
1385 commission must do all of the following:

1386 1. Provide written notice to the defaulting state and
1387 other member states of the nature of the default, the proposed
1388 means of curing the default, and any other action to be taken by
1389 the commission.

1390 2. Provide remedial training and specific technical
1391 assistance regarding the default.

1392 (b) If a state in default fails to cure the default, the
1393 defaulting state may be terminated from the compact upon an
1394 affirmative vote of a majority of the member states, and all
1395 rights, privileges, and benefits conferred by the compact may be

1396 terminated on the effective date of termination. A cure of the
1397 default does not relieve the offending state of obligations or
1398 liabilities incurred during the period of default.

1399 (c) Termination of membership in the compact may be
1400 imposed only after all other means of securing compliance have
1401 been exhausted. The commission shall give notice of intent to
1402 suspend or terminate a defaulting member state to the governor
1403 and majority and minority leaders of the defaulting state's
1404 legislature and to each of the member states.

1405 (d) A state that has been terminated from the compact is
1406 responsible for all assessments, obligations, and liabilities
1407 incurred through the effective date of termination, including
1408 obligations that extend beyond the effective date of
1409 termination.

1410 (e) The commission does not bear any costs related to a
1411 state that is found to be in default or that has been terminated
1412 from the compact, unless agreed upon in writing between the
1413 commission and the defaulting state.

1414 (f) The defaulting state may appeal the action of the
1415 commission by petitioning the United States District Court for
1416 the District of Columbia or the federal district where the
1417 commission has its principal offices. The prevailing member
1418 shall be awarded all costs of such litigation, including
1419 reasonable attorney fees.

1420 (3) DISPUTE RESOLUTION.—

1421 (a) Upon request by a member state, the commission must
 1422 attempt to resolve disputes related to the compact which arise
 1423 among member states and between member and nonmember states.

1424 (b) The commission shall adopt a rule providing for both
 1425 mediation and binding dispute resolution for disputes as
 1426 appropriate.

1427 (4) ENFORCEMENT.—

1428 (a) The commission, in the reasonable exercise of its
 1429 discretion, shall enforce the compact and the commission's
 1430 rules.

1431 (b) By majority vote, the commission may initiate legal
 1432 action in the United States District Court for the District of
 1433 Columbia or the federal district where the commission has its
 1434 principal offices against a member state in default to enforce
 1435 compliance with the provisions of the compact and its adopted
 1436 rules and bylaws. The relief sought may include both injunctive
 1437 relief and damages. In the event judicial enforcement is
 1438 necessary, the prevailing member shall be awarded all costs of
 1439 such litigation, including reasonable attorney fees.

1440 (c) The remedies under this article are not the exclusive
 1441 remedies of the commission. The commission may pursue any other
 1442 remedies available under federal or state law.

1443 ARTICLE XI
 1444 DATE OF IMPLEMENTATION OF THE
 1445 PHYSICAL THERAPY COMPACT

1446 AND ASSOCIATED RULES; WITHDRAWAL;
1447 AND AMENDMENTS

1448 (1) The compact becomes effective on the date that the
1449 compact statute is enacted into law in the tenth member state.
1450 The provisions that become effective at that time are limited to
1451 the powers granted to the commission relating to assembly and
1452 the adoption of rules. Thereafter, the commission shall meet and
1453 exercise rulemaking powers necessary for the implementation and
1454 administration of the compact.

1455 (2) Any state that joins the compact subsequent to the
1456 commission's initial adoption of the rules is subject to the
1457 rules as they exist on the date that the compact becomes law in
1458 that state. Any rule that has been previously adopted by the
1459 commission has the full force and effect of law on the day the
1460 compact becomes law in that state.

1461 (3) Any member state may withdraw from the compact by
1462 enacting a statute repealing the same.

1463 (a) A member state's withdrawal does not take effect until
1464 6 months after enactment of the repealing statute.

1465 (b) Withdrawal does not affect the continuing requirement
1466 of the withdrawing state's physical therapy licensing board to
1467 comply with the investigative and adverse action reporting
1468 requirements of this act before the effective date of
1469 withdrawal.

1470 (4) The compact may not be construed to invalidate or

1471 prevent any physical therapy licensure agreement or other
 1472 cooperative arrangement between a member state and a nonmember
 1473 state which does not conflict with the provisions of the
 1474 compact.

1475 (5) The compact may be amended by the member states. An
 1476 amendment to the compact does not become effective and binding
 1477 upon any member state until it is enacted into the laws of all
 1478 member states.

1479

1480 ARTICLE XII
 1481 CONSTRUCTION AND SEVERABILITY

1482 The compact must be liberally construed so as to carry out
 1483 the purposes thereof. The provisions of the compact are
 1484 severable, and if any phrase, clause, sentence, or provision of
 1485 the compact is declared to be contrary to the constitution of
 1486 any party ~~member~~ state or of the United States or the
 1487 applicability thereof to any government, agency, person, or
 1488 circumstance is held invalid, the validity of the remainder of
 1489 the compact and the applicability thereof to any government,
 1490 agency, person, or circumstance is not affected thereby. If the
 1491 compact is held contrary to the constitution of any party ~~member~~
 1492 state, the compact remains in full force and effect as to the
 1493 remaining party ~~member~~ states and in full force and effect as to
 1494 the party ~~member~~ state affected as to all severable matters.

1495 **Section 17. Section 468.705, Florida Statutes, is amended**

1496 **to read:**

1497 468.705 Rulemaking authority.—The department may ~~board is~~
 1498 ~~authorized to~~ adopt rules pursuant to ss. 120.536(1) and 120.54
 1499 to implement provisions of this part conferring duties upon it.
 1500 ~~The provisions of s. 456.011(5) shall apply to the board's~~
 1501 ~~activity.~~ Such rules must ~~shall~~ include, but are not ~~be~~ limited
 1502 to, the allowable scope of practice regarding the use of
 1503 equipment, procedures, and medication; mandatory requirements
 1504 and guidelines for communication between the athletic trainer
 1505 and a physician, including the reporting to the physician of new
 1506 or recurring injuries or conditions; licensure requirements;
 1507 licensure examination; continuing education requirements; fees;
 1508 records and reports to be filed by licensees; protocols; and any
 1509 other requirements necessary to regulate the practice of
 1510 athletic training.

1511 **Section 18. Section 468.707, Florida Statutes, is amended**
 1512 **to read:**

1513 468.707 Licensure requirements.—Any person desiring to be
 1514 licensed as an athletic trainer must ~~shall~~ apply to the
 1515 department on a form approved by the department. An applicant
 1516 must ~~shall~~ also provide records or other evidence, as determined
 1517 by the department ~~board~~, to prove he or she has met the
 1518 requirements of this section. The department shall license each
 1519 applicant who:

1520 (1) Has completed the application form and remitted the

1521 required fees.

1522 (2) Has submitted to background screening pursuant to s.
 1523 456.0135. ~~The board may require a background screening for an~~
 1524 ~~applicant whose license has expired or who is undergoing~~
 1525 ~~disciplinary action.~~

1526 (3) (a) Has obtained, at a minimum, a bachelor's degree
 1527 from a college or university professional athletic training
 1528 degree program accredited by the Commission on Accreditation of
 1529 Athletic Training Education or its successor organization
 1530 recognized and approved by the United States Department of
 1531 Education or the Commission on Recognition of Postsecondary
 1532 Accreditation, approved by the department board, or recognized
 1533 by the Board of Certification, and has passed the national
 1534 examination to be certified by the Board of Certification; or

1535 (b) Has obtained, at a minimum, a bachelor's degree, has
 1536 completed the Board of Certification internship requirements,
 1537 and holds a current certification from the Board of
 1538 Certification.

1539 (4) Has current certification in both cardiopulmonary
 1540 resuscitation and the use of an automated external defibrillator
 1541 set forth in the continuing education requirements as determined
 1542 by the department board pursuant to s. 468.711.

1543 (5) Has completed any other requirements as determined by
 1544 the department ~~and approved by the board.~~

1545 **Section 19. Section 468.709, Florida Statutes, is amended**

1546 **to read:**

1547 468.709 Fees.—

1548 (1) The department ~~board~~ shall, by rule, establish fees
 1549 for the following purposes:

- 1550 (a) An application fee, not to exceed \$100.
- 1551 (b) An initial licensure fee, not to exceed \$200.
- 1552 (c) A biennial renewal fee, not to exceed \$200.
- 1553 (d) An inactive fee, not to exceed \$100.
- 1554 (e) A delinquent fee, not to exceed \$100.
- 1555 (f) A reactivation fee, not to exceed \$100.
- 1556 (g) A voluntary inactive fee, not to exceed \$100.

1557 (2) The department ~~board~~ shall establish fees at a level,
 1558 not to exceed the statutory fee cap, that is adequate to ensure
 1559 the continued operation of the regulatory program under this
 1560 part. The department may not ~~board shall neither set or nor~~
 1561 maintain the fees at a level that will substantially exceed this
 1562 need.

1563 **Section 20. Subsection (2) of section 468.711, Florida**
 1564 **Statutes, is amended to read:**

1565 468.711 Renewal of license; continuing education.—

1566 (2) The department ~~board~~ may, by rule, prescribe
 1567 continuing education requirements, not to exceed 24 hours
 1568 biennially. The criteria for continuing education must ~~shall~~ be
 1569 approved by the department ~~board~~ and must include a current
 1570 certification in both cardiopulmonary resuscitation and the use

1571 of an automated external defibrillator as set forth in the
 1572 continuing education requirements as determined by the
 1573 department ~~board~~.

1574 **Section 21. Subsection (2) of section 468.713, Florida**
 1575 **Statutes, is amended to read:**

1576 468.713 Responsibilities of athletic trainers.—

1577 (2) An athletic trainer shall work within his or her
 1578 allowable scope of practice as specified by department ~~board~~
 1579 rule under s. 468.705. An athletic trainer may not provide,
 1580 offer to provide, or represent that he or she is qualified to
 1581 provide any care or services that he or she lacks the education,
 1582 training, or experience to provide or that he or she is
 1583 otherwise prohibited by law from providing.

1584 **Section 22. Subsection (2) of section 468.719, Florida**
 1585 **Statutes, is amended to read:**

1586 468.719 Disciplinary actions.—

1587 (2) The department ~~board~~ may enter an order denying
 1588 licensure or imposing any of the penalties in s. 456.072(2)
 1589 against any applicant for licensure or licensee who is found
 1590 guilty of violating any provision of subsection (1) of this
 1591 section or who is found guilty of violating any provision of s.
 1592 456.072(1).

1593 **Section 23. Subsection (2) of section 468.723, Florida**
 1594 **Statutes, is amended to read:**

1595 468.723 Exemptions.—This part does not prohibit or

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1596 restrict:

1597 (2) An athletic training student acting under the direct
1598 supervision of a licensed athletic trainer. For purposes of this
1599 subsection, the term "direct supervision" means the physical
1600 presence of an athletic trainer so that the athletic trainer is
1601 immediately available to the athletic training student and able
1602 to intervene on behalf of the athletic training student. The
1603 supervision must comply with department ~~board~~ rule.

1604 **Section 24. Subsections (2), (4), (5), and (18) of section**
1605 **468.80, Florida Statutes, are amended to read:**

1606 468.80 Definitions.—As used in this part, the term:

1607 ~~(2) "Board" means the Board of Orthotists and~~
1608 ~~Prosthetists.~~

1609 (3)~~(4)~~ "Internship" means a program in which a person
1610 receives clinical experience under the supervision of a licensed
1611 orthotist or prosthetist as defined by department ~~the board~~ by
1612 rule.

1613 (4)~~(5)~~ "Mandatory courses" means continuing education
1614 courses that the department ~~board~~ has defined by rule and
1615 required for license issuance or renewal. Notwithstanding s.
1616 456.013(7), the department ~~board~~ shall require completion of a
1617 1-hour course relating to the prevention of medical errors as a
1618 part of the licensure issuance and biennial renewal process. The
1619 1-hour medical errors course counts toward the total number of
1620 continuing education hours required. The course must be approved

1621 by the department ~~board~~, be developed specifically for the field
1622 of orthotics and prosthetics, and include a study of root-cause
1623 analysis, error reduction and prevention, patient safety, and
1624 medical records.

1625 ~~(17)-(18)~~ "Resident" means a person registered to practice
1626 orthotics or prosthetics under the supervision of a licensed
1627 orthotist or prosthetist as defined by ~~the~~ department ~~board~~ by
1628 rule.

1629 **Section 25.** Section 468.801, Florida Statutes, is
1630 repealed.

1631 **Section 26. Section 468.802, Florida Statutes, is amended**
1632 **to read:**

1633 468.802 Authority to adopt rules.—The department ~~board~~
1634 shall adopt rules pursuant to ss. 120.536(1) and 120.54 to
1635 implement ~~the provisions of~~ this part, including rules relating
1636 to standards of practice for orthotists, orthotic fitters,
1637 orthotic fitter assistants, pedorthists, prosthetists, and
1638 residents.

1639 **Section 27. Subsections (2) through (5) of section**
1640 **468.803, Florida Statutes, as amended by section 25, chapter**
1641 **2024-243, Laws of Florida, are amended to read:**

1642 468.803 License, registration, and examination
1643 requirements.—

1644 (2) An applicant for registration, examination, or
1645 licensure must apply to the department on a form prescribed by

1646 the department ~~board for consideration of board approval~~. Each
1647 initial applicant must ~~shall~~ submit fingerprints to the
1648 department in accordance with s. 456.0135 and any other
1649 procedures specified by the department for state and national
1650 criminal history checks of the applicant. The department ~~board~~
1651 shall screen the results to determine if an applicant meets
1652 licensure requirements. The department ~~board~~ shall consider for
1653 examination, registration, or licensure each applicant whom the
1654 department ~~board~~ verifies meets all of the following criteria:

1655 (a) Has submitted the completed application and completed
1656 the fingerprinting requirements and has paid the applicable
1657 application fee, not to exceed \$500. The application fee is
1658 nonrefundable.

1659 (b) Is of good moral character.

1660 (c) Is 18 years of age or older.

1661 (d) Has completed the appropriate educational preparation.

1662 (3) A person seeking to attain the orthotics or
1663 prosthetics experience required for licensure in this state must
1664 be approved by the department ~~board~~ and registered as a resident
1665 by the department. Although a registration may be held in both
1666 disciplines, for independent registrations the department ~~board~~
1667 may not approve a second registration until at least 1 year
1668 after the issuance of the first registration. Notwithstanding
1669 subsection (2), a person who has been approved ~~by the board~~ and
1670 registered by the department in one discipline may apply for

1671 registration in the second discipline without an additional
1672 state or national criminal history check during the period in
1673 which the first registration is valid. Each independent
1674 registration or dual registration is valid for 2 years after the
1675 date of issuance unless otherwise revoked by the department ~~upon~~
1676 ~~recommendation of the board~~. The department board shall set a
1677 registration fee not to exceed \$500 to be paid by the applicant.
1678 A registration may be renewed once by the department ~~upon~~
1679 ~~recommendation of the board~~ for a period no longer than 1 year,
1680 as such renewal is defined by department board rule. The renewal
1681 fee may not exceed one-half the current registration fee. To be
1682 considered by the department board for approval of registration
1683 as a resident, the applicant must have one of the following:

1684 (a) A Bachelor of Science or higher-level postgraduate
1685 degree in orthotics and prosthetics from an institutionally
1686 accredited college or university recognized by the Commission on
1687 Accreditation of Allied Health Education Programs.

1688 (b) A minimum of a bachelor's degree from an
1689 institutionally accredited college or university and a
1690 certificate in orthotics or prosthetics from a program
1691 recognized by the Commission on Accreditation of Allied Health
1692 Education Programs, or its equivalent, as determined by the
1693 department board.

1694 (c) A minimum of a bachelor's degree from an
1695 institutionally accredited college or university and a dual

1696 certificate in both orthotics and prosthetics from programs
1697 recognized by the Commission on Accreditation of Allied Health
1698 Education Programs, or its equivalent, as determined by the
1699 department board.

1700 (4) The department may develop and administer a state
1701 examination for an orthotist or a prosthetist license, ~~or the~~
1702 ~~board~~ may approve the existing examination of a national
1703 standards organization. The examination must be predicated on a
1704 minimum of a baccalaureate-level education and formalized
1705 specialized training in the appropriate field. Each examination
1706 must demonstrate a minimum level of competence in basic
1707 scientific knowledge, written problem solving, and practical
1708 clinical patient management. The department board shall require
1709 an examination fee not to exceed the actual cost to the
1710 department board in developing, administering, and approving the
1711 examination, which fee must be paid by the applicant. To be
1712 considered by the department board for examination, the
1713 applicant must have:

1714 (a) For an examination in orthotics:

1715 1. A Bachelor of Science or higher-level postgraduate
1716 degree in orthotics and prosthetics from an institutionally
1717 accredited college or university recognized by the Commission on
1718 Accreditation of Allied Health Education Programs or, at a
1719 minimum, a bachelor's degree from an institutionally accredited
1720 college or university and a certificate in orthotics from a

1721 program recognized by the Commission on Accreditation of Allied
1722 Health Education Programs, or its equivalent, as determined by
1723 the department ~~board~~; and

1724 2. An approved orthotics internship of 1 year of qualified
1725 experience, as determined by the department ~~board~~, or an
1726 orthotic residency or dual residency program recognized by the
1727 department ~~board~~.

1728 (b) For an examination in prosthetics:

1729 1. A Bachelor of Science or higher-level postgraduate
1730 degree in orthotics and prosthetics from an institutionally
1731 accredited college or university recognized by the Commission on
1732 Accreditation of Allied Health Education Programs or, at a
1733 minimum, a bachelor's degree from an institutionally accredited
1734 college or university and a certificate in prosthetics from a
1735 program recognized by the Commission on Accreditation of Allied
1736 Health Education Programs, or its equivalent, as determined by
1737 the department ~~board~~; and

1738 2. An approved prosthetics internship of 1 year of
1739 qualified experience, as determined by the department ~~board~~, or
1740 a prosthetic residency or dual residency program recognized by
1741 the department ~~board~~.

1742 (5) In addition to the requirements in subsection (2), to
1743 be licensed as:

1744 (a) An orthotist, the applicant must pay a license fee not
1745 to exceed \$500 and must have:

1746 1. A Bachelor of Science or higher-level postgraduate
 1747 degree in orthotics and prosthetics from an institutionally
 1748 accredited college or university recognized by the Commission on
 1749 Accreditation of Allied Health Education Programs, or a
 1750 bachelor's degree from an institutionally accredited college or
 1751 university and a certificate in orthotics from a program
 1752 recognized by the Commission on Accreditation of Allied Health
 1753 Education Programs, or its equivalent, as determined by the
 1754 department board;

1755 2. An approved internship of 1 year of qualified
 1756 experience, as determined by the department board, or a
 1757 residency program recognized by the department board;

1758 3. Completed the mandatory courses; and

1759 4. Passed the state orthotics examination or the
 1760 department-approved board-approved orthotics examination.

1761 (b) A prosthetist, the applicant must pay a license fee
 1762 not to exceed \$500 and must have:

1763 1. A Bachelor of Science or higher-level postgraduate
 1764 degree in orthotics and prosthetics from an institutionally
 1765 accredited college or university recognized by the Commission on
 1766 Accreditation of Allied Health Education Programs, or a
 1767 bachelor's degree from an institutionally accredited college or
 1768 university and a certificate in prosthetics from a program
 1769 recognized by the Commission on Accreditation of Allied Health
 1770 Education Programs, or its equivalent, as determined by the

1771 department board;

1772 2. An internship of 1 year of qualified experience, as

1773 determined by the department board, or a residency program

1774 recognized by the department board;

1775 3. Completed the mandatory courses; and

1776 4. Passed the state prosthetics examination or the

1777 department-approved board-approved prosthetics examination.

1778 (c) An orthotic fitter, the applicant must pay a license

1779 fee not to exceed \$500 and must have:

1780 1. A high school diploma or its equivalent;

1781 2. A minimum of 40 hours of training in orthotics

1782 education, as approved by the department board;

1783 3. Two years of supervised experience in orthotics

1784 acquired after completion of the required education, as approved

1785 by the department board; and

1786 4. Completed the mandatory courses.

1787 (d) An orthotic fitter assistant, the applicant must pay a

1788 license fee not to exceed \$500 and must have:

1789 1. A high school diploma or its equivalent;

1790 2. A minimum of 40 hours of training in orthotics

1791 education, as approved by the department board; and

1792 3. Completed the mandatory courses.

1793 (e) A pedorthist, the applicant must pay a license fee not

1794 to exceed \$500 and must have:

1795 1. A high school diploma or its equivalent;

1796 2. A minimum of 120 hours of training, as approved by the
1797 department board;

1798 3. An internship of 80 hours of qualified working
1799 experience, as determined by the department board; and

1800 4. Completed the mandatory courses.

1801 **Section 28. Section 468.806, Florida Statutes, is amended**
1802 **to read:**

1803 468.806 Biennial renewal of license.—

1804 (1) The department shall renew a license upon receipt of
1805 the required documentation, renewal application, and renewal
1806 fee, not to exceed \$500, as set by the department board. The
1807 applicant for license renewal must submit information necessary
1808 to conduct a statewide criminal history check along with payment
1809 in an amount equal to the costs incurred by the department for a
1810 statewide criminal history check. The department shall submit
1811 the required information for a statewide criminal history check
1812 of the applicant to the Department of Law Enforcement.

1813 (2) The department board shall adopt rules establishing a
1814 procedure for the biennial license renewal.

1815 (3) The department board may by rule prescribe continuing
1816 education requirements and approve course criteria, not to
1817 exceed 30 hours biennially, as a condition for license renewal.
1818 The department board shall establish by rule mandatory courses
1819 to safeguard the welfare of the public and licensed
1820 practitioners, standards and qualifications for continuing

1821 education courses, standards and qualifications for course
 1822 providers, and a procedure for approving continuing education
 1823 courses and providers and set a fee for continuing education
 1824 course and provider approval.

1825 **Section 29. Section 468.808, Florida Statutes, is amended**
 1826 **to read:**

1827 468.808 Support personnel.—A person must be licensed to
 1828 practice orthotics, prosthetics, or pedorthics in this state.
 1829 However, a licensed orthotist, prosthetist, or pedorthist may
 1830 delegate duties, not to include patient evaluation, treatment
 1831 formulation, or the final fitting of a device before ~~prior to~~
 1832 patient use, to nonlicensed support personnel. All other
 1833 delegated duties must be performed under the supervision, as
 1834 defined by department ~~the board~~ by rule, of a licensed
 1835 orthotist, prosthetist, or pedorthist, and the persons acting as
 1836 support personnel must be identified as such by wearing an
 1837 identification tag as defined by department ~~the board~~ by rule.
 1838 In such instances the supervising licensee is responsible for
 1839 all acts performed by such persons.

1840 **Section 30. Paragraph (a) of subsection (1) of section**
 1841 **468.809, Florida Statutes, is amended to read:**

1842 468.809 Prohibitions; penalties.—
 1843 (1) A person may not:
 1844 (a) Make a false or fraudulent statement in any
 1845 application, affidavit, or statement presented to the department

1846 ~~board~~ or in any proceeding before the department ~~board~~.

1847 **Section 31. Subsections (1) and (3) of section 468.8095,**
 1848 **Florida Statutes, are amended to read:**

1849 468.8095 Practitioner and resident identification.—

1850 (1) A licensee or person registered with the department
 1851 shall post a license or registration and a recent photograph of
 1852 the licensee or registrant at each facility where patients are
 1853 seen by the licensee or registrant in a manner determined by
 1854 department ~~the board~~ by rule. This requirement does not extend
 1855 to areas where the licensee or registrant may visit and normally
 1856 does not treat patients. The posted license or registration must
 1857 be valid.

1858 (3) During patient contact, each licensee or person
 1859 registered with the department shall prominently wear an
 1860 identification tag or badge with the name, recent photograph,
 1861 and license or registration number, as applicable, of the
 1862 licensee or registrant. The size and appearance of the
 1863 identification tag or badge is ~~shall be~~ determined by department
 1864 ~~the board~~ by rule. Persons licensed in more than one practice
 1865 field under this part may list both license numbers. Licensees
 1866 or registrants working in facilities requiring the wearing of a
 1867 specific identification tag may substitute the identification
 1868 tag or badge required by this subsection with the facility's
 1869 design as determined by the department ~~board~~.

1870 **Section 32. Subsection (2) of section 468.811, Florida**

1871 **Statutes, is amended to read:**

1872 468.811 Disciplinary proceedings.—

1873 (2) The department ~~board~~ may enter an order denying
1874 licensure or imposing any of the penalties in s. 456.072(2)
1875 against any applicant for licensure or licensee who is found
1876 guilty of violating any provision of subsection (1) of this
1877 section or who is found guilty of violating any provision of s.
1878 456.072(1).

1879 **Section 33. Subsections (2), (3), and (6) of section**
1880 **484.002, Florida Statutes, are amended to read:**

1881 484.002 Definitions.—As used in this part:

1882 (2) ~~"Board" means the Board of Opticianry.~~

1883 ~~(3)~~ "Opticianry" means the preparation and dispensing of
1884 lenses, spectacles, eyeglasses, contact lenses, and other
1885 optical devices to the intended user or agent thereof, upon the
1886 written prescription of a licensed allopathic or osteopathic
1887 physician or optometrist who is duly licensed to practice or
1888 upon presentation of a duplicate prescription. The selection of
1889 frame designs, the actual sales transaction, and the transfer of
1890 physical possession of lenses, spectacles, eyeglasses, contact
1891 lenses, and other optical devices subsequent to performance of
1892 all services of the optician are ~~shall~~ not be considered the
1893 practice of opticianry; however, such physical possession may
1894 ~~shall~~ not be transferred until the optician has completed the
1895 fitting of the optical device upon the customer. The practice of

1896 | opticianry also includes the duplication of lenses accurately as
1897 | to power, without prescription. A department-certified ~~board-~~
1898 | ~~certified~~ optician qualified and operating under rules
1899 | established by the department ~~board~~ may fill, fit, adapt, or
1900 | dispense any soft contact lens prescription. Such optician may
1901 | fill, fit, adapt, or dispense any extended wear or hard contact
1902 | lens prescription to the extent authorized to do so by the
1903 | prescribing allopathic or osteopathic physician or optometrist.

1904 | (5)-(6) "Department-certified ~~Board-certified~~ optician"

1905 | means an optician licensed in this state who:

1906 | (a) Has passed the National Contact Lens Registry
1907 | Examination;

1908 | (b) Has successfully completed a department-approved
1909 | ~~board-approved~~ course of at least 20 contact hours covering the
1910 | competencies required in fitting, adapting, and dispensing of
1911 | contact lenses;

1912 | (c) Has met any other requirements established by the
1913 | department ~~board~~ to assure competence in the fitting, adapting,
1914 | and dispensing of contact lenses;

1915 | (d) Has completed the application form and remitted a
1916 | nonrefundable application fee set by the department ~~board~~ not to
1917 | exceed \$100; and

1918 | (e) Has been issued a certificate by the department.

1919 | **Section 34.** Section 484.003, Florida Statutes, is
1920 | repealed.

1921 **Section 35.** Section 484.004, Florida Statutes, is
 1922 repealed.

1923 **Section 36. Section 484.005, Florida Statutes, is amended**
 1924 **to read:**

1925 484.005 Authority to make rules.—The department may ~~board~~
 1926 ~~has authority to~~ adopt rules pursuant to ss. 120.536(1) and
 1927 120.54 to implement the provisions of this part conferring
 1928 duties upon it. Such rules must ~~shall~~ include, but need not be
 1929 limited to, rules relating to:

1930 (1) A standard of practice for opticians licensed pursuant
 1931 to this part.

1932 (2) Minimum equipment which must ~~shall~~ be used ~~utilized~~ to
 1933 prepare, fit, measure, and dispense lenses, spectacles,
 1934 eyeglasses, contact lenses, and other optical devices allowed
 1935 under the practice of opticianry.

1936 (3) Procedures for transfer of prescription files upon the
 1937 going out of business of an optician, corporation, or other
 1938 person.

1939 (4) A standard of practice for filling prescriptions for
 1940 contact lenses and fitting, adapting, and dispensing contact
 1941 lenses.

1942 **Section 37. Section 484.006, Florida Statutes, is amended**
 1943 **to read:**

1944 484.006 Certain rules prohibited.—The department may not
 1945 adopt any rule or policy that prohibits:

1946 (1) ~~No rule or policy of the board shall prohibit~~ Any
 1947 optician from offering a discount in any form or manner in
 1948 conjunction with the practice of opticianry or from advertising,
 1949 either directly or indirectly by any means whatsoever, any
 1950 definite or indefinite price or credit terms on prescriptive or
 1951 corrective lenses, frames, complete prescriptive or corrective
 1952 glasses, or other opticianry service.

1953 (2) ~~No rule or policy of the board shall prohibit~~ Any
 1954 optician from practicing jointly with optometrists or allopathic
 1955 or osteopathic physicians licensed in this state.

1956 (3) ~~No rule or policy of the board shall prohibit~~ The sale
 1957 of spectacles for reading purposes; toy glasses; goggles or
 1958 sunglasses consisting of plano white, plano colored, or plano
 1959 tinted glasses; or readymade nonprescription glasses; nor may
 1960 ~~shall~~ anything in this part be construed to affect in any way
 1961 the manufacturing and sale of plastic or glass artificial eyes
 1962 or any person engaged in the manufacturing or sale of plastic or
 1963 glass artificial eyes.

1964 (4) ~~No rule or policy of the board shall prohibit~~ Any
 1965 optician licensed under this part from engaging in the practice
 1966 of opticianry with, or in the employ of, any partnership,
 1967 corporation, lay body, organization, group, or individual.

1968 (5) ~~No rule or policy of the board shall prohibit~~ The
 1969 location of offices or branch offices by an optician.

1970 (6) ~~No rule or policy of the board shall prohibit~~ The

1971 practice of opticianry under a trade name or service mark.

1972 **Section 38. Subsections (1) and (3) of section 484.007,**
 1973 **Florida Statutes, as amended by section 30 of chapter 2024-243,**
 1974 **Laws of Florida, are amended to read:**

1975 484.007 Licensure of opticians; permitting of optical
 1976 establishments.—

1977 (1) Any person desiring to practice opticianry must ~~shall~~
 1978 apply to the department, upon forms prescribed by it, to take a
 1979 licensure examination. The department shall examine each
 1980 applicant who ~~the board certifies~~ meets all of the following
 1981 criteria:

1982 (a) Has completed the application form and remitted a
 1983 nonrefundable application fee set by the department ~~board~~, in
 1984 the amount of \$100 or less, and an examination fee set by the
 1985 department ~~board~~, in the amount of \$325 plus the actual per
 1986 applicant cost to the department for purchase of portions of the
 1987 examination from the American Board of Opticianry or a similar
 1988 national organization, or less, and refundable if the department
 1989 ~~board~~ finds the applicant ineligible to take the examination.

1990 (b) Submits to background screening in accordance with s.
 1991 456.0135.

1992 (c) Is not younger than 18 years of age.

1993 (d) Is a graduate of an accredited high school or
 1994 possesses a certificate of equivalency of a high school
 1995 education.

1996 (e)1. Has received an associate degree, or its equivalent,
 1997 in opticianry from an educational institution the curriculum of
 1998 which is accredited by an accrediting agency recognized and
 1999 approved by the United States Department of Education or the
 2000 Council on Postsecondary Education or approved by the department
 2001 ~~board~~; or

2002 2. Has registered as an apprentice with the department and
 2003 paid a registration fee not to exceed \$60, as set by department
 2004 rule ~~of the board~~. The apprentice must ~~shall~~ complete 6,240
 2005 hours of training under the supervision of an optician licensed
 2006 in this state for at least 1 year or of a physician or
 2007 optometrist licensed under the laws of this state. These
 2008 requirements must be met within 5 years after the date of
 2009 registration. However, any time spent in a recognized school may
 2010 be considered as part of the apprenticeship program provided
 2011 herein. The department ~~board~~ may establish administrative
 2012 processing fees sufficient to cover the cost of administering
 2013 apprentice rules as adopted ~~promulgated~~ by the department ~~board~~.

2014 (3) The department ~~board~~ shall certify ~~to the department~~
 2015 for licensure by endorsement any applicant who meets the
 2016 requirements for licensure by endorsement under s. 456.0145.

2017 **Section 39. Section 484.008, Florida Statutes, is amended**
 2018 **to read:**

2019 484.008 Renewal of license.—

2020 (1) The department shall renew a license upon receipt of

2021 the renewal application and the fee set by the department ~~board~~
 2022 not to exceed \$350.

2023 (2) The department shall adopt rules establishing a
 2024 procedure for the biennial renewal of licenses.

2025 (3) The department ~~board~~ may by rule prescribe continuing
 2026 education, not to exceed 20 hours biennially, as a condition for
 2027 renewal of a license or certificate. The criteria for such
 2028 programs or courses must ~~shall~~ be approved by the department
 2029 ~~board~~. All education programs which contribute to the
 2030 advancement, extension, or enhancement of professional skills
 2031 and knowledge, whether conducted by a nonprofit or a
 2032 profitmaking entity, are eligible for approval. The department
 2033 ~~board~~ may establish by rule an application fee not to exceed
 2034 \$200 for anyone seeking approval to provide continuing education
 2035 courses and may provide by rule for a fee not to exceed \$200 for
 2036 renewal of providership.

2037 (4) The department ~~board~~ may excuse any licensee or group
 2038 of licensees from the continuing education requirement, until
 2039 the licensee or group of licensees is capable of fulfilling the
 2040 continuing education requirement, if an unusual circumstance,
 2041 emergency, or hardship prevented the licensee or group of
 2042 licensees from complying with such requirement.

2043 **Section 40. Section 484.009, Florida Statutes, is amended**
 2044 **to read:**

2045 484.009 Inactive status.—

2046 (1) A license that has become inactive may be reactivated
 2047 under s. 484.008 upon application to the department. The
 2048 department board shall prescribe by rule continuing education
 2049 requirements as a condition of reactivating a license. The
 2050 continuing education requirements for reactivating a license may
 2051 not exceed 12 classroom hours for each year the license was
 2052 inactive.

2053 (2) The department board shall adopt promulgate rules
 2054 relating to licenses which have become inactive and for the
 2055 renewal of inactive licenses. The department board shall
 2056 prescribe by rule a fee not to exceed \$200 for the reactivation
 2057 of an inactive license and a fee not to exceed \$50 for the
 2058 renewal of an inactive license.

2059 **Section 41. Section 484.011, Florida Statutes, is amended**
 2060 **to read:**

2061 484.011 Supportive personnel.—No person other than a
 2062 licensed optician may engage in the practice of opticianry,
 2063 except that a licensed optician may delegate to nonlicensed
 2064 supportive personnel those duties, tasks, and functions which
 2065 fall within the purview of s. 484.002(2) ~~s. 484.002(3)~~. All such
 2066 delegated acts shall be performed under the direct supervision
 2067 of a licensed optician, who shall be responsible for all such
 2068 acts performed by persons under her or his supervision.

2069 **Section 42. Subsection (2) of section 484.012, Florida**
 2070 **Statutes, is amended to read:**

2071 484.012 Prescriptions; filing; duplication of
 2072 prescriptions; duplication of lenses.—

2073 (2) Upon request by the intended user of the prescribed
 2074 lenses, spectacles, eyeglasses, contact lenses, or other optical
 2075 devices, or by an agent of the intended user, the optician who
 2076 fills the original prescription shall duplicate, on a form
 2077 prescribed by rule of the department ~~board~~, the original
 2078 prescription. However, for medical reasons only, the prescribing
 2079 allopathic or osteopathic physician or optometrist may, upon the
 2080 original prescription, prohibit its duplication. Any duplication
 2081 is ~~shall be~~ considered a valid prescription to be filled for a
 2082 period of 5 years from the date of the original prescription,
 2083 except that a contact lens prescription is ~~shall be~~ considered a
 2084 valid prescription to be filled for a period of 2 years from the
 2085 date of the original prescription.

2086 **Section 43. Paragraph (a) of subsection (1) of section**
 2087 **484.013, Florida Statutes, is amended to read:**

2088 484.013 Violations and penalties.—

2089 (1) It is unlawful for any person:

2090 (a) To make a false or fraudulent statement, either for
 2091 herself or himself or for another person, in any application,
 2092 affidavit, or statement presented to the department ~~board~~ or in
 2093 any proceeding before the department ~~board~~.

2094 **Section 44. Paragraphs (a) and (m) of subsection (1) and**
 2095 **subsections (2) and (3) of section 484.014, Florida Statutes,**

2096 **are amended to read:**

2097 484.014 Disciplinary actions.—

2098 (1) The following acts constitute grounds for denial of a
2099 license or disciplinary action, as specified in s. 456.072(2):

2100 (a) Procuring, or attempting to procure, a license by
2101 misrepresentation, bribery, or fraud or through an error of the
2102 department ~~or the board~~.

2103 (m) Willfully failing to report any person who the
2104 licensee knows is in violation of this part or of rules of the
2105 department ~~or the board~~.

2106 (2) The department ~~board~~ may enter an order denying
2107 licensure or imposing any of the penalties in s. 456.072(2)
2108 against any applicant for licensure or licensee who is found
2109 guilty of violating any provision of subsection (1) of this
2110 section or who is found guilty of violating any provision of s.
2111 456.072(1).

2112 (3) The department ~~board~~ ~~shall~~ not reinstate the
2113 license of an optician it has deemed unqualified until such time
2114 as it is satisfied that the optician has complied with all the
2115 terms and conditions set forth in the final order and that such
2116 person is capable of safely engaging in the practice of
2117 opticianry.

2118 **Section 45. Section 484.017, Florida Statutes, is amended**
2119 **to read:**

2120 484.017 Reciprocity.—In order to ensure that opticians

2121 licensed in this state may be licensed in other states, the
 2122 department board may enter into reciprocity agreements with
 2123 other states.

2124 **Section 46. Subsection (1) of section 484.041, Florida**
 2125 **Statutes, is amended to read:**

2126 484.041 Definitions.—As used in this part, the term:
 2127 ~~(1) "Board" means the Board of Hearing Aid Specialists.~~

2128 **Section 47. Section 484.042, Florida Statutes, is**
 2129 **repealed.**

2130 **Section 48. Section 484.043, Florida Statutes, is**
 2131 **repealed.**

2132 **Section 49. Section 484.044, Florida Statutes, is amended**
 2133 **to read:**

2134 484.044 Authority to make rules.—

2135 (1) The department may board ~~has authority to~~ adopt rules
 2136 pursuant to ss. 120.536(1) and 120.54 to implement the
 2137 provisions of this part conferring duties upon it.

2138 (2) The department board shall adopt rules requiring that
 2139 each prospective purchaser of a prescription hearing aid be
 2140 notified by the attending hearing aid specialist, at the time of
 2141 the initial examination for fitting and sale of a hearing aid,
 2142 of telecoil, "t" coil, or "t" switch technology. The rules must
 2143 ~~shall~~ further require that hearing aid specialists make
 2144 available to prospective purchasers or clients information
 2145 regarding telecoils, "t" coils, or "t" switches.

2146 **Section 50. Section 484.0445, Florida Statutes, is amended**
 2147 **to read:**

2148 484.0445 Training program.—

2149 (1) The department ~~board~~ shall establish by rule a
 2150 training program for a minimum 6 months in length, which may
 2151 include a department-approved ~~board-approved~~ home study course.

2152 (2) A trainee shall perform the functions of a hearing aid
 2153 specialist in accordance with department ~~board~~ rules only under
 2154 the direct supervision of a licensed hearing aid specialist. The
 2155 term "direct supervision" means that the sponsor is responsible
 2156 for all work being performed by the trainee. The sponsor or a
 2157 hearing aid specialist designated by the sponsor shall give
 2158 final approval to work performed by the trainee and shall be
 2159 physically present at the time the prescription hearing aid is
 2160 delivered to the client.

2161 (3) The department ~~board~~ may limit pursuant to rule the
 2162 number of trainees a hearing aid specialist may supervise.

2163 (4) The department ~~board~~ may, by rule, require that a
 2164 licensed hearing aid specialist acting as a sponsor or as the
 2165 designee of a sponsor under this section be certified by the
 2166 National Board for Certification in Hearing Instrument Sciences.

2167 **Section 51. Section 484.0447, Florida Statutes, is amended**
 2168 **to read:**

2169 484.0447 Fees.—The department ~~board~~ shall by rule
 2170 establish fees to be paid as follows:

- 2171 (1) Examination application fee, not to exceed \$150;
- 2172 (2) Examination fee, not to exceed \$175, which is
- 2173 refundable if the applicant is found to be ineligible to take
- 2174 the examination;
- 2175 (3) Reexamination fee, not to exceed \$175;
- 2176 (4) Initial licensure fee, not to exceed \$600;
- 2177 (5) Trainee registration fee, not to exceed \$100; and
- 2178 (6) Biennial renewal fee, not to exceed \$600.

2179 **Section 52. Subsections (2) and (3) of section 484.045,**
 2180 **Florida Statutes, as amended by section 31 of chapter 2024-243,**
 2181 **Laws of Florida, are amended to read:**

2182 484.045 Licensure by examination.—

2183 (2) The department shall license each applicant who ~~the~~
 2184 ~~board certifies~~ meets all of the following criteria:

2185 (a) Has completed the application form and remitted the
 2186 required fees.

2187 (b) Has submitted to background screening in accordance
 2188 with s. 456.0135.

2189 (c) Is of good moral character.

2190 (d) Is 18 years of age or older.

2191 (e) Is a graduate of an accredited high school or its
 2192 equivalent.

2193 (f)1. Has met the requirements of the training program; or

2194 2.a. Has a valid, current license as a hearing aid
 2195 specialist or its equivalent from another state and has been

2196 actively practicing in such capacity for at least 12 months; or
 2197 b. Is currently certified by the National Board for
 2198 Certification in Hearing Instrument Sciences and has been
 2199 actively practicing for at least 12 months.

2200 (g) Has passed an examination, as prescribed by department
 2201 ~~board~~ rule.

2202 (h) Has demonstrated, in a manner designated by rule of
 2203 the department ~~board~~, knowledge of state laws and rules relating
 2204 to the fitting and dispensing of prescription hearing aids.

2205 (3) A person who fails the examination may make
 2206 application for reexamination to the appropriate examining
 2207 entity, as prescribed by department ~~board~~ rule.

2208 **Section 53. Section 484.047, Florida Statutes, is amended**
 2209 **to read:**

2210 484.047 Renewal of license.—

2211 (1) The department ~~board~~ by rule shall provide a method
 2212 for the biennial renewal of a license.

2213 (2) In addition to the other requirements for renewal
 2214 provided in this section and by the department ~~board~~, the
 2215 department shall renew a license upon receipt of the renewal
 2216 application and the renewal fee. A licensee must maintain, if
 2217 applicable, a certificate from a manufacturer or independent
 2218 testing agent certifying that the testing room meets the
 2219 requirements of s. 484.0501(6) and, if applicable, a certificate
 2220 from a manufacturer or independent testing agent stating that

2221 all audiometric testing equipment used by the licensee has been
 2222 calibrated acoustically to American National Standards Institute
 2223 standards on an annual basis. Possession of an applicable
 2224 certificate is a prerequisite to renewal.

2225 (3) A licensee shall notify the department ~~board~~ in
 2226 writing of any change of address.

2227 (4) The department ~~board~~ may adopt rules to require no
 2228 more than 30 approved hours of mandatory continuing education
 2229 for the renewal of a hearing aid specialist's license.

2230 **Section 54. Subsection (7) of section 484.0501, Florida**
 2231 **Statutes, is amended to read:**

2232 484.0501 Minimal procedures and equipment.—

2233 (7) The department ~~board~~ may prescribe the minimum
 2234 procedures and equipment which must be used in the conducting of
 2235 hearing assessments, and for the fitting and selling of
 2236 prescription hearing aids, including equipment that will measure
 2237 the prescription hearing aid's response curves to ensure that
 2238 they meet the manufacturer's specifications. These procedures
 2239 and equipment may differ from those provided in this section in
 2240 order to take full advantage of devices and equipment which may
 2241 hereafter become available and which are demonstrated to be of
 2242 greater efficiency and accuracy. The department ~~board~~ shall
 2243 adopt and enforce rules necessary to implement this subsection
 2244 and subsection (6).

2245 **Section 55. Subsections (1) and (2) of section 484.0512,**

2246 **Florida Statutes, are amended to read:**

2247 484.0512 Thirty-day trial period; purchaser's right to
 2248 cancel; notice; refund; cancellation fee; criminal penalty.—

2249 (1) A person selling a prescription hearing aid in this
 2250 state must provide the buyer with written notice of a 30-day
 2251 trial period and money-back guarantee. The guarantee must permit
 2252 the purchaser to cancel the purchase for a valid reason, as
 2253 defined by department ~~board~~ rule, within 30 days after receiving
 2254 the prescription hearing aid, by returning the prescription
 2255 hearing aid or mailing written notice of cancellation to the
 2256 seller. If the prescription hearing aid must be repaired,
 2257 remade, or adjusted during the 30-day trial period, the running
 2258 of the 30-day trial period is suspended 1 day for each 24-hour
 2259 period that the prescription hearing aid is not in the
 2260 purchaser's possession. A repaired, remade, or adjusted
 2261 prescription hearing aid must be claimed by the purchaser within
 2262 3 working days after notification of availability. The running
 2263 of the 30-day trial period resumes on the day the purchaser
 2264 reclaims the repaired, remade, or adjusted prescription hearing
 2265 aid or on the fourth day after notification of availability,
 2266 whichever occurs earlier.

2267 (2) The department ~~board~~, in consultation with the Board
 2268 of Speech-Language Pathology and Audiology, shall prescribe by
 2269 rule the terms and conditions to be contained in the money-back
 2270 guarantee and any exceptions thereto. Such rules must provide,

2271 at a minimum, that the charges for earmolds and service provided
 2272 to fit the prescription hearing aid may be retained by the
 2273 licensee. The rules must also set forth any reasonable charges
 2274 to be held by the licensee as a cancellation fee. The terms and
 2275 conditions of the guarantee, including the total amount
 2276 available for refund, must be provided in writing to the
 2277 purchaser before the signing of the contract.

2278 **Section 56. Paragraph (d) of subsection (1) and subsection**
 2279 **(3) of section 484.053, Florida Statutes, are amended to read:**

2280 484.053 Prohibitions; penalties.—

2281 (1) A person may not:

2282 (d) Give false, incomplete, or forged evidence to the
 2283 department board ~~board or a member thereof~~ for the purposes of
 2284 obtaining a license;

2285 (3) If a person licensed under this part allows the sale
 2286 of a prescription hearing aid by an unlicensed person not
 2287 registered as a trainee or fails to comply with the requirements
 2288 of s. 484.0445(2) relating to supervision of trainees, the
 2289 department board ~~board~~ must, upon determination of that violation,
 2290 order the full refund of moneys paid by the purchaser upon
 2291 return of the prescription hearing aid to the seller's place of
 2292 business.

2293 **Section 57. Paragraphs (b) and (t) of subsection (1) and**
 2294 **subsections (2) and (3) of section 484.056, Florida Statutes,**
 2295 **are amended to read:**

2296 484.056 Disciplinary proceedings.—

2297 (1) The following acts constitute grounds for denial of a
2298 license or disciplinary action, as specified in s. 456.072(2):

2299 (b) Attempting to procure a license to dispense hearing
2300 aids by bribery, by fraudulent misrepresentations, or through an
2301 error of the department ~~or the board~~.

2302 (t) Failure to submit to the department ~~board~~ on an annual
2303 basis, or such other basis as may be provided by rule,
2304 certification of testing and calibration of audiometric testing
2305 equipment on the form approved by the department ~~board~~.

2306 (2) (a) The department ~~board~~ may enter an order denying
2307 licensure or imposing any of the penalties in s. 456.072(2)
2308 against any applicant for licensure or licensee who is found
2309 guilty of violating any provision of subsection (1) of this
2310 section or who is found guilty of violating any provision of s.
2311 456.072(1).

2312 (b) The department ~~board~~ shall revoke the license of any
2313 hearing aid specialist found guilty of canvassing as described
2314 in this section.

2315 (3) The department shall reissue the license of a hearing
2316 aid specialist who has been disciplined upon certification by
2317 the department ~~board~~ that the hearing aid specialist has
2318 complied with all of the terms and conditions set forth in the
2319 final order.

2320 **Section 58. Subsection (4) of section 484.059, Florida**

2321 **Statutes, is amended to read:**

2322 484.059 Exemptions.—

2323 (4) Section 484.053(1)(a) does not apply to registered
 2324 trainees operating in compliance with this part and department
 2325 ~~board~~ rules.

2326 **Section 59. Paragraph (g) of subsection (3) of section**
 2327 **20.43, Florida Statutes, is amended to read:**

2328 20.43 Department of Health.—There is created a Department
 2329 of Health.

2330 (3) The following divisions of the Department of Health
 2331 are established:

2332 (g) Division of Medical Quality Assurance, which is
 2333 responsible for the following boards and professions established
 2334 within the division:

- 2335 1. The Board of Acupuncture, created under chapter 457.
- 2336 2. The Board of Medicine, created under chapter 458.
- 2337 3. The Board of Osteopathic Medicine, created under
 2338 chapter 459.
- 2339 4. The Board of Chiropractic Medicine, created under
 2340 chapter 460.
- 2341 5. The Board of Podiatric Medicine, created under chapter
 2342 461.
- 2343 6. Naturopathy, as provided under chapter 462.
- 2344 7. The Board of Optometry, created under chapter 463.
- 2345 8. The Board of Nursing, created under part I of chapter

- 2346 | 464.
- 2347 | 9. Nursing assistants, as provided under part II of
- 2348 | chapter 464.
- 2349 | 10. The Board of Pharmacy, created under chapter 465.
- 2350 | 11. The Board of Dentistry, created under chapter 466.
- 2351 | 12. Midwifery, as provided under chapter 467.
- 2352 | 13. The Board of Speech-Language Pathology and Audiology,
- 2353 | created under part I of chapter 468.
- 2354 | 14. The Board of Nursing Home Administrators, created
- 2355 | under part II of chapter 468.
- 2356 | 15. The Board of Occupational Therapy, created under part
- 2357 | III of chapter 468.
- 2358 | 16. Respiratory therapy, as provided under part V of
- 2359 | chapter 468.
- 2360 | 17. Dietetics and nutrition practice, as provided under
- 2361 | part X of chapter 468.
- 2362 | 18. ~~The Board of~~ Athletic trainers, as provided ~~Training,~~
- 2363 | ~~created~~ under part XIII of chapter 468.
- 2364 | 19. ~~The Board of~~ Orthotists and prosthetists, as provided
- 2365 | ~~created~~ under part XIV of chapter 468.
- 2366 | 20. Electrolysis, as provided under chapter 478.
- 2367 | 21. The Board of Massage Therapy, created under chapter
- 2368 | 480.
- 2369 | 22. The Board of Clinical Laboratory Personnel, created
- 2370 | under part I of chapter 483.

- 2371 23. Medical physicists, as provided under part II of
 2372 chapter 483.
- 2373 24. ~~The Board of~~ Opticianry, as provided ~~created~~ under
 2374 part I of chapter 484.
- 2375 25. ~~The Board of~~ Hearing aid specialists, as provided
 2376 ~~created~~ under part II of chapter 484.
- 2377 26. The Board of Physical Therapy Practice, created under
 2378 chapter 486.
- 2379 27. The Board of Psychology, created under chapter 490.
- 2380 28. School psychologists, as provided under chapter 490.
- 2381 29. The Board of Clinical Social Work, Marriage and Family
 2382 Therapy, and Mental Health Counseling, created under chapter
 2383 491.
- 2384 30. Emergency medical technicians and paramedics, as
 2385 provided under part III of chapter 401.
- 2386 **Section 60. Paragraph (a) of subsection (5) of section**
 2387 **943.031, Florida Statutes, is amended to read:**
- 2388 943.031 Florida Violent Crime and Drug Control Council.—
- 2389 (5) DUTIES OF COUNCIL.—Subject to funding provided to the
 2390 department by the Legislature, the council shall provide advice
 2391 and make recommendations, as necessary, to the executive
 2392 director of the department.
- 2393 (a) The council may advise the executive director on the
 2394 feasibility of undertaking initiatives which include, but are
 2395 not limited to, the following:

2396 1. Establishing a program that provides grants to criminal
 2397 justice agencies that develop and implement effective violent
 2398 crime prevention and investigative programs and which provides
 2399 grants to law enforcement agencies for the purpose of drug
 2400 control, criminal gang, and illicit money laundering
 2401 investigative efforts or task force efforts that are determined
 2402 by the council to significantly contribute to achieving the
 2403 state's goal of reducing drug-related crime, that represent
 2404 significant criminal gang investigative efforts, or that
 2405 represent a significant illicit money laundering investigative
 2406 effort, ~~or that otherwise significantly support statewide~~
 2407 ~~strategies developed by the Statewide Drug Policy Advisory~~
 2408 ~~Council established under s. 397.333~~, subject to the limitations
 2409 provided in this section. The grant program may include an
 2410 innovations grant program to provide startup funding for new
 2411 initiatives by local and state law enforcement agencies to
 2412 combat violent crime or to implement drug control, criminal
 2413 gang, or illicit money laundering investigative efforts or task
 2414 force efforts by law enforcement agencies, including, but not
 2415 limited to, initiatives such as:

- 2416 a. Providing enhanced community-oriented policing.
- 2417 b. Providing additional undercover officers and other
 2418 investigative officers to assist with violent crime
 2419 investigations in emergency situations.
- 2420 c. Providing funding for multiagency or statewide drug

2421 control, criminal gang, or illicit money laundering
 2422 investigative efforts or task force efforts that cannot be
 2423 reasonably funded completely by alternative sources and that
 2424 significantly contribute to achieving the state's goal of
 2425 reducing drug-related crime, that represent significant criminal
 2426 gang investigative efforts, or that represent a significant
 2427 illicit money laundering investigative effort, ~~or that otherwise~~
 2428 ~~significantly support statewide strategies developed by the~~
 2429 ~~Statewide Drug Policy Advisory Council established under s.~~
 2430 ~~397.333.~~

2431 2. Expanding the use of automated biometric identification
 2432 systems at the state and local levels.

2433 3. Identifying methods to prevent violent crime.

2434 4. Identifying methods to enhance multiagency or statewide
 2435 drug control, criminal gang, or illicit money laundering
 2436 investigative efforts or task force efforts that significantly
 2437 contribute to achieving the state's goal of reducing drug-
 2438 related crime, that represent significant criminal gang
 2439 investigative efforts, or that represent a significant illicit
 2440 money laundering investigative effort, ~~or that otherwise~~
 2441 ~~significantly support statewide strategies developed by the~~
 2442 ~~Statewide Drug Policy Advisory Council established under s.~~
 2443 ~~397.333.~~

2444 5. Enhancing criminal justice training programs that
 2445 address violent crime, drug control, illicit money laundering

2446 | investigative techniques, or efforts to control and eliminate
2447 | criminal gangs.

2448 | 6. Developing and promoting crime prevention services and
2449 | educational programs that serve the public, including, but not
2450 | limited to:

2451 | a. Enhanced victim and witness counseling services that
2452 | also provide crisis intervention, information referral,
2453 | transportation, and emergency financial assistance.

2454 | b. A well-publicized rewards program for the apprehension
2455 | and conviction of criminals who perpetrate violent crimes.

2456 | 7. Enhancing information sharing and assistance in the
2457 | criminal justice community by expanding the use of community
2458 | partnerships and community policing programs. Such expansion may
2459 | include the use of civilian employees or volunteers to relieve
2460 | law enforcement officers of clerical work in order to enable the
2461 | officers to concentrate on street visibility within the
2462 | community.

2463 | **Section 61. Paragraph (a) of subsection (1) of section**
2464 | **943.042, Florida Statutes, is amended to read:**

2465 | 943.042 Violent Crime Investigative Emergency and Drug
2466 | Control Strategy Implementation Account.—

2467 | (1) There is created a Violent Crime Investigative
2468 | Emergency and Drug Control Strategy Implementation Account
2469 | within the Department of Law Enforcement Operating Trust Fund.
2470 | The account shall be used to provide emergency supplemental

2471 funds to:

2472 (a) State and local law enforcement agencies that are
 2473 involved in complex and lengthy violent crime investigations, or
 2474 matching funding to multiagency or statewide drug control or
 2475 illicit money laundering investigative efforts or task force
 2476 efforts that significantly contribute to achieving the state's
 2477 goal of reducing drug-related crime or, that represent a
 2478 significant illicit money laundering investigative effort, ~~or~~
 2479 ~~that otherwise significantly support statewide strategies~~
 2480 ~~developed by the Statewide Drug Policy Advisory Council~~
 2481 ~~established under s. 397.333;~~

2482 **Section 62. Paragraph (a) of subsection (5) of section**
 2483 **1004.6495, Florida Statutes, is amended to read:**

2484 1004.6495 Florida Postsecondary Comprehensive Transition
 2485 Program and Florida Center for Students with Unique Abilities.—

2486 (5) CENTER RESPONSIBILITIES.—The Florida Center for
 2487 Students with Unique Abilities is established within the
 2488 University of Central Florida. At a minimum, the center shall:

2489 (a) Disseminate information to students with disabilities
 2490 and their parents, including, but not limited to:

2491 1. Education programs, services, and resources that are
 2492 available at eligible institutions.

2493 2. Supports, accommodations, technical assistance, or
 2494 training provided by eligible institutions, ~~the advisory council~~
 2495 ~~established pursuant to s. 383.141,~~ and regional autism centers

2496 established pursuant to s. 1004.55.

2497 3. Mentoring, networking, and employment opportunities.

2498 **Section 63.** The Department of Health shall conduct a
2499 comprehensive study to evaluate and determine the efficiency of
2500 boards and councils within the department. The department shall
2501 submit a report of its findings and recommendations to the
2502 Governor, the President of the Senate, and the Speaker of the
2503 House of Representatives no later than December 15, 2025.

2504 **Section 64.** This act shall take effect July 1, 2025.