

Tab 1 SB 184 by Book; (Similar to H 07019) Aging Programs

175178	A	S	RCS	AP, Book	Delete L.28:	03/07 10:47 AM
499518	A	S	RCS	AP, Book	btw L.768 - 769:	03/07 10:47 AM

Tab 2 CS/SB 188 by HP, Harrell; (Similar to H 07031) Department of Health

114864	PCS	S	RCS	AP, AHS		03/07 10:51 AM
430820	A	S	RCS	AP, Harrell	Delete L.337 - 363.	03/07 10:51 AM
973632	A	S	RCS	AP, Harrell	btw L.643 - 644:	03/07 10:51 AM
661862	A	S	RCS	AP, Harrell	btw L.716 - 717:	03/07 10:51 AM

Tab 3 SPB 7072 by AP; Criminal Justice

815540	A	S		AP, Bradley, Simpson	Delete L.173 - 238:	03/06 10:00 AM
805438	SA	S		AP, Bradley, Simpson	Delete L.173 - 259:	03/06 06:19 PM
546784	SA	S		AP, Brandes	Delete L.118 - 398:	03/06 06:20 PM
760754	A	S		AP, Brandes	Delete L.118 - 398:	03/05 04:19 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS
Senator Bradley, Chair
Senator Simpson, Vice Chair

MEETING DATE: Thursday, March 7, 2019
TIME: 10:00 a.m.—12:00 noon
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Bradley, Chair; Senator Simpson, Vice Chair; Senators Bean, Benacquisto, Book, Brandes, Braynon, Flores, Gainer, Gibson, Hutson, Lee, Mayfield, Montford, Passidomo, Powell, Rouson, Simmons, Stargel, Stewart, and Thurston

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 184 Book (Similar H 7019, Compare H 1349, S 1592)	Aging Programs; Transferring the powers, duties, and functions of the Department of Elderly Affairs relating to hospices, assisted living facilities, adult family-care homes, and adult day care centers to the Agency for Health Care Administration; establishing that the agency is the lead agency responsible for the regulation of hospices, assisted living facilities, adult day care centers, and adult family-care homes, etc. CF 02/11/2019 Favorable AHS 02/20/2019 Favorable AP 03/07/2019 Fav/CS	Fav/CS Yeas 21 Nays 0

With subcommittee recommendation – Health and Human Services

A proposed committee substitute for the following bill (CS/SB 188) is available:

2	CS/SB 188 Health Policy / Harrell (Similar H 7031, Compare CS/H 247, H 509, S 884, S 1042, S 1078)	Department of Health; Revising health care practitioner licensure application requirements; revising licensure requirements for a person seeking licensure or certification as an osteopathic physician; revising requirements for examinations of dental hygienists; revising athletic trainer licensure requirements; revising qualifications for licensure as a massage therapist; revising requirements for licensure by endorsement or certification for specified professions, etc. HP 02/11/2019 Fav/CS AHS 02/20/2019 Fav/CS AP 03/07/2019 Fav/CS	Fav/CS Yeas 21 Nays 0
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With subcommittee recommendation – Health and Human Services

Consideration of proposed bill:

COMMITTEE MEETING EXPANDED AGENDA

Appropriations

Thursday, March 7, 2019, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SPB 7072	Criminal Justice; Requiring the Office of the State Courts Administrator to provide an annual report containing certain information to the Legislature; increasing the threshold amount for certain theft offenses; revising the circumstances under which an offense of retail theft constitutes a felony of the second or third degree; prohibiting specified acts involving merchandise or a stored-value card obtained from a fraudulent return, etc.	Temporarily Postponed

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 184

INTRODUCER: Appropriations Committee and Senator Book

SUBJECT: Aging Programs

DATE: March 11, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hendon</u>	<u>Hendon</u>	<u>CF</u>	Favorable
2.	<u>McKnight</u>	<u>Kidd</u>	<u>AHS</u>	Recommend: Favorable
3.	<u>McKnight</u>	<u>Kynoch</u>	<u>AP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 184 moves rule making authority for certain programs from the Department of Elder Affairs (DEA) to the Agency for Health Care Administration (AHCA). These programs include hospice care, assisted living facilities, adult family care homes, and adult day care programs. Currently both agencies develop rules, while licensing and inspection is solely performed by the AHCA. The bill makes no substantive changes to the requirements of these programs.

The bill has no fiscal impact and has an effective date of July 1, 2019.

II. Present Situation:

When the Department of Health and Rehabilitative Services was transformed into the Department of Children and Families (DCF), many duties and programs were moved to the newly created Agency for Health Care Administration (AHCA) and the Department of Elder Affairs (DEA). For hospice care, assisted living facilities, adult family care homes, and adult day care programs, duties for rule making were split between the AHCA and the Department of Elder Affairs (DEA). Over time this has created operational challenges due to the regulating agency (the AHCA) enforcing rules that it did not write. Both agencies have proposed changes to this arrangement to the Legislature to place all rule writing authority with the AHCA.

Hospice Care

Hospice care is provided to terminally ill patients. Providers of hospice care are regulated by federal and state law and are licensed by the AHCA. The DEA is responsible for certain rule making. Each hospice must provide a continuum of hospice services that afford the patient and the family of the patient a range of service delivery tailored to the specific needs and preferences of the patient and family at any point in time throughout the length of care for the terminally ill patient and during the bereavement period. These services must be available 24 hours a day, 7 days a week, and must include: nursing services, social work services, pastoral or counseling services, dietary counseling, and bereavement counseling services.¹ Physician services may be provided by the hospice directly or through contract. A hospice may also use contracted staff if necessary to supplement hospice employees in order to meet the needs of patients during periods of peak patient loads or under extraordinary circumstances. Each hospice must also provide or arrange for such additional services as are needed to meet all the palliative and support needs of the patient and family. These services may include, but are not limited to, physical therapy, occupational therapy, speech therapy, massage therapy, home health aide services, infusion therapy, provision of medical supplies and durable medical equipment, day care, homemaker and chore services, and funeral services. There are 47 licensed hospice providers with a total of 1,016 beds in Florida.²

Assisted Living Facilities

An assisted living facility (ALF) is a residential establishment, or part of a residential establishment, that provides housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.³ A personal service is direct physical assistance with, or supervision of, the activities of daily living and self-administration of medication.⁴ Activities of daily living include ambulation, bathing, dressing, eating, grooming, toileting, and other similar tasks.⁵ ALFs are licensed by the AHCA. Both the agency and the DEA have rule making duties.

An ALF is required to provide care and services appropriate to the needs of the residents accepted for admission to the facility.⁶ The owner of facility administrator determines whether an individual is appropriate for admission to the facility based on a number of criteria.⁷ If, as determined by the facility administrator or health care provider, a resident no longer meets the criteria for continued residency or the facility is unable to meet the resident's needs, the resident must be discharged in accordance with the Resident Bill of Rights.⁸ There are 3,086 licensed ALFs in Florida with a total of 105,144 beds.⁹

¹ See part IV of Chapter 400, F.S.

² Agency for Health Care Administration, Florida Health Finder, see <http://www.floridahealthfinder.gov/index.html>, last visited February 12, 2019.

³ Section 429.02(5), F.S.

⁴ Section 429.02(16), F.S.

⁵ Section 429.02(1), F.S.

⁶ For specific minimum standards see Fla. Admin. Code R 58A-5.0182.

⁷ Section 429.26, F.S., and Fla. Admin. Code R 58A-5.0181.

⁸ Section 429.28, F.S.

⁹ Agency for Health Care Administration, Florida Health Finder, see <http://www.floridahealthfinder.gov/index.html>, last visited February 12, 2019.

Adult Family Care Homes

Adult family care homes are residential homes designed to provide personal care services to individuals requiring assistance. The provider must live in the home and offer personal services for up to five residents.¹⁰ Adult family care homes are licensed by the AHCA. Both the agency and the DEA have rule making duties. There are 337 licensed adult family care homes with 1,528 beds in Florida.¹¹

Adult Day Care Centers

Adult day care centers provide therapeutic programs of social and health services as well as activities for adults in a non-institutional setting.¹² Participants may use a variety of services offered during any part of a day, but less than a 24-hour period. Adult day care centers are licensed by the AHCA. Both the AHCA and the DEA have rule making duties. There are 326 licensed adult day care centers with 17,636 beds in Florida.¹³

III. Effect of Proposed Changes:

Section 1 transfers all powers, duties, budget, personnel, and administrative authority, including administrative rulemaking, related to hospices, assisted living facilities, adult family care homes, and adult day care centers, supporting certain regulatory functions from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 2 amends s. 20.41, F.S., relating to the Department of Elder Affairs, to require the agency to provide any needed information on hospice care, assisted living facilities, adult day care centers and adult family care homes to the Agency for Health Care Administration.

Section 3 amends s. 20.42, F.S., relating to the Agency for Health Care Administration, to assign the AHCA with the lead responsibility for regulation of hospice care, assisted living facilities, adult day care centers and adult family care homes.

Section 4 amends s. 400.605, F.S., relating to hospice regulation, to remove the requirements for the Department of Elder Affairs to consult with the Agency for Health Care Administration.

Section 5 amends s. 400.60501, F.S., relating to hospice annual reports, to transfer the responsibility to collect and produce such reports from the Department of Elder Affairs to the Agency for Health Care Administration.

¹⁰ See part II of Chapter 429, F.S.

¹¹ Agency for Health Care Administration, Florida Health Finder, see <http://www.floridahealthfinder.gov/index.html>, last visited February 12, 2019.

¹² See part III of Chapter 429, F.S.

¹³ Agency for Health Care Administration, Florida Health Finder, see <http://www.floridahealthfinder.gov/index.html>, last visited February 12, 2019.

Section 6 amends s. 400.6095, F.S., relating to hospice admissions, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 7 amends s. 400.610, F.S., relating to hospice administration, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 8 amends s. 429.02, F.S., relating to definitions used in chapter 429 on assisted living facilities to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 9 amends s. 429.17, F.S., relating to assisted living facility licenses, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 10 amends s. 429.23, F.S., relating to assisted living facility risk management, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 11 amends s. 429.24, F.S., relating to assisted living facility contracts, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 12 amends s. 429.255, F.S., relating to assisted living facility personnel and emergency care, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 13 amends s. 429.256, F.S., relating to assistance with self-administration of medication in an assisted living facility, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 14 amends s. 429.27, F.S., relating to personal property of residents in assisted living facilities, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 15 amends s. 429.275, F.S., relating to financial records of an assisted living facility, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 16 amends s. 429.31, F.S., relating to the closing of an assisted living facility, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 17 amends s. 429.34, F.S., relating to the right to enter and inspect an assisted living facility to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 18 amends s. 429.41, F.S., relating to assisted living facility licensing standards, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration. The bill deletes outdated language requiring the department to submit a copy of its rules to the Legislature.

Section 19 amends s. 429.42, F.S., relating to assisted living facility pharmacy and dietary services, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 20 amends s. 429.52, F.S., relating to assisted living facility staff training, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 21 amends s. 429.54, F.S., relating to the collection of data on assisted living facility costs, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 22 amends s. 429.63, F.S., providing legislative intent on adult family care home licensure, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 23 amends s. 429.67, F.S., relating to licensure of adult family care homes, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 24 amends s. 429.71, F.S., relating to licensure deficiencies in adult family care homes, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 25 amends s. 429.73, F.S., relating to licensure standards for adult family care homes, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 26 amends s. 429.75, F.S., relating to training and education programs for adult family care homes providers, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 27 amends s. 429.81, F.S., relating to resident agreements in adult family care homes, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 28 amends s. 429.917, F.S., relating to staff training requirements and certain disclosures for adult day care centers with Alzheimer's disease or other related disorders patients, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 29 amends s. 429.918, F.S., relating to licensure designation as a specialized Alzheimer's services adult day care center, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 30 amends s. 429.929, F.S., relating to standards for adult day care centers, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 31 amends s. 765.110, F.S., relating to health care advance directives, to conform to the transfer of responsibilities from the Department of Elder Affairs to the Agency for Health Care Administration.

Section 32 provides an effective date of July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

CS/SB 184 has no fiscal impact to the state. The bill requires the transfer of all budget, salary rate, and personnel used in the development of rules for specified aging programs from the Department of Elder Affairs to the Agency for Health Care Administration.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.41, 20.42, 400.605, 400.60501, 400.6095, 400.610, 429.02, 429.17, 429.23, 429.24, 429.255, 429.256, 429.27, 429.275, 429.31, 429.34, 429.41, 429.42, 429.52, 429.54, 429.63, 429.67, 429.71, 429.73, 429.75, 429.81, 429.917, 429.918, 429.929, and 765.110.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Appropriations on March 7, 2019:

The committee substitute:

- Transfers additional rule authority, chapter 58T-1, Florida Administrative Code, from the DOEA to the AHCA;
- Moves the licensure and staff training requirements for adult day care centers that specialize in Alzheimer's disease or a dementia-related disorder (ARD) under s. 429.917 and s. 429.918, F.S., from the DOEA to the AHCA; and
- Alters adult day care center training requirements for employees and direct caregivers working with patients who have ARD, as well as the education and supervisory experience requirements for a center's licensed operator and if applicable, the operator's designee.

B. Amendments:

None.



175178

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/07/2019	.	
	.	
	.	
	.	

The Committee on Appropriations (Book) recommended the following:

Senate Amendment

Delete line 28
and insert:
rules in chapters 58A-2, 58A-5, 58A-6, 58A-14, and 58T-1,
Florida



499518

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/07/2019	.	
	.	
	.	
	.	

The Committee on Appropriations (Book) recommended the following:

Senate Amendment (with title amendment)

Between lines 768 and 769
insert:

Section 28. Subsection (1) of section 429.917, Florida Statutes, is amended to read:

429.917 Patients with Alzheimer's disease or other related disorders; staff training requirements; certain disclosures.—

(1) An adult day care center licensed under this part must provide the following staff training:



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11 (a) Upon beginning employment with the facility, each
12 employee must receive basic written information about
13 interacting with participants who have Alzheimer's disease or
14 dementia-related disorders.

15 (b) In addition to the information provided under paragraph
16 (a), newly hired adult day care center personnel who are
17 expected to, or whose responsibilities require them to, have
18 direct contact with participants who have Alzheimer's disease or
19 dementia-related disorders must complete initial training of at
20 least 1 hour within the first 3 months after beginning
21 employment. The training must include an overview of dementias
22 and must provide instruction in basic skills for communicating
23 with persons who have dementia.

24 (c) In addition to the requirements of paragraphs (a) and
25 (b), an employee who will be providing direct care to a
26 participant who has Alzheimer's disease or a dementia-related
27 disorder must complete an additional 3 hours of training within
28 9 months after beginning employment. This training must include,
29 but is not limited to, the management of problem behaviors,
30 information about promoting the participant's independence in
31 activities of daily living, and instruction in skills for
32 working with families and caregivers.

33 (d) For certified nursing assistants, the required 4 hours
34 of training shall be part of the total hours of training
35 required annually.

36 (e) For a health care practitioner as defined in s.
37 456.001, continuing education hours taken as required by that
38 practitioner's licensing board shall be counted toward the total
39 of 4 hours.



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40 (f) For an employee who is a licensed health care
41 practitioner as defined in s. 456.001, training that is
42 sanctioned by that practitioner's licensing board shall be
43 considered to be approved by the agency ~~Department of Elderly~~
44 ~~Affairs~~.

45 (g) The agency ~~Department of Elderly Affairs~~ or its
46 designee must approve the 1-hour and 3-hour training provided to
47 employees and direct caregivers under this section. The agency
48 ~~department~~ must consider for approval training offered in a
49 variety of formats. The agency ~~department~~ shall keep a list of
50 current providers who are approved to provide the 1-hour and 3-
51 hour training. The agency ~~department~~ shall adopt rules to
52 establish standards for the employees who are subject to this
53 training, for the trainers, and for the training required in
54 this section.

55 (h) Upon completing any training described in this section,
56 the employee or direct caregiver shall be issued a certificate
57 that includes the name of the training provider, the topic
58 covered, and the date and signature of the training provider.
59 The certificate is evidence of completion of training in the
60 identified topic, and the employee or direct caregiver is not
61 required to repeat training in that topic if the employee or
62 direct caregiver changes employment to a different adult day
63 care center or to an assisted living facility, nursing home,
64 home health agency, or hospice. The direct caregiver must comply
65 with other applicable continuing education requirements.

66 (i) All employees ~~An employee who is hired on or after July~~
67 ~~1, 2004,~~ must complete the training required by this section.

68 Section 29. Subsections (5), (6), and (12) of section



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69 429.918, Florida Statutes, are amended to read

70 429.918 Licensure designation as a specialized Alzheimer's
71 services adult day care center.—

72 (5) (a) The operator of an adult day care center having a
73 license designated under this section, and the operator's
74 designee, as applicable, ~~hired on or after July 1, 2012,~~ shall:

75 1. Have at least a bachelor's degree in health care
76 services, social services, or a related field, 1 year of staff
77 supervisory experience in a social services or health care
78 services setting, and a minimum of 1 year of experience in
79 providing services to persons who have dementia;

80 2. Be a registered or practical nurse licensed in this
81 state, have 1 year of staff supervisory experience in a social
82 services or health care services setting, and have a minimum of
83 1 year of experience in providing services to persons who have
84 dementia; or

85 3. Have 5 years of staff supervisory experience in a social
86 services or health care services setting and a minimum of 3
87 years of experience in providing services to persons who have
88 dementia.

89 (b) The owner must sign an affidavit under penalty of
90 perjury stating that he or she has verified that the operator,
91 and the operator's designee, if any, have completed the
92 education and experience requirements of this subsection.

93 (6) (a) An adult day care center having a license designated
94 under this section must provide the following staff training and
95 supervision:

96 1. A registered nurse or licensed practical nurse must be
97 on site daily for at least 75 percent of the time that the



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98 center is open to ADRD participants. Each licensed practical
99 nurse who works at the center must be supervised in accordance
100 with chapter 464.

101 2. Upon beginning employment with the center, each employee
102 must receive and review basic written information about
103 interacting with ADRD participants.

104 3. In addition to the information provided in subparagraph
105 2., every employee ~~hired on or after July 1, 2012,~~ who has
106 direct contact with ADRD participants shall complete 4 hours of
107 dementia-specific training within 3 months after employment.

108 4. In addition to the requirements of subparagraphs 2. and
109 3., each employee ~~hired on or after July 1, 2012,~~ who provides
110 direct care to ADRD participants shall complete an additional 4
111 hours of dementia-specific training within 6 months after
112 employment.

113 (b) The agency ~~Department of Elderly Affairs~~ or its
114 designee shall approve the training required under this section.
115 The agency ~~department~~ shall adopt rules to establish standards
116 for employees who are subject to this training, for trainers,
117 and for the training required in this section.

118 (c) Upon completing any training described in this section,
119 the employee shall be issued a certificate that includes the
120 name of the training provider, the topics covered, and the date
121 and signature of the training provider. The certificate is
122 evidence of completion of training in the identified topics, and
123 the employee is not required to repeat training in those topics
124 if the employee changes employment to a different adult day care
125 center.

126 (d) Each employee ~~hired on or after July 1, 2012,~~ who



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127 provides direct care to ADRD participants, must receive and
128 review an orientation plan that includes, at a minimum:

129 1. Procedures to locate an ADRD participant who has
130 wandered from the center. These procedures shall be reviewed
131 regularly with all direct care staff.

132 2. Information on the Silver Alert program in this state.

133 3. Information regarding available products or programs
134 used to identify ADRD participants or prevent them from
135 wandering away from the center, their home, or other locations.

136 (12) The agency ~~Department of Elderly Affairs~~ may adopt
137 rules to administer this section.

138

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

140 And the title is amended as follows:

141 Delete line 17

142 and insert:

143 429.67, 429.71, 429.73, 429.75, 429.81, 429.917,
144 429.918, 429.929, and

By Senator Book

32-00734B-19

2019184__

1 A bill to be entitled
 2 An act relating to aging programs; transferring the
 3 powers, duties, and functions of the Department of
 4 Elderly Affairs relating to hospices, assisted living
 5 facilities, adult family-care homes, and adult day
 6 care centers to the Agency for Health Care
 7 Administration; amending s. 20.41, F.S.; requiring the
 8 department to provide certain documents and
 9 information to the agency upon request; amending s.
 10 20.42, F.S.; establishing that the agency is the lead
 11 agency responsible for the regulation of hospices,
 12 assisted living facilities, adult day care centers,
 13 and adult family-care homes; amending ss. 400.605,
 14 400.60501, 400.6095, 400.610, 429.02, 429.17, 429.23,
 15 429.24, 429.255, 429.256, 429.27, 429.275, 429.31,
 16 429.34, 429.41, 429.42, 429.52, 429.54, 429.63,
 17 429.67, 429.71, 429.73, 429.75, 429.81, 429.929, and
 18 765.110, F.S.; conforming provisions to changes made
 19 by the act; providing an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. All powers, duties, functions, records,
 24 personnel, property, salary rate, budget authority, and
 25 administrative authority of the Department of Elderly Affairs
 26 relating to hospices, assisted living facilities, adult family-
 27 care homes, and adult day care centers, and the administrative
 28 rules in chapters 58A-2, 58A-5, 58A-6, and 58A-14, Florida
 29 Administrative Code, are transferred by a type two transfer, as

Page 1 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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2019184__

30 defined in s. 20.06(2), Florida Statutes, to the Agency for
 31 Health Care Administration.

32 Section 2. Subsection (9) is added to section 20.41,
 33 Florida Statutes, to read:

34 20.41 Department of Elderly Affairs.—There is created a
 35 Department of Elderly Affairs.
 36 (9) Upon request, the department shall provide the Agency
 37 for Health Care Administration with any documents and
 38 information needed for the agency's regulation of hospices,
 39 assisted living facilities, adult family-care homes, and adult
 40 day care centers.

41 Section 3. Subsection (3) of section 20.42, Florida
 42 Statutes, is amended to read:

43 20.42 Agency for Health Care Administration.—

44 (3) The department shall be the chief health policy and
 45 planning entity for the state. The department is responsible for
 46 health facility licensure, inspection, and regulatory
 47 enforcement; investigation of consumer complaints related to
 48 health care facilities and managed care plans; the
 49 implementation of the certificate of need program; the operation
 50 of the Florida Center for Health Information and Transparency;
 51 the administration of the Medicaid program; the administration
 52 of the contracts with the Florida Healthy Kids Corporation; the
 53 certification of health maintenance organizations and prepaid
 54 health clinics as set forth in part III of chapter 641; and any
 55 other duties prescribed by statute or agreement. The department
 56 is the lead agency responsible for the regulation of hospices,
 57 assisted living facilities, adult day care centers, and adult
 58 family-care homes.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00734B-19

2019184__

59 Section 4. Subsection (1) of section 400.605, Florida
 60 Statutes, is amended to read:
 61 400.605 Administration; forms; fees; rules; inspections;
 62 fines.-
 63 (1) The agency, ~~in consultation with the department, may~~
 64 ~~adopt rules to administer the requirements of part II of chapter~~
 65 ~~400. The department, in consultation with the agency, shall by~~
 66 rule establish minimum standards and procedures for a hospice
 67 pursuant to this part. The rules must include:
 68 (a) The qualifications of professional and ancillary
 69 personnel to ensure the provision of appropriate and adequate
 70 hospice care.
 71 (b) Standards and procedures for the administrative
 72 management of a hospice.
 73 (c) Standards for hospice services that ensure the
 74 provision of quality patient care.
 75 (d) Components of a patient plan of care.
 76 (e) Procedures relating to the implementation of advanced
 77 directives and do-not-resuscitate orders.
 78 (f) Procedures for maintaining and ensuring confidentiality
 79 of patient records.
 80 (g) Standards for hospice care provided in freestanding
 81 inpatient facilities that are not otherwise licensed medical
 82 facilities and in residential care facilities such as nursing
 83 homes, assisted living facilities, adult family-care homes, and
 84 hospice residential units and facilities.
 85 (h) Components of a comprehensive emergency management
 86 plan, developed in consultation with the Department of Health,
 87 ~~the Department of Elderly Affairs, and the Division of Emergency~~

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88 Management.
 89 (i) Standards and procedures relating to the establishment
 90 and activities of a quality assurance and utilization review
 91 committee.
 92 (j) Components and procedures relating to the collection of
 93 patient demographic data and other information on the provision
 94 of hospice care in this state.
 95 Section 5. Section 400.60501, Florida Statutes, is amended
 96 to read:
 97 400.60501 Outcome measures; adoption of federal quality
 98 measures; public reporting; annual report.-
 99 (1) No later than December 31, 2019, ~~the department, in~~
 100 ~~conjunction with the agency,~~ shall adopt the national hospice
 101 outcome measures and survey data in 42 C.F.R. part 418 to
 102 determine the quality and effectiveness of hospice care for
 103 hospices licensed in the state.
 104 (2) ~~The department, in conjunction with~~ The agency, shall:
 105 (a) Make available to the public the national hospice
 106 outcome measures and survey data in a format that is
 107 comprehensible by a layperson and that allows a consumer to
 108 compare such measures of one or more hospices.
 109 (b) Develop an annual report that analyzes and evaluates
 110 the information collected under this act and any other data
 111 collection or reporting provisions of law.
 112 Section 6. Subsection (8) of section 400.6095, Florida
 113 Statutes, is amended to read:
 114 400.6095 Patient admission; assessment; plan of care;
 115 discharge; death.-
 116 (8) The hospice care team may withhold or withdraw

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117 cardiopulmonary resuscitation if presented with an order not to
 118 resuscitate executed pursuant to s. 401.45. The agency
 119 ~~department~~ shall adopt rules providing for the implementation of
 120 such orders. Hospice staff shall not be subject to criminal
 121 prosecution or civil liability, nor be considered to have
 122 engaged in negligent or unprofessional conduct, for withholding
 123 or withdrawing cardiopulmonary resuscitation pursuant to such an
 124 order and applicable rules. The absence of an order to
 125 resuscitate executed pursuant to s. 401.45 does not preclude a
 126 physician from withholding or withdrawing cardiopulmonary
 127 resuscitation as otherwise permitted by law.

128 Section 7. Paragraph (b) of subsection (1) of section
 129 400.610, Florida Statutes, is amended to read:

130 400.610 Administration and management of a hospice.—

131 (1) A hospice shall have a clearly defined organized
 132 governing body, consisting of a minimum of seven persons who are
 133 representative of the general population of the community
 134 served. The governing body shall have autonomous authority and
 135 responsibility for the operation of the hospice and shall meet
 136 at least quarterly. The governing body shall:

137 (b)1. Prepare and maintain a comprehensive emergency
 138 management plan that provides for continuing hospice services in
 139 the event of an emergency that is consistent with local special
 140 needs plans. The plan shall include provisions for ensuring
 141 continuing care to hospice patients who go to special needs
 142 shelters. The plan shall include the means by which the hospice
 143 provider will continue to provide staff to provide the same type
 144 and quantity of services to their patients who evacuate to
 145 special needs shelters which were being provided to those

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146 patients prior to evacuation. The plan is subject to review and
 147 approval by the county health department, except as provided in
 148 subparagraph 2. During its review, the county health department
 149 shall contact state and local health and medical stakeholders
 150 when necessary. The county health department shall complete its
 151 review to ensure that the plan complies with criteria in rules
 152 of the agency ~~Department of Elderly Affairs~~ within 90 days after
 153 receipt of the plan and shall either approve the plan or advise
 154 the hospice of necessary revisions. Hospice providers may
 155 establish links to local emergency operations centers to
 156 determine a mechanism by which to approach specific areas within
 157 a disaster area in order for the provider to reach its clients.
 158 A hospice shall demonstrate a good faith effort to comply with
 159 the requirements of this paragraph by documenting attempts of
 160 staff to follow procedures as outlined in the hospice's
 161 comprehensive emergency management plan and to provide
 162 continuing care for those hospice clients who have been
 163 identified as needing alternative caregiver services in the
 164 event of an emergency.

165 2. For any hospice that operates in more than one county,
 166 the Department of Health during its review shall contact state
 167 and local health and medical stakeholders when necessary. The
 168 Department of Health shall complete its review to ensure that
 169 the plan complies with criteria in rules of the agency
 170 ~~Department of Elderly Affairs~~ within 90 days after receipt of
 171 the plan and shall approve the plan or advise the hospice of
 172 necessary revisions. The Department of Health shall make every
 173 effort to avoid imposing differing requirements on a hospice
 174 that operates in more than one county as a result of differing

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175 or conflicting comprehensive plan requirements of the counties
176 in which the hospice operates.

177 Section 8. Subsections (13) and (17) of section 429.02,
178 Florida Statutes, are amended to read:

179 429.02 Definitions.—When used in this part, the term:

180 (13) “Limited nursing services” means acts that may be
181 performed by a person licensed under part I of chapter 464.
182 Limited nursing services shall be for persons who meet the
183 admission criteria established by the agency department for
184 assisted living facilities but are and shall not be complex
185 enough to require 24-hour nursing supervision and may include
186 such services as the application and care of routine dressings,
187 and care of casts, braces, and splints.

188 (17) “Personal services” means direct physical assistance
189 with or supervision of the activities of daily living, the self-
190 administration of medication, or other similar services that
191 which the agency department may define by rule. The term may not
192 be construed to mean the provision of medical, nursing, dental,
193 or mental health services.

194 Section 9. Subsection (6) of section 429.17, Florida
195 Statutes, is amended to read:

196 429.17 Expiration of license; renewal; conditional
197 license.—

198 (6) The agency department may by rule establish renewal
199 procedures, identify forms, and specify documentation necessary
200 to administer this section and. ~~The agency, in consultation with~~
201 ~~the department,~~ may adopt rules to administer ~~the requirements~~
202 ~~of~~ part II of chapter 408.

203 Section 10. Subsection (10) of section 429.23, Florida

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204 Statutes, is amended to read:

205 429.23 Internal risk management and quality assurance
206 program; adverse incidents and reporting requirements.—

207 (10) The agency Department of Elderly Affairs may adopt
208 rules necessary to administer this section.

209 Section 11. Subsection (8) of section 429.24, Florida
210 Statutes, is amended to read:

211 429.24 Contracts.—

212 (8) The agency department may by rule clarify terms,
213 establish procedures, clarify refund policies and contract
214 provisions, and specify documentation as necessary to administer
215 this section.

216 Section 12. Subsections (4) and (5) of section 429.255,
217 Florida Statutes, are amended to read:

218 429.255 Use of personnel; emergency care.—

219 (4) Facility staff may withhold or withdraw cardiopulmonary
220 resuscitation or the use of an automated external defibrillator
221 if presented with an order not to resuscitate executed pursuant
222 to s. 401.45. The agency department shall adopt rules providing
223 for the implementation of such orders. Facility staff and
224 facilities may shall not be subject to criminal prosecution or
225 civil liability, nor be considered to have engaged in negligent
226 or unprofessional conduct, for withholding or withdrawing
227 cardiopulmonary resuscitation or use of an automated external
228 defibrillator pursuant to such an order and rules adopted by the
229 agency department. The absence of an order to resuscitate
230 executed pursuant to s. 401.45 does not preclude a physician
231 from withholding or withdrawing cardiopulmonary resuscitation or
232 use of an automated external defibrillator as otherwise

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233 permitted by law.

234 (5) The agency ~~Department of Elderly Affairs~~ may adopt
235 rules to implement the provisions of this section relating to
236 use of an automated external defibrillator.

237 Section 13. Subsection (6) of section 429.256, Florida
238 Statutes, is amended to read:

239 429.256 Assistance with self-administration of medication.—

240 (6) The agency ~~department~~ may by rule establish facility
241 procedures and interpret terms as necessary to implement this
242 section.

243 Section 14. Subsection (8) of section 429.27, Florida
244 Statutes, is amended to read:

245 429.27 Property and personal affairs of residents.—

246 (8) The agency ~~department~~ may by rule clarify terms and
247 specify procedures and documentation necessary to administer the
248 provisions of this section relating to the proper management of
249 residents' funds and personal property and the execution of
250 surety bonds.

251 Section 15. Subsection (4) of section 429.275, Florida
252 Statutes, is amended to read:

253 429.275 Business practice; personnel records; liability
254 insurance.—The assisted living facility shall be administered on
255 a sound financial basis that is consistent with good business
256 practices.

257 (4) The agency ~~department~~ may by rule clarify terms,
258 establish requirements for financial records, accounting
259 procedures, personnel procedures, insurance coverage, and
260 reporting procedures, and specify documentation as necessary to
261 implement ~~the requirements of~~ this section.

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262 Section 16. Subsection (2) of section 429.31, Florida
263 Statutes, is amended to read:

264 429.31 Closing of facility; notice; penalty.—

265 (2) Immediately upon the notice by the agency of the
266 voluntary or involuntary termination of such operation, the
267 agency shall monitor the transfer of residents to other
268 facilities and ensure that residents' rights are being
269 protected. The agency ~~department~~, in consultation with the
270 Department of Children and Families, shall specify procedures
271 for ensuring that all residents who receive services are
272 appropriately relocated.

273 Section 17. Subsection (1) of section 429.34, Florida
274 Statutes, is amended to read:

275 429.34 Right of entry and inspection.—

276 (1) In addition to the requirements of s. 408.811, a duly
277 designated officer or employee of the agency ~~department~~, of the
278 Department of Children and Families, of the Medicaid Fraud
279 Control Unit of the Office of the Attorney General, or of the
280 state or local fire marshal, or a representative of the State
281 Long-Term Care Ombudsman Program or a member of the state or
282 local long-term care ombudsman council has the right to enter
283 unannounced upon and into the premises of any facility licensed
284 under this part in order to determine the state of compliance
285 with this part, part II of chapter 408, and applicable rules.
286 Data collected by the State Long-Term Care Ombudsman Program,
287 local long-term care ombudsman councils, or the state or local
288 advocacy councils may be used by the agency in investigations
289 involving violations of regulatory standards. A person specified
290 in this section who knows or has reasonable cause to suspect

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291 that a vulnerable adult has been or is being abused, neglected,
 292 or exploited shall immediately report such knowledge or
 293 suspicion to the central abuse hotline pursuant to chapter 415.

294 Section 18. Section 429.41, Florida Statutes, is amended to
 295 read:

296 429.41 Rules establishing standards.—

297 (1) It is the intent of the Legislature that rules
 298 published and enforced pursuant to this section shall include
 299 criteria by which a reasonable and consistent quality of
 300 resident care and quality of life may be ensured and the results
 301 of such resident care may be demonstrated. Such rules shall also
 302 ensure a safe and sanitary environment that is residential and
 303 noninstitutional in design or nature. It is further intended
 304 that reasonable efforts be made to accommodate the needs and
 305 preferences of residents to enhance the quality of life in a
 306 facility. Uniform firesafety standards for assisted living
 307 facilities shall be established by the State Fire Marshal
 308 pursuant to s. 633.206. The agency, ~~in consultation with the~~
 309 ~~department,~~ may adopt rules to administer ~~the requirements of~~
 310 part II of chapter 408. In order to provide safe and sanitary
 311 facilities and the highest quality of resident care
 312 accommodating the needs and preferences of residents, the agency
 313 ~~department,~~ in consultation with the ~~agency,~~ the Department of
 314 Children and Families, and the Department of Health, shall adopt
 315 rules, policies, and procedures to administer this part, which
 316 must include reasonable and fair minimum standards in relation
 317 to:

318 (a) The requirements for and maintenance of facilities, not
 319 in conflict with chapter 553, relating to plumbing, heating,

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320 cooling, lighting, ventilation, living space, and other housing
 321 conditions, which will ensure the health, safety, and comfort of
 322 residents suitable to the size of the structure.

323 1. Firesafety evacuation capability determination.—An
 324 evacuation capability evaluation for initial licensure shall be
 325 conducted within 6 months after the date of licensure.

326 2. Firesafety requirements.—

327 a. The National Fire Protection Association, Life Safety
 328 Code, NFPA 101 and 101A, current editions, shall be used in
 329 determining the uniform firesafety code adopted by the State
 330 Fire Marshal for assisted living facilities, pursuant to s.
 331 633.206.

332 b. A local government or a utility may charge fees only in
 333 an amount not to exceed the actual expenses incurred by the
 334 local government or the utility relating to the installation and
 335 maintenance of an automatic fire sprinkler system in a licensed
 336 assisted living facility structure.

337 c. All licensed facilities must have an annual fire
 338 inspection conducted by the local fire marshal or authority
 339 having jurisdiction.

340 d. An assisted living facility that is issued a building
 341 permit or certificate of occupancy before July 1, 2016, may at
 342 its option and after notifying the authority having
 343 jurisdiction, remain under the provisions of the 1994 and 1995
 344 editions of the National Fire Protection Association, Life
 345 Safety Code, NFPA 101, and NFPA 101A. The facility opting to
 346 remain under such provisions may make repairs, modernizations,
 347 renovations, or additions to, or rehabilitate, the facility in
 348 compliance with NFPA 101, 1994 edition, and may utilize the

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349 alternative approaches to life safety in compliance with NFPA
 350 101A, 1995 edition. However, a facility for which a building
 351 permit or certificate of occupancy is issued before July 1,
 352 2016, that undergoes Level III building alteration or
 353 rehabilitation, as defined in the Florida Building Code, or
 354 seeks to utilize features not authorized under the 1994 or 1995
 355 editions of the Life Safety Code must thereafter comply with all
 356 aspects of the uniform firesafety standards established under s.
 357 633.206, and the Florida Fire Prevention Code, in effect for
 358 assisted living facilities as adopted by the State Fire Marshal.

359 3. Resident elopement requirements.—Facilities are required
 360 to conduct a minimum of two resident elopement prevention and
 361 response drills per year. All administrators and direct care
 362 staff must participate in the drills, which shall include a
 363 review of procedures to address resident elopement. Facilities
 364 must document the implementation of the drills and ensure that
 365 the drills are conducted in a manner consistent with the
 366 facility's resident elopement policies and procedures.

367 (b) The preparation and annual update of a comprehensive
 368 emergency management plan. Such standards must be included in
 369 the rules adopted by the agency department after consultation
 370 with the Division of Emergency Management. At a minimum, the
 371 rules must provide for plan components that address emergency
 372 evacuation transportation; adequate sheltering arrangements;
 373 postdisaster activities, including provision of emergency power,
 374 food, and water; postdisaster transportation; supplies;
 375 staffing; emergency equipment; individual identification of
 376 residents and transfer of records; communication with families;
 377 and responses to family inquiries. The comprehensive emergency

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378 management plan is subject to review and approval by the local
 379 emergency management agency. During its review, the local
 380 emergency management agency shall ensure that the following
 381 agencies, at a minimum, are given the opportunity to review the
 382 plan: ~~the Department of Elderly Affairs,~~ the Department of
 383 Health, the Agency for Health Care Administration, and the
 384 Division of Emergency Management. Also, appropriate volunteer
 385 organizations must be given the opportunity to review the plan.
 386 The local emergency management agency shall complete its review
 387 within 60 days and either approve the plan or advise the
 388 facility of necessary revisions.

389 (c) The number, training, and qualifications of all
 390 personnel having responsibility for the care of residents. The
 391 rules must require adequate staff to provide for the safety of
 392 all residents. Facilities licensed for 17 or more residents are
 393 required to maintain an alert staff for 24 hours per day.

394 (d) All sanitary conditions within the facility and its
 395 surroundings which will ensure the health and comfort of
 396 residents. The rules must clearly delineate the responsibilities
 397 of the agency's licensure and survey staff, the county health
 398 departments, and the local authority having jurisdiction over
 399 firesafety and ensure that inspections are not duplicative. The
 400 agency may collect fees for food service inspections conducted
 401 by the county health departments and transfer such fees to the
 402 Department of Health.

403 (e) License application and license renewal, transfer of
 404 ownership, proper management of resident funds and personal
 405 property, surety bonds, resident contracts, refund policies,
 406 financial ability to operate, and facility and staff records.

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407 (f) Inspections, complaint investigations, moratoriums,
 408 classification of deficiencies, levying and enforcement of
 409 penalties, and use of income from fees and fines.

410 (g) The enforcement of the resident bill of rights
 411 specified in s. 429.28.

412 (h) The care and maintenance of residents, which must
 413 include, but is not limited to:

- 414 1. The supervision of residents;
- 415 2. The provision of personal services;
- 416 3. The provision of, or arrangement for, social and leisure
 417 activities;
- 418 4. The arrangement for appointments and transportation to
 419 appropriate medical, dental, nursing, or mental health services,
 420 as needed by residents;
- 421 5. The management of medication;
- 422 6. The nutritional needs of residents;
- 423 7. Resident records; and
- 424 8. Internal risk management and quality assurance.

425 (i) Facilities holding a limited nursing, extended
 426 congregate care, or limited mental health license.

427 (j) The establishment of specific criteria to define
 428 appropriateness of resident admission and continued residency in
 429 a facility holding a standard, limited nursing, extended
 430 congregate care, and limited mental health license.

431 (k) The use of physical or chemical restraints. The use of
 432 physical restraints is limited to half-bed rails as prescribed
 433 and documented by the resident's physician with the consent of
 434 the resident or, if applicable, the resident's representative or
 435 designee or the resident's surrogate, guardian, or attorney in

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436 fact. The use of chemical restraints is limited to prescribed
 437 dosages of medications authorized by the resident's physician
 438 and must be consistent with the resident's diagnosis. Residents
 439 who are receiving medications that can serve as chemical
 440 restraints must be evaluated by their physician at least
 441 annually to assess:

- 442 1. The continued need for the medication.
- 443 2. The level of the medication in the resident's blood.
- 444 3. The need for adjustments in the prescription.

445 (1) The establishment of specific policies and procedures
 446 on resident elopement. Facilities shall conduct a minimum of two
 447 resident elopement drills each year. All administrators and
 448 direct care staff shall participate in the drills. Facilities
 449 shall document the drills.

450 (2) In adopting any rules pursuant to this part, the
 451 ~~department, in conjunction with the agency,~~ shall make distinct
 452 standards for facilities based upon facility size; the types of
 453 care provided; the physical and mental capabilities and needs of
 454 residents; the type, frequency, and amount of services and care
 455 offered; and the staffing characteristics of the facility. Rules
 456 developed pursuant to this section may not restrict the use of
 457 shared staffing and shared programming in facilities that are
 458 part of retirement communities that provide multiple levels of
 459 care and otherwise meet the requirements of law and rule. If a
 460 continuing care facility licensed under chapter 651 or a
 461 retirement community offering multiple levels of care licenses a
 462 building or part of a building designated for independent living
 463 for assisted living, staffing requirements established in rule
 464 apply only to residents who receive personal, limited nursing,

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465 or extended congregate care services under this part. Such
 466 facilities shall retain a log listing the names and unit number
 467 for residents receiving these services. The log must be
 468 available to surveyors upon request. Except for uniform
 469 firesafety standards, the ~~agency department~~ shall adopt by rule
 470 separate and distinct standards for facilities with 16 or fewer
 471 beds and for facilities with 17 or more beds. The standards for
 472 facilities with 16 or fewer beds must be appropriate for a
 473 noninstitutional residential environment; however, the structure
 474 may not be more than two stories in height and all persons who
 475 cannot exit the facility unassisted in an emergency must reside
 476 on the first floor. The ~~department, in conjunction with the~~
 477 ~~agency,~~ may make other distinctions among types of facilities as
 478 necessary to enforce this part. Where appropriate, the agency
 479 shall offer alternate solutions for complying with established
 480 standards, based on distinctions made by the ~~department and the~~
 481 ~~agency~~ relative to the physical characteristics of facilities
 482 and the types of care offered.

483 (3) ~~The department shall submit a copy of proposed rules to~~
 484 ~~the Speaker of the House of Representatives, the President of~~
 485 ~~the Senate, and appropriate committees of substance for review~~
 486 ~~and comment prior to the promulgation thereof.~~ Rules adopted
 487 ~~promulgated~~ by the agency department shall encourage the
 488 development of homelike facilities ~~that which~~ promote the
 489 dignity, individuality, personal strengths, and decisionmaking
 490 ability of residents.

491 (4) The agency, ~~in consultation with the department,~~ may
 492 waive rules adopted under promulgated pursuant to this part in
 493 ~~order~~ to demonstrate and evaluate innovative or cost-effective

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494 congregate care alternatives that ~~which~~ enable individuals to
 495 age in place. Such waivers may be granted only in instances
 496 where there is reasonable assurance that the health, safety, or
 497 welfare of residents will not be endangered. To apply for a
 498 waiver, the licensee shall submit to the agency a written
 499 description of the concept to be demonstrated, including goals,
 500 objectives, and anticipated benefits; the number and types of
 501 residents who will be affected, if applicable; a brief
 502 description of how the demonstration will be evaluated; and any
 503 other information deemed appropriate by the agency. Any facility
 504 granted a waiver shall submit a report of findings to the agency
 505 ~~and the department~~ within 12 months. At such time, the agency
 506 may renew or revoke the waiver or pursue any regulatory or
 507 statutory changes necessary to allow other facilities to adopt
 508 the same practices. The agency department may by rule clarify
 509 terms and establish waiver application procedures, criteria for
 510 reviewing waiver proposals, and procedures for reporting
 511 findings, as necessary to implement this subsection.

512 (5) The agency may use an abbreviated biennial standard
 513 licensure inspection that consists of a review of key quality-
 514 of-care standards in lieu of a full inspection in a facility
 515 that has a good record of past performance. However, a full
 516 inspection must be conducted in a facility that has a history of
 517 class I or class II violations, uncorrected class III
 518 violations, confirmed ombudsman council complaints, or confirmed
 519 licensure complaints, ~~within the previous licensure period~~
 520 immediately preceding the inspection or if a potentially serious
 521 problem is identified during the abbreviated inspection. The
 522 agency, ~~in consultation with the department,~~ shall develop the

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523 key quality-of-care standards with input from the State Long-
 524 Term Care Ombudsman Council and representatives of provider
 525 groups for incorporation into its rules.

526 Section 19. Subsection (4) of section 429.42, Florida
 527 Statutes, is amended to read:

528 429.42 Pharmacy and dietary services.—

529 (4) The agency department may by rule establish procedures
 530 and specify documentation as necessary to implement this
 531 section.

532 Section 20. Subsections (2), (3), (4), and (6) through (12)
 533 of section 429.52, Florida Statutes, are amended to read:

534 429.52 Staff training and educational programs; core
 535 educational requirement.—

536 (2) Administrators and other assisted living facility staff
 537 must meet minimum training and education requirements
 538 established by the agency Department of Elderly Affairs by rule.
 539 This training and education is intended to assist facilities to
 540 appropriately respond to the needs of residents, to maintain
 541 resident care and facility standards, and to meet licensure
 542 requirements.

543 (3) The agency, in conjunction with providers, department
 544 shall develop ~~establish~~ a competency test and a minimum required
 545 score to indicate successful completion of the training and
 546 educational requirements. ~~The competency test must be developed~~
 547 ~~by the department in conjunction with the agency and providers.~~
 548 The required training and education must cover at least the
 549 following topics:

550 (a) State law and rules relating to assisted living
 551 facilities.

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552 (b) Resident rights and identifying and reporting abuse,
 553 neglect, and exploitation.

554 (c) Special needs of elderly persons, persons with mental
 555 illness, and persons with developmental disabilities and how to
 556 meet those needs.

557 (d) Nutrition and food service, including acceptable
 558 sanitation practices for preparing, storing, and serving food.

559 (e) Medication management, recordkeeping, and proper
 560 techniques for assisting residents with self-administered
 561 medication.

562 (f) Firesafety requirements, including fire evacuation
 563 drill procedures and other emergency procedures.

564 (g) Care of persons with Alzheimer's disease and related
 565 disorders.

566 (4) A new facility administrator must complete the required
 567 training and education, including the competency test, within 90
 568 days after date of employment as an administrator. Failure to do
 569 so is a violation of this part and subjects the violator to an
 570 administrative fine as prescribed in s. 429.19. Administrators
 571 licensed in accordance with part II of chapter 468 are exempt
 572 from this requirement. Other licensed professionals may be
 573 exempted, as determined by the agency department by rule.

574 (6) Staff involved with the management of medications and
 575 assisting with the self-administration of medications under s.
 576 429.256 must complete a minimum of 6 additional hours of
 577 training provided by a registered nurse, a licensed pharmacist,
 578 or agency department staff. The agency department shall
 579 establish by rule the minimum requirements of this additional
 580 training.

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581 (7) Other facility staff shall participate in training
 582 relevant to their job duties as specified by rule of the agency
 583 ~~department~~.

584 (8) If the ~~department or the~~ agency determines that there
 585 are problems in a facility ~~which that~~ could be reduced through
 586 specific staff training or education beyond that already
 587 required under this section, the ~~department or the~~ agency may
 588 require, and provide, or cause to be provided, the training or
 589 education of any personal care staff in the facility.

590 (9) The agency department shall adopt rules related to
 591 these training requirements, the competency test, necessary
 592 procedures, and competency test fees and shall adopt or contract
 593 with another entity to develop a curriculum, which shall be used
 594 as the minimum core training requirements. The agency department
 595 shall consult with representatives of stakeholder associations
 596 and agencies in the development of the curriculum.

597 (10) The training required by this section other than the
 598 preservice orientation must be conducted by persons registered
 599 with the agency department as having the requisite experience
 600 and credentials to conduct the training. A person seeking to
 601 register as a trainer must provide the agency department with
 602 proof of completion of the minimum core training education
 603 requirements, successful passage of the competency test
 604 established under this section, and proof of compliance with the
 605 continuing education requirement in subsection (5).

606 (11) A person seeking to register as a trainer must also:

607 (a) Provide proof of completion of a 4-year degree from an
 608 accredited college or university and must have worked in a
 609 management position in an assisted living facility for 3 years

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610 after being core certified;

611 (b) Have worked in a management position in an assisted
 612 living facility for 5 years after being core certified and have
 613 1 year of teaching experience as an educator or staff trainer
 614 for persons who work in assisted living facilities or other
 615 long-term care settings;

616 (c) Have been previously employed as a core trainer for the
 617 agency or department; or

618 (d) Meet other qualification criteria as defined in rule,
 619 which the agency department is authorized to adopt.

620 (12) The agency department shall adopt rules to establish
 621 trainer registration requirements.

622 Section 21. Section 429.54, Florida Statutes, is amended to
 623 read:

624 429.54 Collection of information; local subsidy.—

625 (1) To enable the agency department to collect the
 626 information requested by the Legislature regarding the actual
 627 cost of providing room, board, and personal care in facilities,
 628 the agency department is authorized to conduct field visits and
 629 audits of facilities as ~~may be~~ necessary. The owners of randomly
 630 sampled facilities shall submit such reports, audits, and
 631 accountings of cost as the agency department may require by
 632 rule; provided that such reports, audits, and accountings shall
 633 be the minimum necessary to implement ~~the provisions of~~ this
 634 section. Any facility selected to participate in the study shall
 635 cooperate with the agency department by providing cost of
 636 operation information to interviewers.

637 (2) Local governments or organizations may contribute to
 638 the cost of care of local facility residents by further

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639 subsidizing the rate of state-authorized payment to such
640 facilities. Implementation of local subsidy requires agency
641 ~~shall require departmental approval and may shall~~ not result in
642 reductions in the state supplement.

643 Section 22. Subsections (4) and (5) of section 429.63,
644 Florida Statutes, are amended to read:

645 429.63 Legislative intent; purpose.—

646 (4) The Legislature further finds and declares that
647 licensure under this part is a public trust and a privilege, and
648 not an entitlement. This principle must guide the finder of fact
649 or trier of law at any administrative proceeding or circuit
650 court action initiated by the agency department to enforce this
651 part.

652 (5) Rules of the agency department relating to adult
653 family-care homes shall be as minimal and flexible as possible
654 to ensure the protection of residents while minimizing the
655 obstacles that could inhibit the establishment of adult family-
656 care homes.

657 Section 23. Subsections (9), (10), and (11) of section
658 429.67, Florida Statutes, are amended to read:

659 429.67 Licensure.—

660 (9) In addition to the license categories available in s.
661 408.808, the agency may issue a conditional license to a
662 provider for the purpose of bringing the adult family-care home
663 into compliance with licensure requirements. A conditional
664 license must be limited to a specific period, not exceeding 6
665 months. The agency department shall, by rule, establish criteria
666 for issuing conditional licenses.

667 (10) The agency department may adopt rules to establish

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668 procedures, identify forms, specify documentation, and clarify
669 terms, as necessary, to administer this section.

670 ~~(11) The agency may adopt rules to administer the~~
671 ~~requirements of part II of chapter 408.~~

672 Section 24. Subsection (6) of section 429.71, Florida
673 Statutes, is amended to read:

674 429.71 Classification of deficiencies; administrative
675 fines.—

676 (6) The agency shall establish ~~department shall set forth,~~
677 ~~by rule,~~ notice requirements and procedures for correction of
678 deficiencies.

679 Section 25. Section 429.73, Florida Statutes, is amended to
680 read:

681 429.73 Rules and standards relating to adult family-care
682 homes.—

683 (1) The agency, ~~in consultation with the department,~~ may
684 ~~adopt rules to administer the requirements of part II of chapter~~
685 ~~408. The department,~~ in consultation with the Department of
686 Health ~~and,~~ the Department of Children and Families, ~~and the~~
687 ~~agency shall, by rule,~~ establish by rule minimum standards to
688 ensure the health, safety, and well-being of each resident in
689 the adult family-care home pursuant to this part. The rules must
690 address:

691 (a) Requirements for the physical site of the facility and
692 facility maintenance.

693 (b) Services that must be provided to all residents of an
694 adult family-care home and standards for such services, which
695 must include, but need not be limited to:

696 1. Room and board.

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697 2. Assistance necessary to perform the activities of daily
698 living.

699 3. Assistance necessary to administer medication.

700 4. Supervision of residents.

701 5. Health monitoring.

702 6. Social and leisure activities.

703 (c) Standards and procedures for license application and
704 annual license renewal, advertising, proper management of each
705 resident's funds and personal property and personal affairs,
706 financial ability to operate, medication management,
707 inspections, complaint investigations, and facility, staff, and
708 resident records.

709 (d) Qualifications, training, standards, and
710 responsibilities for providers and staff.

711 (e) Compliance with chapter 419, relating to community
712 residential homes.

713 (f) Criteria and procedures for determining the
714 appropriateness of a resident's placement and continued
715 residency in an adult family-care home. A resident who requires
716 24-hour nursing supervision may not be retained in an adult
717 family-care home unless such resident is an enrolled hospice
718 patient and the resident's continued residency is mutually
719 agreeable to the resident and the provider.

720 (g) Procedures for providing notice and assuring the least
721 possible disruption of residents' lives when residents are
722 relocated, an adult family-care home is closed, or the ownership
723 of an adult family-care home is transferred.

724 (h) Procedures to protect the residents' rights as provided
725 in s. 429.85.

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726 (i) Procedures to promote the growth of adult family-care
727 homes as a component of a long-term care system.

728 (j) Procedures to promote the goal of aging in place for
729 residents of adult family-care homes.

730 (2) The ~~agency department~~ shall ~~by rule~~ provide by rule
731 minimum standards and procedures for emergencies. Pursuant to s.
732 633.206, the State Fire Marshal, in consultation with the
733 ~~department and the agency~~, shall adopt uniform firesafety
734 standards for adult family-care homes.

735 (3) The ~~agency department~~ shall adopt rules providing for
736 the implementation of orders not to resuscitate. The provider
737 may withhold or withdraw cardiopulmonary resuscitation if
738 presented with an order not to resuscitate executed pursuant to
739 s. 401.45. The provider shall not be subject to criminal
740 prosecution or civil liability, nor be considered to have
741 engaged in negligent or unprofessional conduct, for withholding
742 or withdrawing cardiopulmonary resuscitation pursuant to such an
743 order and applicable rules.

744 Section 26. Subsections (3), (4), and (5) of section
745 429.75, Florida Statutes, are amended to read:

746 429.75 Training and education programs.—

747 (3) Providers must complete the training and education
748 program within a reasonable time determined by the agency
749 ~~department~~. Failure to complete the training and education
750 program within the time set by the agency department is a
751 violation of this part and subjects the provider to revocation
752 of the license.

753 (4) If the Department of Children and Families or the
754 ~~agency, or the department~~ determines that there are problems in

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755 an adult family-care home which could be reduced through
 756 specific training or education beyond that required under this
 757 section, the agency may require the provider or staff to
 758 complete such training or education.

759 (5) The ~~agency department~~ may adopt rules as necessary to
 760 administer this section.

761 Section 27. Subsection (2) of section 429.81, Florida
 762 Statutes, is amended to read:

763 429.81 Residency agreements.—

764 (2) Each residency agreement must specify the personal care
 765 and accommodations to be provided by the adult family-care home,
 766 the rates or charges, a requirement of at least 30 days' notice
 767 before a rate increase, and any other provisions required by
 768 rule of the agency department.

769 Section 28. Section 429.929, Florida Statutes, is amended
 770 to read:

771 429.929 Rules establishing standards.—

772 (1) The agency, ~~in consultation with the department, may~~
 773 ~~adopt rules to administer the requirements of part II of chapter~~
 774 ~~408. The Department of Elderly Affairs, in conjunction with the~~
 775 ~~agency,~~ shall adopt rules to implement ~~the provisions of this~~
 776 part. The rules must include reasonable and fair standards. Any
 777 conflict between these standards and those that may be set forth
 778 in local, county, or municipal ordinances shall be resolved in
 779 favor of those having statewide effect. Such standards must
 780 relate to:

781 (a) The maintenance of adult day care centers with respect
 782 to plumbing, heating, lighting, ventilation, and other building
 783 conditions, including adequate meeting space, to ensure the

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784 health, safety, and comfort of participants and protection from
 785 fire hazard. Such standards may not conflict with chapter 553
 786 and must be based upon the size of the structure and the number
 787 of participants.

788 (b) The number and qualifications of all personnel employed
 789 by adult day care centers who have responsibilities for the care
 790 of participants.

791 (c) All sanitary conditions within adult day care centers
 792 and their surroundings, including water supply, sewage disposal,
 793 food handling, and general hygiene, and maintenance of sanitary
 794 conditions, to ensure the health and comfort of participants.

795 (d) Basic services provided by adult day care centers.

796 (e) Supportive and optional services provided by adult day
 797 care centers.

798 (f) Data and information relative to participants and
 799 programs of adult day care centers, including, but not limited
 800 to, the physical and mental capabilities and needs of the
 801 participants, the availability, frequency, and intensity of
 802 basic services and of supportive and optional services provided,
 803 the frequency of participation, the distances traveled by
 804 participants, the hours of operation, the number of referrals to
 805 other centers or elsewhere, and the incidence of illness.

806 (g) Components of a comprehensive emergency management
 807 plan, developed in consultation with the Department of Health,
 808 ~~the Agency for Health Care Administration,~~ and the Division of
 809 Emergency Management.

810 (2) Pursuant to this part, s. 408.811, and applicable
 811 rules, the agency may conduct an abbreviated biennial inspection
 812 of key quality-of-care standards, in lieu of a full inspection,

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813 of a center that has a record of good performance. However, the
814 agency must conduct a full inspection of a center that has had
815 one or more confirmed complaints within the licensure period
816 immediately preceding the inspection or which has a serious
817 problem identified during the abbreviated inspection. The agency
818 shall develop the key quality-of-care standards, taking into
819 consideration the comments and recommendations of ~~the Department~~
820 ~~of Elderly Affairs and of~~ provider groups. These standards shall
821 be included in rules adopted by the agency ~~Department of Elderly~~
822 ~~Affairs.~~

823 Section 29. Subsection (4) of section 765.110, Florida
824 Statutes, is amended to read:

825 765.110 Health care facilities and providers; discipline.-

826 (4) ~~The Department of Elderly Affairs for hospices and, in~~
827 ~~consultation with the Department of Elderly Affairs, the~~
828 Department of Health, in consultation with the Department of
829 Elderly Affairs, for health care providers; the Agency for
830 Health Care Administration for hospitals, hospices, nursing
831 homes, home health agencies, and health maintenance
832 organizations; and the Department of Children and Families for
833 facilities subject to part I of chapter 394 shall adopt rules to
834 implement this ~~the provisions of the~~ section.

835 Section 30. This act shall take effect July 1, 2019.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-7-2019

Meeting Date

184

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave S

Phone 727/897-9291

Street

St Petersburg

City

FL

State

33705

Zip

Email justice2jesus@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: PCS/CS/SB 188 (114864)

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Health and Human Services); Health Policy Committee; and Senator Harrell

SUBJECT: Department of Health

DATE: March 6, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Brown	HP	Fav/CS
2.	Loe	Kidd	AHS	Recommend: Fav/CS
3.	Loe	Kynoch	AP	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 188 updates numerous provisions relating to health care practitioners and facilities regulated by the Department of Health (DOH), Division of Medical Quality Assurance (MQA). The bill:

- Grants rulemaking authority to the DOH for responsibilities relating to maximizing the use of existing programs and coordinating stakeholders and resources to develop a state strategic plan, including the process of selecting physicians under the Conrad 30 Waiver Program;
- Requires the applicant's date of birth on health care professional licensure applications;
- Repeals the requirement that the Board of Medicine (BOM) conduct a review of organizations that board-certify physicians in dermatology;
- Defines a "contact classroom hour" for chiropractic continuing education (CE) and authorizes 10 hours of online general credit CE;
- Deregulates registered chiropractic assistants;
- Extends the requirement for the Florida Center for Nursing to provide an implementation study and annual report on the availability of nursing programs and production of quality nurses to the Governor, the President of the Senate, and the Speaker of the House of Representatives until January 30, 2025;
- Grants rulemaking authority to the Board of Nursing (BON) to establish standards of practice, including discipline and standards of practice for certified nursing assistants (CNA);

- Recognizes CNA certification in a United States territory or the District of Columbia for certification in Florida and eliminates the element of intent for violations of the practice act for CNAs;
- Repeals the requirement for Florida dentists and dental hygienists to grade dental and dental hygienist licensure examinations;
- Requires dentists and dental hygienists to report adverse incidents to the Board of Dentistry (BOD);
- Requires an athletic trainer to work within his or her scope of practice as defined by the Board of Athletic Trainers (BOAT) and revises the educational and internship requirements for licensure;
- Requires the DOH to issue a single prosthetist-orthotist license to qualified applicants and establishes the educational requirements for dual registration;
- Limits massage therapy apprenticeships to those in colonic irrigations and authorizes the Board of Massage Therapy (BMT) to take action against a massage therapy establishment and individuals providing services therein, under certain circumstances;
- Updates the name of the accreditation body for psychology programs and revises the requirements for psychology licensure;
- Limits the Board of Clinical Social Work, Marriage and Family Therapists, and Mental Health Counseling to the issuance of only one additional internship registration;
- Revises the licensure requirements for Marriage and Family Therapists and Licensed Mental Health Counselors; and
- Deletes obsolete language and makes technical and conforming changes.

The bill has no impact on state revenues or expenditures.

The bill is effective July 1, 2019.

II. Present Situation:

The Conrad 30 Program

The Conrad 30 Program, authorized by the U.S. Department of State and the U.S. Citizenship and Immigration Services, addresses the shortage of qualified doctors in medically underserved areas. The program allows a medical doctor holding a J-1 Visa to apply for a waiver of the two-year residence requirement upon completion of the J-1 Visa exchange visitor program under s. 214(1) of the Immigration and Nationality Act.

State public health agencies are authorized to sponsor up to 30 physicians annually to serve in a designated U.S. Department of Health and Human Services (HHS) Health Professional Shortage Area (HPSA), Medically Underserved Area (MUA), or Medically Underserved Population (MUP). The program requires a medical doctor holding a J-1 Visa who wishes to participate in a Conrad 30 Program to:

- Agree to be employed full-time in H-1B nonimmigrant status at a health care facility located in an area designated by the HHS as a HPSA, MUA, or MUP;
- Obtain a contract from the health care facility located in an area designated by HHS as an HPSA, MUA, or MUP;

- Obtain a “no objection” letter from his or her home country if the home government funded his or her exchange program; and
- Agree to begin employment at the health care facility within 90 days of receipt of the waiver, not the date his or her J-1 visa expires.

The DOH has administered Florida’s Conrad 30 Waiver Program since 1994. In recent years, the number of applicants has exceeded the maximum number of 30 slots allowed by the program. The DOH does not have explicit rulemaking authority to establish additional criteria for selecting Conrad 30 applicants for sponsorship, thereby limiting the DOH’s ability to place qualified foreign physicians in areas of highest need.¹

The Department of Health’s General Health Care Professional Licensing Authority

The DOH’s general licensing provisions, authorized under section 456.013, Florida Statutes, require every applicant for licensure to apply to the DOH before sitting for a licensure examination. This requirement was initially imposed when the DOH developed and administered its own examinations. A strict statutory interpretation of this section requires an applicant, even one who has already passed the licensure examination before applying for a license, to take the examination after applying to the DOH for licensure.

Section 456.017, F.S., was amended in 2005 to provide that neither a board nor the DOH could administer a state-developed written examination if a national examination was certified by the DOH. National examinations have been certified, and the requirement for applying to the DOH to take the state examination has become obsolete.²

Section 456.013, F.S., requires all applications for licensure to be submitted to DOH on a form that may be submitted electronically. The provision requires the applicant’s social security number (SSN). There is no statutory requirement that an applicant provide a date of birth, although a birth date is a requirement to fulfill other statutory licensure requirements under ss. 456.039 and 456.0135, F.S, for fingerprinting and fingerprint retention by the Agency for Health Care Administration (AHCA) and the Care Provider Background Screening Clearinghouse.

According to the DOH, the Joint Administrative Procedures Committee (JAPC) has objected to applications for licensure that contained a data field for the applicant’s date of birth. The JAPC indicates that the DOH has no statutory authority to ask for a date of birth. To ensure accurate matches through the Florida Department of Law Enforcement, the Federal Bureau of Investigation, and the Sex Offender Registry, the DOH must have available three identifiers: the name, social security number, and date of birth.³

¹ Florida Department of Health, *House Bill 1047 Analysis* (Dec. 19, 2017) (on file with the Senate Committee on Health Policy).

² *Id.*

³ *Id.*

Medical Specialists

A physician licensed under ch. 458, F.S., may not hold himself or herself out as a board-certified specialist unless the physician has received formal recognition as a specialist from a specialty board of the American Board of Medical Specialties or other recognizing agency that has been approved by the board. A physician may not hold himself or herself out as a board-certified specialist in dermatology unless the recognizing agency, whether authorized in statute or by rule, is triennially reviewed and reauthorized by the BOM.

Osteopathic Physicians

There are two types of physicians fully licensed to practice medicine in Florida. Those holding the M.D. degree – doctor of allopathic medicine – licensed under ch.458, F.S., and those holding the D.O. degree – doctor of osteopathic medicine – licensed under ch. 459, F.S. Both types of physicians are licensed in Florida to perform surgery and prescribe medicine in hospitals, clinics, and private practices, as well as throughout the U.S. Osteopathic physicians offer all the services as M.D.s.

Osteopathic physicians can specialize in every recognized area of medicine, from neonatology to neurosurgery, but more than half of all osteopathic physicians practice in primary care areas, such as pediatrics, general practice, obstetrics/gynecology, and internal medicine. Additionally, many osteopathic physicians fill a critical need for family doctors by practicing in small towns and rural areas.⁴

Osteopathic Residencies and Florida Licensure

After acquiring a four-year undergraduate college degree with requisite science classes, students are accepted into one of the nation's 21 osteopathic medical schools accredited by the Bureau of Professional Education of the American Osteopathic Association. Following graduation, Osteopathic physicians complete an approved 12-month internship. Interns rotate through hospital departments, including internal medicine, family practice, and surgery. They may then choose to complete a residency program in a specialty area, which requires two to six years of additional training.⁵

Any person desiring to be licensed, or certified, as an osteopathic physician in Florida must:

- Submit an application with a fee;
- Be at least 21 years of age;
- Be of good moral character;
- Have completed at least three years of pre-professional postsecondary education;
- Have not previously committed any act that would constitute a violation of ch. 459, F.S.;
- Not be under investigation anywhere for an act that would constitute a violation of ch. 459, F.S.;
- Have not been denied a license to practice osteopathic medicine, or had his or her osteopathic medicine license revoked, suspended, or otherwise acted against by any jurisdiction;

⁴ Florida Osteopathic Medical Association, *Osteopathic Medicine*, available at <http://www.foma.org/osteopathic-medicine.html> (last visited Feb. 1, 2019).

⁵ *Id.*

- Have met the criteria for:
 - A limited license under s. 459.0075, F.S.;
 - An osteopathic faculty certificate under s. 459.0077, F.S.; or,
 - A resident physician, intern, or fellow under s. 459.021, F.S.
- Demonstrate that he or she is a graduate of a medical college recognized and approved by the American Osteopathic Association;
- Demonstrate that he or she has successfully completed a resident internship of not less than 12 months in a hospital approved by the Board of Trustees of the American Osteopathic Association or any other internship program approved by the Board of Osteopathic Medicine (BOOM) upon a showing of good cause; and
- Demonstrate that he or she has achieved a passing score, established by rule of the board, on all parts of the examination conducted by the National Board of Osteopathic Medical Examiners or other examination approved by the BOOM no more than five years before making application.⁶

The Accreditation Council for Graduate Medical Education (ACGME)

The Accreditation Council for Graduate Medical Education (ACGME) is a non-profit corporation whose mission is to improve health care and population health by assessing and advancing the quality of resident physicians' education through accreditation. In the academic year 2017-2018, there were approximately 830 ACGME-accredited institutions sponsoring approximately 11,200 residency and fellowship programs in 180 specialties and subspecialties. Accreditation is achieved through a voluntary process of evaluation and review based on published accreditation standards. ACGME accreditation provides assurance that a sponsoring institution or program meets the quality standards (institutional and program requirements) of the specialty or subspecialty practice(s) for which it prepares its graduates. ACGME accreditation is overseen by a review committee made up of volunteer specialty experts from the field that set accreditation standards and provide peer evaluation of sponsoring institutions and specialty and subspecialty residency and fellowship programs.⁷

The ACGME was established by five medical organizations in 1981⁸ and, in 2014, was joined by the American Osteopathic Association and the American Association of Colleges of Osteopathic Medicine. A primary responsibility of each of the organizations is to nominate individuals to be considered for membership on the ACGME Board of Directors. The ACGME board currently includes 24 members nominated by member organizations, two resident members, three public directors, four at-large directors, the chair of the Council of Review Committee Chairs, and two non-voting federal representatives.

The ACGME is an independent entity, which sets standards for graduate medical education (GME) and renders accreditation decisions based on compliance with those standards. The

⁶ Section 459.0055, F.S.

⁷ American Council of Graduate Medical Education, *What We Do*, available at <https://www.acgme.org/What-We-Do/Overview> (last visited Feb. 4, 2019).

⁸ American Council of Graduate Medical Education, *Member Organizations*, The five organization are: The American Board of Medical Specialists, The American Hospital Association, The American Medical Association, The Association of American Medical Colleges, and Council of Medical Specialty Societies, available at <https://www.acgme.org/About-Us/Member-Organizations> (last visited Feb. 4, 2019).

member organizations are corporately separate from the ACGME and do not participate in accreditation, pay dues, or make any other monetary contribution to the ACGME.⁹

The National Resident Matching Program

The National Resident Matching Program (NRMP) is a private, not-for-profit corporation established in 1952 to optimize the rank-ordered choices of applicants and program directors for residencies and fellowships. The NRMP is not an application processing service. Instead, it provides an impartial venue for matching applicants' and programs' preferences for each other using an internationally recognized mathematical algorithm.

The first Main Residency Match® (“Match”) was conducted in 1952 when 10,400 internship positions were available for 6,000 graduating U.S. medical school seniors. By 1973, there were 19,000 positions for just over 10,000 graduating U.S. seniors. Following the demise of internships in 1975, the number of first-year post-graduate (PGY-1) positions declined to 15,700. The number of PGY-1 positions gradually increased through 1994 and then began to decline slowly until 1998. In 2018, an all-time high of 30,232 PGY-1 positions were offered.¹⁰

Beginning in 2014, osteopathic medical school graduates could participate in the Match, which opened up additional residency programs available to osteopathic medical graduates. In 2018, 4,617 PGY-1 osteopathic graduates applied to the Match and 3,771 matched – an 81 percent match rate. By June 2020, osteopathic residency programs will need to be accredited by ACGME to participate in the Main Residency Match.¹¹

Chiropractic Continuing Education

The practice of chiropractic medicine is “a non-combative principle and practice consisting of the science, philosophy, and art of the adjustment, manipulation, and treatment of the human body in which vertebral subluxations and other mal-positioned articulations and structures that are interfering with the normal generation, transmission, and expression of nerve impulse between the brain, organs, and tissue cells of the body [...] are adjusted, manipulated, or treated, thus restoring the normal flow of nerve impulse which produces normal function and consequent health [...] using specific chiropractic adjustment or manipulation techniques taught in chiropractic colleges accredited by the Council on Chiropractic Education.”¹²

Florida chiropractic licenses are renewable every two years. The Board of Chiropractic Medicine requires 40 in-person CE hours every biennial license renewal, and those hours must include: 27 general hours, six hours of documentation and coding, two hours for medical errors, two hours of ethics, two hours of Florida laws and rules, and one hour of risk management.

⁹ Id.

¹⁰ The Match, National Resident Matching Program, Results and Data 2018 Main Residency Match *About the NRMP*, pg. 7, available at <https://mk0nrmpcikgb8jxyd19h.kinstacdn.com/wp-content/uploads/2018/04/Main-Match-Result-and-Data-2018.pdf> (last visited Feb. 4, 2019).

¹¹ The National Residency Match Program, *Residency Program Eligibility*, available at <http://www.nrmp.org/residency-program-eligibility/> (last visited Feb. 4, 2019).

¹² Section 460.403(9), F.S.

Registered Chiropractic Assistants

Registered Chiropractic Assistants (RCAs) perform duties not directly related to chiropractic patient care under the direct supervision of a chiropractic physician or chiropractic physician's assistant. There are no regulatory provisions associated with the work of an RCA. The registration is voluntary and not required for an individual to assist with patient care management activities, execute administrative and clinical procedures, or perform managerial and supervisory functions in an office.¹³ According to the DOH, in Fiscal Year 2016-2017, there were 3,800 active in-state RCAs.¹⁴

Florida Center for Nursing

In 2001, the Florida Legislature created s. 464.0195, F.S., establishing the Florida Center for Nursing (FCN) “[t]o address issues of supply and demand for nursing, including issues of recruitment, retention, and utilization of nurse workforce resources.”¹⁵ The primary statutory goals address collecting and analyzing nursing workforce data; developing and disseminating a strategic plan for nursing; developing and implementing reward and recognition activities for nurses; and promoting nursing excellence programs, image building, and recruiting into the profession. The FCN is further charged to convene various stakeholder groups to review and comment on nursing workforce data and to recommend systemic changes that will improve the recruitment and retention of nurses in Florida.

The FCN conducts an analysis of licensed practical nurses (LPN), registered nurses (RN), and advanced registered nurse practitioners (ARNP) annually to assess Florida's nurse supply, including the numbers of nurses, demographics, education, employment status, and specialization pursuant to s. 467.019, F.S. The FCN submits a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives annually through January 30, 2020.

The Fiscal Year 2016-2017 report presents summary findings from the completed licensure renewal cycle that indicate:

- The supply of RNs grew approximately 7.4 percent, ARNPs grew by 22 percent, and the number of LPNs decreased by 1.9 percent since Fiscal Year 2015-2016.
- Overall, the nurse workforce lost about 1,300 nurses to retirement.
- Approximately 46 percent of renewing RNs, 44 percent of renewing LPNs, and 39 percent of renewing ARNPs were over the age of 50.
- For each licensure type, racial and ethnic diversity was more common among younger incoming and renewing nurses.
- Approximately 44 percent of employed RN renewals had a bachelor's of science in nursing or higher degree. Education information was not available for newly licensed nurses.¹⁶

¹³ Section 460.4166, F.S.

¹⁴ *Supra* note 1.

¹⁵ The Florida Center for Nursing, *About Us*, available at: <https://www.flcenterfornursing.org/AboutUs/AbouttheFCN.aspx> (Last visited Feb. 21, 2019).

¹⁶ The Department of Health, *Florida Center for Nursing (FCN) Nursing Supply Findings Published*, available at: <https://www.flcenterfornursing.org/AboutUs/AbouttheFCN.aspx> (Last visited Feb. 21, 2019).

Board of Nursing Rulemaking Authority to Establish Standards of Practice

The Legislature has granted the Board of Nursing (BON) rulemaking authority to:

- Establish guidelines for remedial courses for those nurses who fail the nursing examination three times;¹⁷
- Administer the certification of clinical nurse specialists;¹⁸
- Administer the certification of advanced registered nurse practitioners, including the appropriate requirements for advanced registered nurse practitioners in the categories of certified registered nurse anesthetists, certified nurse midwives, and nurse practitioners;¹⁹
- Establish a procedure for the biennial renewal of licenses and to prescribe continuing education requirements for renewal of licenses;²⁰
- Provide application procedures for inactive status, the biennial renewal of inactive licenses, and the reactivation of licenses, including applicable fees;²¹
- Establish the testing procedures for use in certifying nursing assistants, regulating the practice of certified nursing assistants, and specifying the scope of practice and the level of supervision required for the practice of certified nursing assistants;²² and,
- Establish disciplinary guidelines.²³

The Legislature did not expressly grant rulemaking authority to the BON to promulgate nursing standards of practice.²⁴ The authority to define the scope of practice for nurses is absent from ss. 464.018 and 456.003(6), F.S., which expressly limits the ability of the DOH boards to modify or contravene the lawful scope of practice of a regulated profession.

From 2003 through 2012, the BON proposed various rules on nursing standards of practice for conscious sedation and unprofessional conduct, which were ultimately withdrawn after the JAPC, asserted objections. In 2012, the BON proposed another rule establishing professional guidelines for the administration of conscious sedation and to update the instances of unprofessional conduct. The 2012 rule was met with rule challenges from various associations, and JAPC objected to the rule as lacking statutory rulemaking authority. The rule was ultimately challenged at DOAH in case number 121545RP. That decision found that the BON lacked the statutory authority to define nursing “scope of practice” in the Nurse Practice Act. The decision was affirmed by the First District Court of Appeal in case numbers 1D12-5656, 1D12-5671, and 1D12-5739 (all related to DOAH 12-1545RP).

¹⁷ Section 464.008, F.S.

¹⁸ Section 464.0115, F.S.

¹⁹ Section 464.012, F.S.

²⁰ Section 464.013, F.S.

²¹ Section 464.014, F.S.

²² Section 464.202, F.S.

²³ Section 464.018(5), F.S.

²⁴ See *Florida Medical Association, Inc., Florida Osteopathic Medical Association, and Florida Podiatric Medical Association vs. Department Of Health, Board Of Nursing*, DOAH Case No. 12-001545 RP, *Summary Final Order*, Nov. 2, 2012; *affirmed per curiam, Department of Health, Board of Nursing, Florida Association of Nurse Anesthetists and Florida Nurses Association, v. Florida Medical Association, Inc., Florida Osteopathic Medical Association, Inc., and Florida Podiatric Medical Association*, Case Nos. 1D12-5656, 1D12-5671, 1D12-5739 (Fla. 1st DCA, Feb. 12, 2014).

The Legislature has granted statutory authority to set standards of practice for professions that are authorized to practice independently, including: allopathic and osteopathic physicians,²⁵ podiatric physicians,²⁶ pharmacists,²⁷ psychotherapists,²⁸ clinical social workers,²⁹ dentists,³⁰ optometrists,³¹ and opticians.³²

Certified Nursing Assistants

Section 464.201(5), F.S., defines the practice of a certified nursing assistant (CNA) as providing care and assisting persons with tasks relating to the activities of daily living. Activities of daily living include tasks associated with: personal care, maintaining mobility, nutrition and hydration, toileting and elimination, assistive devices, safety and cleanliness, data gathering, reporting abnormal signs and symptoms, postmortem care, patient socialization and reality orientation, end-of-life care, cardiopulmonary resuscitation and emergency care, patients' rights, documentation of nursing-assistant services, and other tasks that a CNA may perform after training.³³

The BON issues certificates to practice as a certified nursing assistant to any person who demonstrates a minimum competency to read and write, successfully passes the required background screening, and demonstrates:

- Successfully completing an approved training program and achieving a minimum score;
- Achieving a minimum score on the nursing assistant competency examination, and:
 - Having a high school diploma, or its equivalent; or,
 - Being at least 18 years of age;
- Being currently certified in another state and having not been found to have committed abuse, neglect, or exploitation in that state; and,
- Having completed the curriculum developed under the Enterprise Florida Jobs and Education Partnership Grant and achieving a minimum score.³⁴

Section 464.204, F.S., relating to the denial, suspension, or revocation of a CNA certification, sets forth the grounds for the BON to discipline a CNA. Two actions constitute grounds for which the BON may impose disciplinary sanctions:

- Obtaining or attempting to obtain certification or an exemption, or possessing or attempting to possess certification or a letter of exemption, by bribery, misrepresentation, deceit, or through an error of the BON; and
- Intentionally violating any provision of ch. 464, F.S., ch. 456, F.S., or the rules adopted by the BON.

²⁵ Sections 458.331(1)(v) and 459.015(1)(z), F.S.

²⁶ Section 461.003, F.S.

²⁷ Sections 465.003(13) and 465.0155, F.S.

²⁸ Section 490.003(4), F.S.

²⁹ Section 491.003, F.S.

³⁰ Section 466.003(3), F.S.

³¹ Section 463.005(1)(a), F.S.

³² Section 463.002(7), F.S.

³³ Section 464.201, F.S.

³⁴ Section 464.203, F.S.

When pursuing discipline against a CNA, the DOH must be prepared to prove that the CNA “intentionally” violated the law or rule, which is a difficult standard to meet.

The BON can only approve applications for licensure by endorsement from currently licensed CNAs in other states. If a CNA from the District of Columbia or a U.S. territory wishes to be licensed in Florida, he or she must apply for licensure by examination instead of endorsement.³⁵

Dentistry and Dental Hygiene

Licensure Examinations for Dentists and Dental Hygienists

Section 466.004, F.S., establishes the Board of Dentistry (BOD) within the DOH to regulate the practice of dentistry and dental hygiene. The requirements for dental licensure by examination are found in s. 466.006, F.S. The Legislature authorized the BOD to use the American Dental Licensing Examination (ADLEX), developed by the American Board of Dental Examiners, Inc., in lieu of an independent state-developed practical or clinical examination. Section 466.007, F.S., requires a dental hygiene applicant to pass the American Dental Hygiene Licensing Examination (ADHEX) developed by the American Board of Dental Examiners, Inc.

Sections 466.006(4)(b) and 466.007(4)(b), F.S., require that the ADLEX examination for dentists, and the ADHEX examination for hygienists, be graded by Florida licensed dentists, and dentists and hygienists, respectively. Such practitioners must be employed by the DOH for this purpose. This provision refers to requirements that were necessary when the ADLEX and ADHEX examinations were purchased and administered by the DOH. This requirement is now obsolete since the BOD has certified national examinations for both dentists and hygienists.

According to the DOH, by limiting the grading to Florida-only licensed dentists and hygienists, it created a shortage of dentists and hygienists available to grade the examinations, thus jeopardizing the administration of the ADLEX and the ADHEX.³⁶

Adverse Incident Reporting in the Practice of Dentistry

There is no statutory requirement for dentists or dental hygienists to report adverse incidents or occurrences in office practice settings. In contrast, the BOM and BOOM have specific statutory authority to require licensees to report adverse incidents in office practice settings.³⁷

The BOD, by rule, defines an “adverse occurrence” and specifies reporting requirements. The rule specifies that an adverse occurrence in a dental office must be reported to the BOD within 48 hours followed by a more specific written report within 30 days. These reports are forwarded to the chair of the Probable Cause Panel to determine if further investigation is necessary. If further investigation is warranted, the report and recommendation are forwarded to the MQA Consumer Services Unit (CSU) for further investigation. All reported mortalities occurring in a dental office are forwarded to the CSU for investigation.

³⁵ *Id.*

³⁶ *Supra* note 1.

³⁷ Sections 458.351 and 459.026, F.S.

The rule does not provide a penalty for failure to report an adverse occurrence.³⁸ According to the DOH, this lack of penalty for failure to report an adverse occurrence may result in the under-reporting of incidents in the dental office practice setting.³⁹

Dental Laboratories

Section 466.032, F.S., sets forth the registration and biennial registration renewal for a dental laboratory. It directs the DOH to issue a certificate upon payment of a fee, which entitles the registrant to operate a dental laboratory for a period of two years. Section 466.032, F.S., sets forth the requirements for a periodic inspection of dental laboratories for required equipment and supplies, mandates 18 hours biennially of continuing education for the dental laboratory owner or at least one employee who must be in programs of learning that contribute directly to the education of the dental technician, and establishes disciplinary guidelines for violations.

According to the DOH, there were 954 dental laboratories as of June 30, 2017.⁴⁰ Since 2012, there have been six administrative complaints filed in Florida against dental laboratories, four of which resulted in disciplinary cases. In one case, the laboratory refused an inspection. The other three were either unsanitary conditions, failure to take continuing education for certificate renewal, or record keeping violations. In that same time period, four citations were issued for minor violations.⁴¹

Athletic Trainers

Section 468.073, F.S., establishes the Board of Athletic Trainers (BOAT) within the DOH to license and regulate the practice of athletic trainers in Florida. Applicants for licensure as an athletic trainer are required to:

- Submit to a background screening;
- Have a baccalaureate or higher degree from a college or university in professional athletic training accredited by the Commission on Accreditation of Athletic Training Education, and have passed the national examination to be certified by the Board of Certification (BOC)⁴² for athletic trainers;

³⁸ Rule 64B5-14.006, F.A.C.

³⁹ *Supra* note 1.

⁴⁰ The Board of Certification, Inc. (BOC) was incorporated in 1989 as a not-for-profit credentialing agency to provide a certification program for the entry level athletic training profession. The BOC establishes both the standards for the practice of athletic training and the continuing education requirements for BOC Certified Athletic Trainers (ATs). The BOC also works with state regulatory agencies to provide credential information, professional conduct guidelines and regulatory standards on certification issues. The BOC also has the only accredited certification program for ATs in the United States and has mutual recognition agreements with Canada and Ireland. *See* Board of Certification for the Athletic Trainer, *Who is the BOC? available at* <http://www.bocatc.org/about-us#what-is-the-boc> (last visited Jan. 25, 2019).

⁴² The Board of Certification, Inc. (BOC) was incorporated in 1989 as a not-for-profit credentialing agency to provide a certification program for the entry level athletic training profession. The BOC establishes both the standards for the practice of athletic training and the continuing education requirements for BOC Certified Athletic Trainers (ATs). The BOC also works with state regulatory agencies to provide credential information, professional conduct guidelines and regulatory standards on certification issues. The BOC also has the only accredited certification program for ATs in the United States and has mutual recognition agreements with Canada and Ireland. *See* Board of Certification for the Athletic Trainer, *Who is the BOC? available at* <http://www.bocatc.org/about-us#what-is-the-boc> (last visited Jan. 25, 2019).

⁴² The Board of Certification, Inc. (BOC) was incorporated in 1989 as a not-for-profit credentialing agency to provide a certification program for the entry level athletic training profession. The BOC establishes both the standards for the practice of athletic training and the continuing education requirements for BOC Certified Athletic Trainers (ATs). The BOC also

- Have a current certification from the BOC, if they graduated before 2004;⁴³ and
- Have current certifications in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED).

An athletic trainer must practice under the direction of a physician licensed under chs. 458, 459, or 460, F.S., or otherwise authorized by Florida law to practice medicine. The physician must communicate his or her direction through oral or written prescriptions or protocols for the provision of services and care by the athletic trainer, and the athletic trainer must provide service or care as dictated by the physician.⁴⁴

The BOAT is authorized to adopt rules to implement the provisions of part XIII, ch. 468, F.S. Such rules must include, but are not limited to:

- The allowable scope of practice regarding the use of equipment, procedures, and medication;
- Mandatory requirements and guidelines for communication between the athletic trainer and a physician, including the reporting to the physician of new or recurring injuries or conditions;
- Licensure requirements;
- Licensure examination;
- Continuing education requirements;
- Fees;
- Records and reports to be filed by licensees;
- Protocols; and,
- Any other requirements necessary to regulate the practice of athletic training.⁴⁵

At renewal, licensed athletic trainers must demonstrate a current BOC certification; however, there is no requirement for that certification to be held without lapse and in good standing.⁴⁶

works with state regulatory agencies to provide credential information, professional conduct guidelines and regulatory standards on certification issues. The BOC also has the only accredited certification program for ATs in the United States and has mutual recognition agreements with Canada and Ireland. *See* Board of Certification for the Athletic Trainer, *Who is the BOC? available at* <http://www.bocatc.org/about-us#what-is-the-boc> (last visited Jan. 25, 2019).

⁴³ Prior to 2004, and the inception of athletic training programs, athletic trainers obtained training through a Board of Certification (BOC) internship program to obtain licensure in Florida. Current law does not allow athletic trainers who obtained training through the BOC internship program to become licensed in Florida.

⁴⁴ Section 468.713, F.S.

⁴⁵ Section 468.705, F.S.

⁴⁶ Section 468.711, F.S.

Orthotics, Prosthetics, and Pedorthics

Section 468.801, F.S., establishes the Board of Orthotists and Prosthetists within the DOH to license and regulate the practice of Prosthetist-Orthotist, Prosthetist,⁴⁷ Orthotist,⁴⁸ Pedorthist,⁴⁹ Orthotic Fitter, and Orthotic Fitter Assistant in Florida. Applicants for licensure under part XIV, ch. 468, F.S., must:

- Submit an application and fee, not to exceed \$500;
- Submit fingerprints for background screening;
- Submit the cost of the state and national criminal background checks;
- Be of good moral character;
- Be 18 years of age or older; and
- Have completed the appropriate educational preparation requirements.⁵⁰

Licenses must be granted independently in orthotics, prosthetics, or pedorthics, but a person may be licensed in more than one discipline. A prosthetist-orthotist license may be granted to persons meeting the requirements for both a prosthetist and an orthotist license. Persons seeking to obtain the required orthotics or prosthetics experience in the state must be approved by the board and registered as a resident by the DOH. A registration may be held in both practice fields, but the board may not approve a second registration until at least one year after the issuance of the first registration.⁵¹ Currently, a dual registration is not authorized.

Massage Therapy and Massage Establishments

Section 480.035, F.S., establishes the Board of Massage Therapy (BMT) within the DOH to license and regulate the practice of massage therapy in Florida. Individuals seeking an initial massage therapy license in Florida have two options for meeting the educational requirements:

- They may attend an approved program at a massage therapy school and complete 500 hours of classroom training; or
- They can become an apprentice under a licensed massage therapist for a period of one year. During that year, the sponsor of the massage apprentice is required to file quarterly reports and the apprentice must complete the following courses of study: 300 hours of physiology, 300 hours of anatomy, 20 hours of theory and history of massage, 50 hours of theory and practice of hydro-therapy, five hours of hygiene, 25 hours of statutes and rules of massage practice, 50 hours of introduction to allied modalities, 700 hours of practical massage, and three hours of board-approved HIV/AIDS instruction.⁵²

⁴⁷ Section 468.80(15), F.S., defines “prosthetics” as the practice of evaluating, treatment formulating, measuring, designing, fabricating, assembling, fitting, adjusting, servicing, or providing the initial training necessary to accomplish the fitting of a prosthesis.

⁴⁸ Section 468.80(9), F.S., defines “orthotics” as the practice of evaluating, treatment formulating, measuring, designing, fabricating, assembling, fitting, adjusting, servicing, or providing the initial training necessary to accomplish the fitting of an orthosis or pedorthic device.

⁴⁹ Section 468.80(12), F.S., defines “pedorthics” as the practice of evaluating, treatment formulating, measuring, designing, fabricating, assembling, fitting, adjusting, servicing, or providing the initial training necessary to accomplish the fitting of a pedorthic device.

⁵⁰ Section 468.803, F.S.

⁵¹ *Id.*

⁵² Rule 64B7-29.003, F.A.C.

Any person may obtain a license to practice as a massage therapist if he or she:

- Submits an application and fee;
- Is at least 18 years of age;
- Has received a high school diploma or high school equivalency diploma;
- Submits to background screening;
- Has completed a course of study at a board-approved massage school or has completed an apprenticeship program that meets standards adopted by the board; and,
- Has received a passing grade on an examination testing general areas of competency specified by the board⁵³ and administered by the DOH.⁵⁴

Rule 64B7-25.001(2), F.A.C., lists five national exams that are approved by the board. The exam currently taken by applicants is the National Examination for State Licensure administered by the National Certification Board for Therapeutic Massage and Bodywork. The DOH does not offer or administer a specific state licensure exam.⁵⁵ According to the DOH, there are 172 licensed massage schools in Florida, which trained 2,076 new licensees by examination, who were licensed in the 2016-2017 fiscal year. Of those, only 15 came through the Florida apprenticeship program.

The term massage is defined as the manipulation of the soft tissues of the human body with the hand, foot, arm, or elbow, whether or not the manipulation is aided by hydrotherapy, including colonic irrigation, or thermal therapy; any electrical or mechanical device; or the application to the human body of a chemical or herbal preparation.⁵⁶

The BMT also licenses apprentices in colonic hydrotherapy.⁵⁷ These individuals are either attending a massage therapy school that does not offer colonic training or are licensed massage therapists who are seeking to add colonic hydrotherapy to their practice. Since there are few schools in the state that offer a colonic hydrotherapy program, apprenticeships are the primary method of training for this service.⁵⁸ According to the DOH, there are currently 87 licensed massage apprentices apprenticing for a colonic hydrotherapy upgrade to their license.⁵⁹

The BMT also licenses massage establishments under s. 480.046(3), F.S. The board has the power to revoke or suspend the license of an establishment upon proof that the license was obtained through fraud or misrepresentation, or upon proof of fraud, deceit, gross negligence, incompetency, or misconduct in the operation of the establishment. The board may deny the subsequent licensure of such an establishment if the license holder reapplies using the same business name. However, the board is not authorized to deny the same owner a license under a new name or as a different business entity type, even if it is opened at the same location with the same employees. Additionally, the board has no specific authority to act against a massage

⁵³ Section 480.042, F.S.

⁵⁴ Section 480.041, F.S.

⁵⁵ *Id.*

⁵⁶ Section 480.033, F.S.

⁵⁷ *Colonic hydrotherapy* is a method of colon irrigation used to cleanse the colon with the aid of a mechanical device and water. See s. 480.033(6), F.S.

⁵⁸ Rule 64B7-29.007, F.A.C.

⁵⁹ *Supra* note 1.

establishment's license even if the owner and employees, while onsite, have been convicted of prostitution and related offenses.

Psychology

Section 490.004, F.S., creates the Board of Psychology (BOP) within the DOH to license and regulate the practice of psychologists in Florida. The practice of psychology is defined as the observation, description, evaluation, interpretation, and modification of human behavior, by the use of scientific and applied psychological principles, methods, and procedures, for the purpose of describing, preventing, alleviating, or eliminating symptomatic, maladaptive, or undesired behavior and enhancing interpersonal behavioral health and mental or psychological health.⁶⁰

Licensure as a psychologist under ch. 490, F.S., requires a doctoral degree in psychology from an educational institution that, at the time the applicant was enrolled and graduated, held institutional accreditation from an approved agency and programmatic accreditation from the American Psychological Association (APA).

Section 490.003(3)(a), F.S., refers to educational requirements in effect prior to July 1, 1999, and are no longer applicable. The outdated language could create confusion among applicants as to the current educational requirements, which are correctly defined in s. 490.003(3)(b), F.S. Section 490.003(3)(b), F.S., generically refers to programs approved and recognized by the U.S. Department of Education. The only accrediting agency recognized by the U.S. Department of Education to provide programmatic accreditation for doctoral psychology programs is the APA.

Section 490.005, F.S., refers to educational requirements in effect prior to July 1, 1999, which are no longer applicable to augment a deficient education or show comparability to the current educational requirements. This section includes an outdated reference to the APA accrediting programs in Canada. Currently, the APA no longer accredits Canadian doctoral programs.⁶¹

Section 490.005(2)(b)1., F.S., refers to school psychology applicants graduating from a college or university accredited and approved by the Commission on Recognition of Postsecondary Accreditation; however, the correct reference is to the Council for Higher Education Accreditation.

Section 490.006, F.S., relating to licensure of a psychologist or school psychologist by endorsement, requires:

- An application to the DOH and payment of a fee;
- Proof of a valid license or certificate in another jurisdiction provided that, when the applicant secured such license or certificate, the requirements were substantially equivalent to or more stringent than those set forth in ch. 490, F.S., but,
 - If no Florida law existed at that time the applicant received his or her license or certificate, then the requirements in the other state must have been substantially equivalent to or more stringent than those set forth in ch. 490, F.S., at the present time.
- Proof of good standing as a diplomat with the American Board of Psychology; or

⁶⁰ Section 490.003(4), F.S.

⁶¹ *Supra* note 1.

- Proof of a doctoral degree in psychology as described in s. 490.003, F.S., and at least 20 years of experience as a licensed psychologist in any jurisdiction or territory of the United States within the 25 years preceding the date of application.

Obtaining licensure under the current endorsement standards may be difficult as it requires a law-to-law comparison and applicants who otherwise might qualify for licensure may be denied, or have licensure delayed until they select a different application method.

Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

Section 491.004, F.S., creates the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling within the DOH to ensure that every clinical social worker, marriage and family therapist, and mental health counselor practicing in this state meets minimum requirements for safe practice. The Florida Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling is responsible for licensing, monitoring, disciplining, and educating clinical social workers, marriage and family therapists, and mental health counselors to assure competency and safety to practice in Florida.

Section 491.005, F.S., sets out the educational and examination requirements for a clinical social worker, marriage and family therapist, and mental health counselor to obtain a license by examination in Florida. An individual applying for licensure by examination who has satisfied the clinical experience requirements of s. 491.005, F.S., or an individual applying for licensure by endorsement pursuant to s. 491.006, F.S., intending to provide clinical social work, marriage and family therapy, or mental health counseling services in Florida, while satisfying coursework or examination requirements for licensure, must obtain a provisional license in the profession for which he or she is seeking licensure prior to beginning practice.⁶²

An individual who has not satisfied the postgraduate or post-master's level of experience requirements under s. 491.005, F.S., must register as an intern in the profession for which he or she is seeking licensure before commencing the post-master's experience requirement. An individual who intends to satisfy part of the required graduate-level practicum, internship, or field experience, outside the academic arena for any profession, must register as an intern in the profession for which he or she is seeking licensure before commencing the practicum, internship, or field experience.⁶³

Section 491.0045(6), F.S., specifies the length of time an intern registration for clinical social work, marriage and family therapy, and mental health counseling is valid. A footnote to this section points out that, through multiple amendatory acts to s. 491.0045(6), F.S., during the same legislative session, two irreconcilable versions of the section were created, and the editors were thus required to publish both versions of the amended provision.

Section 491.0045(6), F.S., states, “[a]n intern registration issued on or before March 31, 2017, expires March 31, 2022, and may not be renewed or reissued. A registration issued after March 31, 2017, expires 60 months after the date of issuance. No subsequent intern registration

⁶² Section 491.0046, F.S.

⁶³ Section 491.0045, F.S.

may be issued unless the candidate has passed the theory and practice examination described in s. 491.005(1)(d), (3)(d), and (4)(d).” The footnote refers to an April 1, 2017, date, rather than the March 31, 2017 in the statute.

Section 491.005(3)(b), F.S., relating to licensure by examination for marriage and family therapists requires:

- A master’s degree with major emphasis in marriage and family therapy or a closely related field;
- Specific coursework in 12 content areas; and
- A practicum, internship, or field experience of 180 hours providing direct client contact hours of marriage and family services under the supervision of a licensed marriage and family therapist with at least five years of experience.

According to the DOH, the specific course work requirement must be an exact match. Lack of an exact match may significantly delay an applicant’s licensure.⁶⁴

Section 491.005(3)(c), F.S., is inconsistent as it requires both two years, and three years, of clinical experience for a marriage and family therapy licensure applicant. According to the DOH, the three years of clinical experience was a technical error and is inconsistent with other statutory requirements. Only two years of clinical experience for a marriage and family therapy applicant is required.⁶⁵

Section 491.005(4), F.S., relating to licensure by examination for mental health counselors names the Professional Examination Service for the National Academy of Certified Clinical Mental Health Counselors as the required examination for a mental health counselor. The correct name of the examination required for licensure as a mental health counselor is the National Clinical Mental Health Counseling Examination. The examination was developed by, and is administered by, the National Board for Certified Counselors.

Section 491.005(4), F.S., contains a 300-hour difference between the hours of practicum, internship, or field experience required for graduates from a Council for Accreditation of Counseling and Related Educational Programs (CACREP) and non-CACREP graduates. A mental health counselor applicant who graduated from a program not accredited by CACREP is required to complete 1,000 hours of practicum, internship, or field experience. An MHC applicant who graduated from a CACREP accredited program is required to meet the CACREP standards to complete 700 hours of practicum or internship.⁶⁶

Section 491.006, F.S., relating to licensure or certification by endorsement requires an applicant for licensure by endorsement in the practice of clinical social work, marriage and family therapy, or mental health counseling to demonstrate to the board that he or she:

- Has knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling;

⁶⁴ *Supra* note 1.

⁶⁵ *Id.*

⁶⁶ Council for Accreditation of Counseling & Related Educational Programs, *2016 CACREP Standards*, available at <http://www.cacrep.org/wp-content/uploads/2018/05/2016-Standards-with-Glossary-5.3.2018.pdf> (last visited Feb. 1, 2019).

- Holds an active valid license to practice, and has actively practiced the profession in another state, for three of the last five years immediately preceding licensure;
- Meets the education requirements of ch. 491, F.S., in the profession for which the applicant seeks licensure;
- Has passed a substantially equivalent licensure examination in another state, or has passed the licensure examination in this state in the profession for which the applicant seeks licensure;
- Holds a license in good standing; and
- Is not under investigation for, or been found to have committed, an act that would constitute a violation of ch. 491, F.S.

To satisfy the education requirements of s. 491.005, F.S., specific particular course work, rather than a degree from an accredited school or college, or proof of licensure in another state, is required of an applicant for licensure by endorsement under ch. 491, F.S. The endorsement applicant must show proof that he or she completed certain statutorily-specified courses, which may not have been available at the time he or she graduated. Current law places barriers on licensure by endorsement by requiring many applicants to complete additional courses often difficult to obtain when the applicant is not a full-time graduate student.

Section 491.007(3), F.S., provides for the renewal of a license, registration, or certificate for clinical social workers, marriage and family therapists, and mental health counselors, and gives the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling rulemaking authority to prescribe the requirements for renewal of an intern registration. Section 491.0045(6), F.S., now addresses renewal of an intern registration; therefore, rulemaking authority is no longer necessary.

Section 491.009, F.S., sets out what acts by a clinical social worker, marriage and family therapist, or mental health counselor constitute grounds for discipline, or denial of licensure. However, s. 491.009(2), F.S., incorrectly references psychologists, who are not licensed under ch. 491, F.S., and does not include the certified master social worker profession regulated by the DOH.

III. Effect of Proposed Changes:

Section 1: The Conrad 30 Waiver Program

The bill amends s. 381.4018, F.S., to authorize the DOH to adopt rules to implement that subsection, which includes the implementation of the federal Conrad 30 Waiver Program to encourage qualified physicians to relocate to Florida and practice in medically underserved and rural areas.

Section 2: The DOH General Health Care Professional Licensing Provisions

The bill amends s. 456.013, F.S., to eliminate obsolete language regarding applying to the DOH to take an examination. The bill adds the date of birth as a required element on the application, which provides an increased likelihood of a confirmation of a criminal background check for the DOH.

Section 3: Medical Specialists

The bill amends section 458.3312, F.S., relating to holding oneself out as a medical specialist, to repeal the requirement that the BOM conduct a review of organizations that board-certify physicians in dermatology every three years in order for a physician to hold himself or herself out as board-certified in dermatology.

Section 4: Osteopathic Internships and Residencies

The bill recognizes the agreement between the American Osteopathic Association (AOA) and ACGME. Both organizations have committed to improving the patient care delivered by resident and fellow physicians today, and in their future independent practice, and to do so in clinical learning environments characterized by excellence in care, safety, and professionalism, thereby creating a single path for graduate medical education (GME). This single path for GME allows osteopathic and allopathic medical school graduates to seek residencies and fellowship programs accreditation by ACGME. This will enable osteopathic medical school graduates, residents, and fellows to apply to the National Resident Match Program and participate in the Main Residency Match for internships, residencies, and fellowships, thereby creating more residency opportunities for osteopathic residents.

However, if an osteopathic residency program does not achieve ACGME accreditation by June 2020, and a resident of the program still has training ahead, the resident will be able to complete the AOA-accredited training and advance to AOA board eligibility. This accommodation is due to an agreement between the AOA, the ACGME, and the American Association of Colleges of Osteopathic Medicine (AACOM) that gives the AOA restricted authority to extend the AOA accreditation date to allow any remaining residents to finish training in an accredited program. In some cases, residents whose programs do not achieve ACGME accreditation by June 2020 may be able to transfer to another accredited program.⁶⁷

All residents who have completed an AOA- or ACGME-accredited residency program are eligible for AOA board certification. AOA board certification is an important quality marker for patients that highlights the commitment to the uniquely osteopathic approach to patient care and allows engagement in continuous professional development throughout a career. Requirements are slightly different for osteopathic medical physicians pursuing certification through the American Board of Medical Specialties (ABMS). The ABMS requires candidates' residency programs to have been ACGME-accredited for a specified amount of time, such as three years. Requirements vary by specialty.⁶⁸

Section 5: Chiropractic Continuing Education

The bill amends section 460.408, F.S., to define a "contact classroom hour" as a presentation in which the persons presenting, and the persons attending, the course are present onsite. The bill authorizes chiropractic physicians to take up to 10 general hours of CE online, if the online

⁶⁷ American Osteopathic Association, *What does a single GME mean for DO residents?* available at <https://osteopathic.org/residents/resident-resources/residents-single-gme/> (last visited Feb. 4, 2019).

⁶⁸ Id.

courses are competency based, and use the Sharable Content Objective Reference Model standard, or more stringent standards, as determined by the board.

Section 6: Registered Chiropractic Assistants

Section 460.4166, F.S., is repealed, thus deregulating the profession of Registered Chiropractic Assistants, as the duties performed are not directly related to patient safety and the registration is voluntary.

Sections 7, 8, 9, and 10: The Florida Center for Nursing (FCN), Board of Nursing (BON) Rulemaking Authority, and Certified Nursing Assistants

The bill amends s. 464.019, F.S., to extend the requirement for the Florida Center for Nursing to provide an implementation study and annual report on the availability of nursing programs and production of quality nurses to the Governor, the President of the Senate, and the Speaker of the House of Representatives until January 30, 2025.

The bill amends ss. 464.202, 464.203, and 464.204, F.S., relating to rulemaking, duties, and powers of the BON, to authorize the BON to create rules detailing standards of practice for its licensees, which include: ARNPs, clinical nurse specialists, RNs, LPNs, and CNAs.

The bill authorizes the BON to grant licenses by endorsement, for CNA applicants with certifications in U.S. territories or Washington, D.C. This will expedite licensure as a CNA because the applicant would no longer have to apply for licensure by examination.

The bill amends s. 464.204, F.S., to eliminate the element of intent to violate the laws or rules relating to CNAs, which will align CNA prosecution with the law for disciplining registered nurses and licensed practical nurses.

Sections 11, 12, 13, and 14: Dentistry, Dental Hygiene, and Dental Laboratories

The bill amends ss. 466.006 and 466.007, F.S., to eliminate obsolete requirements.

The bill amends s. 466.017, F.S., to require dentists and dental hygienists to report adverse incidents to the DOH, which is currently only required by board rule. This new section requires the reporting of deaths, or any incident that results in the temporary or permanent physical or mental injury, that requires hospitalization or emergency room treatment of a dental patient that occurred during or as a result of the use of anesthesia or sedation, and creates grounds for discipline for the failure to report an adverse incident.

The bill amends s. 466.036, F.S., to require a dental laboratory be inspected at least biennially.

Sections 15, 16, 17, 18, and 19: Athletic Trainers

The bill amends s. 468.701, F.S., to include within the definition of athletic trainer that he or she must work within the scope of practice as established within rules adopted by the board. This requirement limits the potential that an athletic trainer will attend opportunities that are not

approved by the board for safe practice and will incorporate those practices into his or her practice.

The bill amends the licensure requirements for an athletic trainer to create a new licensure pathway for applicants who hold a bachelor's degree, have completed the BOC internship program, and hold a current certification from the BOC to become licensed in Florida.

The bill amends s. 468.711, F.S., relating to licensure renewal requirements to require an athletic trainer to maintain his or her BOC certification in good standing without lapse. Licensees will have to demonstrate continuous good standing of his or her BOC certification at the time of renewal.

The bill gives the BOAT rulemaking authority to further define the supervision between an athletic training student and a licensed athletic trainer, rather than relying on compliance with standards set by an external entity.

Section 20: Orthotics, Prosthetics, and Pedorthics

The bill amends s. 468.803, F.S., to authorize the DOH to issue a joint registration in orthotics and prosthetics as a dual registration rather than requiring separate registrations, and to recognize the dual residency program and educational requirements for dual registration.

Sections 21, 22, 23, and 24: Massage Therapy and Massage Establishments

The bill amends the definition of "apprentice" in s. 480.033(5), F.S., to eliminate the statutory authority for massage therapy apprenticeships, except for apprentices studying colonic hydrotherapy. The bill allows apprentices licensed before July 1, 2018, to maintain their apprentice license until its expiration date, but no later than July 1, 2021, and to qualify for licensure based on that apprenticeship.

The bill amends s. 480.041, F.S., to specify that the licensure examination is a national examination designated by the BMT, not an examination administered by the board. The bill repeals s. 480.042, F.S., relating to a massage therapy examination by the board, which is obsolete.

The bill amends s. 480.046(3), F.S., to strengthen the grounds for disciplinary action by the BMT against a licensed massage establishment to include actions by an owner or a repeat offender.

The bill adds:

- That an establishment license may also be suspended or revoked, or a subsequent license application denied, if the owner or therapists at the massage establishment have cumulatively committed three or more crimes in any jurisdiction related to prostitution, as defined in s. 796.07, F.S.;
- That an establishment disciplined under s. 480.046(3), F.S., cannot apply for re-licensure unless there is a change of ownership; and
- That the board may deny the license of an establishment if its owner has previously had a license revoked under s. 480.046(3), F.S.

The DOH may not issue a license to an establishment disciplined under this provision unless there is change of ownership.

Sections 25, 26, and 27: Psychology

The bill amends s. 490.003, F.S., to eliminate outdated language in s. 490.003(3)(a), F.S.

The bill amends, and renumbers, s. 490.003(3)(b), F.S., to delete the generic reference to programs accredited by an agency recognized and approved by the U.S. Department of Education, and inserts a specific reference to the American Psychological Association (APA), which is the only accrediting agency recognized by the U.S. Department of Education to provide programmatic accreditation for doctoral psychology programs. A specific reference to the APA clarifies current education requirements but does not impose any new requirements.

The bill amends s. 490.005, F.S., relating to licensure by examination for psychologists. The bill eliminates the specific reference to Canada, which will allow applicants who obtained their education outside the U.S. to demonstrate they have an education comparable to an APA program.

The bill removes outdated language referencing an augmented or comparable doctoral education pathway. The ability of applicants who obtained their degree in the United States, to augment an insufficient degree or show comparability to an APA accredited program, is no longer available.

The bill eliminates an outdated reference to the school psychology educational accrediting agency, the Commission on Recognition of Postsecondary Accreditation, and updates the reference with the successor agency, the Council for Higher Education Accreditation.

The bill amends s. 490.006, F.S., relating to a psychologist licensure by endorsement, to eliminate the requirement that the licensing provisions of the other state must have been substantially equivalent to, or more stringent than, those of either the law in Florida at the time the applicant obtained an out-of-state license or the current Florida law. The bill reduces from 20 years of licensed psychology experience to 10 years of experience, within the 25 years preceding the date of application. Licensure of qualified applicants will be expedited by amending these provisions.

Sections 28, 29, 30, 31, 32, and 33: Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

The bill amends s. 491.0045, F.S., to clarify conflicting language passed in the same legislative session to permit the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling to make a one-time exception for an additional intern registration. For an intern seeking a second registration after March 31, 2022, that board may grant an additional intern registration in emergency or hardship cases, as defined by rule, if the candidate has passed the theory and practice examination described in ss. 491.055(1)(d), (3)(d), and (4)(d), F.S.

The bill amends s. 491.005(3), F.S., relating to licensure by examination for marriage and family therapists, to require:

- A master's degree with major emphasis in marriage and family therapy from a program accredited by the Commission of Accreditation for Marriage and Family Therapy Education; or,
- A master's degree with major emphasis in marriage and family therapy from a Florida university program accredited by the Counseling and Related Education Program.

The bill eliminates the requirement for marriage and family therapists to complete 12 specific content areas and 180 practicum hours. This change will simplify the education review process, eliminate the course requirement review, and expedite licensure.

The bill amends s. 491.005(3)(c), F.S., to correct a technical discrepancy in the number of years of clinical experience required for a marriage and family therapist applicant from three years to two years.

The bill amends s. 491.005(4), F.S., relating to mental health counseling applicants, to update the name of the examination to be taken by a mental health counselor applicant. The bill amends s. 491.005(4)(b)1.c., F.S., to reduce the number of practicum, internship, or field experience hours for those applicants who graduated from a non-CACREP accredited program, from 1,000 hours to 700 hours, bringing them in line with graduates from CACREP accredited programs. Amending this provision promotes regulatory efficiency and makes licensure requirements more balanced between the two programs.

The bill amends s. 491.006, F.S., relating to licensure, or certification by endorsement, for applicants for licensure in clinical social work, marriage and family therapy, or mental health counseling. The bill removes the requirement for endorsement applicants to meet the same educational requirements required of new applicants, provided the applicant for endorsement meets the requirement to have an active, valid license and has actively practiced the profession in another state for three of the last five years. Amending this provision will increase licensure portability for applicants applying by endorsement for licensure as marriage and family therapists in Florida.

The bill amends s. 491.007, F.S., relating to renewal of a license, registration, or certificate, to delete obsolete rulemaking authority regarding intern registration renewal.

The bill amends s. 491.009(2), F.S., to delete an inaccurate reference to psychologists who are licensed under ch. 490, F.S., and to add the profession of certified master social worker that is licensed under ch. 491, F.S. The bill corrects reference to whether it is the board or the DOH with authority to take disciplinary action for certain violations. By adding certified master social worker to this provision, it gives the DOH authority to enter an order denying licensure to a certified master social worker or imposing discipline against any certified master social worker who is found guilty of violating any provision in ch. 491, F.S.

The bill makes additional technical amendments to ss. 491.0046 and 945.42, F.S., to conform cross-references.

Section 34

The bill makes a technical change to s. 945.42, F.S., to conform the definition of psychological professional in cross-references.

Section 35 provides an effective date of July 1, 2019.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 381.4018, 456.013, 458.3312, 459.0055, 460.408, 464.202, 464.203, 464.204, 466.006, 466.007, 466.017, 466.031, 466.036, 468.701, 468.707, 468.711, 468.713, 468.723, 468.803, 480.033, 480.041, 480.046, 490.003, 490.005, 490.006, 491.0045, 491.005, 491.006, 491.007, 491.009, 491.0046, and 945.42.

This bill repeals the following sections of the Florida Statutes: 460.4166 and 480.042.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on Health and Human Services on February 20, 2019:

The committee substitute:

- Deletes the revision to the definition of dental laboratory under s. 466.031, F.S., found in the underlying bill; and
- Extends the requirement of the Florida Center for Nursing to provide a report on the availability of nursing programs and production of quality nurses to the Governor, the President of the Senate, and the Speaker of the House of Representatives until January 30, 2025.

CS by Health Policy on February 11, 2019:

The CS removes from the underlying bill the creation of a new type of PA supervising physician for allopathic and osteopathic PAs. The CS also provides that a federally-designated shortage area of the Conrad 30 Waiver Program includes, but is not limited to, medically underserved areas and rural areas.

- B. **Amendments:**

None.



430820

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/07/2019	.	
	.	
	.	
	.	

The Committee on Appropriations (Harrell) recommended the following:

Senate Amendment (with title amendment)

Delete lines 337 - 363.

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

And the title is amended as follows:

Delete lines 17 - 20

and insert:

or certification as an osteopathic physician;
repealing s.



973632

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/07/2019	.	
	.	
	.	
	.	

The Committee on Appropriations (Harrell) recommended the following:

Senate Amendment (with title amendment)

Between lines 643 and 644

insert:

Section 12. Section 466.00673, Florida Statutes, is amended to read:

466.00673 Repeal of a health access dental license.—
Effective January 1, 2025 ~~2020~~, ss. 466.0067-466.00673 are repealed unless reenacted by the Legislature. Any health access dental license issued before January 1, 2025 ~~2020~~, shall remain



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11 valid according to ss. 466.0067-466.00673, without effect from
12 repeal.

13

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

15 And the title is amended as follows:

16 Between lines 35 and 36

17 insert:

18 466.00673, F.S.; extending the repeal date of
19 provisions relating to health access dental licenses;
20 amending s.



661862

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/07/2019	.	
	.	
	.	
	.	

The Committee on Appropriations (Harrell) recommended the following:

Senate Amendment (with title amendment)

Between lines 716 and 717

insert:

Section 14. Section 466.031, Florida Statutes, is amended to read:

466.031 "Dental laboratories ~~laboratory~~" defined.—

(1) The term "dental laboratory" as used in this chapter:

~~(1)~~ includes any person, firm, or corporation that ~~who~~ performs for a fee of any kind, gratuitously, or otherwise,



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11 directly or through an agent or an employee, by any means or
12 method, or ~~who in any way~~ supplies or manufactures artificial
13 substitutes for the natural teeth; ~~or who~~ furnishes, supplies,
14 constructs, or reproduces or repairs any prosthetic denture,
15 bridge, or appliance to be worn in the human mouth; or ~~who~~ in
16 any way represents ~~holds~~ itself ~~out~~ as a dental laboratory.

17 ~~(2)~~ The term does not include a ~~Excludes any~~ dental
18 laboratory technician who constructs or repairs dental
19 prosthetic appliances in the office of a licensed dentist
20 exclusively for that ~~such~~ dentist ~~only~~ and under her or his
21 supervision and work order.

22 (2) An employee or an independent contractor of a dental
23 laboratory acting as an agent of that dental laboratory may
24 engage in onsite consultation with a licensed dentist during a
25 dental procedure.

26
27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Between lines 41 and 42

30 insert:

31 466.031, F.S.; making technical changes; authorizing
32 an employee or an independent contractor of a dental
33 laboratory acting as an agent of that dental
34 laboratory to engage in onsite consultation with a
35 licensed dentist during a dental procedure; amending
36 s.



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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to the Department of Health; amending s. 381.4018, F.S.; requiring the Department of Health to develop strategies to maximize federal-state partnerships that provide incentives for physicians to practice in medically underserved or rural areas; authorizing the department to adopt certain rules; amending s. 456.013, F.S.; revising health care practitioner licensure application requirements; amending s. 458.3312, F.S.; removing a provision prohibiting a physician from representing himself or herself as a board-certified specialist in dermatology unless the recognizing agency is reviewed and reauthorized on a specified basis by the Board of Medicine; amending s. 459.0055, F.S.; revising licensure requirements for a person seeking licensure or certification as an osteopathic physician; amending s. 460.408, F.S.; defining the term "contact classroom hour"; revising provisions relating to continuing chiropractic education requirements; repealing s. 460.4166, F.S., relating to registered chiropractic assistants; amending s. 464.019, F.S.; extending through 2025 the Florida Center for Nursing's responsibility to study and issue an annual report on the implementation of nursing education programs; amending s. 464.202, F.S.; requiring the Board of Nursing to adopt rules that include disciplinary



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procedures and standards of practice for certified nursing assistants; amending s. 464.203, F.S.; revising certification requirements for nursing assistants; amending s. 464.204, F.S.; revising grounds for board-imposed disciplinary sanctions; amending s. 466.006, F.S.; revising certain requirements for examinations to be completed by applicants seeking dental licensure; amending s. 466.007, F.S.; revising requirements for examinations of dental hygienists; amending s. 466.017, F.S.; providing adverse incident reporting requirements; providing for disciplinary action by the Board of Dentistry; defining the term "adverse incident"; authorizing the board to adopt rules; amending s. 466.036, F.S.; revising inspection frequency of dental laboratories during a specified period; amending s. 468.701, F.S.; revising the definition of the term "athletic trainer" for the purpose of relocating an existing requirement; amending s. 468.707, F.S.; revising athletic trainer licensure requirements; amending s. 468.711, F.S.; requiring certain licensees to maintain certification in good standing without lapse to renew their athletic trainer license; amending s. 468.713, F.S.; requiring that an athletic trainer work within a specified scope of practice; relocating an existing requirement; amending s. 468.723, F.S.; requiring the direct supervision of an athletic training student to be in accordance with rules adopted by the Board of Athletic Training;



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57 amending s. 468.803, F.S.; revising orthotic,
58 prosthetic, and pedorthic licensure, registration, and
59 examination requirements; amending s. 480.033, F.S.;
60 revising the definition of the term "apprentice";
61 amending s. 480.041, F.S.; revising qualifications for
62 licensure as a massage therapist; specifying that a
63 massage apprentice who was licensed before a specified
64 date may continue to perform massage therapy as
65 authorized under his or her license; authorizing a
66 massage apprentice to apply for full licensure upon
67 completion of the apprenticeship under certain
68 conditions; repealing s. 480.042, F.S., relating to
69 examinations for licensure as a massage therapist;
70 amending s. 480.046, F.S.; revising instances under
71 which disciplinary action may be taken against massage
72 establishments; prohibiting certain massage
73 establishments from applying for relicensure;
74 providing an exception; amending s. 490.003, F.S.;
75 revising the definition of the terms "doctoral-level
76 psychological education" and "doctoral degree in
77 psychology"; amending s. 490.005, F.S.; revising
78 requirements for licensure by examination of
79 psychologists and school psychologists; amending s.
80 490.006, F.S.; revising requirements for licensure by
81 endorsement of psychologists and school psychologists;
82 amending s. 491.0045, F.S.; providing an exemption for
83 registration requirements for clinical social worker
84 interns, marriage and family therapist interns, and
85 mental health counselor interns under certain



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86 circumstances; amending s. 491.005, F.S.; revising
87 requirements for the licensure by examination of
88 marriage and family therapists; revising examination
89 requirements for the licensure by examination of
90 mental health counselors; amending s. 491.006, F.S.;
91 revising requirements for licensure by endorsement or
92 certification for specified professions; amending s.
93 491.007, F.S.; removing a biennial intern registration
94 fee; amending s. 491.009, F.S.; authorizing the Board
95 of Clinical Social Work, Marriage and Family Therapy,
96 and Mental Health Counseling or, under certain
97 circumstances, the department to enter an order
98 denying licensure or imposing penalties against an
99 applicant for licensure under certain circumstances;
100 amending ss. 491.0046 and 945.42, F.S.; conforming
101 cross-references; providing an effective date.
102
103 Be It Enacted by the Legislature of the State of Florida:
104
105 Section 1. Subsection (3) of section 381.4018, Florida
106 Statutes, is amended to read:
107 381.4018 Physician workforce assessment and development.—
108 (3) GENERAL FUNCTIONS.—The department shall maximize the
109 use of existing programs under the jurisdiction of the
110 department and other state agencies and coordinate governmental
111 and nongovernmental stakeholders and resources in order to
112 develop a state strategic plan and assess the implementation of
113 such strategic plan. In developing the state strategic plan, the
114 department shall:



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115 (a) Monitor, evaluate, and report on the supply and
116 distribution of physicians licensed under chapter 458 or chapter
117 459. The department shall maintain a database to serve as a
118 statewide source of data concerning the physician workforce.

119 (b) Develop a model and quantify, on an ongoing basis, the
120 adequacy of the state's current and future physician workforce
121 as reliable data becomes available. Such model must take into
122 account demographics, physician practice status, place of
123 education and training, generational changes, population growth,
124 economic indicators, and issues concerning the "pipeline" into
125 medical education.

126 (c) Develop and recommend strategies to determine whether
127 the number of qualified medical school applicants who might
128 become competent, practicing physicians in this state will be
129 sufficient to meet the capacity of the state's medical schools.
130 If appropriate, the department shall, working with
131 representatives of appropriate governmental and nongovernmental
132 entities, develop strategies and recommendations and identify
133 best practice programs that introduce health care as a
134 profession and strengthen skills needed for medical school
135 admission for elementary, middle, and high school students, and
136 improve premedical education at the precollege and college level
137 in order to increase this state's potential pool of medical
138 students.

139 (d) Develop strategies to ensure that the number of
140 graduates from the state's public and private allopathic and
141 osteopathic medical schools is adequate to meet physician
142 workforce needs, based on the analysis of the physician
143 workforce data, so as to provide a high-quality medical



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144 education to students in a manner that recognizes the uniqueness
145 of each new and existing medical school in this state.

146 (e) Pursue strategies and policies to create, expand, and
147 maintain graduate medical education positions in the state based
148 on the analysis of the physician workforce data. Such strategies
149 and policies must take into account the effect of federal
150 funding limitations on the expansion and creation of positions
151 in graduate medical education. The department shall develop
152 options to address such federal funding limitations. The
153 department shall consider options to provide direct state
154 funding for graduate medical education positions in a manner
155 that addresses requirements and needs relative to accreditation
156 of graduate medical education programs. The department shall
157 consider funding residency positions as a means of addressing
158 needed physician specialty areas, rural areas having a shortage
159 of physicians, and areas of ongoing critical need, and as a
160 means of addressing the state's physician workforce needs based
161 on an ongoing analysis of physician workforce data.

162 (f) Develop strategies to maximize federal and state programs
163 that provide for the use of incentives to attract physicians to
164 this state or retain physicians within the state. Such
165 strategies should explore and maximize federal-state
166 partnerships that provide incentives for physicians to practice
167 in federally designated shortage areas, in otherwise medically
168 underserved areas, or in rural areas. Strategies shall also
169 consider the use of state programs, such as the Medical
170 Education Reimbursement and Loan Repayment Program pursuant to
171 s. 1009.65, which provide for education loan repayment or loan
172 forgiveness and provide monetary incentives for physicians to



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173 relocate to underserved areas of the state.

174 (g) Coordinate and enhance activities relative to physician
175 workforce needs, undergraduate medical education, graduate
176 medical education, and reentry of retired military and other
177 physicians into the physician workforce provided by the Division
178 of Medical Quality Assurance, area health education center
179 networks established pursuant to s. 381.0402, and other offices
180 and programs within the department as designated by the State
181 Surgeon General.

182 (h) Work in conjunction with and act as a coordinating body
183 for governmental and nongovernmental stakeholders to address
184 matters relating to the state's physician workforce assessment
185 and development for the purpose of ensuring an adequate supply
186 of well-trained physicians to meet the state's future needs.
187 Such governmental stakeholders shall include, but need not be
188 limited to, the State Surgeon General or his or her designee,
189 the Commissioner of Education or his or her designee, the
190 Secretary of Health Care Administration or his or her designee,
191 and the Chancellor of the State University System or his or her
192 designee, and, at the discretion of the department, other
193 representatives of state and local agencies that are involved in
194 assessing, educating, or training the state's current or future
195 physicians. Other stakeholders shall include, but need not be
196 limited to, organizations representing the state's public and
197 private allopathic and osteopathic medical schools;
198 organizations representing hospitals and other institutions
199 providing health care, particularly those that currently provide
200 or have an interest in providing accredited medical education
201 and graduate medical education to medical students and medical



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202 residents; organizations representing allopathic and osteopathic
203 practicing physicians; and, at the discretion of the department,
204 representatives of other organizations or entities involved in
205 assessing, educating, or training the state's current or future
206 physicians.

207 (i) Serve as a liaison with other states and federal
208 agencies and programs in order to enhance resources available to
209 the state's physician workforce and medical education continuum.

210 (j) Act as a clearinghouse for collecting and disseminating
211 information concerning the physician workforce and medical
212 education continuum in this state.

213
214 The department may adopt rules to implement this subsection,
215 including rules to establish guidelines to implement the federal
216 Conrad 30 Waiver Program created under s. 214(1) of the
217 Immigration and Nationality Act.

218 Section 2. Paragraph (a) of subsection (1) of section
219 456.013, Florida Statutes, is amended to read:

220 456.013 Department; general licensing provisions.-

221 (1) (a) Any person desiring to be licensed in a profession
222 within the jurisdiction of the department shall apply to the
223 department in writing ~~to take the licensure examination~~. The
224 application shall be made on a form prepared and furnished by
225 the department. The application form must be available on the
226 Internet, World Wide Web and the department may accept
227 electronically submitted applications. The application shall
228 require the social security number and date of birth of the
229 applicant, except as provided in paragraphs (b) and (c). The
230 form shall be supplemented as needed to reflect any material



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231 change in any circumstance or condition stated in the
232 application which takes place between the initial filing of the
233 application and the final grant or denial of the license and
234 which might affect the decision of the department. If an
235 application is submitted electronically, the department may
236 require supplemental materials, including an original signature
237 of the applicant and verification of credentials, to be
238 submitted in a nonelectronic format. An incomplete application
239 shall expire 1 year after initial filing. In order to further
240 the economic development goals of the state, and notwithstanding
241 any law to the contrary, the department may enter into an
242 agreement with the county tax collector for the purpose of
243 appointing the county tax collector as the department's agent to
244 accept applications for licenses and applications for renewals
245 of licenses. The agreement must specify the time within which
246 the tax collector must forward any applications and accompanying
247 application fees to the department.

248 Section 3. Section 458.3312, Florida Statutes, is amended
249 to read:

250 458.3312 Specialties.—A physician licensed under this
251 chapter may not hold himself or herself out as a board-certified
252 specialist unless the physician has received formal recognition
253 as a specialist from a specialty board of the American Board of
254 Medical Specialties or other recognizing agency that has been
255 approved by the board. However, a physician may indicate the
256 services offered and may state that his or her practice is
257 limited to one or more types of services when this accurately
258 reflects the scope of practice of the physician. ~~A physician may
259 not hold himself or herself out as a board-certified specialist~~



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260 ~~in dermatology unless the recognizing agency, whether authorized~~
261 ~~in statute or by rule, is triennially reviewed and reauthorized~~
262 ~~by the Board of Medicine.~~

263 Section 4. Subsection (1) of section 459.0055, Florida
264 Statutes, is amended to read:

265 459.0055 General licensure requirements.—

266 (1) Except as otherwise provided herein, any person
267 desiring to be licensed or certified as an osteopathic physician
268 pursuant to this chapter shall:

269 (a) Complete an application form and submit the appropriate
270 fee to the department;

271 (b) Be at least 21 years of age;

272 (c) Be of good moral character;

273 (d) Have completed at least 3 years of preprofessional
274 postsecondary education;

275 (e) Have not previously committed any act that would
276 constitute a violation of this chapter, unless the board
277 determines that such act does not adversely affect the
278 applicant's present ability and fitness to practice osteopathic
279 medicine;

280 (f) Not be under investigation in any jurisdiction for an
281 act that would constitute a violation of this chapter. If, upon
282 completion of such investigation, it is determined that the
283 applicant has committed an act that would constitute a violation
284 of this chapter, the applicant is ineligible for licensure
285 unless the board determines that such act does not adversely
286 affect the applicant's present ability and fitness to practice
287 osteopathic medicine;

288 (g) Have not had an application for a license to practice



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289 osteopathic medicine denied or a license to practice osteopathic
290 medicine revoked, suspended, or otherwise acted against by the
291 licensing authority of any jurisdiction unless the board
292 determines that the grounds on which such action was taken do
293 not adversely affect the applicant's present ability and fitness
294 to practice osteopathic medicine. A licensing authority's
295 acceptance of a physician's relinquishment of license,
296 stipulation, consent order, or other settlement, offered in
297 response to or in anticipation of the filing of administrative
298 charges against the osteopathic physician, shall be considered
299 action against the osteopathic physician's license;

300 (h) Not have received less than a satisfactory evaluation
301 from an internship, residency, or fellowship training program,
302 unless the board determines that such act does not adversely
303 affect the applicant's present ability and fitness to practice
304 osteopathic medicine. Such evaluation shall be provided by the
305 director of medical education from the medical training
306 facility;

307 (i) Have met the criteria set forth in s. 459.0075, s.
308 459.0077, or s. 459.021, whichever is applicable;

309 (j) Submit to the department a set of fingerprints on a
310 form and under procedures specified by the department, along
311 with a payment in an amount equal to the costs incurred by the
312 Department of Health for the criminal background check of the
313 applicant;

314 (k) Demonstrate that he or she is a graduate of a medical
315 college recognized and approved by the American Osteopathic
316 Association;

317 (l) Demonstrate that she or he has successfully completed



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318 ~~an internship or residency a resident internship~~ of not less
319 than 12 months in a ~~program accredited hospital approved~~ for
320 this purpose by ~~the Board of Trustees of the American~~
321 Osteopathic Association or the Accreditation Council for
322 Graduate Medical Education any other internship program approved
323 ~~by the board upon a showing of good cause by the applicant~~. This
324 requirement may be waived for an applicant who matriculated in a
325 college of osteopathic medicine during or before 1948; and

326 (m) Demonstrate that she or he has obtained a passing
327 score, as established by rule of the board, on all parts of the
328 examination conducted by the National Board of Osteopathic
329 Medical Examiners or other examination approved by the board no
330 more than 5 years before making application in this state or, if
331 holding a valid active license in another state, that the
332 initial licensure in the other state occurred no more than 5
333 years after the applicant obtained a passing score on the
334 examination conducted by the National Board of Osteopathic
335 Medical Examiners or other substantially similar examination
336 approved by the board.

337 Section 5. Subsection (1) of section 460.408, Florida
338 Statutes, is amended to read:

339 460.408 Continuing chiropractic education.—

340 (1) The board shall require licensees to periodically
341 demonstrate their professional competence as a condition of
342 renewal of a license by completing up to 40 contact classroom
343 hours of continuing education. For purposes of this subsection,
344 the term "contact classroom hour" means a presentation in which
345 the persons presenting and the persons attending the course are
346 present on site. Up to 10 general credit continuing education



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347 hours may be completed online in place of contact classroom
348 hours, as determined by board rule. Online continuing education
349 courses must be competency-based and must use the Shareable
350 Content Objective Reference Model standard or more stringent
351 standards, as determined by the board.

352 (a) Continuing education courses sponsored by chiropractic
353 colleges whose graduates are eligible for examination under ~~any~~
354 ~~provision of~~ this chapter may be approved upon review by the
355 board if all other requirements of board rules setting forth
356 criteria for course approval are met.

357 (b) The board shall approve those courses that build upon
358 the basic courses required for the practice of chiropractic
359 medicine, and ~~the board~~ may also approve courses in adjunctive
360 modalities. Courses that consist of instruction in the use,
361 application, prescription, recommendation, or administration of
362 a specific company's brand of products or services are not
363 eligible for approval.

364 Section 6. Section 460.4166, Florida Statutes, is repealed.

365 Section 7. Subsection (10) of section 464.019, Florida
366 Statutes, is amended to read:

367 464.019 Approval of nursing education programs.—

368 (10) IMPLEMENTATION STUDY.—The Florida Center for Nursing
369 shall study the administration of this section and submit
370 reports to the Governor, the President of the Senate, and the
371 Speaker of the House of Representatives annually by January 30,
372 through January 30, 2025 ~~2020~~. The annual reports shall address
373 the previous academic year; provide data on the measures
374 specified in paragraphs (a) and (b), as such data becomes
375 available; and include an evaluation of such data for purposes



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376 of determining whether this section is increasing the
377 availability of nursing education programs and the production of
378 quality nurses. The department and each approved program or
379 accredited program shall comply with requests for data from the
380 Florida Center for Nursing.

381 (a) The Florida Center for Nursing shall evaluate program-
382 specific data for each approved program and accredited program
383 conducted in the state, including, but not limited to:

- 384 1. The number of programs and student slots available.
- 385 2. The number of student applications submitted, the number
386 of qualified applicants, and the number of students accepted.
- 387 3. The number of program graduates.
- 388 4. Program retention rates of students tracked from program
389 entry to graduation.
- 390 5. Graduate passage rates on the National Council of State
391 Boards of Nursing Licensing Examination.
- 392 6. The number of graduates who become employed as practical
393 or professional nurses in the state.

394 (b) The Florida Center for Nursing shall evaluate the
395 board's implementation of the:

396 1. Program application approval process, including, but not
397 limited to, the number of program applications submitted under
398 subsection (1); the number of program applications approved and
399 denied by the board under subsection (2); the number of denials
400 of program applications reviewed under chapter 120; and a
401 description of the outcomes of those reviews.

402 2. Accountability processes, including, but not limited to,
403 the number of programs on probationary status, the number of
404 approved programs for which the program director is required to



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405 appear before the board under subsection (5), the number of
406 approved programs terminated by the board, the number of
407 terminations reviewed under chapter 120, and a description of
408 the outcomes of those reviews.

409 (c) The Florida Center for Nursing shall complete an annual
410 assessment of compliance by programs with the accreditation
411 requirements of subsection (11), include in the assessment a
412 determination of the accreditation process status for each
413 program, and submit the assessment as part of the reports
414 required by this subsection.

415 Section 8. Section 464.202, Florida Statutes, is amended to
416 read:

417 464.202 Duties and powers of the board.—The board shall
418 maintain, or contract with or approve another entity to
419 maintain, a state registry of certified nursing assistants. The
420 registry must consist of the name of each certified nursing
421 assistant in this state; other identifying information defined
422 by board rule; certification status; the effective date of
423 certification; other information required by state or federal
424 law; information regarding any crime or any abuse, neglect, or
425 exploitation as provided under chapter 435; and any disciplinary
426 action taken against the certified nursing assistant. The
427 registry shall be accessible to the public, the
428 certificateholder, employers, and other state agencies. The
429 board shall adopt by rule testing procedures for use in
430 certifying nursing assistants and shall adopt rules regulating
431 the practice of certified nursing assistants, including
432 disciplinary procedures and standards of practice, and
433 specifying the scope of practice authorized and the level of



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434 supervision required for the practice of certified nursing
435 assistants. The board may contract with or approve another
436 entity or organization to provide the examination services,
437 including the development and administration of examinations.
438 The board shall require that the contract provider offer
439 certified nursing assistant applications via the Internet, and
440 may require the contract provider to accept certified nursing
441 assistant applications for processing via the Internet. The
442 board shall require the contract provider to provide the
443 preliminary results of the certified nursing examination on the
444 date the test is administered. The provider shall pay all
445 reasonable costs and expenses incurred by the board in
446 evaluating the provider's application and performance during the
447 delivery of services, including examination services and
448 procedures for maintaining the certified nursing assistant
449 registry.

450 Section 9. Paragraph (c) of subsection (1) of section
451 464.203, Florida Statutes, is amended to read:

452 464.203 Certified nursing assistants; certification
453 requirement.—

454 (1) The board shall issue a certificate to practice as a
455 certified nursing assistant to any person who demonstrates a
456 minimum competency to read and write and successfully passes the
457 required background screening pursuant to s. 400.215. If the
458 person has successfully passed the required background screening
459 pursuant to s. 400.215 or s. 408.809 within 90 days before
460 applying for a certificate to practice and the person's
461 background screening results are not retained in the
462 clearinghouse created under s. 435.12, the board shall waive the



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463 requirement that the applicant successfully pass an additional
464 background screening pursuant to s. 400.215. The person must
465 also meet one of the following requirements:

466 (c) Is currently certified in another state or territory of
467 the United States or in the District of Columbia; is listed on
468 that jurisdiction's state's certified nursing assistant
469 registry; and has not been found to have committed abuse,
470 neglect, or exploitation in that jurisdiction state.

471 Section 10. Paragraph (b) of subsection (1) of section
472 464.204, Florida Statutes, is amended to read:

473 464.204 Denial, suspension, or revocation of certification;
474 disciplinary actions.-

475 (1) The following acts constitute grounds for which the
476 board may impose disciplinary sanctions as specified in
477 subsection (2):

478 (b) ~~Intentionally~~ Violating any provision of this chapter,
479 chapter 456, or the rules adopted by the board.

480 Section 11. Paragraph (b) of subsection (3) and subsection
481 (4) of section 466.006, Florida Statutes, are amended to read:

482 466.006 Examination of dentists.-

483 (3) If an applicant is a graduate of a dental college or
484 school not accredited in accordance with paragraph (2)(b) or of
485 a dental college or school not approved by the board, the
486 applicant is not entitled to take the examinations required in
487 this section to practice dentistry until she or he satisfies one
488 of the following:

489 (b) Submits proof of having successfully completed at least
490 2 consecutive academic years at a full-time supplemental general
491 dentistry program accredited by the American Dental Association



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492 Commission on Dental Accreditation. This program must provide
493 didactic and clinical education at the level of a D.D.S. or
494 D.M.D. program accredited by the American Dental Association
495 Commission on Dental Accreditation. For purposes of this
496 paragraph, a supplemental general dentistry program does not
497 include an advanced education program in a dental specialty.

498 (4) Notwithstanding any other provision of law in chapter
499 456 pertaining to the clinical dental licensure examination or
500 national examinations, to be licensed as a dentist in this
501 state, an applicant must successfully complete both of the
502 following:

503 (a) A written examination on the laws and rules of the
504 state regulating the practice of dentistry.~~+~~

505 (b)~~+~~ A practical or clinical examination, which must shall
506 be the American Dental Licensing Examination produced by the
507 American Board of Dental Examiners, Inc., or its successor
508 entity, if any, that is administered in this state ~~and graded by~~
509 ~~dentists licensed in this state and employed by the department~~
510 ~~for just such purpose~~, provided that the board has attained, and
511 continues to maintain thereafter, representation on the board of
512 directors of the American Board of Dental Examiners, the
513 examination development committee of the American Board of
514 Dental Examiners, and such other committees of the American
515 Board of Dental Examiners as the board deems appropriate by rule
516 to assure that the standards established herein are maintained
517 organizationally. A passing score on the American Dental
518 Licensing Examination administered in this state ~~and graded by~~
519 ~~dentists who are licensed in this state~~ is valid for 365 days
520 after the date the official examination results are published.



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521 ~~1.2.a.~~ As an alternative to such practical or clinical
522 examination ~~the requirements of subparagraph 1.~~, an applicant
523 may submit scores from an American Dental Licensing Examination
524 previously administered in a jurisdiction other than this state
525 after October 1, 2011, and such examination results shall be
526 recognized as valid for the purpose of licensure in this state.
527 A passing score on the American Dental Licensing Examination
528 administered out-of-state shall be the same as the passing score
529 for the American Dental Licensing Examination administered in
530 this state ~~and graded by dentists who are licensed in this~~
531 ~~state~~. The examination results are valid for 365 days after the
532 date the official examination results are published. The
533 applicant must have completed the examination after October 1,
534 2011.

535 ~~b.~~ This subparagraph may not be given retroactive
536 application.

537 ~~2.3.~~ If the date of an applicant's passing American Dental
538 Licensing Examination scores from an examination previously
539 administered in a jurisdiction other than this state under
540 ~~subparagraph 1. subparagraph 2.~~ is older than 365 days, ~~then~~
541 ~~such scores are shall nevertheless be recognized as valid for~~
542 the purpose of licensure in this state, but only if the
543 applicant demonstrates that all of the following additional
544 standards have been met:

545 a. ~~(I)~~ The applicant completed the American Dental Licensing
546 Examination after October 1, 2011.

547 ~~(II)~~ This sub-subparagraph may not be given retroactive
548 application;

549 b. The applicant graduated from a dental school accredited



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550 by the American Dental Association Commission on Dental
551 Accreditation or its successor entity, if any, or any other
552 dental accrediting organization recognized by the United States
553 Department of Education. Provided, however, if the applicant did
554 not graduate from such a dental school, the applicant may submit
555 proof of having successfully completed a full-time supplemental
556 general dentistry program accredited by the American Dental
557 Association Commission on Dental Accreditation of at least 2
558 consecutive academic years at such accredited sponsoring
559 institution. Such program must provide didactic and clinical
560 education at the level of a D.D.S. or D.M.D. program accredited
561 by the American Dental Association Commission on Dental
562 Accreditation. For purposes of this paragraph, a supplemental
563 general dentistry program does not include an advanced education
564 program in a dental specialty;

565 c. The applicant currently possesses a valid and active
566 dental license in good standing, with no restriction, which has
567 never been revoked, suspended, restricted, or otherwise
568 disciplined, from another state or territory of the United
569 States, the District of Columbia, or the Commonwealth of Puerto
570 Rico;

571 d. The applicant submits proof that he or she has never
572 been reported to the National Practitioner Data Bank, the
573 Healthcare Integrity and Protection Data Bank, or the American
574 Association of Dental Boards Clearinghouse. This sub-
575 subparagraph does not apply if the applicant successfully
576 appealed to have his or her name removed from the data banks of
577 these agencies;

578 e. (I) (A) ~~In the 5 years immediately preceding the date of~~



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579 ~~application for licensure in this state,~~ The applicant submits
580 ~~must submit~~ proof of having been consecutively engaged in the
581 full-time practice of dentistry in another state or territory of
582 the United States, the District of Columbia, or the Commonwealth
583 of Puerto Rico in the 5 years immediately preceding the date of
584 application for licensure in this state; ~~or~~

585 (B) If the applicant has been licensed in another state or
586 territory of the United States, the District of Columbia, or the
587 Commonwealth of Puerto Rico for less than 5 years, the applicant
588 submits ~~must submit~~ proof of having been engaged in the full-
589 time practice of dentistry since the date of his or her initial
590 licensure.

591 (II) As used in this section, "full-time practice" is
592 defined as a minimum of 1,200 hours per year for each and every
593 year in the consecutive 5-year period or, where applicable, the
594 period since initial licensure, and must include any combination
595 of the following:

596 (A) Active clinical practice of dentistry providing direct
597 patient care.

598 (B) Full-time practice as a faculty member employed by a
599 dental or dental hygiene school approved by the board or
600 accredited by the American Dental Association Commission on
601 Dental Accreditation.

602 (C) Full-time practice as a student at a postgraduate
603 dental education program approved by the board or accredited by
604 the American Dental Association Commission on Dental
605 Accreditation.

606 (III) The board shall develop rules to determine what type
607 of proof of full-time practice is required and to recoup the



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608 cost to the board of verifying full-time practice under this
609 section. Such proof must, at a minimum, be:

610 (A) Admissible as evidence in an administrative proceeding;

611 (B) Submitted in writing;

612 (C) Submitted by the applicant under oath with penalties of
613 perjury attached;

614 (D) Further documented by an affidavit of someone unrelated
615 to the applicant who is familiar with the applicant's practice
616 and testifies with particularity that the applicant has been
617 engaged in full-time practice; and

618 (E) Specifically found by the board to be both credible and
619 admissible.

620 (IV) An affidavit of only the applicant is not acceptable
621 proof of full-time practice unless it is further attested to by
622 someone unrelated to the applicant who has personal knowledge of
623 the applicant's practice. If the board deems it necessary to
624 assess credibility or accuracy, the board may require the
625 applicant or the applicant's witnesses to appear before the
626 board and give oral testimony under oath;

627 f. The applicant submits ~~must submit~~ documentation that he
628 or she has completed, or will complete, prior to licensure in
629 this state, continuing education equivalent to this state's
630 requirements for the last full reporting biennium;

631 g. The applicant proves ~~must prove~~ that he or she has never
632 been convicted of, or pled nolo contendere to, regardless of
633 adjudication, any felony or misdemeanor related to the practice
634 of a health care profession in any jurisdiction;

635 h. The applicant has ~~must~~ successfully passed ~~pass~~ a
636 written examination on the laws and rules of this state



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637 regulating the practice of dentistry and ~~must successfully pass~~
638 the computer-based diagnostic skills examination; and

639 i. The applicant ~~submits must submit~~ documentation that he
640 or she has successfully completed the applicable examination
641 administered by the Joint Commission on National Dental
642 Examinations or its successor organization National Board of
643 Dental Examiners dental examination.

644 Section 12. Paragraph (b) of subsection (4) and paragraph
645 (a) of subsection (6) of section 466.007, Florida Statutes, are
646 amended to read:

647 466.007 Examination of dental hygienists.—

648 (4) Effective July 1, 2012, to be licensed as a dental
649 hygienist in this state, an applicant must successfully complete
650 the following:

651 (b) A practical or clinical examination approved by the
652 board. The examination shall be the Dental Hygiene Examination
653 produced by the American Board of Dental Examiners, Inc. (ADEX)
654 or its successor entity, if any, if the board finds that the
655 successor entity's clinical examination meets or exceeds the
656 provisions of this section. The board shall approve the ADEX
657 Dental Hygiene Examination if the board has attained and
658 continues to maintain representation on the ADEX House of
659 Representatives, the ADEX Dental Hygiene Examination Development
660 Committee, and such other ADEX Dental Hygiene committees as the
661 board deems appropriate through rulemaking to ensure that the
662 standards established in this section are maintained
663 organizationally. The ADEX Dental Hygiene Examination or the
664 examination produced by its successor entity is a comprehensive
665 examination in which an applicant must demonstrate skills within



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666 the dental hygiene scope of practice on a live patient and any
667 other components that the board deems necessary for the
668 applicant to successfully demonstrate competency for the purpose
669 of licensure. ~~The ADEX Dental Hygiene Examination or the~~
670 ~~examination by the successor entity administered in this state~~
671 ~~shall be graded by dentists and dental hygienists licensed in~~
672 ~~this state who are employed by the department for this purpose.~~

673 (6) (a) A passing score on the ADEX Dental Hygiene
674 Examination administered out of state must ~~shall~~ be considered
675 the same as a passing score for the ADEX Dental Hygiene
676 Examination administered in this state ~~and graded by licensed~~
677 ~~dentists and dental hygienists.~~

678 Section 13. Subsections (9) through (15) are added to
679 section 466.017, Florida Statutes, to read:

680 466.017 Prescription of drugs; anesthesia.—

681 (9) Any adverse incident that occurs in an office
682 maintained by a dentist must be reported to the department. The
683 required notification to the department must be submitted in
684 writing by certified mail and postmarked within 48 hours after
685 the incident occurs.

686 (10) A dentist practicing in this state must notify the
687 board in writing by certified mail within 48 hours after any
688 adverse incident that occurs in the dentist's outpatient
689 facility. A complete written report must be filed with the board
690 within 30 days after the incident occurs.

691 (11) Any certified registered dental hygienist
692 administering local anesthesia must notify the board in writing
693 by registered mail within 48 hours of any adverse incident that
694 was related to or the result of the administration of local



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695 anesthesia. A complete written report must be filed with the
696 board within 30 days after the mortality or other adverse
697 incident.

698 (12) A failure by the dentist or dental hygienist to timely
699 and completely comply with all the reporting requirements in
700 this section is the basis for disciplinary action by the board
701 pursuant to s. 466.028(1).

702 (13) The department shall review each adverse incident and
703 determine whether it involved conduct by a health care
704 professional subject to disciplinary action, in which case s.
705 456.073 applies. Disciplinary action, if any, shall be taken by
706 the board under which the health care professional is licensed.

707 (14) As used in subsections (9)-(13), the term "adverse
708 incident" means any mortality that occurs during or as the
709 result of a dental procedure, or an incident that results in a
710 temporary or permanent physical or mental injury that requires
711 hospitalization or emergency room treatment of a dental patient
712 which occurs during or as a direct result of the use of general
713 anesthesia, deep sedation, moderate sedation, pediatric moderate
714 sedation, oral sedation, minimal sedation (anxiolysis), nitrous
715 oxide, or local anesthesia.

716 (15) The board may adopt rules to administer this section.

717 Section 14. Section 466.036, Florida Statutes, is amended
718 to read:

719 466.036 Information; periodic inspections; equipment and
720 supplies.—The department may require from the applicant for a
721 registration certificate to operate a dental laboratory any
722 information necessary to carry out the purpose of this chapter,
723 including proof that the applicant has the equipment and



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724 supplies necessary to operate as determined by rule of the
725 department, and shall require periodic inspection of all dental
726 laboratories operating in this state at least once each biennial
727 registration period. Such inspections ~~must shall~~ include, but
728 ~~need~~ not be limited to, inspection of sanitary conditions,
729 equipment, supplies, and facilities on the premises. The
730 department shall specify dental equipment and supplies that are
731 not ~~allowed permitted~~ in a registered dental laboratory.

732 Section 15. Subsection (1) of section 468.701, Florida
733 Statutes, is amended to read:

734 468.701 Definitions.—As used in this part, the term:

735 (1) "Athletic trainer" means a person licensed under this
736 part who has met the requirements of ~~under~~ this part, including
737 the education requirements established as set forth by the
738 Commission on Accreditation of Athletic Training Education or
739 its successor organization and necessary credentials from the
740 Board of Certification. ~~An individual who is licensed as an~~
741 ~~athletic trainer may not provide, offer to provide, or represent~~
742 ~~that he or she is qualified to provide any care or services that~~
743 ~~he or she lacks the education, training, or experience to~~
744 ~~provide, or that he or she is otherwise prohibited by law from~~
745 ~~providing.~~

746 Section 16. Section 468.707, Florida Statutes, is amended
747 to read:

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



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753 department shall license each applicant who:

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

756 (2) ~~For a person who applies on or after July 1, 2016,~~ Has
757 submitted to background screening pursuant to s. 456.0135. The
758 board may require a background screening for an applicant whose
759 license has expired or who is undergoing disciplinary action.

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

770 (b) (4) Has obtained, at a minimum, a bachelor's degree, has
771 completed the Board of Certification internship requirements,
772 and if graduated before 2004, has a current certification from
773 the Board of Certification.

774 (4) (5) Has current certification in both cardiopulmonary
775 resuscitation and the use of an automated external defibrillator
776 set forth in the continuing education requirements as determined
777 by the board pursuant to s. 468.711.

778 (5) (6) Has completed any other requirements as determined
779 by the department and approved by the board.

780 Section 17. Subsection (3) of section 468.711, Florida
781 Statutes, is amended to read:



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782 468.711 Renewal of license; continuing education.-

783 (3) If initially licensed after January 1, 1998, the
784 licensee must be currently certified by the Board of
785 Certification or its successor agency and maintain that
786 certification in good standing without lapse.

787 Section 18. Section 468.713, Florida Statutes, is amended
788 to read:

789 468.713 Responsibilities of athletic trainers.-

790 (1) An athletic trainer shall practice under the direction
791 of a physician licensed under chapter 458, chapter 459, chapter
792 460, or otherwise authorized by Florida law to practice
793 medicine. The physician shall communicate his or her direction
794 through oral or written prescriptions or protocols as deemed
795 appropriate by the physician for the provision of services and
796 care by the athletic trainer. An athletic trainer shall provide
797 service or care in the manner dictated by the physician.

798 (2) An athletic trainer shall work within his or her
799 allowable scope of practice as specified in board rule under s.
800 468.705. An athletic trainer may not provide, offer to provide,
801 or represent that he or she is qualified to provide any care or
802 services that he or she lacks the education, training, or
803 experience to provide, or that he or she is otherwise prohibited
804 by law from providing.

805 Section 19. Subsection (2) of section 468.723, Florida
806 Statutes, is amended to read:

807 468.723 Exemptions.-This part does not prohibit prevent or
808 restrict:

809 (2) An athletic training student acting under the direct
810 supervision of a licensed athletic trainer. For purposes of this



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811 subsection, "direct supervision" means the physical presence of
812 an athletic trainer so that the athletic trainer is immediately
813 available to the athletic training student and able to intervene
814 on behalf of the athletic training student. ~~The supervision must~~
815 ~~comply with board rule in accordance with the standards set~~
816 ~~forth by the Commission on Accreditation of Athletic Training~~
817 ~~Education or its successor.~~

818 Section 20. Subsections (1), (3), and (4) of section
819 468.803, Florida Statutes, are amended to read:

820 468.803 License, registration, and examination
821 requirements.—

822 (1) The department shall issue a license to practice
823 orthotics, prosthetics, or pedorthics, or a registration for a
824 resident to practice orthotics or prosthetics, to qualified
825 applicants. ~~Licenses to practice shall be granted independently~~
826 ~~in orthotics, prosthetics, or pedorthics shall be granted~~
827 ~~independently~~, but a person may be licensed in more than one
828 such discipline, and a prosthetist-orthotist license may be
829 granted to persons meeting the requirements for licensure both
830 as a prosthetist and as an orthotist license. Registrations to
831 practice shall be granted independently in orthotics or
832 prosthetics shall be granted independently, and a person may be
833 registered in both disciplines fields at the same time or
834 jointly in orthotics and prosthetics as a dual registration.

835 (3) A person seeking to attain the ~~required~~ orthotics or
836 prosthetics experience required for licensure in this state must
837 be approved by the board and registered as a resident by the
838 department. Although a registration may be held in both
839 disciplines practice fields, for independent registrations the



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840 board ~~may shall~~ not approve a second registration ~~for until~~ at
841 least 1 year after the issuance of the first registration.
842 Notwithstanding subsection (2), ~~a person an applicant~~ who has
843 been approved by the board and registered by the department in
844 one discipline practice field may apply for registration in the
845 second discipline practice field without an additional state or
846 national criminal history check during the period in which the
847 first registration is valid. Each independent registration or
848 dual registration is valid for 2 years after from the date of
849 issuance unless otherwise revoked by the department upon
850 recommendation of the board. The board shall set a registration
851 fee not to exceed \$500 to be paid by the applicant. A
852 registration may be renewed once by the department upon
853 recommendation of the board for a period no longer than 1 year,
854 as such renewal is defined by the board by rule. The
855 ~~registration~~ renewal fee ~~may shall~~ not exceed one-half the
856 current registration fee. To be considered by the board for
857 approval of registration as a resident, the applicant must have
858 one of the following:

859 (a) A Bachelor of Science or higher-level postgraduate
860 degree in Orthotics and Prosthetics from a regionally accredited
861 college or university recognized by the Commission on
862 Accreditation of Allied Health Education Programs, ~~or, at~~

863 (b) A minimum, ~~of~~ a bachelor's degree from a regionally
864 accredited college or university and a certificate in orthotics
865 or prosthetics from a program recognized by the Commission on
866 Accreditation of Allied Health Education Programs, or its
867 equivalent, as determined by the board, ~~or~~

868 (c) A minimum of a bachelor's degree from a regionally



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869 accredited college or university and a dual certificate in both
870 orthotics and prosthetics from programs recognized by the
871 Commission on Accreditation of Allied Health Education Programs,
872 or its equivalent, as determined by the board.

873 ~~(b) A Bachelor of Science or higher-level postgraduate~~
874 ~~degree in Orthotics and Prosthetics from a regionally accredited~~
875 ~~college or university recognized by the Commission on~~
876 ~~Accreditation of Allied Health Education Programs or, at a~~
877 ~~minimum, a bachelor's degree from a regionally accredited~~
878 ~~college or university and a certificate in prosthetics from a~~
879 ~~program recognized by the Commission on Accreditation of Allied~~
880 ~~Health Education Programs, or its equivalent, as determined by~~
881 ~~the board.~~

882 (4) The department may develop and administer a state
883 examination for an orthotist or a prosthetist license, or the
884 board may approve the existing examination of a national
885 standards organization. The examination must be predicated on a
886 minimum of a baccalaureate-level education and formalized
887 specialized training in the appropriate field. Each examination
888 must demonstrate a minimum level of competence in basic
889 scientific knowledge, written problem solving, and practical
890 clinical patient management. The board shall require an
891 examination fee not to exceed the actual cost to the board in
892 developing, administering, and approving the examination, which
893 fee must be paid by the applicant. To be considered by the board
894 for examination, the applicant must have:

895 (a) For an examination in orthotics:
896 1. A Bachelor of Science or higher-level postgraduate
897 degree in Orthotics and Prosthetics from a regionally accredited



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898 college or university recognized by the Commission on
899 Accreditation of Allied Health Education Programs or, at a
900 minimum, a bachelor's degree from a regionally accredited
901 college or university and a certificate in orthotics from a
902 program recognized by the Commission on Accreditation of Allied
903 Health Education Programs, or its equivalent, as determined by
904 the board; and

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

908 (b) For an examination in prosthetics:

909 1. A Bachelor of Science or higher-level postgraduate
910 degree in Orthotics and Prosthetics from a regionally accredited
911 college or university recognized by the Commission on
912 Accreditation of Allied Health Education Programs or, at a
913 minimum, a bachelor's degree from a regionally accredited
914 college or university and a certificate in prosthetics from a
915 program recognized by the Commission on Accreditation of Allied
916 Health Education Programs, or its equivalent, as determined by
917 the board; and

918 2. An approved prosthetics internship of 1 year of
919 qualified experience, as determined by the board, or a
920 prosthetic residency or dual residency program recognized by the
921 board.

922 Section 21. Subsection (5) of section 480.033, Florida
923 Statutes, is amended to read:

924 480.033 Definitions.—As used in this act:

925 (5) "Apprentice" means a person approved by the board to
926 study colonic irrigation ~~massage~~ under the instruction of a



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927 licensed massage therapist practicing colonic irrigation.
928 Section 22. Subsections (1) and (2) of section 480.041,
929 Florida Statutes, are amended, and subsection (8) is added to
930 that section, to read:
931 480.041 Massage therapists; qualifications; licensure;
932 endorsement.—
933 (1) Any person is qualified for licensure as a massage
934 therapist under this act who:
935 (a) Is at least 18 years of age or has received a high
936 school diploma or high school equivalency diploma;
937 (b) Has completed a course of study at a board-approved
938 massage school ~~or has completed an apprenticeship program~~ that
939 meets standards adopted by the board; and
940 (c) Has received a passing grade on a national an
941 examination designated administered by the board department.
942 (2) Every person desiring to be examined for licensure as a
943 massage therapist shall apply to the department in writing upon
944 forms prepared and furnished by the department. Such applicants
945 are shall be subject to the provisions of s. 480.046(1).
946 ~~Applicants may take an examination administered by the~~
947 ~~department only upon meeting the requirements of this section as~~
948 ~~determined by the board.~~
949 (8) A person issued a license as a massage apprentice
950 before July 1, 2019, may continue that apprenticeship and
951 perform massage therapy as permitted under that license until it
952 expires. Upon completion of the apprenticeship, which must occur
953 before July 1, 2022, a massage apprentice may apply to the board
954 for full licensure and be granted a license if all other
955 applicable licensure requirements are met.



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956 Section 23. Section 480.042, Florida Statutes, is repealed.
957 Section 24. Subsection (3) of section 480.046, Florida
958 Statutes, is amended, and subsection (5) is added to that
959 section, to read:
960 480.046 Grounds for disciplinary action by the board.—
961 (3) The board ~~may shall have the power to~~ revoke or suspend
962 the license of a massage establishment licensed under this act,
963 or ~~to~~ deny subsequent licensure of such an establishment, if the
964 establishment is owned by an individual or entity that owned
965 another establishment whose license was revoked, upon a showing
966 of proof that, in either of the following cases:
967 (a) The current Upon proof that a license has been obtained
968 by fraud or misrepresentation.
969 (b) Upon proof that The holder of the a license is guilty
970 of fraud or deceit or of gross negligence, incompetency, or
971 misconduct in the operation of the currently licensed
972 establishment so licensed.
973 (c) The owner of the massage establishment or any
974 individual or individuals providing massage therapy services
975 within the establishment, in the aggregate or individually, have
976 had three convictions of, or pleas of guilty or nolo contendere
977 to, or dismissals of a criminal action after a successful
978 completion of a pretrial intervention, diversion, or substance
979 abuse program for any misdemeanor or felony, regardless of
980 adjudication, a crime in any jurisdiction related to
981 prostitution and related acts as defined in s. 796.07, which
982 occurred at or within the currently licensed establishment.
983 (5) An establishment that has been the subject of
984 disciplinary action under this section may not apply for



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985 relicensure unless there is a change in ownership.
986 Section 25. Subsection (3) of section 490.003, Florida
987 Statutes, is amended to read:
988 490.003 Definitions.—As used in this chapter:
989 (3)(a) ~~Prior to July 1, 1999, “doctoral-level psychological~~
990 ~~education” and “doctoral degree in psychology” mean a Psy.D., an~~
991 ~~Ed.D. in psychology, or a Ph.D. in psychology from:~~
992 1. ~~An educational institution which, at the time the~~
993 ~~applicant was enrolled and graduated, had institutional~~
994 ~~accreditation from an accrediting agency recognized and approved by the~~
995 ~~United States Department of Education or was recognized as a~~
996 ~~member in good standing with the Association of Universities and~~
997 ~~Colleges of Canada; and~~
998 2. ~~A psychology program within that educational institution~~
999 ~~which, at the time the applicant was enrolled and graduated, had~~
1000 ~~programmatic accreditation from an accrediting agency recognized~~
1001 ~~and approved by the United States Department of Education or was~~
1002 ~~comparable to such programs.~~
1003 ~~(b) Effective July 1, 1999, “doctoral-level psychological~~
1004 ~~education” and “doctoral degree in psychology” mean a Psy.D., an~~
1005 ~~Ed.D. in psychology, or a Ph.D. in psychology from:~~
1006 ~~↳ a psychology program within~~ an educational institution
1007 ~~that which,~~ at the time the applicant was enrolled and
1008 graduated, had institutional accreditation from an agency
1009 recognized and approved by the United States Department of
1010 Education or was recognized as a member in good standing with
1011 the Association of Universities and Colleges of Canada. The
1012 psychology program must have had; and
1013 2. A psychology program within that educational institution



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1014 ~~which,~~ at the time the applicant was enrolled and graduated, ~~had~~
1015 programmatic accreditation from the American Psychological
1016 Association ~~an agency recognized and approved by the United~~
1017 ~~States Department of Education.~~
1018 Section 26. Paragraph (b) of subsection (1) and paragraph
1019 (b) of subsection (2) of section 490.005, Florida Statutes, are
1020 amended to read:
1021 490.005 Licensure by examination.—
1022 (1) Any person desiring to be licensed as a psychologist
1023 shall apply to the department to take the licensure examination.
1024 The department shall license each applicant who the board
1025 certifies has:
1026 (b) Submitted proof satisfactory to the board that the
1027 applicant has:
1028 1. Received doctoral-level psychological education, ~~as~~
1029 ~~defined in s. 490.003(3); or~~
1030 2. Received the equivalent of a doctoral-level
1031 psychological education, as defined in s. 490.003(3), from a
1032 program at a school or university located outside the United
1033 States of America ~~and Canada,~~ which was officially recognized by
1034 the government of the country in which it is located as an
1035 institution or program to train students to practice
1036 professional psychology. The applicant has the burden of
1037 establishing that this requirement has the requirements of this
1038 provision have been met shall be upon the applicant;
1039 ~~3. Received and submitted to the board, prior to July 1,~~
1040 ~~1999, certification of an augmented doctoral-level psychological~~
1041 ~~education from the program director of a doctoral-level~~
1042 ~~psychology program accredited by a programmatic agency~~



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1043 ~~recognized and approved by the United States Department of~~
1044 ~~Education; or~~
1045 ~~4. Received and submitted to the board, prior to August 31,~~
1046 ~~2001, certification of a doctoral-level program that at the time~~
1047 ~~the applicant was enrolled and graduated maintained a standard~~
1048 ~~of education and training comparable to the standard of training~~
1049 ~~of programs accredited by a programmatic agency recognized and~~
1050 ~~approved by the United States Department of Education. Such~~
1051 ~~certification of comparability shall be provided by the program~~
1052 ~~director of a doctoral-level psychology program accredited by a~~
1053 ~~programmatic agency recognized and approved by the United States~~
1054 ~~Department of Education.~~

1055 (2) Any person desiring to be licensed as a school
1056 psychologist shall apply to the department to take the licensure
1057 examination. The department shall license each applicant who the
1058 department certifies has:

1059 (b) Submitted satisfactory proof to the department that the
1060 applicant:

1061 1. Has received a doctorate, specialist, or equivalent
1062 degree from a program primarily psychological in nature and has
1063 completed 60 semester hours or 90 quarter hours of graduate
1064 study, in areas related to school psychology as defined by rule
1065 of the department, from a college or university which at the
1066 time the applicant was enrolled and graduated was accredited by
1067 an accrediting agency recognized and approved by the Council for
1068 Higher Education Accreditation or its successor organization
1069 Commission on Recognition of Postsecondary Accreditation or from
1070 an institution that which is publicly recognized as a member in
1071 good standing with the Association of Universities and Colleges



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1072 of Canada.

1073 2. Has had a minimum of 3 years of experience in school
1074 psychology, 2 years of which must be supervised by an individual
1075 who is a licensed school psychologist or who has otherwise
1076 qualified as a school psychologist supervisor, by education and
1077 experience, as set forth by rule of the department. A doctoral
1078 internship may be applied toward the supervision requirement.

1079 3. Has passed an examination provided by the department.

1080 Section 27. Subsection (1) of section 490.006, Florida
1081 Statutes, is amended to read:

1082 490.006 Licensure by endorsement.—

1083 (1) The department shall license a person as a psychologist
1084 or school psychologist who, upon applying to the department and
1085 remitting the appropriate fee, demonstrates to the department
1086 or, in the case of psychologists, to the board that the
1087 applicant:

1088 ~~(a) Holds a valid license or certificate in another state~~
1089 ~~to practice psychology or school psychology, as applicable,~~
1090 ~~provided that, when the applicant secured such license or~~
1091 ~~certificate, the requirements were substantially equivalent to~~
1092 ~~or more stringent than those set forth in this chapter at that~~
1093 ~~time; and, if no Florida law existed at that time, then the~~
1094 ~~requirements in the other state must have been substantially~~
1095 ~~equivalent to or more stringent than those set forth in this~~
1096 ~~chapter at the present time;~~

1097 ~~(a)(b)~~ Is a diplomate in good standing with the American
1098 Board of Professional Psychology, Inc.; or

1099 ~~(b)(c)~~ Possesses a doctoral degree in psychology as
1100 described in s. 490.003 and has at least 10 ~~20~~ years of



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1101 experience as a licensed psychologist in any jurisdiction or
1102 territory of the United States within the 25 years preceding the
1103 date of application.

1104 Section 28. Subsection (6) of section 491.0045, Florida
1105 Statutes, as amended by chapter 2016-80 and chapter 2016-241,
1106 Laws of Florida, is amended to read:

1107 491.0045 Intern registration; requirements.-

1108 (6) A registration issued on or before March 31, 2017,
1109 expires March 31, 2022, and may not be renewed or reissued. Any
1110 registration issued after March 31, 2017, expires 60 months
1111 after the date it is issued. The board may make a one-time
1112 exception from the requirements of this subsection in emergency
1113 or hardship cases, as defined by board rule, if A subsequent
1114 intern registration may not be issued unless the candidate has
1115 passed the theory and practice examination described in s.

1116 491.005(1)(d), (3)(d), and (4)(d).

1117 Section 29. Subsections (3) and (4) of section 491.005,
1118 Florida Statutes, are amended to read:

1119 491.005 Licensure by examination.-

1120 (3) MARRIAGE AND FAMILY THERAPY.-Upon verification of
1121 documentation and payment of a fee not to exceed \$200, as set by
1122 board rule, plus the actual cost of to the department for the
1123 purchase of the examination from the Association of Marital and
1124 Family Therapy Regulatory Board, or similar national
1125 organization, the department shall issue a license as a marriage
1126 and family therapist to an applicant who the board certifies:

1127 (a) Has submitted an application and paid the appropriate
1128 fee.

1129 (b)1. Has a minimum of a master's degree with major



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1130 emphasis in marriage and family therapy, or a closely related
1131 field from a program accredited by the Commission on
1132 Accreditation for Marriage and Family Therapy Education or from
1133 a Florida university program accredited by the Council for
1134 Accreditation of Counseling and Related Educational Programs,
1135 and graduate courses approved by the Board of Clinical Social
1136 Work, Marriage and Family Therapy, and Mental Health Counseling
1137 has completed all of the following requirements:

1138 a. ~~Thirty-six semester hours or 48 quarter hours of~~
1139 ~~graduate coursework, which must include a minimum of 3 semester~~
1140 ~~hours or 4 quarter hours of graduate level course credits in~~
1141 ~~each of the following nine areas: dynamics of marriage and~~
1142 ~~family systems; marriage therapy and counseling theory and~~
1143 ~~techniques; family therapy and counseling theory and techniques;~~
1144 ~~individual human development theories throughout the life cycle;~~
1145 ~~personality theory or general counseling theory and techniques;~~
1146 ~~psychopathology; human sexuality theory and counseling~~
1147 ~~techniques; psychosocial theory; and substance abuse theory and~~
1148 ~~counseling techniques. Courses in research, evaluation,~~
1149 ~~appraisal, assessment, or testing theories and procedures,~~
1150 ~~thesis or dissertation work, or practicums, internships, or~~
1151 ~~fieldwork may not be applied toward this requirement.~~

1152 b. ~~A minimum of one graduate-level course of 3 semester~~
1153 ~~hours or 4 quarter hours in legal, ethical, and professional~~
1154 ~~standards issues in the practice of marriage and family therapy~~
1155 ~~or a course determined by the board to be equivalent.~~

1156 e. ~~A minimum of one graduate-level course of 3 semester~~
1157 ~~hours or 4 quarter hours in diagnosis, appraisal, assessment,~~
1158 ~~and testing for individual or interpersonal disorder or~~



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1159 ~~dysfunction; and a minimum of one 3-semester-hour or 4-quarter-~~
1160 ~~hour graduate-level course in behavioral research which focuses~~
1161 ~~on the interpretation and application of research data as it~~
1162 ~~applies to clinical practice. Credit for thesis or dissertation~~
1163 ~~work, practicums, internships, or fieldwork may not be applied~~
1164 ~~toward this requirement.~~

1165 ~~d. A minimum of one supervised clinical practicum,~~
1166 ~~internship, or field experience in a marriage and family~~
1167 ~~counseling setting, during which the student provided 180 direct~~
1168 ~~client contact hours of marriage and family therapy services~~
1169 ~~under the supervision of an individual who met the requirements~~
1170 ~~for supervision under paragraph (c). This requirement may be met~~
1171 ~~by a supervised practice experience which took place outside the~~
1172 ~~academic arena, but which is certified as equivalent to a~~
1173 ~~graduate-level practicum or internship program which required a~~
1174 ~~minimum of 180 direct client contact hours of marriage and~~
1175 ~~family therapy services currently offered within an academic~~
1176 ~~program of a college or university accredited by an accrediting~~
1177 ~~agency approved by the United States Department of Education, or~~
1178 ~~an institution which is publicly recognized as a member in good~~
1179 ~~standing with the Association of Universities and Colleges of~~
1180 ~~Canada or a training institution accredited by the Commission on~~
1181 ~~Accreditation for Marriage and Family Therapy Education~~
1182 ~~recognized by the United States Department of Education.~~
1183 ~~Certification shall be required from an official of such~~
1184 ~~college, university, or training institution.~~

1185 2. If the course title that ~~which~~ appears on the
1186 applicant's transcript does not clearly identify the content of
1187 the coursework, the applicant shall ~~be required to~~ provide



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1188 additional documentation, including, but not limited to, a
1189 syllabus or catalog description published for the course.

1190
1191 The required master's degree must have been received in an
1192 institution of higher education which, at the time the applicant
1193 graduated, was fully accredited by a regional accrediting body
1194 recognized by the Commission on Recognition of Postsecondary
1195 Accreditation ~~or~~ publicly recognized as a member in good
1196 standing with the Association of Universities and Colleges of
1197 Canada, ~~or~~ an institution of higher education located outside
1198 the United States and Canada, which, at the time the applicant
1199 was enrolled and at the time the applicant graduated, maintained
1200 a standard of training substantially equivalent to the standards
1201 of training of those institutions in the United States which are
1202 accredited by a regional accrediting body recognized by the
1203 Commission on Recognition of Postsecondary Accreditation. Such
1204 foreign education and training must have been received in an
1205 institution or program of higher education officially recognized
1206 by the government of the country in which it is located as an
1207 institution or program to train students to practice as
1208 professional marriage and family therapists or psychotherapists.
1209 The applicant has the burden of establishing that the
1210 requirements of this provision have been met ~~shall be upon the~~
1211 ~~applicant~~, and the board shall require documentation, such as,
1212 ~~but not limited to~~, an evaluation by a foreign equivalency
1213 determination service, as evidence that the applicant's graduate
1214 degree program and education were equivalent to an accredited
1215 program in this country. An applicant with a master's degree
1216 from a program that ~~which~~ did not emphasize marriage and family



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1217 therapy may complete the coursework requirement in a training
1218 institution fully accredited by the Commission on Accreditation
1219 for Marriage and Family Therapy Education recognized by the
1220 United States Department of Education.

1221 (c) Has had at least 2 years of clinical experience during
1222 which 50 percent of the applicant's clients were receiving
1223 marriage and family therapy services, which must be at the post-
1224 master's level under the supervision of a licensed marriage and
1225 family therapist with at least 5 years of experience, or the
1226 equivalent, who is a qualified supervisor as determined by the
1227 board. An individual who intends to practice in Florida to
1228 satisfy the clinical experience requirements must register
1229 pursuant to s. 491.0045 before commencing practice. If a
1230 graduate has a master's degree with a major emphasis in marriage
1231 and family therapy or a closely related field ~~which that~~ did not
1232 include all of the coursework required by subparagraph (b)1.
1233 ~~under sub-subparagraphs (b)1.a.-e.,~~ credit for the post-master's
1234 level clinical experience may shall not commence until the
1235 applicant has completed a minimum of 10 of the courses required
1236 by subparagraph (b)1. ~~under sub-subparagraphs (b)1.a.-e.,~~ as
1237 determined by the board, and at least 6 semester hours or 9
1238 quarter hours of the course credits must have been completed in
1239 the area of marriage and family systems, theories, or
1240 techniques. Within the 2 3 years of required experience, the
1241 applicant shall provide direct individual, group, or family
1242 therapy and counseling, ~~to include the following categories of~~
1243 cases including those involving ~~+~~ unmarried dyads, married
1244 couples, separating and divorcing couples, and family groups
1245 that include ~~including~~ children. A doctoral internship may be



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1246 applied toward the clinical experience requirement. A licensed
1247 mental health professional must be on the premises when clinical
1248 services are provided by a registered intern in a private
1249 practice setting.

1250 (d) Has passed a theory and practice examination provided
1251 by the department ~~for this purpose.~~

1252 (e) Has demonstrated, in a manner designated by board rule
1253 ~~of the board,~~ knowledge of the laws and rules governing the
1254 practice of clinical social work, marriage and family therapy,
1255 and mental health counseling.

1256 ~~(f)~~
1257

1258 For the purposes of dual licensure, the department shall license
1259 as a marriage and family therapist any person who meets the
1260 requirements of s. 491.0057. Fees for dual licensure may shall
1261 not exceed those stated in this subsection.

1262 (4) MENTAL HEALTH COUNSELING.—Upon verification of
1263 documentation and payment of a fee not to exceed \$200, as set by
1264 board rule, plus the actual per applicant cost of to the
1265 ~~department for~~ purchase of the examination from the National
1266 Board for Certified Counselors or its successor Professional
1267 ~~Examination Service for the National Academy of Certified~~
1268 ~~Clinical Mental Health Counselors or a similar national~~
1269 organization, the department shall issue a license as a mental
1270 health counselor to an applicant who the board certifies:

1271 (a) Has submitted an application and paid the appropriate
1272 fee.

1273 (b)1. Has a minimum of an earned master's degree from a
1274 mental health counseling program accredited by the Council for



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1275 the Accreditation of Counseling and Related Educational Programs
1276 that consists of at least 60 semester hours or 80 quarter hours
1277 of clinical and didactic instruction, including a course in
1278 human sexuality and a course in substance abuse. If the master's
1279 degree is earned from a program related to the practice of
1280 mental health counseling that is not accredited by the Council
1281 for the Accreditation of Counseling and Related Educational
1282 Programs, then the coursework and practicum, internship, or
1283 fieldwork must consist of at least 60 semester hours or 80
1284 quarter hours and meet all of the following requirements:

1285 a. Thirty-three semester hours or 44 quarter hours of
1286 graduate coursework, which must include a minimum of 3 semester
1287 hours or 4 quarter hours of graduate-level coursework in each of
1288 the following 11 content areas: counseling theories and
1289 practice; human growth and development; diagnosis and treatment
1290 of psychopathology; human sexuality; group theories and
1291 practice; individual evaluation and assessment; career and
1292 lifestyle assessment; research and program evaluation; social
1293 and cultural foundations; substance abuse; and legal, ethical,
1294 and professional standards issues in the practice of mental
1295 health counseling in community settings; and substance abuse.
1296 Courses in research, thesis or dissertation work, practicums,
1297 internships, or fieldwork may not be applied toward this
1298 requirement.

1299 b. A minimum of 3 semester hours or 4 quarter hours of
1300 graduate-level coursework addressing diagnostic processes,
1301 including differential diagnosis and the use of the current
1302 diagnostic tools, such as the current edition of the American
1303 Psychiatric Association's Diagnostic and Statistical Manual of



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1304 Mental Disorders. The graduate program must have emphasized the
1305 common core curricular experience in legal, ethical, and
1306 professional standards issues in the practice of mental health
1307 counseling, which includes goals, objectives, and practices of
1308 professional counseling organizations, codes of ethics, legal
1309 considerations, standards of preparation, certifications and
1310 licensing, and the role identity and professional obligations of
1311 mental health counselors. Courses in research, thesis or
1312 dissertation work, practicums, internships, or fieldwork may not
1313 be applied toward this requirement.

1314 c. The equivalent, as determined by the board, of at least
1315 700 1,000 hours of university-sponsored supervised clinical
1316 practicum, internship, or field experience that includes at
1317 least 280 hours of direct client services, as required in the
1318 accrediting standards of the Council for Accreditation of
1319 Counseling and Related Educational Programs for mental health
1320 counseling programs. This experience may not be used to satisfy
1321 the post-master's clinical experience requirement.

1322 2. Has provided additional documentation if a the course
1323 title that which appears on the applicant's transcript does not
1324 clearly identify the content of the coursework. The applicant
1325 shall be required to provide additional documentation must
1326 include, including, but is not limited to, a syllabus or catalog
1327 description published for the course.

1328
1329 Education and training in mental health counseling must have
1330 been received in an institution of higher education that, which
1331 at the time the applicant graduated, was+ fully accredited by a
1332 regional accrediting body recognized by the Council for Higher



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1333 Education Accreditation or its successor organization or
1334 Commission on Recognition of Postsecondary Accreditation,
1335 publicly recognized as a member in good standing with the
1336 Association of Universities and Colleges of Canada, ~~r~~ or an
1337 institution of higher education located outside the United
1338 States and Canada, ~~which,~~ at the time the applicant was enrolled
1339 and at the time the applicant graduated, ~~maintained~~ a standard
1340 of training substantially equivalent to the standards of
1341 training of those institutions in the United States which are
1342 accredited by a regional accrediting body recognized by the
1343 Council for Higher Education Accreditation or its successor
1344 organization Commission on Recognition of Postsecondary
1345 Accreditation. Such foreign education and training must have
1346 been received in an institution or program of higher education
1347 officially recognized by the government of the country in which
1348 it is located as an institution or program to train students to
1349 practice as mental health counselors. The applicant has the
1350 burden of establishing that the requirements of this provision
1351 have been met shall be upon the applicant, and the board shall
1352 require documentation, such as, ~~but not limited to,~~ an
1353 evaluation by a foreign equivalency determination service, as
1354 evidence that the applicant's graduate degree program and
1355 education were equivalent to an accredited program in this
1356 country. Beginning July 1, 2024, an applicant must have a
1357 master's degree from a program that is accredited by the Council
1358 for Accreditation of Counseling and Related Educational Programs
1359 which consists of at least 60 semester hours or 80 quarter hours
1360 to apply for licensure under this paragraph.

1361 (c) Has had at least 2 years of clinical experience in



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1362 mental health counseling, which must be at the post-master's
1363 level under the supervision of a licensed mental health
1364 counselor or the equivalent who is a qualified supervisor as
1365 determined by the board. An individual who intends to practice
1366 in Florida to satisfy the clinical experience requirements must
1367 register pursuant to s. 491.0045 before commencing practice. If
1368 a graduate has a master's degree with a major related to the
1369 practice of mental health counseling which ~~that~~ did not include
1370 all the coursework required under sub-subparagraphs (b)1.a. and
1371 b. ~~(b)1.a.-b.,~~ credit for the post-master's level clinical
1372 experience may shall not commence until the applicant has
1373 completed a minimum of seven of the courses required under sub-
1374 subparagraphs (b)1.a. and b. ~~(b)1.a.-b.,~~ as determined by the
1375 board, one of which must be a course in psychopathology or
1376 abnormal psychology. A doctoral internship may be applied toward
1377 the clinical experience requirement. A licensed mental health
1378 professional must be on the premises when clinical services are
1379 provided by a registered intern in a private practice setting.
1380 (d) Has passed a theory and practice examination provided
1381 by the department for this purpose.
1382 (e) Has demonstrated, in a manner designated by board rule
1383 ~~of the board,~~ knowledge of the laws and rules governing the
1384 practice of clinical social work, marriage and family therapy,
1385 and mental health counseling.
1386 Section 30. Paragraph (b) of subsection (1) of section
1387 491.006, Florida Statutes, is amended to read:
1388 491.006 Licensure or certification by endorsement.-
1389 (1) The department shall license or grant a certificate to
1390 a person in a profession regulated by this chapter who, upon



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1391 applying to the department and remitting the appropriate fee,
1392 demonstrates to the board that he or she:

1393 (b)1. Holds an active valid license to practice and has
1394 actively practiced the licensed profession ~~for which licensure~~
1395 ~~is applied~~ in another state for 3 of the last 5 years
1396 immediately preceding licensure; ~~and~~

1397 ~~2. Meets the education requirements of this chapter for the~~
1398 ~~profession for which licensure is applied.~~

1399 ~~2.3.~~ Has passed a substantially equivalent licensing
1400 examination in another state or has passed the licensure
1401 examination in this state in the profession for which the
1402 applicant seeks licensure; ~~and~~

1403 ~~3.4.~~ Holds a license in good standing, is not under
1404 investigation for an act that would constitute a violation of
1405 this chapter, and has not been found to have committed any act
1406 that would constitute a violation of this chapter.

1407
1408 The fees paid by any applicant for certification as a master
1409 social worker under this section are nonrefundable.

1410 Section 31. Subsection (3) of section 491.007, Florida
1411 Statutes, is amended to read:

1412 491.007 Renewal of license, registration, or certificate.-

1413 ~~(3) The board or department shall prescribe by rule a~~
1414 ~~method for the biennial renewal of an intern registration at a~~
1415 ~~fee set by rule, not to exceed \$100.~~

1416 Section 32. Subsection (2) of section 491.009, Florida
1417 Statutes, is amended to read:

1418 491.009 Discipline.-

1419 (2) The board ~~department~~, or, in the case of certified



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1420 ~~master social workers psychologists, the department board,~~ may
1421 enter an order denying licensure or imposing any of the
1422 penalties authorized in s. 456.072(2) against any applicant for
1423 licensure or licensee who is found guilty of violating any
1424 provision of subsection (1) of this section or who is found
1425 guilty of violating any provision of s. 456.072(1).

1426 Section 33. Paragraph (c) of subsection (2) of section
1427 491.0046, Florida Statutes, is amended to read:

1428 491.0046 Provisional license; requirements.-

1429 (2) The department shall issue a provisional clinical
1430 social worker license, provisional marriage and family therapist
1431 license, or provisional mental health counselor license to each
1432 applicant who the board certifies has:

1433 (c) ~~Has~~ Met the following minimum coursework requirements:

1434 1. For clinical social work, a minimum of 15 semester hours
1435 or 22 quarter hours of the coursework required by s.
1436 491.005(1)(b)2.b.

1437 2. For marriage and family therapy, 10 of the courses
1438 required by s. 491.005(3)(b)1. s. 491.005(3)(b)1.a.-e., as
1439 determined by the board, and at least 6 semester hours or 9
1440 quarter hours of the course credits must have been completed in
1441 the area of marriage and family systems, theories, or
1442 techniques.

1443 3. For mental health counseling, a minimum of seven of the
1444 courses required under s. 491.005(4)(b)1.a.-c.

1445 Section 34. Subsection (11) of section 945.42, Florida
1446 Statutes, is amended to read:

1447 945.42 Definitions; ss. 945.40-945.49.-As used in ss.
1448 945.40-945.49, the following terms shall have the meanings



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1449 ascribed to them, unless the context shall clearly indicate
1450 otherwise:

1451 (11) "Psychological professional" means a behavioral
1452 practitioner who has an approved doctoral degree in psychology
1453 as defined in s. 490.003(3) ~~s. 490.003(3)(b)~~ and is employed by
1454 the department or who is licensed as a psychologist pursuant to
1455 chapter 490.

1456 Section 35. This act shall take effect July 1, 2019.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/CS/SB 188

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Health and Human Services); Health Policy Committee; and Senator Harrell

SUBJECT: Department of Health

DATE: March 8, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Brown	HP	Fav/CS
2.	Loe	Kidd	AHS	Recommend: Fav/CS
3.	Loe	Kynoch	AP	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 188 updates numerous provisions relating to health care practitioners and facilities regulated by the Department of Health (DOH), Division of Medical Quality Assurance (MQA). The bill:

- Grants rulemaking authority to the DOH for responsibilities relating to maximizing the use of existing programs and coordinating stakeholders and resources to develop a state strategic plan, including the process of selecting physicians under the Conrad 30 Waiver Program;
- Requires the applicant's date of birth on health care professional licensure applications;
- Repeals the requirement that the Board of Medicine (BOM) conduct a review of organizations that board-certify physicians in dermatology;
- Deregulates registered chiropractic assistants;
- Extends the requirement for the Florida Center for Nursing to provide an implementation study and annual report on the availability of nursing programs and production of quality nurses to the Governor, the President of the Senate, and the Speaker of the House of Representatives until January 30, 2025;
- Grants rulemaking authority to the Board of Nursing (BON) to establish standards of practice, including discipline and standards of practice for certified nursing assistants (CNA);
- Recognizes CNA certification in a United States territory or the District of Columbia for certification in Florida and eliminates the element of intent for violations of the practice act for CNAs;

- Extends the repeal date for provisions relating to health access dental licenses;
- Repeals the requirement for Florida dentists and dental hygienists to grade dental and dental hygienist licensure examinations;
- Requires dentists and dental hygienists to report adverse incidents to the Board of Dentistry (BOD);
- Authorizes an employee or independent contractor of a dental laboratory to engage in onsite consultation with a licensed dentist during a dental procedure, revises the inspection frequency of dental laboratories, and requires a dental laboratory to be inspected at least biennially;
- Requires an athletic trainer to work within his or her scope of practice as defined by the Board of Athletic Trainers (BOAT) and revises the educational and internship requirements for licensure;
- Requires the DOH to issue a single prosthetist-orthotist license to qualified applicants and establishes the educational requirements for dual registration;
- Limits massage therapy apprenticeships to those in colonic irrigations and authorizes the Board of Massage Therapy (BMT) to take action against a massage therapy establishment and individuals providing services therein, under certain circumstances;
- Updates the name of the accreditation body for psychology programs and revises the requirements for psychology licensure;
- Limits the Board of Clinical Social Work, Marriage and Family Therapists, and Mental Health Counseling to the issuance of only one additional internship registration;
- Revises the licensure requirements for Marriage and Family Therapists and Licensed Mental Health Counselors; and
- Deletes obsolete language and makes technical and conforming changes.

The bill has an insignificant negative impact on state revenues and expenditures, which can be absorbed within existing resources of the DOH.

The bill is effective July 1, 2019.

II. Present Situation:

The Conrad 30 Program

The Conrad 30 Program, authorized by the U.S. Department of State and the U.S. Citizenship and Immigration Services, addresses the shortage of qualified doctors in medically underserved areas. The program allows a medical doctor holding a J-1 Visa to apply for a waiver of the two-year residence requirement upon completion of the J-1 Visa exchange visitor program under s. 214(1) of the Immigration and Nationality Act.

State public health agencies are authorized to sponsor up to 30 physicians annually to serve in a designated U.S. Department of Health and Human Services (HHS) Health Professional Shortage Area (HPSA), Medically Underserved Area (MUA), or Medically Underserved Population (MUP). The program requires a medical doctor holding a J-1 Visa who wishes to participate in a Conrad 30 Program to:

- Agree to be employed full-time in H-1B nonimmigrant status at a health care facility located in an area designated by the HHS as a HPSA, MUA, or MUP;

- Obtain a contract from the health care facility located in an area designated by HHS as an HPSA, MUA, or MUP;
- Obtain a “no objection” letter from his or her home country if the home government funded his or her exchange program; and
- Agree to begin employment at the health care facility within 90 days of receipt of the waiver, not the date his or her J-1 visa expires.

The DOH has administered Florida’s Conrad 30 Waiver Program since 1994. In recent years, the number of applicants has exceeded the maximum number of 30 slots allowed by the program. The DOH does not have explicit rulemaking authority to establish additional criteria for selecting Conrad 30 applicants for sponsorship, thereby limiting the DOH’s ability to place qualified foreign physicians in areas of highest need.¹

The Department of Health’s General Health Care Professional Licensing Authority

The DOH’s general licensing provisions, authorized under section 456.013, Florida Statutes, require every applicant for licensure to apply to the DOH before sitting for a licensure examination. This requirement was initially imposed when the DOH developed and administered its own examinations. A strict statutory interpretation of this section requires an applicant, even one who has already passed the licensure examination before applying for a license, to take the examination after applying to the DOH for licensure.

Section 456.017, F.S., was amended in 2005 to provide that neither a board nor the DOH could administer a state-developed written examination if a national examination was certified by the DOH. National examinations have been certified, and the requirement for applying to the DOH to take the state examination has become obsolete.²

Section 456.013, F.S., requires all applications for licensure to be submitted to DOH on a form that may be submitted electronically. The provision requires the applicant’s social security number (SSN). There is no statutory requirement that an applicant provide a date of birth, although a birth date is a requirement to fulfill other statutory licensure requirements under ss. 456.039 and 456.0135, F.S, for fingerprinting and fingerprint retention by the Agency for Health Care Administration (AHCA) and the Care Provider Background Screening Clearinghouse.

According to the DOH, the Joint Administrative Procedures Committee (JAPC) has objected to applications for licensure that contained a data field for the applicant’s date of birth. The JAPC indicates that the DOH has no statutory authority to ask for a date of birth. To ensure accurate matches through the Florida Department of Law Enforcement, the Federal Bureau of Investigation, and the Sex Offender Registry, the DOH must have available three identifiers: the name, social security number, and date of birth.³

¹ Florida Department of Health, *House Bill 1047 Analysis* (Dec. 19, 2017) (on file with the Senate Committee on Health Policy).

² *Id.*

³ *Id.*

Medical Specialists

A physician licensed under ch. 458, F.S., may not hold himself or herself out as a board-certified specialist unless the physician has received formal recognition as a specialist from a specialty board of the American Board of Medical Specialties or other recognizing agency that has been approved by the board. A physician may not hold himself or herself out as a board-certified specialist in dermatology unless the recognizing agency, whether authorized in statute or by rule, is triennially reviewed and reauthorized by the BOM.

Osteopathic Physicians

There are two types of physicians fully licensed to practice medicine in Florida. Those holding the M.D. degree – doctor of allopathic medicine – licensed under ch.458, F.S., and those holding the D.O. degree – doctor of osteopathic medicine – licensed under ch. 459, F.S. Both types of physicians are licensed in Florida to perform surgery and prescribe medicine in hospitals, clinics, and private practices, as well as throughout the U.S. Osteopathic physicians offer all the services as M.D.s.

Osteopathic physicians can specialize in every recognized area of medicine, from neonatology to neurosurgery, but more than half of all osteopathic physicians practice in primary care areas, such as pediatrics, general practice, obstetrics/gynecology, and internal medicine. Additionally, many osteopathic physicians fill a critical need for family doctors by practicing in small towns and rural areas.⁴

Osteopathic Residencies and Florida Licensure

After acquiring a four-year undergraduate college degree with requisite science classes, students are accepted into one of the nation's 21 osteopathic medical schools accredited by the Bureau of Professional Education of the American Osteopathic Association. Following graduation, Osteopathic physicians complete an approved 12-month internship. Interns rotate through hospital departments, including internal medicine, family practice, and surgery. They may then choose to complete a residency program in a specialty area, which requires two to six years of additional training.⁵

Any person desiring to be licensed, or certified, as an osteopathic physician in Florida must:

- Submit an application with a fee;
- Be at least 21 years of age;
- Be of good moral character;
- Have completed at least three years of pre-professional postsecondary education;
- Have not previously committed any act that would constitute a violation of ch. 459, F.S.;
- Not be under investigation anywhere for an act that would constitute a violation of ch. 459, F.S.;
- Have not been denied a license to practice osteopathic medicine, or had his or her osteopathic medicine license revoked, suspended, or otherwise acted against by any jurisdiction;

⁴ Florida Osteopathic Medical Association, *Osteopathic Medicine*, available at <http://www.foma.org/osteopathic-medicine.html> (last visited Feb. 1, 2019).

⁵ *Id.*

- Have met the criteria for:
 - A limited license under s. 459.0075, F.S.;
 - An osteopathic faculty certificate under s. 459.0077, F.S.; or,
 - A resident physician, intern, or fellow under s. 459.021, F.S.
- Demonstrate that he or she is a graduate of a medical college recognized and approved by the American Osteopathic Association;
- Demonstrate that he or she has successfully completed a resident internship of not less than 12 months in a hospital approved by the Board of Trustees of the American Osteopathic Association or any other internship program approved by the Board of Osteopathic Medicine (BOOM) upon a showing of good cause; and
- Demonstrate that he or she has achieved a passing score, established by rule of the board, on all parts of the examination conducted by the National Board of Osteopathic Medical Examiners or other examination approved by the BOOM no more than five years before making application.⁶

The Accreditation Council for Graduate Medical Education (ACGME)

The Accreditation Council for Graduate Medical Education (ACGME) is a non-profit corporation whose mission is to improve health care and population health by assessing and advancing the quality of resident physicians' education through accreditation. In the academic year 2017-2018, there were approximately 830 ACGME-accredited institutions sponsoring approximately 11,200 residency and fellowship programs in 180 specialties and subspecialties. Accreditation is achieved through a voluntary process of evaluation and review based on published accreditation standards. ACGME accreditation provides assurance that a sponsoring institution or program meets the quality standards (institutional and program requirements) of the specialty or subspecialty practice(s) for which it prepares its graduates. ACGME accreditation is overseen by a review committee made up of volunteer specialty experts from the field that set accreditation standards and provide peer evaluation of sponsoring institutions and specialty and subspecialty residency and fellowship programs.⁷

The ACGME was established by five medical organizations in 1981⁸ and, in 2014, was joined by the American Osteopathic Association and the American Association of Colleges of Osteopathic Medicine. A primary responsibility of each of the organizations is to nominate individuals to be considered for membership on the ACGME Board of Directors. The ACGME board currently includes 24 members nominated by member organizations, two resident members, three public directors, four at-large directors, the chair of the Council of Review Committee Chairs, and two non-voting federal representatives.

The ACGME is an independent entity, which sets standards for graduate medical education (GME) and renders accreditation decisions based on compliance with those standards. The

⁶ Section 459.0055, F.S.

⁷ American Council of Graduate Medical Education, *What We Do*, available at <https://www.acgme.org/What-We-Do/Overview> (last visited Feb. 4, 2019).

⁸ American Council of Graduate Medical Education, *Member Organizations*, The five organization are: The American Board of Medical Specialists, The American Hospital Association, The American Medical Association, The Association of American Medical Colleges, and Council of Medical Specialty Societies, available at <https://www.acgme.org/About-Us/Member-Organizations> (last visited Feb. 4, 2019).

member organizations are corporately separate from the ACGME and do not participate in accreditation, pay dues, or make any other monetary contribution to the ACGME.⁹

The National Resident Matching Program

The National Resident Matching Program (NRMP) is a private, not-for-profit corporation established in 1952 to optimize the rank-ordered choices of applicants and program directors for residencies and fellowships. The NRMP is not an application processing service. Instead, it provides an impartial venue for matching applicants' and programs' preferences for each other using an internationally recognized mathematical algorithm.

The first Main Residency Match® (“Match”) was conducted in 1952 when 10,400 internship positions were available for 6,000 graduating U.S. medical school seniors. By 1973, there were 19,000 positions for just over 10,000 graduating U.S. seniors. Following the demise of internships in 1975, the number of first-year post-graduate (PGY-1) positions declined to 15,700. The number of PGY-1 positions gradually increased through 1994 and then began to decline slowly until 1998. In 2018, an all-time high of 30,232 PGY-1 positions were offered.¹⁰

Beginning in 2014, osteopathic medical school graduates could participate in the Match, which opened up additional residency programs available to osteopathic medical graduates. In 2018, 4,617 PGY-1 osteopathic graduates applied to the Match and 3,771 matched – an 81 percent match rate. By June 2020, osteopathic residency programs will need to be accredited by ACGME to participate in the Main Residency Match.¹¹

Registered Chiropractic Assistants

Registered Chiropractic Assistants (RCAs) perform duties not directly related to chiropractic patient care under the direct supervision of a chiropractic physician or chiropractic physician's assistant. There are no regulatory provisions associated with the work of an RCA. The registration is voluntary and not required for an individual to assist with patient care management activities, execute administrative and clinical procedures, or perform managerial and supervisory functions in an office.¹² According to the DOH, in Fiscal Year 2016-2017, there were 3,800 active in-state RCAs.¹³

Florida Center for Nursing

In 2001, the Florida Legislature created s. 464.0195, F.S., establishing the Florida Center for Nursing (FCN) “[t]o address issues of supply and demand for nursing, including issues of

⁹ Id.

¹⁰ The Match, National Resident Matching Program, Results and Data 2018 Main Residency Match *About the NRMP*, pg. 7, available at <https://mk0nrmpcikgb8jxyd19h.kinstacdn.com/wp-content/uploads/2018/04/Main-Match-Result-and-Data-2018.pdf> (last visited Feb. 4, 2019).

¹¹ The National Residency Match Program, *Residency Program Eligibility*, available at <http://www.nrmp.org/residency-program-eligibility/> (last visited Feb. 4, 2019).

¹² Section 460.4166, F.S.

¹³ *Supra* note 1.

recruitment, retention, and utilization of nurse workforce resources.”¹⁴ The primary statutory goals address collecting and analyzing nursing workforce data; developing and disseminating a strategic plan for nursing; developing and implementing reward and recognition activities for nurses; and promoting nursing excellence programs, image building, and recruiting into the profession. The FCN is further charged to convene various stakeholder groups to review and comment on nursing workforce data and to recommend systemic changes that will improve the recruitment and retention of nurses in Florida.

The FCN conducts an analysis of licensed practical nurses (LPN), registered nurses (RN), and advanced registered nurse practitioners (ARNP) annually to assess Florida’s nurse supply, including the numbers of nurses, demographics, education, employment status, and specialization pursuant to s. 467.019, F.S. The FCN submits a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives annually through January 30, 2020.

The Fiscal Year 2016-2017 report presents summary findings from the completed licensure renewal cycle that indicate:

- The supply of RNs grew approximately 7.4 percent, ARNPs grew by 22 percent, and the number of LPNs decreased by 1.9 percent since Fiscal Year 2015-2016.
- Overall, the nurse workforce lost about 1,300 nurses to retirement.
- Approximately 46 percent of renewing RNs, 44 percent of renewing LPNs, and 39 percent of renewing ARNPs were over the age of 50.
- For each licensure type, racial and ethnic diversity was more common among younger incoming and renewing nurses.
- Approximately 44 percent of employed RN renewals had a bachelor’s of science in nursing or higher degree. Education information was not available for newly licensed nurses.¹⁵

Board of Nursing Rulemaking Authority to Establish Standards of Practice

The Legislature has granted the Board of Nursing (BON) rulemaking authority to:

- Establish guidelines for remedial courses for those nurses who fail the nursing examination three times;¹⁶
- Administer the certification of clinical nurse specialists;¹⁷
- Administer the certification of advanced registered nurse practitioners, including the appropriate requirements for advanced registered nurse practitioners in the categories of certified registered nurse anesthetists, certified nurse midwives, and nurse practitioners;¹⁸
- Establish a procedure for the biennial renewal of licenses and to prescribe continuing education requirements for renewal of licenses;¹⁹

¹⁴ The Florida Center for Nursing, *About Us*, available at: <https://www.flcenterfornursing.org/AboutUs/AbouttheFCN.aspx> (Last visited Feb. 21, 2019).

¹⁵ The Department of Health, *Florida Center for Nursing (FCN) Nursing Supply Findings Published*, available at: <https://www.flcenterfornursing.org/AboutUs/AbouttheFCN.aspx> (Last visited Feb. 21, 2019).

¹⁶ Section 464.008, F.S.

¹⁷ Section 464.0115, F.S.

¹⁸ Section 464.012, F.S.

¹⁹ Section 464.013, F.S.

- Provide application procedures for inactive status, the biennial renewal of inactive licenses, and the reactivation of licenses, including applicable fees;²⁰
- Establish the testing procedures for use in certifying nursing assistants, regulating the practice of certified nursing assistants, and specifying the scope of practice and the level of supervision required for the practice of certified nursing assistants;²¹ and,
- Establish disciplinary guidelines.²²

The Legislature did not expressly grant rulemaking authority to the BON to promulgate nursing standards of practice.²³ The authority to define the scope of practice for nurses is absent from ss. 464.018 and 456.003(6), F.S., which expressly limits the ability of the DOH boards to modify or contravene the lawful scope of practice of a regulated profession.

From 2003 through 2012, the BON proposed various rules on nursing standards of practice for conscious sedation and unprofessional conduct, which were ultimately withdrawn after the JAPC, asserted objections. In 2012, the BON proposed another rule establishing professional guidelines for the administration of conscious sedation and to update the instances of unprofessional conduct. The 2012 rule was met with rule challenges from various associations, and JAPC objected to the rule as lacking statutory rulemaking authority. The rule was ultimately challenged at DOAH in case number 121545RP. That decision found that the BON lacked the statutory authority to define nursing “scope of practice” in the Nurse Practice Act. The decision was affirmed by the First District Court of Appeal in case numbers 1D12-5656, 1D12-5671, and 1D12-5739 (all related to DOAH 12-1545RP).

The Legislature has granted statutory authority to set standards of practice for professions that are authorized to practice independently, including: allopathic and osteopathic physicians,²⁴ podiatric physicians,²⁵ pharmacists,²⁶ psychotherapists,²⁷ clinical social workers,²⁸ dentists,²⁹ optometrists,³⁰ and opticians.³¹

Certified Nursing Assistants

Section 464.201(5), F.S., defines the practice of a certified nursing assistant (CAN) as providing care and assisting persons with tasks relating to the activities of daily living. Activities of daily

²⁰ Section 464.014, F.S.

²¹ Section 464.202, F.S.

²² Section 464.018(5), F.S.

²³ See *Florida Medical Association, Inc., Florida Osteopathic Medical Association, and Florida Podiatric Medical Association vs. Department Of Health, Board Of Nursing*, DOAH Case No. 12-001545 RP, *Summary Final Order*, Nov. 2, 2012; *affirmed per curiam, Department of Health, Board of Nursing, Florida Association of Nurse Anesthetists and Florida Nurses Association, v. Florida Medical Association, Inc., Florida Osteopathic Medical Association, Inc., and Florida Podiatric Medical Association*, Case Nos. 1D12-5656, 1D12-5671, 1D12-5739 (Fla. 1st DCA, Feb. 12, 2014).

²⁴ Sections 458.331(1)(v) and 459.015(1)(z), F.S.

²⁵ Section 461.003, F.S.

²⁶ Sections 465.003(13) and 465.0155, F.S.

²⁷ Section 490.003(4), F.S.

²⁸ Section 491.003, F.S.

²⁹ Section 466.003(3), F.S.

³⁰ Section 463.005(1)(a), F.S.

³¹ Section 463.002(7), F.S.

living include tasks associated with: personal care, maintaining mobility, nutrition and hydration, toileting and elimination, assistive devices, safety and cleanliness, data gathering, reporting abnormal signs and symptoms, postmortem care, patient socialization and reality orientation, end-of-life care, cardiopulmonary resuscitation and emergency care, patients' rights, documentation of nursing-assistant services, and other tasks that a CNA may perform after training.³²

The BON issues certificates to practice as a certified nursing assistant to any person who demonstrates a minimum competency to read and write, successfully passes the required background screening, and demonstrates:

- Successfully completing an approved training program and achieving a minimum score;
- Achieving a minimum score on the nursing assistant competency examination, and:
 - Having a high school diploma, or its equivalent; or,
 - Being at least 18 years of age;
- Being currently certified in another state and having not been found to have committed abuse, neglect, or exploitation in that state; and,
- Having completed the curriculum developed under the Enterprise Florida Jobs and Education Partnership Grant and achieving a minimum score.³³

Section 464.204, F.S., relating to the denial, suspension, or revocation of a CNA certification, sets forth the grounds for the BON to discipline a CNA. Two actions constitute grounds for which the BON may impose disciplinary sanctions:

- Obtaining or attempting to obtain certification or an exemption, or possessing or attempting to possess certification or a letter of exemption, by bribery, misrepresentation, deceit, or through an error of the BON; and
- Intentionally violating any provision of ch. 464, F.S., ch. 456, F.S., or the rules adopted by the BON.

When pursuing discipline against a CNA, the DOH must be prepared to prove that the CNA “intentionally” violated the law or rule, which is a difficult standard to meet.

The BON can only approve applications for licensure by endorsement from currently licensed CNAs in other states. If a CNA from the District of Columbia or a U.S. territory wishes to be licensed in Florida, he or she must apply for licensure by examination instead of endorsement.³⁴

Dentistry, Dental Hygiene, Health Access Dental Licensure, and Dental Laboratories

Licensure Examinations for Dentists and Dental Hygienists

Section 466.004, F.S., establishes the Board of Dentistry (BOD) within the DOH to regulate the practice of dentistry and dental hygiene. The requirements for dental licensure by examination are found in s. 466.006, F.S. The Legislature authorized the BOD to use the American Dental Licensing Examination (ADLEX), developed by the American Board of Dental Examiners, Inc., in lieu of an independent state-developed practical or clinical examination. Section 466.007, F.S.,

³² Section 464.201, F.S.

³³ Section 464.203, F.S.

³⁴ *Id.*

requires a dental hygiene applicant to pass the American Dental Hygiene Licensing Examination (ADHEX) developed by the American Board of Dental Examiners, Inc.

Sections 466.006(4)(b) and 466.007(4)(b), F.S., require that the ADLEX examination for dentists, and the ADHEX examination for hygienists, be graded by Florida licensed dentists, and dentists and hygienists, respectively. Such practitioners must be employed by the DOH for this purpose. This provision refers to requirements that were necessary when the ADLEX and ADHEX examinations were purchased and administered by the DOH. This requirement is now obsolete since the BOD has certified national examinations for both dentists and hygienists.

According to the DOH, by limiting the grading to Florida-only licensed dentists and hygienists, it created a shortage of dentists and hygienists available to grade the examinations, thus jeopardizing the administration of the ADLEX and the ADHEX.³⁵

Health Access Dental Licensure

In 2008, the Legislature established the health access dental license in order to attract out-of-state dentists to practice in underserved health access settings.³⁶ With this license, a dentist actively licensed in good standing in another state, the District of Columbia, or a United States territory is authorized to practice dentistry in Florida in a health access setting if the dentist:

- Submits proof he or she graduated from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency;
- Submits proof he or she has successfully completed parts I and II of the National Board of Dental Examiners (NBDE) examination and a state or regional clinical dental licensing examination that the BOD has determined effectively measures the applicant's ability to practice safely;
- Submits ADLEX examination scores mailed to the BOD directly from the American Dental Association;
- Submits a final official transcript from a dental school sent to the BOD by the registrar's office;
- Submits a certification of licensure from each state in which he or she currently holds or has held a dental or dental hygiene license;
- Submits proof of training in cardiopulmonary resuscitation (CPR) at the basic support level;
- Files a BOD-approved application and pays the applicable fees;
- Has not been convicted of or pled nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession;
- Currently holds a valid, active dental license in good standing which has not been revoked, suspended, restricted, or otherwise disciplined from another state, the District of Columbia, or a United States territory;

³⁵ *Supra* note 1.

³⁶ A "health access setting" is defined in s. 466.003(14), F.S., as a program or institution of the Department of Children and Family Services, the Department of Health, or the Department of Juvenile Justice, a nonprofit community health center, a Head Start center, a federally qualified health center (FQHC) or FQHC look-alike as defined by federal law, a school-based prevention program, or a clinic operated by an accredited college of dentistry or an accredited dental hygiene program in this state if such community service programs and institutions immediately report to the Board of Dentistry practice act or standard of care violations related to the actions or inactions of a dentist, dental hygienist, or dental assistant engaged in the delivery of dental care in such settings.

- Has never had a license revoked from another state, the District of Columbia, or a U.S. territory;
- Has never failed an exam under s. 466.006, F.S., unless the applicant was reexamined and received a license to practice in Florida;
- Has not been reported to the National Board of Dental Examiners (NBDE), unless the applicant successfully appealed to have his or her name removed from the data bank;
- Submits proof that he or she has been engaged in the active, clinical practice of dentistry and has provided direct patient care for five years immediately preceding the date of application, or proof of continuous clinical practice, and has provided direct patient care since graduation if the applicant graduated less than five years from his or her application date;³⁷
- Submits documentation that she or he has completed, or will obtain prior to licensure, continuing education equivalent to this state's requirement for dentists licensed under s. 466.006, F.S., for the last full reporting biennium before applying for a health access dental license;³⁸ and
- Successfully completes the examination covering the laws and rules of the practice of dentistry in this state.^{39,40}

A health access dental license is subject to biennial renewal. The BOD will renew a health access dental license if the applicant:

- Submits a renewal application and has paid a renewal fee;
- Submits documentation from the employer in the health access setting that the licensee has at all times pertinent remained an employee;
- Has not been convicted of or pled nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession;
- Has not failed the examination specified in s. 466.006, F.S., since initially receiving a health access dental license or since the last renewal; and
- Has not been reported to the National Practitioner Data Bank, unless the applicant successfully appealed to have his or her name removed from the data bank.

The BOD may undertake measures to independently verify the health access dental licensee's ongoing employment status in the health access setting.⁴¹

The BOD may revoke a health access dental license if the licensee is terminated from employment at the health access setting or practices outside of the health access setting, fails the Florida dental examination, or is found by the BOD to have committed a violation of ch. 466 (the Dental Practice Act), other than a violation that is a citation offense or a minor violation.⁴²

³⁷ Section 466.0067, F. S.

³⁸ See ch. 64B5-12.013, Fla. Admin. Code Rule (2019), for continuing education requirements.

³⁹ Section 466.006(4)(a), F.S.

⁴⁰ Department of Health, Board of Dentistry, *Health Access Dentist*, available at: <https://floridasdentistry.gov/licensing/health-access-dentist/> (last visited Mar. 7, 2019).

⁴¹ Section 466.00671, F.S.

⁴² Section 466.00672, F.S.

Currently, there are 58 health access dental licenses. Of those, 37 are in-state active, two are in-state delinquent, 10 are out-of-state active, two are out-of-state delinquent, and seven are retired.⁴³

The program is scheduled for repeal effective January 1, 2020, unless reenacted by the Legislature.⁴⁴

Adverse Incident Reporting in the Practice of Dentistry

There is no statutory requirement for dentists or dental hygienists to report adverse incidents or occurrences in office practice settings. In contrast, the BOM and BOOM have specific statutory authority to require licensees to report adverse incidents in office practice settings.⁴⁵

The BOD, by rule, defines an “adverse occurrence” and specifies reporting requirements. The rule specifies that an adverse occurrence in a dental office must be reported to the BOD within 48 hours followed by a more specific written report within 30 days. These reports are forwarded to the chair of the Probable Cause Panel to determine if further investigation is necessary. If further investigation is warranted, the report and recommendation are forwarded to the MQA Consumer Services Unit (CSU) for further investigation. All reported mortalities occurring in a dental office are forwarded to the CSU for investigation.

The rule does not provide a penalty for failure to report an adverse occurrence.⁴⁶ According to the DOH, this lack of penalty for failure to report an adverse occurrence may result in the under-reporting of incidents in the dental office practice setting.⁴⁷

Dental Laboratories

Section 466.031, F.S., defines a “dental laboratory” to include any person, firm, or corporation who, for a fee or gratuitously, manufactures artificial substitutes for natural teeth, or who furnishes, supplies, constructs, reproduces, or repairs any prosthetic denture, bridge, or appliance to be worn in the human mouth, or who holds itself out as a dental laboratory. The definition specifically excludes a dental laboratory technician who constructs or repairs dental prosthetic appliances in the office of a licensed dentist, for that dentist only, and under his or her supervision and work order.

Section 466.032, F.S., sets forth the registration and biennial registration renewal for a dental laboratory. It directs the DOH to issue a certificate upon payment of a fee, which entitles the

⁴³ Florida Dept. of Health, Division of Medical Quality Assurance, *Annual Report and Long Range Plan FY 2017-2018*, 14, available at: <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/index.html> (last visited Mar. 7, 2019). “In-State Active” means the licensed practitioner has a Florida mailing address and is authorized to practice. “In-State Delinquent” means the licensed practitioner has a Florida mailing address and is not authorized to practice in the state because of failure to renew the license by the expiration date. “Out-of-State Active” means the licensed practitioner has an out-of-state mailing address and is authorized to practice. “Out-of-State Inactive” means the licensed practitioner has an out-of-state mailing address and is not authorized to practice. “Retired” means the licensed practitioner is not authorized to practice. The practitioner is not obligated to update licensure data. *Id.* at 14. s. 456.036, F.S.

⁴⁴ Section 466.00673, F.S.

⁴⁵ Sections 458.351 and 459.026, F.S.

⁴⁶ Rule 64B5-14.006, F.A.C.

⁴⁷ *Supra* note 1.

registrant to operate a dental laboratory for a period of two years. Section 466.032, F.S., sets forth the requirements for a periodic inspection of dental laboratories for required equipment and supplies, mandates 18 hours biennially of continuing education for the dental laboratory owner or at least one employee who must be in programs of learning that contribute directly to the education of the dental technician, and establishes disciplinary guidelines for violations.

According to the DOH, there were 954 dental laboratories as of June 30, 2017.⁴⁸ Since 2012, there have been six administrative complaints filed in Florida against dental laboratories, four of which resulted in disciplinary cases. In one case, the laboratory refused an inspection. The other three were either unsanitary conditions, failure to take continuing education for certificate renewal, or record keeping violations. In that same time period, four citations were issued for minor violations.⁴⁹

Athletic Trainers

Section 468.073, F.S., establishes the Board of Athletic Trainers (BOAT) within the DOH to license and regulate the practice of athletic trainers in Florida. Applicants for licensure as an athletic trainer are required to:

- Submit to a background screening;
- Have a baccalaureate or higher degree from a college or university in professional athletic training accredited by the Commission on Accreditation of Athletic Training Education, and have passed the national examination to be certified by the Board of Certification (BOC)⁵⁰ for athletic trainers;
- Have a current certification from the BOC, if they graduated before 2004;⁵¹ and
- Have current certifications in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED).

An athletic trainer must practice under the direction of a physician licensed under chs. 458, 459, or 460, F.S., or otherwise authorized by Florida law to practice medicine. The physician must communicate his or her direction through oral or written prescriptions or protocols for the provision of services and care by the athletic trainer, and the athletic trainer must provide service or care as dictated by the physician.⁵²

The BOAT is authorized to adopt rules to implement the provisions of part XIII, ch. 468, F.S. Such rules must include, but are not limited to:

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ The Board of Certification, Inc. (BOC) was incorporated in 1989 as a not-for-profit credentialing agency to provide a certification program for the entry level athletic training profession. The BOC establishes both the standards for the practice of athletic training and the continuing education requirements for BOC Certified Athletic Trainers (ATs). The BOC also works with state regulatory agencies to provide credential information, professional conduct guidelines and regulatory standards on certification issues. The BOC also has the only accredited certification program for ATs in the United States and has mutual recognition agreements with Canada and Ireland. *See* Board of Certification for the Athletic Trainer, *Who is the BOC? available at* <http://www.bocatc.org/about-us#what-is-the-boc> (last visited Jan. 25, 2019).

⁵¹ Prior to 2004, and the inception of athletic training programs, athletic trainers obtained training through a Board of Certification (BOC) internship program to obtain licensure in Florida. Current law does not allow athletic trainers who obtained training through the BOC internship program to become licensed in Florida.

⁵² Section 468.713, F.S.

- The allowable scope of practice regarding the use of equipment, procedures, and medication;
- Mandatory requirements and guidelines for communication between the athletic trainer and a physician, including the reporting to the physician of new or recurring injuries or conditions;
- Licensure requirements;
- Licensure examination;
- Continuing education requirements;
- Fees;
- Records and reports to be filed by licensees;
- Protocols; and,
- Any other requirements necessary to regulate the practice of athletic training.⁵³

At renewal, licensed athletic trainers must demonstrate a current BOC certification; however, there is no requirement for that certification to be held without lapse and in good standing.⁵⁴

Orthotics, Prosthetics, and Pedorthics

Section 468.801, F.S., establishes the Board of Orthotists and Prosthetists within the DOH to license and regulate the practice of Prosthetist-Orthotist, Prosthetist,⁵⁵ Orthotist,⁵⁶ Pedorthist,⁵⁷ Orthotic Fitter, and Orthotic Fitter Assistant in Florida. Applicants for licensure under part XIV, ch. 468, F.S., must:

- Submit an application and fee, not to exceed \$500;
- Submit fingerprints for background screening;
- Submit the cost of the state and national criminal background checks;
- Be of good moral character;
- Be 18 years of age or older; and
- Have completed the appropriate educational preparation requirements.⁵⁸

Licenses must be granted independently in orthotics, prosthetics, or pedorthics, but a person may be licensed in more than one discipline. A prosthetist-orthotist license may be granted to persons meeting the requirements for both a prosthetist and an orthotist license. Persons seeking to obtain the required orthotics or prosthetics experience in the state must be approved by the board and registered as a resident by the DOH. A registration may be held in both practice fields, but the board may not approve a second registration until at least one year after the issuance of the first registration.⁵⁹ Currently, a dual registration is not authorized.

⁵³ Section 468.705, F.S.

⁵⁴ Section 468.711, F.S.

⁵⁵ Section 468.80(15), F.S., defines “prosthetics” as the practice of evaluating, treatment formulating, measuring, designing, fabricating, assembling, fitting, adjusting, servicing, or providing the initial training necessary to accomplish the fitting of a prosthesis.

⁵⁶ Section 468.80(9), F.S., defines “orthotics” as the practice of evaluating, treatment formulating, measuring, designing, fabricating, assembling, fitting, adjusting, servicing, or providing the initial training necessary to accomplish the fitting of an orthosis or pedorthic device.

⁵⁷ Section 468.80(12), F.S., defines “pedorthics” as the practice of evaluating, treatment formulating, measuring, designing, fabricating, assembling, fitting, adjusting, servicing, or providing the initial training necessary to accomplish the fitting of a pedorthic device.

⁵⁸ Section 468.803, F.S.

⁵⁹ *Id.*

Massage Therapy and Massage Establishments

Section 480.035, F.S., establishes the Board of Massage Therapy (BMT) within the DOH to license and regulate the practice of massage therapy in Florida. Individuals seeking an initial massage therapy license in Florida have two options for meeting the educational requirements:

- They may attend an approved program at a massage therapy school and complete 500 hours of classroom training; or
- They can become an apprentice under a licensed massage therapist for a period of one year. During that year, the sponsor of the massage apprentice is required to file quarterly reports and the apprentice must complete the following courses of study: 300 hours of physiology, 300 hours of anatomy, 20 hours of theory and history of massage, 50 hours of theory and practice of hydro-therapy, five hours of hygiene, 25 hours of statutes and rules of massage practice, 50 hours of introduction to allied modalities, 700 hours of practical massage, and three hours of board-approved HIV/AIDS instruction.⁶⁰

Any person may obtain a license to practice as a massage therapist if he or she:

- Submits an application and fee;
- Is at least 18 years of age;
- Has received a high school diploma or high school equivalency diploma;
- Submits to background screening;
- Has completed a course of study at a board-approved massage school or has completed an apprenticeship program that meets standards adopted by the board; and,
- Has received a passing grade on an examination testing general areas of competency specified by the board⁶¹ and administered by the DOH.⁶²

Rule 64B7-25.001(2), F.A.C., lists five national exams that are approved by the board. The exam currently taken by applicants is the National Examination for State Licensure administered by the National Certification Board for Therapeutic Massage and Bodywork. The DOH does not offer or administer a specific state licensure exam.⁶³ According to the DOH, there are 172 licensed massage schools in Florida, which trained 2,076 new licensees by examination, who were licensed in the 2016-2017 fiscal year. Of those, only 15 came through the Florida apprenticeship program.

The term massage is defined as the manipulation of the soft tissues of the human body with the hand, foot, arm, or elbow, whether or not the manipulation is aided by hydrotherapy, including colonic irrigation, or thermal therapy; any electrical or mechanical device; or the application to the human body of a chemical or herbal preparation.⁶⁴

⁶⁰ Rule 64B7-29.003, F.A.C.

⁶¹ Section 480.042, F.S.

⁶² Section 480.041, F.S.

⁶³ *Id.*

⁶⁴ Section 480.033, F.S.

The BMT also licenses apprentices in colonic hydrotherapy.⁶⁵ These individuals are either attending a massage therapy school that does not offer colonic training or are licensed massage therapists who are seeking to add colonic hydrotherapy to their practice. Since there are few schools in the state that offer a colonic hydrotherapy program, apprenticeships are the primary method of training for this service.⁶⁶ According to the DOH, there are currently 87 licensed massage apprentices apprenticing for a colonic hydrotherapy upgrade to their license.⁶⁷

The BMT also licenses massage establishments under s. 480.046(3), F.S. The board has the power to revoke or suspend the license of an establishment upon proof that the license was obtained through fraud or misrepresentation, or upon proof of fraud, deceit, gross negligence, incompetency, or misconduct in the operation of the establishment. The board may deny the subsequent licensure of such an establishment if the license holder reapplies using the same business name. However, the board is not authorized to deny the same owner a license under a new name or as a different business entity type, even if it is opened at the same location with the same employees. Additionally, the board has no specific authority to act against a massage establishment's license even if the owner and employees, while onsite, have been convicted of prostitution and related offenses.

Psychology

Section 490.004, F.S., creates the Board of Psychology (BOP) within the DOH to license and regulate the practice of psychologists in Florida. The practice of psychology is defined as the observation, description, evaluation, interpretation, and modification of human behavior, by the use of scientific and applied psychological principles, methods, and procedures, for the purpose of describing, preventing, alleviating, or eliminating symptomatic, maladaptive, or undesired behavior and enhancing interpersonal behavioral health and mental or psychological health.⁶⁸

Licensure as a psychologist under ch. 490, F.S., requires a doctoral degree in psychology from an educational institution that, at the time the applicant was enrolled and graduated, held institutional accreditation from an approved agency and programmatic accreditation from the American Psychological Association (APA).

Section 490.003(3)(a), F.S., refers to educational requirements in effect prior to July 1, 1999, and are no longer applicable. The outdated language could create confusion among applicants as to the current educational requirements, which are correctly defined in s. 490.003(3)(b), F.S. Section 490.003(3)(b), F.S., generically refers to programs approved and recognized by the U.S. Department of Education. The only accrediting agency recognized by the U.S. Department of Education to provide programmatic accreditation for doctoral psychology programs is the APA.

Section 490.005, F.S., refers to educational requirements in effect prior to July 1, 1999, which are no longer applicable to augment a deficient education or show comparability to the current

⁶⁵ *Colonic hydrotherapy* is a method of colon irrigation used to cleanse the colon with the aid of a mechanical device and water. See s. 480.033(6), F.S.

⁶⁶ Rule 64B7-29.007, F.A.C.

⁶⁷ *Supra* note 1.

⁶⁸ Section 490.003(4), F.S.

educational requirements. This section includes an outdated reference to the APA accrediting programs in Canada. Currently, the APA no longer accredits Canadian doctoral programs.⁶⁹

Section 490.005(2)(b)1., F.S., refers to school psychology applicants graduating from a college or university accredited and approved by the Commission on Recognition of Postsecondary Accreditation; however, the correct reference is to the Council for Higher Education Accreditation.

Section 490.006, F.S., relating to licensure of a psychologist or school psychologist by endorsement, requires:

- An application to the DOH and payment of a fee;
- Proof of a valid license or certificate in another jurisdiction provided that, when the applicant secured such license or certificate, the requirements were substantially equivalent to or more stringent than those set forth in ch. 490, F.S., but,
 - If no Florida law existed at that time the applicant received his or her license or certificate, then the requirements in the other state must have been substantially equivalent to or more stringent than those set forth in ch. 490, F.S., at the present time.
- Proof of good standing as a diplomat with the American Board of Psychology; or
- Proof of a doctoral degree in psychology as described in s. 490.003, F.S., and at least 20 years of experience as a licensed psychologist in any jurisdiction or territory of the United States within the 25 years preceding the date of application.

Obtaining licensure under the current endorsement standards may be difficult as it requires a law-to-law comparison and applicants who otherwise might qualify for licensure may be denied, or have licensure delayed until they select a different application method.

Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

Section 491.004, F.S., creates the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling within the DOH to ensure that every clinical social worker, marriage and family therapist, and mental health counselor practicing in this state meets minimum requirements for safe practice. The Florida Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling is responsible for licensing, monitoring, disciplining, and educating clinical social workers, marriage and family therapists, and mental health counselors to assure competency and safety to practice in Florida.

Section 491.005, F.S., sets out the educational and examination requirements for a clinical social worker, marriage and family therapist, and mental health counselor to obtain a license by examination in Florida. An individual applying for licensure by examination who has satisfied the clinical experience requirements of s. 491.005, F.S., or an individual applying for licensure by endorsement pursuant to s. 491.006, F.S., intending to provide clinical social work, marriage and family therapy, or mental health counseling services in Florida, while satisfying coursework or examination requirements for licensure, must obtain a provisional license in the profession for which he or she is seeking licensure prior to beginning practice.⁷⁰

⁶⁹ *Supra* note 1.

⁷⁰ Section 491.0046, F.S.

An individual who has not satisfied the postgraduate or post-master's level of experience requirements under s. 491.005, F.S., must register as an intern in the profession for which he or she is seeking licensure before commencing the post-master's experience requirement. An individual who intends to satisfy part of the required graduate-level practicum, internship, or field experience, outside the academic arena for any profession, must register as an intern in the profession for which he or she is seeking licensure before commencing the practicum, internship, or field experience.⁷¹

Section 491.0045(6), F.S., specifies the length of time an intern registration for clinical social work, marriage and family therapy, and mental health counseling is valid. A footnote to this section points out that, through multiple amendatory acts to s. 491.0045(6), F.S., during the same legislative session, two irreconcilable versions of the section were created, and the editors were thus required to publish both versions of the amended provision.

Section 491.0045(6), F.S., states, “[a]n intern registration issued on or before March 31, 2017, expires March 31, 2022, and may not be renewed or reissued. A registration issued after March 31, 2017, expires 60 months after the date of issuance. No subsequent intern registration may be issued unless the candidate has passed the theory and practice examination described in s. 491.005(1)(d), (3)(d), and (4)(d).” The footnote refers to an April 1, 2017, date, rather than the March 31, 2017 in the statute.

Section 491.005(3)(b), F.S., relating to licensure by examination for marriage and family therapists requires:

- A master's degree with major emphasis in marriage and family therapy or a closely related field;
- Specific coursework in 12 content areas; and
- A practicum, internship, or field experience of 180 hours providing direct client contact hours of marriage and family services under the supervision of a licensed marriage and family therapist with at least five years of experience.

According to the DOH, the specific course work requirement must be an exact match. Lack of an exact match may significantly delay an applicant's licensure.⁷²

Section 491.005(3)(c), F.S., is inconsistent as it requires both two years, and three years, of clinical experience for a marriage and family therapy licensure applicant. According to the DOH, the three years of clinical experience was a technical error and is inconsistent with other statutory requirements. Only two years of clinical experience for a marriage and family therapy applicant is required.⁷³

Section 491.005(4), F.S., relating to licensure by examination for mental health counselors names the Professional Examination Service for the National Academy of Certified Clinical Mental Health Counselors as the required examination for a mental health counselor. The correct

⁷¹ Section 491.0045, F.S.

⁷² *Supra* note 1.

⁷³ *Id.*

name of the examination required for licensure as a mental health counselor is the National Clinical Mental Health Counseling Examination. The examination was developed by, and is administered by, the National Board for Certified Counselors.

Section 491.005(4), F.S., contains a 300-hour difference between the hours of practicum, internship, or field experience required for graduates from a Council for Accreditation of Counseling and Related Educational Programs (CACREP) and non-CACREP graduates. A mental health counselor applicant who graduated from a program not accredited by CACREP is required to complete 1,000 hours of practicum, internship, or field experience. An MHC applicant who graduated from a CACREP accredited program is required to meet the CACREP standards to complete 700 hours of practicum or internship.⁷⁴

Section 491.006, F.S., relating to licensure or certification by endorsement requires an applicant for licensure by endorsement in the practice of clinical social work, marriage and family therapy, or mental health counseling to demonstrate to the board that he or she:

- Has knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling;
- Holds an active valid license to practice, and has actively practiced the profession in another state, for three of the last five years immediately preceding licensure;
- Meets the education requirements of ch. 491, F.S., in the profession for which the applicant seeks licensure;
- Has passed a substantially equivalent licensure examination in another state, or has passed the licensure examination in this state in the profession for which the applicant seeks licensure;
- Holds a license in good standing; and
- Is not under investigation for, or been found to have committed, an act that would constitute a violation of ch. 491, F.S.

To satisfy the education requirements of s. 491.005, F.S., specific particular course work, rather than a degree from an accredited school or college, or proof of licensure in another state, is required of an applicant for licensure by endorsement under ch. 491, F.S. The endorsement applicant must show proof that he or she completed certain statutorily-specified courses, which may not have been available at the time he or she graduated. Current law places barriers on licensure by endorsement by requiring many applicants to complete additional courses often difficult to obtain when the applicant is not a full-time graduate student.

Section 491.007(3), F.S., provides for the renewal of a license, registration, or certificate for clinical social workers, marriage and family therapists, and mental health counselors, and gives the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling rulemaking authority to prescribe the requirements for renewal of an intern registration. Section 491.0045(6), F.S., now addresses renewal of an intern registration; therefore, rulemaking authority is no longer necessary.

⁷⁴ Council for Accreditation of Counseling & Related Educational Programs, *2016 CACREP Standards*, available at <http://www.cacrep.org/wp-content/uploads/2018/05/2016-Standards-with-Glossary-5.3.2018.pdf> (last visited Feb. 1, 2019).

Section 491.009, F.S., sets out what acts by a clinical social worker, marriage and family therapist, or mental health counselor constitute grounds for discipline, or denial of licensure. However, s. 491.009(2), F.S., incorrectly references psychologists, who are not licensed under ch. 491, F.S., and does not include the certified master social worker profession regulated by the DOH.

III. Effect of Proposed Changes:

Section 1: The Conrad 30 Waiver Program

The bill amends s. 381.4018, F.S., to authorize the DOH to adopt rules to implement that subsection, which includes the implementation of the federal Conrad 30 Waiver Program to encourage qualified physicians to relocate to Florida and practice in medically underserved and rural areas.

Section 2: The DOH General Health Care Professional Licensing Provisions

The bill amends s. 456.013, F.S., to eliminate obsolete language regarding applying to the DOH to take an examination. The bill adds the date of birth as a required element on the application, which provides an increased likelihood of a confirmation of a criminal background check for the DOH.

Section 3: Medical Specialists

The bill amends section 458.3312, F.S., relating to holding oneself out as a medical specialist, to repeal the requirement that the BOM conduct a review of organizations that board-certify physicians in dermatology every three years in order for a physician to hold himself or herself out as board-certified in dermatology.

Section 4: Osteopathic Internships and Residencies

The bill recognizes the agreement between the American Osteopathic Association (AOA) and ACGME. Both organizations have committed to improving the patient care delivered by resident and fellow physicians today, and in their future independent practice, and to do so in clinical learning environments characterized by excellence in care, safety, and professionalism, thereby creating a single path for graduate medical education (GME). This single path for GME allows osteopathic and allopathic medical school graduates to seek residencies and fellowship programs accreditation by ACGME. This will enable osteopathic medical school graduates, residents, and fellows to apply to the National Resident Match Program and participate in the Main Residency Match for internships, residencies, and fellowships, thereby creating more residency opportunities for osteopathic residents.

However, if an osteopathic residency program does not achieve ACGME accreditation by June 2020, and a resident of the program still has training ahead, the resident will be able to complete the AOA-accredited training and advance to AOA board eligibility. This accommodation is due to an agreement between the AOA, the ACGME, and the American Association of Colleges of Osteopathic Medicine (AACOM) that gives the AOA restricted authority to extend the AOA accreditation date to allow any remaining residents to finish training in an accredited program. In

some cases, residents whose programs do not achieve ACGME accreditation by June 2020 may be able to transfer to another accredited program.⁷⁵

All residents who have completed an AOA- or ACGME-accredited residency program are eligible for AOA board certification. AOA board certification is an important quality marker for patients that highlights the commitment to the uniquely osteopathic approach to patient care and allows engagement in continuous professional development throughout a career. Requirements are slightly different for osteopathic medical physicians pursuing certification through the American Board of Medical Specialties (ABMS). The ABMS requires candidates' residency programs to have been ACGME-accredited for a specified amount of time, such as three years. Requirements vary by specialty.⁷⁶

Section 5: Registered Chiropractic Assistants

Section 460.4166, F.S., is repealed, thus deregulating the profession of Registered Chiropractic Assistants, as the duties performed are not directly related to patient safety and the registration is voluntary.

Sections 6, 7, 8, and 9: The Florida Center for Nursing (FCN), Board of Nursing (BON) Rulemaking Authority, and Certified Nursing Assistants

The bill amends s. 464.019, F.S., to extend the requirement for the Florida Center for Nursing to provide an implementation study and annual report on the availability of nursing programs and production of quality nurses to the Governor, the President of the Senate, and the Speaker of the House of Representatives until January 30, 2025.

The bill amends ss. 464.202, 464.203, and 464.204, F.S., relating to rulemaking, duties, and powers of the BON, to authorize the BON to create rules detailing standards of practice for its licensees, which include: ARNPs, clinical nurse specialists, RNs, LPNs, and CNAs.

The bill authorizes the BON to grant licenses by endorsement, for CNA applicants with certifications in U.S. territories or Washington, D.C. This will expedite licensure as a CNA because the applicant would no longer have to apply for licensure by examination.

The bill amends s. 464.204, F.S., to eliminate the element of intent to violate the laws or rules relating to CNAs, which will align CNA prosecution with the law for disciplining registered nurses and licensed practical nurses.

Sections 10, 11, 12, 13, 14, and 15: Dentistry, Dental Hygiene, and Health Access Dental Licensure, and Dental Laboratories

The bill amends ss. 466.006 and 466.007, F.S., to eliminate obsolete requirements.

⁷⁵ American Osteopathic Association, *What does a single GME mean for DO residents?* available at <https://osteopathic.org/residents/resident-resources/residents-single-gme/> (last visited Feb. 4, 2019).

⁷⁶ *Id.*

The bill amends s. 466.00673, F.S., to extend the future repeal of the health access dental license to January 1, 2025.

The bill amends s. 466.017, F.S., to require dentists and dental hygienists to report adverse incidents to the DOH, which is currently only required by board rule. This new section requires the reporting of deaths, or any incident that results in the temporary or permanent physical or mental injury, that requires hospitalization or emergency room treatment of a dental patient that occurred during or as a result of the use of anesthesia or sedation, and creates grounds for discipline for the failure to report an adverse incident.

The bill amends s. 466.031, F.S., to authorize an employee or independent contractor of a dental laboratory, acting as an agent of that dental laboratory, to engage in onsite consultation with a licensed dentist during a dental procedure.

The bill amends s. 466.036, F.S., to require a dental laboratory be inspected at least biennially.

Sections 16, 17, 18, 19, and 20: Athletic Trainers

The bill amends s. 468.701, F.S., to include within the definition of athletic trainer that he or she must work within the scope of practice as established within rules adopted by the board. This requirement limits the potential that an athletic trainer will attend opportunities that are not approved by the board for safe practice and will incorporate those practices into his or her practice.

The bill amends the licensure requirements for an athletic trainer to create a new licensure pathway for applicants who hold a bachelor's degree, have completed the BOC internship program, and hold a current certification from the BOC to become licensed in Florida.

The bill amends s. 468.711, F.S., relating to licensure renewal requirements to require an athletic trainer to maintain his or her BOC certification in good standing without lapse. Licensees will have to demonstrate continuous good standing of his or her BOC certification at the time of renewal.

The bill gives the BOAT rulemaking authority to further define the supervision between an athletic training student and a licensed athletic trainer, rather than relying on compliance with standards set by an external entity.

Section 21: Orthotics, Prosthetics, and Pedorthics

The bill amends s. 468.803, F.S., to authorize the DOH to issue a joint registration in orthotics and prosthetics as a dual registration rather than requiring separate registrations, and to recognize the dual residency program and educational requirements for dual registration.

Sections 22, 23, 24, and 25: Massage Therapy and Massage Establishments

The bill amends the definition of "apprentice" in s. 480.033(5), F.S., to eliminate the statutory authority for massage therapy apprenticeships, except for apprentices studying colonic

hydrotherapy. The bill allows apprentices licensed before July 1, 2018, to maintain their apprentice license until its expiration date, but no later than July 1, 2021, and to qualify for licensure based on that apprenticeship.

The bill amends s. 480.041, F.S., to specify that the licensure examination is a national examination designated by the BMT, not an examination administered by the board. The bill repeals s. 480.042, F.S., relating to a massage therapy examination by the board, which is obsolete.

The bill amends s. 480.046(3), F.S., to strengthen the grounds for disciplinary action by the BMT against a licensed massage establishment to include actions by an owner or a repeat offender.

The bill adds:

- That an establishment license may also be suspended or revoked, or a subsequent license application denied, if the owner or therapists at the massage establishment have cumulatively committed three or more crimes in any jurisdiction related to prostitution, as defined in s. 796.07, F.S.;
- That an establishment disciplined under s. 480.046(3), F.S., cannot apply for re-licensure unless there is a change of ownership; and
- That the board may deny the license of an establishment if its owner has previously had a license revoked under s. 480.046(3), F.S.

The DOH may not issue a license to an establishment disciplined under this provision unless there is change of ownership.

Sections 26, 27, and 28: Psychology

The bill amends s. 490.003, F.S., to eliminate outdated language in s. 490.003(3)(a), F.S.

The bill amends and renumbers s. 490.003(3)(b), F.S., to delete the generic reference to programs accredited by an agency recognized and approved by the U.S. Department of Education, and inserts a specific reference to the American Psychological Association (APA), which is the only accrediting agency recognized by the U.S. Department of Education to provide programmatic accreditation for doctoral psychology programs. A specific reference to the APA clarifies current education requirements but does not impose any new requirements.

The bill amends s. 490.005, F.S., relating to licensure by examination for psychologists. The bill eliminates the specific reference to Canada, which will allow applicants who obtained their education outside the U.S. to demonstrate they have an education comparable to an APA program.

The bill removes outdated language referencing an augmented or comparable doctoral education pathway. The ability of applicants who obtained their degree in the United States, to augment an insufficient degree or show comparability to an APA accredited program, is no longer available.

The bill eliminates an outdated reference to the school psychology educational accrediting agency, the Commission on Recognition of Postsecondary Accreditation, and updates the reference with the successor agency, the Council for Higher Education Accreditation.

The bill amends s. 490.006, F.S., relating to a psychologist licensure by endorsement, to eliminate the requirement that the licensing provisions of the other state must have been substantially equivalent to, or more stringent than, those of either the law in Florida at the time the applicant obtained an out-of-state license or the current Florida law. The bill reduces from 20 years of licensed psychology experience to 10 years of experience, within the 25 years preceding the date of application. Licensure of qualified applicants will be expedited by amending these provisions.

Sections 29, 30, 31, 32, 33, and 34: Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

The bill amends s. 491.0045, F.S., to clarify conflicting language passed in the same legislative session to permit the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling to make a one-time exception for an additional intern registration. For an intern seeking a second registration after March 31, 2022, that board may grant an additional intern registration in emergency or hardship cases, as defined by rule, if the candidate has passed the theory and practice examination described in ss. 491.055(1)(d), (3)(d), and (4)(d), F.S.

The bill amends s. 491.005(3), F.S., relating to licensure by examination for marriage and family therapists, to require:

- A master's degree with major emphasis in marriage and family therapy from a program accredited by the Commission of Accreditation for Marriage and Family Therapy Education; or,
- A master's degree with major emphasis in marriage and family therapy from a Florida university program accredited by the Counseling and Related Education Program.

The bill eliminates the requirement for marriage and family therapists to complete 12 specific content areas and 180 practicum hours. This change will simplify the education review process, eliminate the course requirement review, and expedite licensure.

The bill amends s. 491.005(3)(c), F.S., to correct a technical discrepancy in the number of years of clinical experience required for a marriage and family therapist applicant from three years to two years.

The bill amends s. 491.005(4), F.S., relating to mental health counseling applicants, to update the name of the examination to be taken by a mental health counselor applicant. The bill amends s. 491.005(4)(b)1.c., F.S., to reduce the number of practicum, internship, or field experience hours for those applicants who graduated from a non-CACREP accredited program, from 1,000 hours to 700 hours, bringing them in line with graduates from CACREP accredited programs. Amending this provision promotes regulatory efficiency and makes licensure requirements more balanced between the two programs.

The bill amends s. 491.006, F.S., relating to licensure, or certification by endorsement, for applicants for licensure in clinical social work, marriage and family therapy, or mental health counseling. The bill removes the requirement for endorsement applicants to meet the same educational requirements required of new applicants, provided the applicant for endorsement

meets the requirement to have an active, valid license and has actively practiced the profession in another state for three of the last five years. Amending this provision will increase licensure portability for applicants applying by endorsement for licensure as marriage and family therapists in Florida.

The bill amends s. 491.007, F.S., relating to renewal of a license, registration, or certificate, to delete obsolete rulemaking authority regarding intern registration renewal.

The bill amends s. 491.009(2), F.S., to delete an inaccurate reference to psychologists who are licensed under ch. 490, F.S., and to add the profession of certified master social worker that is licensed under ch. 491, F.S. The bill corrects reference to whether it is the board or the DOH with authority to take disciplinary action for certain violations. By adding certified master social worker to this provision, it gives the DOH authority to enter an order denying licensure to a certified master social worker or imposing discipline against any certified master social worker who is found guilty of violating any provision in ch. 491, F.S.

The bill makes additional technical amendments to ss. 491.0046 and 945.42, F.S., to conform cross-references.

Section 35

The bill makes a technical change to s. 945.42, F.S., to conform the definition of psychological professional in cross-references.

Section 36 provides an effective date of July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has an insignificant negative impact on state revenues and expenditures. The deregulation of chiropractic assistants will result in an insignificant negative impact on state revenues associated with the licensure of chiropractic assistants, which will be offset by the reduction in expenditures associated with regulating chiropractic assistants. The Department of Health (DOH) will experience an increase in workload associated with rulemaking activities required in the bill. These costs can be absorbed within existing resources of the DOH.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 381.4018, 456.013, 458.3312, 459.0055, 464.019, 464.202, 464.203, 464.204, 466.006, 466.00673, 466.007, 466.017, 466.031, 466.036, 468.701, 468.707, 468.711, 468.713, 468.723, 468.803, 480.033, 480.041, 480.046, 490.003, 490.005, 490.006, 491.0045, 491.005, 491.006, 491.007, 491.009, 491.0046, and 945.42.

This bill repeals the following sections of the Florida Statutes: 460.4166 and 480.042.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriations on March 7, 2019:

The committee substitute:

- Deletes the revision of s. 460.408, F.S., defining a chiropractic “contact classroom hour” and provisions authorizing that up to 10 hours of required chiropractic continuing education could be completed online in lieu of contact classroom hours;
- Extends the future repeal of the health access dental license to January 1, 2025;

- Authorizes an employee or independent contractor of a dental laboratory, acting as an agent of that dental laboratory, to engage in onsite consultation with a licensed dentist during a dental procedure; and
- Extends the requirement of the Florida Center for Nursing to provide a report on the availability of nursing programs and production of quality nurses to the Governor, the President of the Senate, and the Speaker of the House of Representatives until January 30, 2025.

CS by Health Policy on February 11, 2019:

The CS removes from the underlying bill the creation of a new type of PA supervising physician for allopathic and osteopathic PAs. The CS also provides that a federally-designated shortage area of the Conrad 30 Waiver Program includes, but is not limited to, medically underserved areas and rural areas.

B. Amendments:

None.

By the Committee on Health Policy; and Senator Harrell

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1 A bill to be entitled
 2 An act relating to the Department of Health; amending
 3 s. 381.4018, F.S.; requiring the Department of Health
 4 to develop strategies to maximize federal-state
 5 partnerships that provide incentives for physicians to
 6 practice in medically underserved or rural areas;
 7 authorizing the department to adopt certain rules;
 8 amending s. 456.013, F.S.; revising health care
 9 practitioner licensure application requirements;
 10 amending s. 458.3312, F.S.; removing a provision
 11 prohibiting a physician from representing himself or
 12 herself as a board-certified specialist in dermatology
 13 unless the recognizing agency is reviewed and
 14 reauthorized on a specified basis by the Board of
 15 Medicine; amending s. 459.0055, F.S.; revising
 16 licensure requirements for a person seeking licensure
 17 or certification as an osteopathic physician; amending
 18 s. 460.408, F.S.; defining the term "contact classroom
 19 hour"; revising provisions relating to continuing
 20 chiropractic education requirements; repealing s.
 21 460.4166, F.S., relating to registered chiropractic
 22 assistants; amending s. 464.202, F.S.; requiring the
 23 Board of Nursing to adopt rules that include
 24 disciplinary procedures and standards of practice for
 25 certified nursing assistants; amending s. 464.203,
 26 F.S.; revising certification requirements for nursing
 27 assistants; amending s. 464.204, F.S.; revising
 28 grounds for board-imposed disciplinary sanctions;
 29 amending s. 466.006, F.S.; revising certain

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30 requirements for examinations to be completed by
 31 applicants seeking dental licensure; amending s.
 32 466.007, F.S.; revising requirements for examinations
 33 of dental hygienists; amending s. 466.017, F.S.;
 34 providing adverse incident reporting requirements;
 35 providing for disciplinary action by the Board of
 36 Dentistry; defining the term "adverse incident";
 37 authorizing the board to adopt rules; amending s.
 38 466.031, F.S.; expanding the definition of the term
 39 "dental laboratory" to include any person, firm, or
 40 corporation that performs an onsite consultation
 41 during dental procedures; amending s. 466.036, F.S.;
 42 revising inspection frequency of dental laboratories
 43 during a specified period; amending s. 468.701, F.S.;
 44 revising the definition of the term "athletic trainer"
 45 for the purpose of relocating an existing requirement;
 46 amending s. 468.707, F.S.; revising athletic trainer
 47 licensure requirements; amending s. 468.711, F.S.;
 48 requiring certain licensees to maintain certification
 49 in good standing without lapse to renew their athletic
 50 trainer license; amending s. 468.713, F.S.; requiring
 51 that an athletic trainer work within a specified scope
 52 of practice; relocating an existing requirement;
 53 amending s. 468.723, F.S.; requiring the direct
 54 supervision of an athletic training student to be in
 55 accordance with rules adopted by the Board of Athletic
 56 Training; amending s. 468.803, F.S.; revising
 57 orthotic, prosthetic, and pedorthic licensure,
 58 registration, and examination requirements; amending

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59 s. 480.033, F.S.; revising the definition of the term
 60 "apprentice"; amending s. 480.041, F.S.; revising
 61 qualifications for licensure as a massage therapist;
 62 specifying that a massage apprentice who was licensed
 63 before a specified date may continue to perform
 64 massage therapy as authorized under his or her
 65 license; authorizing a massage apprentice to apply for
 66 full licensure upon completion of the apprenticeship
 67 under certain conditions; repealing s. 480.042, F.S.,
 68 relating to examinations for licensure as a massage
 69 therapist; amending s. 480.046, F.S.; revising
 70 instances under which disciplinary action may be taken
 71 against massage establishments; prohibiting certain
 72 massage establishments from applying for relicensure;
 73 providing an exception; amending s. 490.003, F.S.;
 74 revising the definition of the terms "doctoral-level
 75 psychological education" and "doctoral degree in
 76 psychology"; amending s. 490.005, F.S.; revising
 77 requirements for licensure by examination of
 78 psychologists and school psychologists; amending s.
 79 490.006, F.S.; revising requirements for licensure by
 80 endorsement of psychologists and school psychologists;
 81 amending s. 491.0045, F.S.; providing an exemption for
 82 registration requirements for clinical social worker
 83 interns, marriage and family therapist interns, and
 84 mental health counselor interns under certain
 85 circumstances; amending s. 491.005, F.S.; revising
 86 requirements for the licensure by examination of
 87 marriage and family therapists; revising examination

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88 requirements for the licensure by examination of
 89 mental health counselors; amending s. 491.006, F.S.;
 90 revising requirements for licensure by endorsement or
 91 certification for specified professions; amending s.
 92 491.007, F.S.; removing a biennial intern registration
 93 fee; amending s. 491.009, F.S.; authorizing the Board
 94 of Clinical Social Work, Marriage and Family Therapy,
 95 and Mental Health Counseling or, under certain
 96 circumstances, the department to enter an order
 97 denying licensure or imposing penalties against an
 98 applicant for licensure under certain circumstances;
 99 amending ss. 491.0046 and 945.42, F.S.; conforming
 100 cross-references; providing an effective date.
 101
 102 Be It Enacted by the Legislature of the State of Florida:
 103
 104 Section 1. Subsection (3) of section 381.4018, Florida
 105 Statutes, is amended to read:
 106 381.4018 Physician workforce assessment and development.—
 107 (3) GENERAL FUNCTIONS.—The department shall maximize the
 108 use of existing programs under the jurisdiction of the
 109 department and other state agencies and coordinate governmental
 110 and nongovernmental stakeholders and resources in order to
 111 develop a state strategic plan and assess the implementation of
 112 such strategic plan. In developing the state strategic plan, the
 113 department shall:
 114 (a) Monitor, evaluate, and report on the supply and
 115 distribution of physicians licensed under chapter 458 or chapter
 116 459. The department shall maintain a database to serve as a

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117 statewide source of data concerning the physician workforce.

118 (b) Develop a model and quantify, on an ongoing basis, the
 119 adequacy of the state's current and future physician workforce
 120 as reliable data becomes available. Such model must take into
 121 account demographics, physician practice status, place of
 122 education and training, generational changes, population growth,
 123 economic indicators, and issues concerning the "pipeline" into
 124 medical education.

125 (c) Develop and recommend strategies to determine whether
 126 the number of qualified medical school applicants who might
 127 become competent, practicing physicians in this state will be
 128 sufficient to meet the capacity of the state's medical schools.
 129 If appropriate, the department shall, working with
 130 representatives of appropriate governmental and nongovernmental
 131 entities, develop strategies and recommendations and identify
 132 best practice programs that introduce health care as a
 133 profession and strengthen skills needed for medical school
 134 admission for elementary, middle, and high school students, and
 135 improve premedical education at the precollege and college level
 136 in order to increase this state's potential pool of medical
 137 students.

138 (d) Develop strategies to ensure that the number of
 139 graduates from the state's public and private allopathic and
 140 osteopathic medical schools is adequate to meet physician
 141 workforce needs, based on the analysis of the physician
 142 workforce data, so as to provide a high-quality medical
 143 education to students in a manner that recognizes the uniqueness
 144 of each new and existing medical school in this state.

145 (e) Pursue strategies and policies to create, expand, and

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146 maintain graduate medical education positions in the state based
 147 on the analysis of the physician workforce data. Such strategies
 148 and policies must take into account the effect of federal
 149 funding limitations on the expansion and creation of positions
 150 in graduate medical education. The department shall develop
 151 options to address such federal funding limitations. The
 152 department shall consider options to provide direct state
 153 funding for graduate medical education positions in a manner
 154 that addresses requirements and needs relative to accreditation
 155 of graduate medical education programs. The department shall
 156 consider funding residency positions as a means of addressing
 157 needed physician specialty areas, rural areas having a shortage
 158 of physicians, and areas of ongoing critical need, and as a
 159 means of addressing the state's physician workforce needs based
 160 on an ongoing analysis of physician workforce data.

161 (f) Develop strategies to maximize federal and state programs
 162 that provide for the use of incentives to attract physicians to
 163 this state or retain physicians within the state. Such
 164 strategies should explore and maximize federal-state
 165 partnerships that provide incentives for physicians to practice
 166 in federally designated shortage areas, in otherwise medically
 167 underserved areas, or in rural areas. Strategies shall also
 168 consider the use of state programs, such as the Medical
 169 Education Reimbursement and Loan Repayment Program pursuant to
 170 s. 1009.65, which provide for education loan repayment or loan
 171 forgiveness and provide monetary incentives for physicians to
 172 relocate to underserved areas of the state.

173 (g) Coordinate and enhance activities relative to physician
 174 workforce needs, undergraduate medical education, graduate

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175 medical education, and reentry of retired military and other
 176 physicians into the physician workforce provided by the Division
 177 of Medical Quality Assurance, area health education center
 178 networks established pursuant to s. 381.0402, and other offices
 179 and programs within the department as designated by the State
 180 Surgeon General.

181 (h) Work in conjunction with and act as a coordinating body
 182 for governmental and nongovernmental stakeholders to address
 183 matters relating to the state's physician workforce assessment
 184 and development for the purpose of ensuring an adequate supply
 185 of well-trained physicians to meet the state's future needs.
 186 Such governmental stakeholders shall include, but need not be
 187 limited to, the State Surgeon General or his or her designee,
 188 the Commissioner of Education or his or her designee, the
 189 Secretary of Health Care Administration or his or her designee,
 190 and the Chancellor of the State University System or his or her
 191 designee, and, at the discretion of the department, other
 192 representatives of state and local agencies that are involved in
 193 assessing, educating, or training the state's current or future
 194 physicians. Other stakeholders shall include, but need not be
 195 limited to, organizations representing the state's public and
 196 private allopathic and osteopathic medical schools;
 197 organizations representing hospitals and other institutions
 198 providing health care, particularly those that currently provide
 199 or have an interest in providing accredited medical education
 200 and graduate medical education to medical students and medical
 201 residents; organizations representing allopathic and osteopathic
 202 practicing physicians; and, at the discretion of the department,
 203 representatives of other organizations or entities involved in

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204 assessing, educating, or training the state's current or future
 205 physicians.

206 (i) Serve as a liaison with other states and federal
 207 agencies and programs in order to enhance resources available to
 208 the state's physician workforce and medical education continuum.

209 (j) Act as a clearinghouse for collecting and disseminating
 210 information concerning the physician workforce and medical
 211 education continuum in this state.

212
 213 The department may adopt rules to implement this subsection,
 214 including rules to establish guidelines to implement the federal
 215 Conrad 30 Waiver Program created under s. 214(1) of the
 216 Immigration and Nationality Act.

217 Section 2. Paragraph (a) of subsection (1) of section
 218 456.013, Florida Statutes, is amended to read:

219 456.013 Department; general licensing provisions.—

220 (1) (a) Any person desiring to be licensed in a profession
 221 within the jurisdiction of the department shall apply to the
 222 department in writing ~~to take the licensure examination~~. The
 223 application shall be made on a form prepared and furnished by
 224 the department. The application form must be available on the
 225 Internet, World Wide Web and the department may accept
 226 electronically submitted applications. The application shall
 227 require the social security number and date of birth of the
 228 applicant, except as provided in paragraphs (b) and (c). The
 229 form shall be supplemented as needed to reflect any material
 230 change in any circumstance or condition stated in the
 231 application which takes place between the initial filing of the
 232 application and the final grant or denial of the license and

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233 which might affect the decision of the department. If an
 234 application is submitted electronically, the department may
 235 require supplemental materials, including an original signature
 236 of the applicant and verification of credentials, to be
 237 submitted in a nonelectronic format. An incomplete application
 238 shall expire 1 year after initial filing. In order to further
 239 the economic development goals of the state, and notwithstanding
 240 any law to the contrary, the department may enter into an
 241 agreement with the county tax collector for the purpose of
 242 appointing the county tax collector as the department's agent to
 243 accept applications for licenses and applications for renewals
 244 of licenses. The agreement must specify the time within which
 245 the tax collector must forward any applications and accompanying
 246 application fees to the department.

247 Section 3. Section 458.3312, Florida Statutes, is amended
 248 to read:

249 458.3312 Specialties.—A physician licensed under this
 250 chapter may not hold himself or herself out as a board-certified
 251 specialist unless the physician has received formal recognition
 252 as a specialist from a specialty board of the American Board of
 253 Medical Specialties or other recognizing agency that has been
 254 approved by the board. However, a physician may indicate the
 255 services offered and may state that his or her practice is
 256 limited to one or more types of services when this accurately
 257 reflects the scope of practice of the physician. A physician may
 258 ~~not hold himself or herself out as a board-certified specialist~~
 259 ~~in dermatology unless the recognizing agency, whether authorized~~
 260 ~~in statute or by rule, is triennially reviewed and reauthorized~~
 261 ~~by the Board of Medicine.~~

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262 Section 4. Subsection (1) of section 459.0055, Florida
 263 Statutes, is amended to read:

264 459.0055 General licensure requirements.—

265 (1) Except as otherwise provided herein, any person
 266 desiring to be licensed or certified as an osteopathic physician
 267 pursuant to this chapter shall:

268 (a) Complete an application form and submit the appropriate
 269 fee to the department;

270 (b) Be at least 21 years of age;

271 (c) Be of good moral character;

272 (d) Have completed at least 3 years of preprofessional
 273 postsecondary education;

274 (e) Have not previously committed any act that would
 275 constitute a violation of this chapter, unless the board
 276 determines that such act does not adversely affect the
 277 applicant's present ability and fitness to practice osteopathic
 278 medicine;

279 (f) Not be under investigation in any jurisdiction for an
 280 act that would constitute a violation of this chapter. If, upon
 281 completion of such investigation, it is determined that the
 282 applicant has committed an act that would constitute a violation
 283 of this chapter, the applicant is ineligible for licensure
 284 unless the board determines that such act does not adversely
 285 affect the applicant's present ability and fitness to practice
 286 osteopathic medicine;

287 (g) Have not had an application for a license to practice
 288 osteopathic medicine denied or a license to practice osteopathic
 289 medicine revoked, suspended, or otherwise acted against by the
 290 licensing authority of any jurisdiction unless the board

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291 determines that the grounds on which such action was taken do
 292 not adversely affect the applicant's present ability and fitness
 293 to practice osteopathic medicine. A licensing authority's
 294 acceptance of a physician's relinquishment of license,
 295 stipulation, consent order, or other settlement, offered in
 296 response to or in anticipation of the filing of administrative
 297 charges against the osteopathic physician, shall be considered
 298 action against the osteopathic physician's license;

299 (h) Not have received less than a satisfactory evaluation
 300 from an internship, residency, or fellowship training program,
 301 unless the board determines that such act does not adversely
 302 affect the applicant's present ability and fitness to practice
 303 osteopathic medicine. Such evaluation shall be provided by the
 304 director of medical education from the medical training
 305 facility;

306 (i) Have met the criteria set forth in s. 459.0075, s.
 307 459.0077, or s. 459.021, whichever is applicable;

308 (j) Submit to the department a set of fingerprints on a
 309 form and under procedures specified by the department, along
 310 with a payment in an amount equal to the costs incurred by the
 311 Department of Health for the criminal background check of the
 312 applicant;

313 (k) Demonstrate that he or she is a graduate of a medical
 314 college recognized and approved by the American Osteopathic
 315 Association;

316 (l) Demonstrate that she or he has successfully completed
 317 an internship or residency ~~a resident internship~~ of not less
 318 than 12 months in a program accredited ~~hospital approved~~ for
 319 this purpose by ~~the Board of Trustees of the American~~

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320 Osteopathic Association or the Accreditation Council for
 321 Graduate Medical Education ~~any other internship program approved~~
 322 ~~by the board upon a showing of good cause by the applicant.~~ This
 323 requirement may be waived for an applicant who matriculated in a
 324 college of osteopathic medicine during or before 1948; and

325 (m) Demonstrate that she or he has obtained a passing
 326 score, as established by rule of the board, on all parts of the
 327 examination conducted by the National Board of Osteopathic
 328 Medical Examiners or other examination approved by the board no
 329 more than 5 years before making application in this state or, if
 330 holding a valid active license in another state, that the
 331 initial licensure in the other state occurred no more than 5
 332 years after the applicant obtained a passing score on the
 333 examination conducted by the National Board of Osteopathic
 334 Medical Examiners or other substantially similar examination
 335 approved by the board.

336 Section 5. Subsection (1) of section 460.408, Florida
 337 Statutes, is amended to read:

338 460.408 Continuing chiropractic education.—

339 (1) The board shall require licensees to periodically
 340 demonstrate their professional competence as a condition of
 341 renewal of a license by completing up to 40 contact classroom
 342 hours of continuing education. For purposes of this subsection,
 343 the term "contact classroom hour" means a presentation in which
 344 the persons presenting and the persons attending the course are
 345 present on site. Up to 10 general credit continuing education
 346 hours may be completed online in place of contact classroom
 347 hours, as determined by board rule. Online continuing education
 348 courses must be competency-based and must use the Shareable

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349 Content Objective Reference Model standard or more stringent
 350 standards, as determined by the board.

351 (a) Continuing education courses sponsored by chiropractic
 352 colleges whose graduates are eligible for examination under ~~any~~
 353 ~~provision of~~ this chapter may be approved upon review by the
 354 board if all other requirements of board rules setting forth
 355 criteria for course approval are met.

356 (b) The board shall approve those courses that build upon
 357 the basic courses required for the practice of chiropractic
 358 medicine, and ~~the board~~ may also approve courses in adjunctive
 359 modalities. Courses that consist of instruction in the use,
 360 application, prescription, recommendation, or administration of
 361 a specific company's brand of products or services are not
 362 eligible for approval.

363 Section 6. Section 460.4166, Florida Statutes, is repealed.

364 Section 7. Section 464.202, Florida Statutes, is amended to
 365 read:

366 464.202 Duties and powers of the board.—The board shall
 367 maintain, or contract with or approve another entity to
 368 maintain, a state registry of certified nursing assistants. The
 369 registry must consist of the name of each certified nursing
 370 assistant in this state; other identifying information defined
 371 by board rule; certification status; the effective date of
 372 certification; other information required by state or federal
 373 law; information regarding any crime or any abuse, neglect, or
 374 exploitation as provided under chapter 435; and any disciplinary
 375 action taken against the certified nursing assistant. The
 376 registry shall be accessible to the public, the
 377 certificateholder, employers, and other state agencies. The

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378 board shall adopt by rule testing procedures for use in
 379 certifying nursing assistants and shall adopt rules regulating
 380 the practice of certified nursing assistants, including
 381 disciplinary procedures and standards of practice, and
 382 specifying the scope of practice authorized and the level of
 383 supervision required for the practice of certified nursing
 384 assistants. The board may contract with or approve another
 385 entity or organization to provide the examination services,
 386 including the development and administration of examinations.
 387 The board shall require that the contract provider offer
 388 certified nursing assistant applications via the Internet, and
 389 may require the contract provider to accept certified nursing
 390 assistant applications for processing via the Internet. The
 391 board shall require the contract provider to provide the
 392 preliminary results of the certified nursing examination on the
 393 date the test is administered. The provider shall pay all
 394 reasonable costs and expenses incurred by the board in
 395 evaluating the provider's application and performance during the
 396 delivery of services, including examination services and
 397 procedures for maintaining the certified nursing assistant
 398 registry.

399 Section 8. Paragraph (c) of subsection (1) of section
 400 464.203, Florida Statutes, is amended to read:

401 464.203 Certified nursing assistants; certification
 402 requirement.—

403 (1) The board shall issue a certificate to practice as a
 404 certified nursing assistant to any person who demonstrates a
 405 minimum competency to read and write and successfully passes the
 406 required background screening pursuant to s. 400.215. If the

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407 person has successfully passed the required background screening
 408 pursuant to s. 400.215 or s. 408.809 within 90 days before
 409 applying for a certificate to practice and the person's
 410 background screening results are not retained in the
 411 clearinghouse created under s. 435.12, the board shall waive the
 412 requirement that the applicant successfully pass an additional
 413 background screening pursuant to s. 400.215. The person must
 414 also meet one of the following requirements:

415 (c) Is currently certified in another state or territory of
 416 the United States or in the District of Columbia; is listed on
 417 that jurisdiction's state's certified nursing assistant
 418 registry; and has not been found to have committed abuse,
 419 neglect, or exploitation in that jurisdiction state.

420 Section 9. Paragraph (b) of subsection (1) of section
 421 464.204, Florida Statutes, is amended to read:

422 464.204 Denial, suspension, or revocation of certification;
 423 disciplinary actions.-

424 (1) The following acts constitute grounds for which the
 425 board may impose disciplinary sanctions as specified in
 426 subsection (2):

427 (b) ~~Intentionally~~ Violating any provision of this chapter,
 428 chapter 456, or the rules adopted by the board.

429 Section 10. Paragraph (b) of subsection (3) and subsection
 430 (4) of section 466.006, Florida Statutes, are amended to read:

431 466.006 Examination of dentists.-

432 (3) If an applicant is a graduate of a dental college or
 433 school not accredited in accordance with paragraph (2)(b) or of
 434 a dental college or school not approved by the board, the
 435 applicant is not entitled to take the examinations required in

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436 this section to practice dentistry until she or he satisfies one
 437 of the following:

438 (b) Submits proof of having successfully completed at least
 439 2 consecutive academic years at a full-time supplemental general
 440 dentistry program accredited by the American Dental Association
 441 Commission on Dental Accreditation. This program must provide
 442 didactic and clinical education at the level of a D.D.S. or
 443 D.M.D. program accredited by the American Dental Association
 444 Commission on Dental Accreditation. For purposes of this
 445 paragraph, a supplemental general dentistry program does not
 446 include an advanced education program in a dental specialty.

447 (4) Notwithstanding any other provision of law in chapter
 448 456 pertaining to the clinical dental licensure examination or
 449 national examinations, to be licensed as a dentist in this
 450 state, an applicant must successfully complete both of the
 451 following:

452 (a) A written examination on the laws and rules of the
 453 state regulating the practice of dentistry.~~+~~

454 (b)~~+~~ A practical or clinical examination, which must shall
 455 be the American Dental Licensing Examination produced by the
 456 American Board of Dental Examiners, Inc., or its successor
 457 entity, if any, that is administered in this state ~~and graded by~~
 458 ~~dentists licensed in this state and employed by the department~~
 459 ~~for just such purpose~~, provided that the board has attained, and
 460 continues to maintain thereafter, representation on the board of
 461 directors of the American Board of Dental Examiners, the
 462 examination development committee of the American Board of
 463 Dental Examiners, and such other committees of the American
 464 Board of Dental Examiners as the board deems appropriate by rule

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465 to assure that the standards established herein are maintained
 466 organizationally. A passing score on the American Dental
 467 Licensing Examination administered in this state ~~and graded by~~
 468 ~~dentists who are licensed in this state~~ is valid for 365 days
 469 after the date the official examination results are published.

470 1.2-a. As an alternative to such practical or clinical
 471 examination ~~the requirements of subparagraph 1.~~, an applicant
 472 may submit scores from an American Dental Licensing Examination
 473 previously administered in a jurisdiction other than this state
 474 after October 1, 2011, and such examination results shall be
 475 recognized as valid for the purpose of licensure in this state.
 476 A passing score on the American Dental Licensing Examination
 477 administered out-of-state shall be the same as the passing score
 478 for the American Dental Licensing Examination administered in
 479 this state ~~and graded by dentists who are licensed in this~~
 480 ~~state~~. The examination results are valid for 365 days after the
 481 date the official examination results are published. The
 482 applicant must have completed the examination after October 1,
 483 2011.

484 ~~b.~~ This subparagraph may not be given retroactive
 485 application.

486 2.3- If the date of an applicant's passing American Dental
 487 Licensing Examination scores from an examination previously
 488 administered in a jurisdiction other than this state under
 489 subparagraph 1. ~~subparagraph 2.~~ is older than 365 days, ~~then~~
 490 such scores are ~~shall~~ nevertheless ~~be recognized as~~ valid for
 491 the purpose of licensure in this state, but only if the
 492 applicant demonstrates that all of the following additional
 493 standards have been met:

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494 a.~~(I)~~ The applicant completed the American Dental Licensing
 495 Examination after October 1, 2011.

496 ~~(II)~~ This sub-subparagraph may not be given retroactive
 497 application;

498 b. The applicant graduated from a dental school accredited
 499 by the American Dental Association Commission on Dental
 500 Accreditation or its successor entity, if any, or any other
 501 dental accrediting organization recognized by the United States
 502 Department of Education. Provided, however, if the applicant did
 503 not graduate from such a dental school, the applicant may submit
 504 proof of having successfully completed a full-time supplemental
 505 general dentistry program accredited by the American Dental
 506 Association Commission on Dental Accreditation of at least 2
 507 consecutive academic years at such accredited sponsoring
 508 institution. Such program must provide didactic and clinical
 509 education at the level of a D.D.S. or D.M.D. program accredited
 510 by the American Dental Association Commission on Dental
 511 Accreditation. For purposes of this paragraph, a supplemental
 512 general dentistry program does not include an advanced education
 513 program in a dental specialty;

514 c. The applicant currently possesses a valid and active
 515 dental license in good standing, with no restriction, which has
 516 never been revoked, suspended, restricted, or otherwise
 517 disciplined, from another state or territory of the United
 518 States, the District of Columbia, or the Commonwealth of Puerto
 519 Rico;

520 d. The applicant submits proof that he or she has never
 521 been reported to the National Practitioner Data Bank, the
 522 Healthcare Integrity and Protection Data Bank, or the American

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523 Association of Dental Boards Clearinghouse. This sub-
 524 subparagraph does not apply if the applicant successfully
 525 appealed to have his or her name removed from the data banks of
 526 these agencies;

527 e. (I) ~~(A) In the 5 years immediately preceding the date of~~
 528 ~~application for licensure in this state,~~ The applicant submits
 529 ~~must submit~~ proof of having been consecutively engaged in the
 530 full-time practice of dentistry in another state or territory of
 531 the United States, the District of Columbia, or the Commonwealth
 532 of Puerto Rico in the 5 years immediately preceding the date of
 533 application for licensure in this state;~~7 or~~

534 (B) If the applicant has been licensed in another state or
 535 territory of the United States, the District of Columbia, or the
 536 Commonwealth of Puerto Rico for less than 5 years, the applicant
 537 submits ~~must submit~~ proof of having been engaged in the full-
 538 time practice of dentistry since the date of his or her initial
 539 licensure.

540 (II) As used in this section, "full-time practice" is
 541 defined as a minimum of 1,200 hours per year for each and every
 542 year in the consecutive 5-year period or, where applicable, the
 543 period since initial licensure, and must include any combination
 544 of the following:

545 (A) Active clinical practice of dentistry providing direct
 546 patient care.

547 (B) Full-time practice as a faculty member employed by a
 548 dental or dental hygiene school approved by the board or
 549 accredited by the American Dental Association Commission on
 550 Dental Accreditation.

551 (C) Full-time practice as a student at a postgraduate

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552 dental education program approved by the board or accredited by
 553 the American Dental Association Commission on Dental
 554 Accreditation.

555 (III) The board shall develop rules to determine what type
 556 of proof of full-time practice is required and to recoup the
 557 cost to the board of verifying full-time practice under this
 558 section. Such proof must, at a minimum, be:

559 (A) Admissible as evidence in an administrative proceeding;

560 (B) Submitted in writing;

561 (C) Submitted by the applicant under oath with penalties of
 562 perjury attached;

563 (D) Further documented by an affidavit of someone unrelated
 564 to the applicant who is familiar with the applicant's practice
 565 and testifies with particularity that the applicant has been
 566 engaged in full-time practice; and

567 (E) Specifically found by the board to be both credible and
 568 admissible.

569 (IV) An affidavit of only the applicant is not acceptable
 570 proof of full-time practice unless it is further attested to by
 571 someone unrelated to the applicant who has personal knowledge of
 572 the applicant's practice. If the board deems it necessary to
 573 assess credibility or accuracy, the board may require the
 574 applicant or the applicant's witnesses to appear before the
 575 board and give oral testimony under oath;

576 f. The applicant submits ~~must submit~~ documentation that he
 577 or she has completed, or will complete, prior to licensure in
 578 this state, continuing education equivalent to this state's
 579 requirements for the last full reporting biennium;

580 g. The applicant proves ~~must prove~~ that he or she has never

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581 been convicted of, or pled nolo contendere to, regardless of
582 adjudication, any felony or misdemeanor related to the practice
583 of a health care profession in any jurisdiction;

584 h. The applicant ~~has must~~ successfully passed ~~pass~~ a
585 written examination on the laws and rules of this state
586 regulating the practice of dentistry and ~~must successfully pass~~
587 the computer-based diagnostic skills examination; and

588 i. The applicant ~~submits must submit~~ documentation that he
589 or she has successfully completed the applicable examination
590 administered by the Joint Commission on National Dental
591 Examinations or its successor organization National Board of
592 Dental Examiners dental examination.

593 Section 11. Paragraph (b) of subsection (4) and paragraph
594 (a) of subsection (6) of section 466.007, Florida Statutes, are
595 amended to read:

596 466.007 Examination of dental hygienists.—

597 (4) Effective July 1, 2012, to be licensed as a dental
598 hygienist in this state, an applicant must successfully complete
599 the following:

600 (b) A practical or clinical examination approved by the
601 board. The examination shall be the Dental Hygiene Examination
602 produced by the American Board of Dental Examiners, Inc. (ADEX)
603 or its successor entity, if any, if the board finds that the
604 successor entity's clinical examination meets or exceeds the
605 provisions of this section. The board shall approve the ADEX
606 Dental Hygiene Examination if the board has attained and
607 continues to maintain representation on the ADEX House of
608 Representatives, the ADEX Dental Hygiene Examination Development
609 Committee, and such other ADEX Dental Hygiene committees as the

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610 board deems appropriate through rulemaking to ensure that the
611 standards established in this section are maintained
612 organizationally. The ADEX Dental Hygiene Examination or the
613 examination produced by its successor entity is a comprehensive
614 examination in which an applicant must demonstrate skills within
615 the dental hygiene scope of practice on a live patient and any
616 other components that the board deems necessary for the
617 applicant to successfully demonstrate competency for the purpose
618 of licensure. ~~The ADEX Dental Hygiene Examination or the~~
619 ~~examination by the successor entity administered in this state~~
620 ~~shall be graded by dentists and dental hygienists licensed in~~
621 ~~this state who are employed by the department for this purpose.~~

622 (6) (a) A passing score on the ADEX Dental Hygiene
623 Examination administered out of state must ~~shall~~ be considered
624 the same as a passing score for the ADEX Dental Hygiene
625 Examination administered in this state ~~and graded by licensed~~
626 ~~dentists and dental hygienists.~~

627 Section 12. Subsections (9) through (15) are added to
628 section 466.017, Florida Statutes, to read:

629 466.017 Prescription of drugs; anesthesia.—

630 (9) Any adverse incident that occurs in an office
631 maintained by a dentist must be reported to the department. The
632 required notification to the department must be submitted in
633 writing by certified mail and postmarked within 48 hours after
634 the incident occurs.

635 (10) A dentist practicing in this state must notify the
636 board in writing by certified mail within 48 hours after any
637 adverse incident that occurs in the dentist's outpatient
638 facility. A complete written report must be filed with the board

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639 within 30 days after the incident occurs.

640 (11) Any certified registered dental hygienist
 641 administering local anesthesia must notify the board in writing
 642 by registered mail within 48 hours of any adverse incident that
 643 was related to or the result of the administration of local
 644 anesthesia. A complete written report must be filed with the
 645 board within 30 days after the mortality or other adverse
 646 incident.

647 (12) A failure by the dentist or dental hygienist to timely
 648 and completely comply with all the reporting requirements in
 649 this section is the basis for disciplinary action by the board
 650 pursuant to s. 466.028(1).

651 (13) The department shall review each adverse incident and
 652 determine whether it involved conduct by a health care
 653 professional subject to disciplinary action, in which case s.
 654 456.073 applies. Disciplinary action, if any, shall be taken by
 655 the board under which the health care professional is licensed.

656 (14) As used in subsections (9)-(13), the term "adverse
 657 incident" means any mortality that occurs during or as the
 658 result of a dental procedure, or an incident that results in a
 659 temporary or permanent physical or mental injury that requires
 660 hospitalization or emergency room treatment of a dental patient
 661 which occurs during or as a direct result of the use of general
 662 anesthesia, deep sedation, moderate sedation, pediatric moderate
 663 sedation, oral sedation, minimal sedation (anxiolysis), nitrous
 664 oxide, or local anesthesia.

665 (15) The board may adopt rules to administer this section.

666 Section 13. Section 466.031, Florida Statutes, is amended
 667 to read:

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668 466.031 "Dental laboratory" defined.—As used in this
 669 chapter, the term "dental laboratory" as used in this chapter.

670 ~~(1)~~ includes any person, firm, or corporation that ~~who~~
 671 performs for a fee of any kind, gratuitously, or otherwise,
 672 directly or through an agent or an employee, by any means or
 673 method, or ~~who in any way~~ supplies or manufactures artificial
 674 substitutes for the natural teeth; ~~or who~~ furnishes, supplies,
 675 constructs, or reproduces or repairs any prosthetic denture,
 676 bridge, or appliance to be worn in the human mouth; provides
 677 onsite consultation during dental procedures; ~~or who~~ in any way
 678 represents ~~holds~~ itself ~~out~~ as a dental laboratory.

679 ~~(2)~~ The term does not include a ~~Excludes~~ any dental
 680 laboratory technician who constructs or repairs dental
 681 prosthetic appliances in the office of a licensed dentist
 682 exclusively for that ~~such~~ dentist ~~only~~ and under her or his
 683 supervision and work order.

684 Section 14. Section 466.036, Florida Statutes, is amended
 685 to read:

686 466.036 Information; periodic inspections; equipment and
 687 supplies.—The department may require from the applicant for a
 688 registration certificate to operate a dental laboratory any
 689 information necessary to carry out the purpose of this chapter,
 690 including proof that the applicant has the equipment and
 691 supplies necessary to operate as determined by rule of the
 692 department, and shall require periodic inspection of all dental
 693 laboratories operating in this state at least once each biennial
 694 registration period. Such inspections must ~~shall~~ include, but
 695 need not be limited to, inspection of sanitary conditions,
 696 equipment, supplies, and facilities on the premises. The

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697 department shall specify dental equipment and supplies that are
698 not ~~allowed permitted~~ in a registered dental laboratory.

699 Section 15. Subsection (1) of section 468.701, Florida
700 Statutes, is amended to read:

701 468.701 Definitions.—As used in this part, the term:

702 (1) "Athletic trainer" means a person licensed under this
703 part who has met the requirements of under this part, including
704 the education requirements established as set forth by the
705 Commission on Accreditation of Athletic Training Education or
706 its successor organization and necessary credentials from the
707 Board of Certification. ~~An individual who is licensed as an~~
708 ~~athletic trainer may not provide, offer to provide, or represent~~
709 ~~that he or she is qualified to provide any care or services that~~
710 ~~he or she lacks the education, training, or experience to~~
711 ~~provide, or that he or she is otherwise prohibited by law from~~
712 ~~providing.~~

713 Section 16. Section 468.707, Florida Statutes, is amended
714 to read:

715 468.707 Licensure requirements.—Any person desiring to be
716 licensed as an athletic trainer shall apply to the department on
717 a form approved by the department. An applicant shall also
718 provide records or other evidence, as determined by the board,
719 to prove he or she has met the requirements of this section. The
720 department shall license each applicant who:

721 (1) Has completed the application form and remitted the
722 required fees.

723 (2) ~~For a person who applies on or after July 1, 2016,~~ Has
724 submitted to background screening pursuant to s. 456.0135. The
725 board may require a background screening for an applicant whose

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726 license has expired or who is undergoing disciplinary action.

727 (3) (a) Has obtained, at a minimum, a baccalaureate ~~or~~
728 ~~higher~~ degree from a college or university professional athletic
729 training degree program accredited by the Commission on
730 Accreditation of Athletic Training Education or its successor
731 organization recognized and approved by the United States
732 Department of Education or the Commission on Recognition of
733 Postsecondary Accreditation, approved by the board, or
734 recognized by the Board of Certification, and has passed the
735 national examination to be certified by the Board of
736 Certification; ~~or-~~

737 (b)(4) Has obtained, at a minimum, a bachelor's degree, has
738 completed the Board of Certification internship requirements,
739 and if graduated before 2004, has a current certification from
740 the Board of Certification.

741 (4)(5) Has current certification in both cardiopulmonary
742 resuscitation and the use of an automated external defibrillator
743 set forth in the continuing education requirements as determined
744 by the board pursuant to s. 468.711.

745 (5)(6) Has completed any other requirements as determined
746 by the department and approved by the board.

747 Section 17. Subsection (3) of section 468.711, Florida
748 Statutes, is amended to read:

749 468.711 Renewal of license; continuing education.—

750 (3) If initially licensed after January 1, 1998, the
751 licensee must be currently certified by the Board of
752 Certification or its successor agency and maintain that
753 certification in good standing without lapse.

754 Section 18. Section 468.713, Florida Statutes, is amended

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755 to read:

756 468.713 Responsibilities of athletic trainers.—

757 (1) An athletic trainer shall practice under the direction
 758 of a physician licensed under chapter 458, chapter 459, chapter
 759 460, or otherwise authorized by Florida law to practice
 760 medicine. The physician shall communicate his or her direction
 761 through oral or written prescriptions or protocols as deemed
 762 appropriate by the physician for the provision of services and
 763 care by the athletic trainer. An athletic trainer shall provide
 764 service or care in the manner dictated by the physician.

765 (2) An athletic trainer shall work within his or her
 766 allowable scope of practice as specified in board rule under s.
 767 468.705. An athletic trainer may not provide, offer to provide,
 768 or represent that he or she is qualified to provide any care or
 769 services that he or she lacks the education, training, or
 770 experience to provide, or that he or she is otherwise prohibited
 771 by law from providing.

772 Section 19. Subsection (2) of section 468.723, Florida
 773 Statutes, is amended to read:

774 468.723 Exemptions.—This part does not prohibit prevent or
 775 restrict:

776 (2) An athletic training student acting under the direct
 777 supervision of a licensed athletic trainer. For purposes of this
 778 subsection, "direct supervision" means the physical presence of
 779 an athletic trainer so that the athletic trainer is immediately
 780 available to the athletic training student and able to intervene
 781 on behalf of the athletic training student. The supervision must
 782 comply with board rule in accordance with the standards set
 783 forth by the Commission on Accreditation of Athletic Training

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784 ~~Education or its successor.~~

785 Section 20. Subsections (1), (3), and (4) of section
 786 468.803, Florida Statutes, are amended to read:

787 468.803 License, registration, and examination
 788 requirements.—

789 (1) The department shall issue a license to practice
 790 orthotics, prosthetics, or pedorthics, or a registration for a
 791 resident to practice orthotics or prosthetics, to qualified
 792 applicants. Licenses to practice shall be granted independently
 793 in orthotics, prosthetics, or pedorthics shall be granted
 794 independently, but a person may be licensed in more than one
 795 such discipline, and a prosthetist-orthotist license may be
 796 granted to persons meeting the requirements for licensure both
 797 as a prosthetist and as an orthotist license. Registrations to
 798 practice shall be granted independently in orthotics or
 799 prosthetics shall be granted independently, and a person may be
 800 registered in both disciplines fields at the same time or
 801 jointly in orthotics and prosthetics as a dual registration.

802 (3) A person seeking to attain the ~~required~~ orthotics or
 803 prosthetics experience required for licensure in this state must
 804 be approved by the board and registered as a resident by the
 805 department. Although a registration may be held in both
 806 disciplines practice fields, for independent registrations the
 807 board ~~may shall~~ not approve a second registration ~~for until~~ at
 808 least 1 year after the issuance of the first registration.
 809 Notwithstanding subsection (2), a person an applicant who has
 810 been approved by the board and registered by the department in
 811 one discipline practice field may apply for registration in the
 812 second discipline practice field without an additional state or

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813 national criminal history check during the period in which the
 814 first registration is valid. Each independent registration or
 815 dual registration is valid for 2 years after ~~from~~ the date of
 816 issuance unless otherwise revoked by the department upon
 817 recommendation of the board. The board shall set a registration
 818 fee not to exceed \$500 to be paid by the applicant. A
 819 registration may be renewed once by the department upon
 820 recommendation of the board for a period no longer than 1 year,
 821 as such renewal is defined by the board by rule. The
 822 ~~registration~~ renewal fee may ~~shall~~ not exceed one-half the
 823 current registration fee. To be considered by the board for
 824 approval of registration as a resident, the applicant must have
 825 one of the following:

826 (a) A Bachelor of Science or higher-level postgraduate
 827 degree in Orthotics and Prosthetics from a regionally accredited
 828 college or university recognized by the Commission on
 829 Accreditation of Allied Health Education Programs. ~~or, at~~

830 (b) A ~~minimum~~ of a bachelor's degree from a regionally
 831 accredited college or university and a certificate in orthotics
 832 or prosthetics from a program recognized by the Commission on
 833 Accreditation of Allied Health Education Programs, or its
 834 equivalent, as determined by the board. ~~or~~

835 (c) A minimum of a bachelor's degree from a regionally
 836 accredited college or university and a dual certificate in both
 837 orthotics and prosthetics from programs recognized by the
 838 Commission on Accreditation of Allied Health Education Programs,
 839 or its equivalent, as determined by the board.

840 ~~(b) A Bachelor of Science or higher level postgraduate~~
 841 ~~degree in Orthotics and Prosthetics from a regionally accredited~~

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842 ~~college or university recognized by the Commission on~~
 843 ~~Accreditation of Allied Health Education Programs or, at a~~
 844 ~~minimum, a bachelor's degree from a regionally accredited~~
 845 ~~college or university and a certificate in prosthetics from a~~
 846 ~~program recognized by the Commission on Accreditation of Allied~~
 847 ~~Health Education Programs, or its equivalent, as determined by~~
 848 ~~the board.~~

849 (4) The department may develop and administer a state
 850 examination for an orthotist or a prosthetist license, or the
 851 board may approve the existing examination of a national
 852 standards organization. The examination must be predicated on a
 853 minimum of a baccalaureate-level education and formalized
 854 specialized training in the appropriate field. Each examination
 855 must demonstrate a minimum level of competence in basic
 856 scientific knowledge, written problem solving, and practical
 857 clinical patient management. The board shall require an
 858 examination fee not to exceed the actual cost to the board in
 859 developing, administering, and approving the examination, which
 860 fee must be paid by the applicant. To be considered by the board
 861 for examination, the applicant must have:

862 (a) For an examination in orthotics:

863 1. A Bachelor of Science or higher-level postgraduate
 864 degree in Orthotics and Prosthetics from a regionally accredited
 865 college or university recognized by the Commission on
 866 Accreditation of Allied Health Education Programs or, at a
 867 minimum, a bachelor's degree from a regionally accredited
 868 college or university and a certificate in orthotics from a
 869 program recognized by the Commission on Accreditation of Allied
 870 Health Education Programs, or its equivalent, as determined by

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871 the board; and

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

875 (b) For an examination in prosthetics:

876 1. A Bachelor of Science or higher-level postgraduate
877 degree in Orthotics and Prosthetics from a regionally accredited
878 college or university recognized by the Commission on
879 Accreditation of Allied Health Education Programs or, at a
880 minimum, a bachelor's degree from a regionally accredited
881 college or university and a certificate in prosthetics from a
882 program recognized by the Commission on Accreditation of Allied
883 Health Education Programs, or its equivalent, as determined by
884 the board; and

885 2. An approved prosthetics internship of 1 year of
886 qualified experience, as determined by the board, or a
887 prosthetic residency or dual residency program recognized by the
888 board.

889 Section 21. Subsection (5) of section 480.033, Florida
890 Statutes, is amended to read:

891 480.033 Definitions.—As used in this act:

892 (5) "Apprentice" means a person approved by the board to
893 study colonic irrigation ~~massage~~ under the instruction of a
894 licensed massage therapist practicing colonic irrigation.

895 Section 22. Subsections (1) and (2) of section 480.041,
896 Florida Statutes, are amended, and subsection (8) is added to
897 that section, to read:

898 480.041 Massage therapists; qualifications; licensure;
899 endorsement.—

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900 (1) Any person is qualified for licensure as a massage
901 therapist under this act who:

902 (a) Is at least 18 years of age or has received a high
903 school diploma or high school equivalency diploma;

904 (b) Has completed a course of study at a board-approved
905 massage school ~~or has completed an apprenticeship program~~ that
906 meets standards adopted by the board; and

907 (c) Has received a passing grade on a national ~~an~~
908 examination designated ~~administered~~ by the board ~~department~~.

909 (2) Every person desiring to be examined for licensure as a
910 massage therapist shall apply to the department in writing upon
911 forms prepared and furnished by the department. Such applicants
912 are shall be subject to the provisions of s. 480.046(1).

913 ~~Applicants may take an examination administered by the~~
914 ~~department only upon meeting the requirements of this section as~~
915 ~~determined by the board.~~

916 (8) A person issued a license as a massage apprentice
917 before July 1, 2019, may continue that apprenticeship and
918 perform massage therapy as permitted under that license until it
919 expires. Upon completion of the apprenticeship, which must occur
920 before July 1, 2022, a massage apprentice may apply to the board
921 for full licensure and be granted a license if all other
922 applicable licensure requirements are met.

923 Section 23. Section 480.042, Florida Statutes, is repealed.

924 Section 24. Subsection (3) of section 480.046, Florida
925 Statutes, is amended, and subsection (5) is added to that
926 section, to read:

927 480.046 Grounds for disciplinary action by the board.—

928 (3) The board may shall have the power to revoke or suspend

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929 the license of a massage establishment licensed under this act,
 930 or to deny subsequent licensure of such an establishment, if the
 931 establishment is owned by an individual or entity that owned
 932 another establishment whose license was revoked, upon a showing
 933 of proof that, in either of the following cases:

934 (a) ~~The current~~ Upon proof that a license has been obtained
 935 by fraud or misrepresentation.

936 (b) ~~Upon proof that~~ The holder of the a license is guilty
 937 of fraud or deceit or of gross negligence, incompetency, or
 938 misconduct in the operation of the currently licensed
 939 establishment ~~so licensed~~.

940 (c) The owner of the massage establishment or any
 941 individual or individuals providing massage therapy services
 942 within the establishment, in the aggregate or individually, have
 943 had three convictions of, or pleas of guilty or nolo contendere
 944 to, or dismissals of a criminal action after a successful
 945 completion of a pretrial intervention, diversion, or substance
 946 abuse program for any misdemeanor or felony, regardless of
 947 adjudication, a crime in any jurisdiction related to
 948 prostitution and related acts as defined in s. 796.07, which
 949 occurred at or within the currently licensed establishment.

950 (5) An establishment that has been the subject of
 951 disciplinary action under this section may not apply for
 952 relicensure unless there is a change in ownership.

953 Section 25. Subsection (3) of section 490.003, Florida
 954 Statutes, is amended to read:

955 490.003 Definitions.—As used in this chapter:

956 (3)(a) ~~Prior to July 1, 1999, "doctoral-level psychological~~
 957 ~~education" and "doctoral degree in psychology" mean a Psy.D., an~~

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958 Ed.D. in psychology, or a Ph.D. in psychology from:

959 1. ~~An educational institution which, at the time the~~
 960 ~~applicant was enrolled and graduated, had institutional~~
 961 ~~accreditation from an agency recognized and approved by the~~
 962 ~~United States Department of Education or was recognized as a~~
 963 ~~member in good standing with the Association of Universities and~~
 964 ~~Colleges of Canada; and~~

965 2. ~~A psychology program within that educational institution~~
 966 ~~which, at the time the applicant was enrolled and graduated, had~~
 967 ~~programmatic accreditation from an accrediting agency recognized~~
 968 ~~and approved by the United States Department of Education or was~~
 969 ~~comparable to such programs.~~

970 ~~(b)~~ Effective July 1, 1999, "doctoral-level psychological
 971 education" and "doctoral degree in psychology" mean a Psy.D., an
 972 Ed.D. in psychology, or a Ph.D. in psychology from:

973 1. a psychology program within an educational institution
 974 that which, at the time the applicant was enrolled and
 975 graduated, had institutional accreditation from an agency
 976 recognized and approved by the United States Department of
 977 Education or was recognized as a member in good standing with
 978 the Association of Universities and Colleges of Canada. The
 979 psychology program must have had; and

980 2. ~~A psychology program within that educational institution~~
 981 ~~which, at the time the applicant was enrolled and graduated, had~~
 982 ~~programmatic accreditation from the American Psychological~~
 983 ~~Association an agency recognized and approved by the United~~
 984 ~~States Department of Education.~~

985 Section 26. Paragraph (b) of subsection (1) and paragraph
 986 (b) of subsection (2) of section 490.005, Florida Statutes, are

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987 amended to read:

988 490.005 Licensure by examination.—

989 (1) Any person desiring to be licensed as a psychologist
 990 shall apply to the department to take the licensure examination.
 991 The department shall license each applicant who the board
 992 certifies has:

993 (b) Submitted proof satisfactory to the board that the
 994 applicant has:

995 1. Received doctoral-level psychological education, ~~as~~
 996 ~~defined in s. 490.003(3); or~~

997 2. Received the equivalent of a doctoral-level
 998 psychological education, as defined in s. 490.003(3), from a
 999 program at a school or university located outside the United
 1000 States of America ~~and Canada~~, which was officially recognized by
 1001 the government of the country in which it is located as an
 1002 institution or program to train students to practice
 1003 professional psychology. The applicant has the burden of
 1004 establishing that this requirement has the requirements of this
 1005 provision have been met shall be upon the applicant,

1006 ~~3. Received and submitted to the board, prior to July 1,~~
 1007 ~~1999, certification of an augmented doctoral-level psychological~~
 1008 ~~education from the program director of a doctoral-level~~
 1009 ~~psychology program accredited by a programmatic agency~~
 1010 ~~recognized and approved by the United States Department of~~
 1011 ~~Education; or~~

1012 ~~4. Received and submitted to the board, prior to August 31,~~
 1013 ~~2001, certification of a doctoral level program that at the time~~
 1014 ~~the applicant was enrolled and graduated maintained a standard~~
 1015 ~~of education and training comparable to the standard of training~~

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1016 ~~of programs accredited by a programmatic agency recognized and~~
 1017 ~~approved by the United States Department of Education. Such~~
 1018 ~~certification of comparability shall be provided by the program~~
 1019 ~~director of a doctoral-level psychology program accredited by a~~
 1020 ~~programmatic agency recognized and approved by the United States~~
 1021 ~~Department of Education.~~

1022 (2) Any person desiring to be licensed as a school
 1023 psychologist shall apply to the department to take the licensure
 1024 examination. The department shall license each applicant who the
 1025 department certifies has:

1026 (b) Submitted satisfactory proof to the department that the
 1027 applicant:

1028 1. Has received a doctorate, specialist, or equivalent
 1029 degree from a program primarily psychological in nature and has
 1030 completed 60 semester hours or 90 quarter hours of graduate
 1031 study, in areas related to school psychology as defined by rule
 1032 of the department, from a college or university which at the
 1033 time the applicant was enrolled and graduated was accredited by
 1034 an accrediting agency recognized and approved by the Council for
 1035 Higher Education Accreditation or its successor organization
 1036 Commission on Recognition of Postsecondary Accreditation or from
 1037 an institution that which is publicly recognized as a member in
 1038 good standing with the Association of Universities and Colleges
 1039 of Canada.

1040 2. Has had a minimum of 3 years of experience in school
 1041 psychology, 2 years of which must be supervised by an individual
 1042 who is a licensed school psychologist or who has otherwise
 1043 qualified as a school psychologist supervisor, by education and
 1044 experience, as set forth by rule of the department. A doctoral

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1045 internship may be applied toward the supervision requirement.

1046 3. Has passed an examination provided by the department.

1047 Section 27. Subsection (1) of section 490.006, Florida
1048 Statutes, is amended to read:

1049 490.006 Licensure by endorsement.—

1050 (1) The department shall license a person as a psychologist
1051 or school psychologist who, upon applying to the department and
1052 remitting the appropriate fee, demonstrates to the department
1053 or, in the case of psychologists, to the board that the
1054 applicant:

1055 ~~(a) Holds a valid license or certificate in another state~~
1056 ~~to practice psychology or school psychology, as applicable,~~
1057 ~~provided that, when the applicant secured such license or~~
1058 ~~certificate, the requirements were substantially equivalent to~~
1059 ~~or more stringent than those set forth in this chapter at that~~
1060 ~~time; and, if no Florida law existed at that time, then the~~
1061 ~~requirements in the other state must have been substantially~~
1062 ~~equivalent to or more stringent than those set forth in this~~
1063 ~~chapter at the present time;~~

1064 (a) ~~(b)~~ Is a diplomate in good standing with the American
1065 Board of Professional Psychology, Inc.; or

1066 (b) ~~(c)~~ Possesses a doctoral degree in psychology ~~as~~
1067 ~~described in s. 490.003~~ and has at least 10 ~~20~~ years of
1068 experience as a licensed psychologist in any jurisdiction or
1069 territory of the United States within the 25 years preceding the
1070 date of application.

1071 Section 28. Subsection (6) of section 491.0045, Florida
1072 Statutes, as amended by chapter 2016-80 and chapter 2016-241,
1073 Laws of Florida, is amended to read:

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1074 491.0045 Intern registration; requirements.—

1075 (6) A registration issued on or before March 31, 2017,
1076 expires March 31, 2022, and may not be renewed or reissued. Any
1077 registration issued after March 31, 2017, expires 60 months
1078 after the date it is issued. The board may make a one-time
1079 exception from the requirements of this subsection in emergency
1080 or hardship cases, as defined by board rule, if ~~A subsequent~~
1081 ~~intern registration may not be issued unless~~ the candidate has
1082 passed the theory and practice examination described in s.
1083 491.005(1)(d), (3)(d), and (4)(d).

1084 Section 29. Subsections (3) and (4) of section 491.005,
1085 Florida Statutes, are amended to read:

1086 491.005 Licensure by examination.—

1087 (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of
1088 documentation and payment of a fee not to exceed \$200, as set by
1089 board rule, plus the actual cost of ~~to the department for~~ the
1090 purchase of the examination from the Association of Marital and
1091 Family Therapy Regulatory Board, or similar national
1092 organization, the department shall issue a license as a marriage
1093 and family therapist to an applicant who the board certifies:

1094 (a) Has submitted an application and paid the appropriate
1095 fee.

1096 (b)1. Has a minimum of a master's degree with major
1097 emphasis in marriage and family therapy, ~~or a closely related~~
1098 field from a program accredited by the Commission on
1099 Accreditation for Marriage and Family Therapy Education or from
1100 a Florida university program accredited by the Council for
1101 Accreditation of Counseling and Related Educational Programs,
1102 and graduate courses approved by the Board of Clinical Social

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1103 Work, Marriage and Family Therapy, and Mental Health Counseling
 1104 has completed all of the following requirements:
 1105 a. Thirty-six semester hours or 48 quarter hours of
 1106 graduate coursework, which must include a minimum of 3 semester
 1107 hours or 4 quarter hours of graduate level course credits in
 1108 each of the following nine areas: dynamics of marriage and
 1109 family systems; marriage therapy and counseling theory and
 1110 techniques; family therapy and counseling theory and techniques;
 1111 individual human development theories throughout the life cycle;
 1112 personality theory or general counseling theory and techniques;
 1113 psychopathology; human sexuality theory and counseling
 1114 techniques; psychosocial theory; and substance abuse theory and
 1115 counseling techniques. Courses in research, evaluation,
 1116 appraisal, assessment, or testing theories and procedures;
 1117 thesis or dissertation work; or practicums, internships, or
 1118 fieldwork may not be applied toward this requirement.
 1119 b. A minimum of one graduate-level course of 3 semester
 1120 hours or 4 quarter hours in legal, ethical, and professional
 1121 standards issues in the practice of marriage and family therapy
 1122 or a course determined by the board to be equivalent.
 1123 c. A minimum of one graduate-level course of 3 semester
 1124 hours or 4 quarter hours in diagnosis, appraisal, assessment,
 1125 and testing for individual or interpersonal disorder or
 1126 dysfunction; and a minimum of one 3-semester-hour or 4-quarter-
 1127 hour graduate-level course in behavioral research which focuses
 1128 on the interpretation and application of research data as it
 1129 applies to clinical practice. Credit for thesis or dissertation
 1130 work, practicums, internships, or fieldwork may not be applied
 1131 toward this requirement.

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1132 d. A minimum of one supervised clinical practicum,
 1133 internship, or field experience in a marriage and family
 1134 counseling setting, during which the student provided 180 direct
 1135 client contact hours of marriage and family therapy services
 1136 under the supervision of an individual who met the requirements
 1137 for supervision under paragraph (c). This requirement may be met
 1138 by a supervised practice experience which took place outside the
 1139 academic arena, but which is certified as equivalent to a
 1140 graduate-level practicum or internship program which required a
 1141 minimum of 180 direct client contact hours of marriage and
 1142 family therapy services currently offered within an academic
 1143 program of a college or university accredited by an accrediting
 1144 agency approved by the United States Department of Education, or
 1145 an institution which is publicly recognized as a member in good
 1146 standing with the Association of Universities and Colleges of
 1147 Canada or a training institution accredited by the Commission on
 1148 Accreditation for Marriage and Family Therapy Education
 1149 recognized by the United States Department of Education.
 1150 Certification shall be required from an official of such
 1151 college, university, or training institution.
 1152 2. If the course title that which appears on the
 1153 applicant's transcript does not clearly identify the content of
 1154 the coursework, the applicant shall be required to provide
 1155 additional documentation, including, but not limited to, a
 1156 syllabus or catalog description published for the course.
 1157
 1158 The required master's degree must have been received in an
 1159 institution of higher education which, at the time the applicant
 1160 graduated, was fully accredited by a regional accrediting body

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1161 recognized by the Commission on Recognition of Postsecondary
 1162 Accreditation ~~or~~ publicly recognized as a member in good
 1163 standing with the Association of Universities and Colleges of
 1164 Canada~~, or~~ or an institution of higher education located outside
 1165 the United States and Canada~~, which,~~ which, at the time the applicant
 1166 was enrolled and at the time the applicant graduated, maintained
 1167 a standard of training substantially equivalent to the standards
 1168 of training of those institutions in the United States which are
 1169 accredited by a regional accrediting body recognized by the
 1170 Commission on Recognition of Postsecondary Accreditation. Such
 1171 foreign education and training must have been received in an
 1172 institution or program of higher education officially recognized
 1173 by the government of the country in which it is located as an
 1174 institution or program to train students to practice as
 1175 professional marriage and family therapists or psychotherapists.
 1176 The applicant has the burden of establishing that the
 1177 requirements of this provision have been met ~~shall be upon the~~
 1178 ~~applicant,~~ and the board shall require documentation, such as~~,~~
 1179 ~~but not limited to,~~ an evaluation by a foreign equivalency
 1180 determination service, as evidence that the applicant's graduate
 1181 degree program and education were equivalent to an accredited
 1182 program in this country. An applicant with a master's degree
 1183 from a program ~~that which~~ did not emphasize marriage and family
 1184 therapy may complete the coursework requirement in a training
 1185 institution fully accredited by the Commission on Accreditation
 1186 for Marriage and Family Therapy Education recognized by the
 1187 United States Department of Education.

1188 (c) Has had at least 2 years of clinical experience during
 1189 which 50 percent of the applicant's clients were receiving

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1190 marriage and family therapy services, which must be at the post-
 1191 master's level under the supervision of a licensed marriage and
 1192 family therapist with at least 5 years of experience, or the
 1193 equivalent, who is a qualified supervisor as determined by the
 1194 board. An individual who intends to practice in Florida to
 1195 satisfy the clinical experience requirements must register
 1196 pursuant to s. 491.0045 before commencing practice. If a
 1197 graduate has a master's degree with a major emphasis in marriage
 1198 and family therapy or a closely related field which ~~that~~ did not
 1199 include all of the coursework required by subparagraph (b)1.
 1200 ~~under sub-subparagraphs (b)1.a.-e.,~~ credit for the post-master's
 1201 level clinical experience may ~~shall~~ not commence until the
 1202 applicant has completed a minimum of 10 of the courses required
 1203 by subparagraph (b)1. ~~under sub-subparagraphs (b)1.a.-e.,~~ as
 1204 determined by the board, and at least 6 semester hours or 9
 1205 quarter hours of the course credits must have been completed in
 1206 the area of marriage and family systems, theories, or
 1207 techniques. Within the 2 ~~3~~ years of required experience, the
 1208 applicant shall provide direct individual, group, or family
 1209 therapy and counseling~~, to include the following categories of~~
 1210 cases including those involving unmarried dyads, married
 1211 couples, separating and divorcing couples, and family groups
 1212 that include ~~including~~ children. A doctoral internship may be
 1213 applied toward the clinical experience requirement. A licensed
 1214 mental health professional must be on the premises when clinical
 1215 services are provided by a registered intern in a private
 1216 practice setting.

1217 (d) Has passed a theory and practice examination provided
 1218 by the department ~~for this purpose.~~

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1219 (e) Has demonstrated, in a manner designated by board rule
 1220 ~~of the board~~, knowledge of the laws and rules governing the
 1221 practice of clinical social work, marriage and family therapy,
 1222 and mental health counseling.

1223 ~~(f)~~

1224
 1225 For the purposes of dual licensure, the department shall license
 1226 as a marriage and family therapist any person who meets the
 1227 requirements of s. 491.0057. Fees for dual licensure may ~~shall~~
 1228 not exceed those stated in this subsection.

1229 (4) MENTAL HEALTH COUNSELING.—Upon verification of
 1230 documentation and payment of a fee not to exceed \$200, as set by
 1231 board rule, plus the actual per applicant cost of to the
 1232 ~~department for~~ purchase of the examination from the National
 1233 Board for Certified Counselors or its successor Professional
 1234 Examination Service for the National Academy of Certified
 1235 Clinical Mental Health Counselors or a similar national
 1236 organization, the department shall issue a license as a mental
 1237 health counselor to an applicant who the board certifies:

1238 (a) Has submitted an application and paid the appropriate
 1239 fee.

1240 (b)1. Has a minimum of an earned master's degree from a
 1241 mental health counseling program accredited by the Council for
 1242 the Accreditation of Counseling and Related Educational Programs
 1243 that consists of at least 60 semester hours or 80 quarter hours
 1244 of clinical and didactic instruction, including a course in
 1245 human sexuality and a course in substance abuse. If the master's
 1246 degree is earned from a program related to the practice of
 1247 mental health counseling that is not accredited by the Council

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1248 for the Accreditation of Counseling and Related Educational
 1249 Programs, then the coursework and practicum, internship, or
 1250 fieldwork must consist of at least 60 semester hours or 80
 1251 quarter hours and meet all of the following requirements:

1252 a. Thirty-three semester hours or 44 quarter hours of
 1253 graduate coursework, which must include a minimum of 3 semester
 1254 hours or 4 quarter hours of graduate-level coursework in each of
 1255 the following 11 content areas: counseling theories and
 1256 practice; human growth and development; diagnosis and treatment
 1257 of psychopathology; human sexuality; group theories and
 1258 practice; individual evaluation and assessment; career and
 1259 lifestyle assessment; research and program evaluation; social
 1260 and cultural foundations; substance abuse; and legal, ethical,
 1261 and professional standards issues in the practice of mental
 1262 health counseling in community settings; and substance abuse.
 1263 Courses in research, thesis or dissertation work, practicums,
 1264 internships, or fieldwork may not be applied toward this
 1265 requirement.

1266 b. A minimum of 3 semester hours or 4 quarter hours of
 1267 graduate-level coursework addressing diagnostic processes,
 1268 including differential diagnosis and the use of the current
 1269 diagnostic tools, such as the current edition of the American
 1270 Psychiatric Association's Diagnostic and Statistical Manual of
 1271 Mental Disorders. The graduate program must have emphasized the
 1272 common core curricular experience in legal, ethical, and
 1273 professional standards issues in the practice of mental health
 1274 counseling, which includes goals, objectives, and practices of
 1275 professional counseling organizations, codes of ethics, legal
 1276 considerations, standards of preparation, certifications and

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1277 ~~licensing, and the role identity and professional obligations of~~
 1278 ~~mental health counselors. Courses in research, thesis or~~
 1279 ~~dissertation work, practicums, internships, or fieldwork may not~~
 1280 ~~be applied toward this requirement.~~

1281 c. The equivalent, as determined by the board, of at least
 1282 700 ~~1,000~~ hours of university-sponsored supervised clinical
 1283 practicum, internship, or field experience that includes at
 1284 least 280 hours of direct client services, as required in the
 1285 accrediting standards of the Council for Accreditation of
 1286 Counseling and Related Educational Programs for mental health
 1287 counseling programs. This experience may not be used to satisfy
 1288 the post-master's clinical experience requirement.

1289 2. Has provided additional documentation if a ~~the~~ course
 1290 title that ~~which~~ appears on the applicant's transcript does not
 1291 clearly identify the content of the coursework. ~~The applicant~~
 1292 ~~shall be required to provide additional documentation must~~
 1293 include, including, but is not limited to, a syllabus or catalog
 1294 description published for the course.

1295
 1296 Education and training in mental health counseling must have
 1297 been received in an institution of higher education that, which
 1298 at the time the applicant graduated, ~~was~~ fully accredited by a
 1299 regional accrediting body recognized by the Council for Higher
 1300 Education Accreditation or its successor organization or
 1301 ~~Commission on Recognition of Postsecondary Accreditation,~~
 1302 publicly recognized as a member in good standing with the
 1303 Association of Universities and Colleges of Canada, ~~or~~ an
 1304 institution of higher education located outside the United
 1305 States and Canada, ~~which,~~ at the time the applicant was enrolled

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1306 and at the time the applicant graduated, maintained a standard
 1307 of training substantially equivalent to the standards of
 1308 training of those institutions in the United States which are
 1309 accredited by a regional accrediting body recognized by the
 1310 Council for Higher Education Accreditation or its successor
 1311 organization ~~Commission on Recognition of Postsecondary~~
 1312 ~~Accreditation~~. Such foreign education and training must have
 1313 been received in an institution or program of higher education
 1314 officially recognized by the government of the country in which
 1315 it is located as an institution or program to train students to
 1316 practice as mental health counselors. The applicant has the
 1317 burden of establishing that the requirements of this provision
 1318 have been met ~~shall be upon the applicant,~~ and the board shall
 1319 require documentation, such as, ~~but not limited to,~~ an
 1320 evaluation by a foreign equivalency determination service, as
 1321 evidence that the applicant's graduate degree program and
 1322 education were equivalent to an accredited program in this
 1323 country. Beginning July 1, 2024, an applicant must have a
 1324 master's degree from a program that is accredited by the Council
 1325 for Accreditation of Counseling and Related Educational Programs
 1326 which consists of at least 60 semester hours or 80 quarter hours
 1327 to apply for licensure under this paragraph.

1328 (c) Has had at least 2 years of clinical experience in
 1329 mental health counseling, which must be at the post-master's
 1330 level under the supervision of a licensed mental health
 1331 counselor or the equivalent who is a qualified supervisor as
 1332 determined by the board. An individual who intends to practice
 1333 in Florida to satisfy the clinical experience requirements must
 1334 register pursuant to s. 491.0045 before commencing practice. If

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1335 a graduate has a master's degree with a major related to the
 1336 practice of mental health counseling ~~which that~~ did not include
 1337 all the coursework required under sub-subparagraphs (b)1.a. and
 1338 ~~b. (b)1.a.-b.~~, credit for the post-master's level clinical
 1339 experience ~~may shall~~ not commence until the applicant has
 1340 completed a minimum of seven of the courses required under sub-
 1341 subparagraphs (b)1.a. and b. (b)1.a.-b., as determined by the
 1342 board, one of which must be a course in psychopathology or
 1343 abnormal psychology. A doctoral internship may be applied toward
 1344 the clinical experience requirement. A licensed mental health
 1345 professional must be on the premises when clinical services are
 1346 provided by a registered intern in a private practice setting.

1347 (d) Has passed a theory and practice examination provided
 1348 by the department for this purpose.

1349 (e) Has demonstrated, in a manner designated by board rule
 1350 ~~of the board~~, knowledge of the laws and rules governing the
 1351 practice of clinical social work, marriage and family therapy,
 1352 and mental health counseling.

1353 Section 30. Paragraph (b) of subsection (1) of section
 1354 491.006, Florida Statutes, is amended to read:

1355 491.006 Licensure or certification by endorsement.—

1356 (1) The department shall license or grant a certificate to
 1357 a person in a profession regulated by this chapter who, upon
 1358 applying to the department and remitting the appropriate fee,
 1359 demonstrates to the board that he or she:

1360 (b)1. Holds an active valid license to practice and has
 1361 actively practiced the licensed profession ~~for which licensure~~
 1362 ~~is applied~~ in another state for 3 of the last 5 years
 1363 immediately preceding licensure;—

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1364 ~~2. Meets the education requirements of this chapter for the~~
 1365 ~~profession for which licensure is applied.~~

1366 ~~2.3-~~ Has passed a substantially equivalent licensing
 1367 examination in another state or has passed the licensure
 1368 examination in this state in the profession for which the
 1369 applicant seeks licensure; ~~and-~~

1370 ~~3.4-~~ Holds a license in good standing, is not under
 1371 investigation for an act that would constitute a violation of
 1372 this chapter, and has not been found to have committed any act
 1373 that would constitute a violation of this chapter.

1374

1375 The fees paid by any applicant for certification as a master
 1376 social worker under this section are nonrefundable.

1377 Section 31. Subsection (3) of section 491.007, Florida
 1378 Statutes, is amended to read:

1379 491.007 Renewal of license, registration, or certificate.—

1380 ~~(3) The board or department shall prescribe by rule a~~
 1381 ~~method for the biennial renewal of an intern registration at a~~
 1382 ~~fee set by rule, not to exceed \$100.~~

1383 Section 32. Subsection (2) of section 491.009, Florida
 1384 Statutes, is amended to read:

1385 491.009 Discipline.—

1386 (2) The ~~board department,~~ or, in the case of certified
 1387 ~~master social workers psychologists,~~ the department board, may
 1388 enter an order denying licensure or imposing any of the
 1389 penalties authorized in s. 456.072(2) against any applicant for
 1390 licensure or licensee who is found guilty of violating any
 1391 provision of subsection (1) of this section or who is found
 1392 guilty of violating any provision of s. 456.072(1).

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1393 Section 33. Paragraph (c) of subsection (2) of section
 1394 491.0046, Florida Statutes, is amended to read:
 1395 491.0046 Provisional license; requirements.-
 1396 (2) The department shall issue a provisional clinical
 1397 social worker license, provisional marriage and family therapist
 1398 license, or provisional mental health counselor license to each
 1399 applicant who the board certifies has:
 1400 (c) ~~Has~~ Met the following minimum coursework requirements:
 1401 1. For clinical social work, a minimum of 15 semester hours
 1402 or 22 quarter hours of the coursework required by s.
 1403 491.005(1)(b)2.b.
 1404 2. For marriage and family therapy, 10 of the courses
 1405 required by s. 491.005(3)(b)1. ~~s. 491.005(3)(b)1.a. e.~~, as
 1406 determined by the board, and at least 6 semester hours or 9
 1407 quarter hours of the course credits must have been completed in
 1408 the area of marriage and family systems, theories, or
 1409 techniques.
 1410 3. For mental health counseling, a minimum of seven of the
 1411 courses required under s. 491.005(4)(b)1.a.-c.
 1412 Section 34. Subsection (11) of section 945.42, Florida
 1413 Statutes, is amended to read:
 1414 945.42 Definitions; ss. 945.40-945.49.-As used in ss.
 1415 945.40-945.49, the following terms shall have the meanings
 1416 ascribed to them, unless the context shall clearly indicate
 1417 otherwise:
 1418 (11) "Psychological professional" means a behavioral
 1419 practitioner who has an approved doctoral degree in psychology
 1420 as defined in s. 490.003(3) ~~s. 490.003(3)(b)~~ and is employed by
 1421 the department or who is licensed as a psychologist pursuant to

Page 49 of 50

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

588-02318-19 2019188c1

1422 chapter 490.
 1423 Section 35. This act shall take effect July 1, 2019.

Page 50 of 50

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/7

Meeting Date

SB 188

Bill Number (if applicable)

973632

Amendment Barcode (if applicable)

Topic Dept. of Health

Name Alexandra Abboud

Job Title Lobbyist

Address 118 E. Johnson St.
Street

Phone 850-224-1289

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Dental Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/7/19
Meeting Date

SB 188
Bill Number (if applicable)

Topic Dental Laboratories

061862
Amendment Barcode (if applicable)

Name Jillian Heddaew

Job Title Executive Director

Address 325 John Knox Rd Ste 403

Phone 224-0711

Tallahassee FL 32303
City State Zip

Email jillian@executiveoffice.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Dental Laboratory Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/7/19

Meeting Date

SB 188

Bill Number (if applicable)

441862

Amendment Barcode (if applicable)

Topic Dental Laboratories

Name ERIC THORN

Job Title FDLA staff Council

Address 325 JOHN KNOX Rd

Street

Phone 224-0711

Tallahassee FL 32303

City

State

Zip

Email ethorn@executiveoffice.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Amendment

Representing Florida Dental Laboratory Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/7

Meeting Date

SB 188

Bill Number (if applicable)

Topic Dent. of Health bill

661862
Amendment Barcode (if applicable)

Name Alexander Abboud

Job Title Lobbyist

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Street

Phone 850-224-1089

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Dental Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/7/19
Meeting Date

188
Bill Number (if applicable)

Topic DOH

Amendment Barcode (if applicable)

Name Steve Winn

Job Title Exec. Director

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Tallahassee

City

FL

State

32301

Zip

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Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Osteopathic Medical Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-7-2019

Meeting Date

188

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave S.
Street

Phone 727/897-9291

St Petersburg FL 33705
City State Zip

Email justice2jesus@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SPB 7072

INTRODUCER: For consideration by the Appropriations Committee

SUBJECT: Criminal Justice

DATE: March 6, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Jameson	Kynoch		Pre-meeting

I. Summary:

SPB 7072 amends section 394.47891, Florida Statutes, to require the chief judge of each judicial circuit to establish at least one Military Veterans and Servicemembers Court Program (veterans' court). Currently, 16 of the 20 judicial circuits have one or more veterans' courts. These problem-solving courts serve specified veterans who are charged or convicted of a criminal offense and who suffer from a military-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, in a manner that appropriately addresses the severity of the illness, injury, disorder or psychological problem.

The bill requires the Office of the State Courts Administrator to annually report to the Senate and House the following information on each problem-solving court:

- The number of participants
- The types of services provided
- Each source of funding
- Performance measurements and outcomes

The bill also amends various provisions of sections 812.014 and 812.015, Florida Statutes, related to retail and grand theft offenses to:

- Increase the threshold amount for third degree felony theft offenses from \$300 to \$700.
- Specify when the dollar value of prior instances of retail theft under section 812.015, Florida Statutes, must be aggregated, during any 90-day period, for purposes of determining the classification of the offense as a second or third degree felony, provide that the aggregation applies to retail theft in more than one county, and provide that each county where any of the retail theft occurred has concurrent jurisdiction.
- Require that the threshold amounts for theft offenses must be adjusted every two years, based on the Consumer Price Index, rounded to the nearest \$50.

The bill creates section 812.019(10), Florida Statutes to provide that a person who receives, possesses, or purchases merchandise or stored-value cards from a fraudulent return with knowledge the items were stolen commits a third degree felony.

The Criminal Justice Impact Conference (CJIC) has not reviewed this bill. In a similar bill increasing the threshold for retail and grand theft the CJIC projected a negative impact on prison beds.

The bill makes conforming changes to the Criminal Punishment Code severity ranking chart to reflect the changes made by the bill.

The bill is effective October 1, 2019.

II. Present Situation:

Problem-Solving Courts

In 1989, Florida started problem-solving court initiatives by creating the first drug court in the United States in Miami-Dade County. Other types of problem-solving court dockets subsequently followed using the drug court model and were implemented to assist individuals with a range of problems such as drug addiction, mental illness, domestic violence, and child abuse and neglect.¹

Florida's problem-solving courts address the root causes of an individual's involvement with the justice system through specialized dockets, multidisciplinary teams, and a nonadversarial approach. Offering evidence-based treatment, judicial supervision, and accountability, problem-solving courts provide individualized interventions for participants, thereby reducing recidivism and promoting confidence and satisfaction with the justice system process.²

Veterans' Courts for Criminal Offenders

Veterans' courts are problem-solving courts, modeled after drug courts, which are aimed at addressing the root causes of criminal behavior.³ The purpose of veterans' courts is to divert eligible defendants who are veterans or servicemembers into treatment programs for military-related conditions or war-related trauma, either before trial or at sentencing. Veterans' courts consider whether an individual's military-related condition, such as post-traumatic stress disorder, mental illness, traumatic brain injury, or substance abuse, can be addressed through a program specifically designed to serve the individual's needs.⁴

Veterans' courts implement the 10 key components required of drug courts⁵ in Florida:

- Integration of alcohol, drug treatment, and mental health services into justice system case processing;
- Nonadversarial approach;

¹ The most common problem-solving courts in Florida are drug courts, mental health courts, veterans courts and early childhood courts. Florida Courts, Office of Court Improvement, Problem-Solving Courts, available at <https://www.flcourts.org/Resources-Services/Court-Improvement/Problem-Solving-Courts> (last visited February 28, 2019).

² *Id.*

³ Florida Courts, *Problem-Solving Courts*, available at <http://www.flcourts.org/resources-and-services/court-improvement/problem-solving-courts/> (last visited February 28, 2019).

⁴ Section 394.47891, F.S.

⁵ Section 397.334(4), F.S.

- Early identification of eligible participants;
- Continuum of services;
- Alcohol and drug testing for abstinence;
- Coordinated strategy for responses to participants' compliance;
- Ongoing judicial interaction;
- Monitoring and evaluation for program effectiveness;
- Interdisciplinary education; and
- Partnerships with stakeholders.⁶

Significantly, veterans' courts involve not only nonadversarial cooperation among "traditional partners found in drug courts, such as the judge, state attorney, public defender, case manager, treatment provider, probation, and law enforcement[.]" but also cooperation with "representatives of the Veterans Health Administration (VHA) and the Veterans Benefit Administration as well as State Department of Veterans Affairs, Vet Centers, Veterans Service Organizations, Department of Labor, volunteer veteran mentors, and other veterans support groups."⁷ Veterans' courts are also able to "leverage resources available from the U.S. Department of Veterans Affairs" to provide treatment and other services to veterans and servicemembers.⁸

Florida's Veterans' Courts

In 2012, the Florida Legislature passed the "T. Patt Maney Veterans' Treatment Intervention Act."⁹ The Act created the military veterans and servicemembers court program,¹⁰ better known as veterans' courts.¹¹ Specifically, the Act authorizes the chief judge of each judicial circuit to establish a veterans' court program to serve the special needs of eligible veterans¹² and active duty servicemembers¹³ who are:

- Suffering a military-related condition, such as mental illness, traumatic brain injury, or substance abuse; and
- Charged with or convicted of a criminal offense.¹⁴

The 2012 Act also amended chapter 948, F.S., to provide when veterans and servicemembers may be eligible to participate in the veterans' court program for treatment and services. Eligible individuals may participate after being:

⁶ See n. 3, *supra*, noting that "[t]he components of veterans courts, from The Ten Key Components of Veterans Treatment Court, Justice for Vets (a division of the National Association of Drug Court Professionals)[.]" See also Justice for Vets, *The Ten Key Components of Veterans Treatment Courts*, available at <https://justiceforvets.org/wp-content/uploads/2017/02/The-Ten-Key-Components-of-Veterans-Treatment-Courts.pdf> (last visited February 28, 2019).

⁷ See n. 3, *supra*.

⁸ *Id.*

⁹ CS/CS/SB 922 (ch. 2012-159, Laws of Fla.).

¹⁰ Section 394.47891, F.S.

¹¹ Florida Courts, *Veterans' Courts*, available at <http://www.flcourts.org/resources-and-services/court-improvement/problem-solving-courts/veterans-court.stml> (last visited February 28, 2019).

¹² Section 1.01(14), F.S., defines a veteran as a person who served in active military, naval, or air service who was discharged or released under honorable conditions or who later received an upgraded discharge under honorable conditions.

¹³ A servicemember is defined as a person serving as a member of the United States Armed Forces on active duty or state active duty and members of the Florida National Guard and United States Reserve Forces. Section 250.01(19), F.S.

¹⁴ See n. 2, *supra*.

- Charged with a criminal misdemeanor¹⁵ or certain felony offenses but before being convicted (pretrial intervention);¹⁶ or
- Convicted and sentenced, as a condition of probation or community control.¹⁷

Pretrial Intervention Participation

Prior to placement in a program, a veterans' treatment intervention team must develop an individualized coordinated strategy for the veteran. The team must present the coordinated strategy to the veteran in writing before he or she agrees to enter the program. The strategy is modeled after the ten therapeutic jurisprudence principles and key components for treatment-based drug court programs.¹⁸

During the time that the defendant is allotted participation in the treatment program, the court retains jurisdiction in the case. At the end of the program, the court considers recommendations for disposition by the state attorney and the program administrator. If the veteran successfully completes the treatment program, the court must dismiss the criminal charges. If the court finds that the veteran did not successfully complete the program, the court can either order the veteran to continue in education and treatment or authorize the state attorney to proceed with prosecution.¹⁹

Eligible veterans who successfully complete the diversion program may petition the court to order the expunction of the arrest record and the plea.²⁰

Participation in Treatment Program while on Probation or Community Control

Veterans and servicemembers on probation or community control who committed a crime on or after July 1, 2012, and suffer from a military-related mental illness, a traumatic brain injury, or a substance abuse disorder may also qualify for treatment programs. A court may impose, as a condition of probation or community control, successful completion of a mental health or substance abuse treatment program.²¹

¹⁵ Section 948.16(2)(a), F.S., establishes the misdemeanor pretrial veterans' treatment intervention program.

¹⁶ Section 948.08(7)(a), F.S., authorizes courts to consider veterans charged with non-disqualifying felonies for pretrial veterans' treatment intervention programs. Section 948.08(7), F.S., references the disqualifying felony offenses listed in s. 948.06(8)(c), F.S.; i.e., Section 948.06(8)(c), F.S., lists 19 disqualifying felony offenses of a serious nature, such as kidnapping, murder, sexual battery, treason, etc.

¹⁷ Section 948.21, F.S.

¹⁸ Section 948.08(7)(b), F.S., requires a coordinated strategy for veterans charged with felonies who are participating in pretrial intervention programs. Section 948.16(2)(b), F.S., requires a coordinated strategy for veterans charged with misdemeanors. Section 397.334(4), F.S., requires treatment based court programs to include therapeutic jurisprudence principles and components recognized by the United States Department of Justice and adopted by the Florida Supreme Court Treatment-based Drug Court Steering Committee.

¹⁹ Section 948.08(7)(b)-(c), F.S.

²⁰ See n. 14, *supra*.

²¹ Section 948.21, F.S.

Current Court Statistics

According to the State Court Administrator's Office of Court Improvement, as of February 2019, there are 30 veterans' courts in Florida.²² Additionally, the Office of Court Improvement reports that in 2017, "Florida's veterans' courts admitted 1,051 participants and graduated 593."²³

Retail Theft

Approximately 3,000 people are currently incarcerated in the Department of Corrections (DOC) for felony theft convictions and just over 24,000 people are on state community supervision for a felony theft crime in Florida.²⁴ Since 2000, 37 states have increased the threshold dollar amounts for felony theft crimes.²⁵ Such increases ensure that associated "criminal sentences don't become more severe over time simply because of natural increases in the prices of consumer goods."²⁶

The majority of states (30 states) and the District of Columbia set a \$1,000-or-greater property value threshold for felony grand theft. Fifteen states have thresholds between \$500 and \$950, and five states, including Florida, have thresholds below \$500. Between 2003 and 2015, nine states, including Alabama, Mississippi, and Louisiana, raised their felony thresholds twice.²⁷

Property Theft

Section 812.014, F.S., provides that a person commits theft if he or she knowingly obtains or uses, or endeavors to obtain or use, the property of another with intent to, either temporarily or permanently:

- Deprive the other person of a right to the property or a benefit from the property; or
- Appropriate the property to his or her own use or to the use of any person not entitled to the use of the property.²⁸

Second degree petit theft, a second degree misdemeanor, is theft of property valued at less than \$100.²⁹ First degree petit theft, a first degree misdemeanor, is theft of property valued at \$100 or

²² Email from the Office of the State Courts Administrator, March 1, 2019 (on file with Senate Criminal and Civil Justice Appropriations Committee).

²³ *Id.*

²⁴ Email from Scotti Vaughan, Department of Corrections, Deputy Legislative Affairs Director, February 6, 2019 (on file with Senate Criminal Justice Committee).

²⁵ Pew Charitable Trusts, *The Effects of Changing State Theft Penalties*, (February 2016), available at http://www.pewtrusts.org/~media/assets/2016/02/the_effects_of_changing_state_theft_penalties.pdf?la=en (last visited February 28, 2019); See also Alison Lawrence, *Making Sense of Sentencing: State Systems and Policies*, National Conference of State Legislatures, (June 2015), available at <http://www.ncsl.org/documents/cj/sentencing.pdf> (last visited February 28, 2019).

²⁶ John Gramlich and Katie Zafft, *Updating State Theft Laws Can Bring Less Incarceration – and Less*, Stateline, Pew Charitable Trusts, (March 1, 2016), available at <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2016/03/31/updating-state-theft-laws-can-bring-less-incarceration-and-less-crime> (last visited February 28, 2019).

²⁷ *Id.*

²⁸ Section 812.014(1), F.S.

²⁹ Section 812.014(3)(a), F.S. A second degree misdemeanor is punishable by up to 60 days in jail and a fine of up to \$500. Sections 775.082 and 775.083, F.S.

more but less than \$300.³⁰ Second degree petit theft incurs greater penalties if there is a prior theft conviction: it is a first degree misdemeanor if there is one prior conviction,³¹ and a third degree felony if there are two or more prior convictions.³²

Third degree grand theft, a third degree felony,³³ is theft of:

- Property valued at \$300 or more, but less than \$20,000.
- Specified property including, but not limited to:
 - A will, codicil, or testamentary instrument;
 - A firearm;
 - Any commercially farmed animal,³⁴ a bee colony of a registered beekeeper, or aquaculture species raised at a certified aquaculture facility;
 - Any fire extinguisher;
 - Citrus fruit of 2,000 or more individual pieces;
 - Any stop sign;
 - Property taken from a designated, posted construction site;³⁵ and
- Property from a dwelling or its unenclosed curtilage if the property is valued at \$100 or more, but less than \$300.³⁶

The last time the Legislature increased the minimum threshold property value for third degree grand theft was in 1986.³⁷ The third degree grand theft provisions related to property taken from a dwelling or its unenclosed curtilage were added in 1996. The petit theft provisions were also amended, including the thresholds, in 1996.³⁸

Retail Theft

Section 812.015(1)(d), F.S., defines retail theft as:

- The taking possession of or carrying away of merchandise, property, money, or negotiable documents;
- Altering or removing a label, universal product code, or price tag;
- Transferring merchandise from one container to another; or
- Removing a shopping cart, with intent to deprive the merchant of possession, use, benefit, or full retail value.

³⁰ Section 812.014(2)(e), F.S. A first degree misdemeanor is punishable by up to one year in jail and a fine of up to \$1,000. Sections 775.082 and 775.083, F.S.

³¹ Section 812.014(3)(b), F.S.

³² Section 812.014(3)(c), F.S.

³³ A third degree felony is punishable by up to 5 years' incarceration and a fine of up to \$5,000. Sections 775.082 and 775.083, F.S.

³⁴ This includes any animal of the equine, avian, bovine, or swine class or other grazing animal.

³⁵ Section 812.014(2)(c), F.S.

³⁶ Section 812.014(2)(d), F.S.

³⁷ Chapter 86-161, s. 1, L.O.F.

³⁸ Chapter 96-388, s. 49, L.O.F.

Retail theft is a third degree felony if the theft involves property valued at \$300 or more and the person:

- Individually, or in concert with one or more other persons, coordinates the activities of one or more individuals in committing the offense;
- Commits theft from more than one location within a 48-hour period;³⁹
- Acts in concert with one or more other individuals within one or more establishments to distract the merchant, merchant's employee, or law enforcement officer in order to carry out the offense, or acts in other ways to coordinate efforts to carry out the offense; or
- Commits the offense through the purchase of merchandise in a package or box that contains merchandise other than, or in addition to, the merchandise purported to be contained in the package or box.⁴⁰

Retail theft is a second degree felony if the person has previously been convicted of third degree felony retail theft or individually, or in concert with one or more other persons, coordinates the activities of one or more persons in committing the offense of retail theft where the stolen property has a value in excess of \$3,000.⁴¹ The statute also requires a fine of not less than \$50 and no more than \$1,000 for a second or subsequent conviction for petit theft from a merchant, farmer, or transit agency.⁴²

The threshold for a third degree felony retail theft was created and set by the Legislature in 2001.⁴³

Reclassification of Theft Offenses – Property and Retail Theft

Certain theft offenses are reclassified to the next higher degree offense if the person committing the offense has previous theft convictions. A petit theft offense is reclassified to a third degree felony, if the person has two previous convictions of any theft.⁴⁴ A third degree felony retail theft offense is reclassified to a second degree felony if the person has a previous retail theft in violation of s. 812.015(8), F.S.⁴⁵

There are no time limits between theft convictions related to theft crime level and penalty enhancements.

Juvenile offenders who are adjudicated delinquent for theft offenses are considered to have been “convicted” of theft and are treated the same as adult offenders for purposes of these penalty enhancements.⁴⁶

³⁹ In the first two instances, the amount of each individual theft is aggregated to determine the value of the property stolen. Section 812.015(8)(a) and (b), F.S.

⁴⁰ Section 812.015(8), F.S.

⁴¹ Section 812.015(9), F.S.

⁴² Section 812.015(2), F.S.

⁴³ Chapter 01-115, s. 3, L.O.F.

⁴⁴ Section 812.014(3)(c), F.S.

⁴⁵ Section 812.015(9)(a), F.S.

⁴⁶ *T.S.W. v. State*, 489 So. 2d 1146 (Fla. 2d DCA 1986); *R.D.D. v. State*, 493 So. 2d 534 (Fla. 5th DCA 1986).

Dealing in Stolen Property

A person who traffics in, or attempts to traffic in stolen property, is guilty of a second degree felony.⁴⁷ A person who initiates, organizes, plans, finances, directs, manages, or supervises the theft of property and traffics in the stolen property is guilty of a first degree felony.⁴⁸

III. Effect of Proposed Changes:

Problem-Solving Courts

The bill creates s. 43.51, requiring the Office of the State Courts Administrator to provide an annual report to the President of the Senate and the Speaker of the House of Representatives detailing the number of participants in each problem-solving court for each fiscal year the court has been operating. The report must also include the types of services provided, the source of funding for each court, and provide performance outcomes.

The bill amends s. 394.47891, to require the chief judge of each judicial circuit to establish a Veterans' court. Currently, the statute permits the establishment of veterans' courts and 16 of the 20 judicial circuits have done so.

Property Theft

The bill amends s. 812.014(2)(c), F.S., increasing the minimum threshold amounts for a third degree felony grand theft from \$300 to \$700. For property taken from a dwelling or enclosed curtilage, the theft threshold amounts specified in s. 812.014(2)(d), F.S., are modified from \$100 or more, but less than \$300, to \$700 or more, but less than \$5,000. The first degree misdemeanor petit theft threshold amount specified in s. 812.012(2)(c), F.S., is modified from \$100 or more, but less than \$300, to less than \$700.

Retail Theft

The bill amends s. 812.015(8), F.S., to increase the property value of third degree felony retail theft from \$300 or more, to \$700 or more. Section 812.015(a) provides for the aggregation of the value of property stolen by a person who acts in concert with, or who coordinates with others. The bill requires that multiple acts of retail theft that occur within a 90-day period by an individual or in concert with one or multiple persons must be aggregated to determine the value of property stolen. The bill increases the 48-hour time period that that theft must have occurred in to aggregate the property value stolen within 90 days.

The bill amends s. 812.015(9), F.S., to specify that the value of the stolen property may be aggregated over a 90 day period. However, the amount aggregated must be in excess of \$3,000 as required in current law.

The bill also provides that a person who conspires with another to commit retail theft with the intent to sell stolen property or for other gain, and who subsequently places the control of the

⁴⁷ Section 812.019(1), F.S.

⁴⁸ Section 812.019(2), F.S.

property with another person in exchange for consideration commits a third degree felony. If the conspiracy to commit retail theft is in excess of \$3,000, aggregated over a 90-day period, then the offense is a second degree felony.

The bill provides for the amount of the retail theft to be aggregated even if the retail theft is committed in more than one county and provides concurrent jurisdiction in each county where any of the aggregated retail theft occurred.

Value and Periodic Threshold Adjustment – Property and Retail Theft

The bill also amends ss. 812.014 and 812.015, F.S., requiring that the threshold amounts for these theft offenses must be adjusted every two years in an amount equal to the total of the annual increases for that five-year period in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items. The Office of Economic and Demographic Research (EDR) is required to calculate the thresholds, rounded to the nearest \$50, and publish the amounts, as adjusted, on its website by July 1 of every second year. These new threshold amounts will take effect on October 1 of that year. The bill also requires EDR to certify the revised amounts to the Division of Law Revision (Division). The bill requires the Division to conform ss. 812.014 and 812.015, F.S., to the revised amounts.

Dealing in Stolen Property - Fraudulent Returns

The bill creates s. 812.019(3), F.S. to provide that a person who receives, possesses, or purchases merchandise or stored-value cards from a fraudulent return with knowledge the items were stolen commits a third degree felony.

Conforming Changes to the Criminal Punishment Code

The bill amends s. 921.0022, F.S., to conform the Criminal Punishment Code offense severity ranking chart to changes made by the bill. The bill reenacts ss. 95.18, 373.6055, 400.9935, 409.910, 489.126, 538.09, 538.23, 550.6305, 627.743, 634.319, 634.421, 636.238, 642.038, 705.102, 718.111, 812.0155, 812.14, 893.138, and 985.11 incorporating changes made by the act.

The bill is effective October 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

For Fiscal Year 2018-2019, problem-solving courts are funded through a special category appropriation in the total amount of \$8,926,846.⁴⁹ Pursuant to a proviso associated with the Fiscal Year 2018-2019 appropriation for problem-solving courts, the Trial Court Budget Commission (TCBC) must determine the allocation of funds to the circuits, Funds from this specific appropriation must be matched by local government, federal government, or private funds. The matching ratio for veterans' courts is 20 percent non-state funding and 80 percent state funding. No match is required for a fiscally constrained county, as defined in s. 218.67, F.S.⁵⁰ While the TCBC determines the allocation for other problem-solving courts that the TCBC approves, the TCBC must fund the following veterans' courts in the following amounts:

- Alachua \$150,000
- Clay \$150,000
- Duval \$200,000
- Escambia \$150,000
- Leon \$125,000
- Okaloosa \$150,000
- Orange \$200,000
- Pasco \$150,000
- Pinellas \$150,000.⁵¹

⁵⁰ Ch. 2018-9 (HB 5001), L.O.F, General Appropriations Act, s. 7, 3165A.

⁵¹ Id.

Through the TCBC, additional veterans' courts beyond those specifically listed above are funded. This bill does not mandate or provide additional funding for veterans' courts, but would require the TCBC to fund at least one Veterans' court in each judicial circuit, requiring a minimum of four new veterans' courts.

The bill also increases the threshold for retail and grand theft offenses. The Criminal Justice Impact Conference (CJIC) has not reviewed this bill. However, on January 8, 2018, the CJIC reviewed SB 928/HB 713 (2018), which were similar to the current bill, and estimated that the bill would have a "negative significant" prison bed impact (i.e., a decrease of more than 25 prison beds).⁵²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 394.47891, 812.014, 812.015, 812.019, and 921.0022.

This bill creates section 43.51 of the Florida Statutes.

This bill reenacts the following sections of the Florida Statutes: 95.18, 373.6055, 400.9935, 409.910, 489.126, 538.09, 538.23, 550.6305, 627.743, 634.319, 634.421, 636.238, 642.038, 705.102, 718.111, 812.0155, 812.14, 893.138, and 985.11.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁵² 2018 Conference Results (through February 12, 2018), CJIC, available at <http://edr.state.fl.us/Content/conferences/criminaljusticeimpact/CJIC18.xls> (last visited on February 4, 2019).



815540

LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Bradley and Simpson)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 173 - 238

and insert:

(e) Except as provided in paragraph (d), if the property
stolen is valued at \$100 or more, but less than \$700 ~~\$300~~, the
offender commits petit theft of the first degree, punishable as
a misdemeanor of the first degree, as provided in s. 775.082 or
s. 775.083.

Section 4. Subsections (8) and (9) of section 812.015,



815540

11 Florida Statutes, are amended, and subsection (10) is added to
12 that section, to read:

13 812.015 Retail and farm theft; transit fare evasion;
14 mandatory fine; alternative punishment; detention and arrest;
15 exemption from liability for false arrest; resisting arrest;
16 penalties.—

17 (8) Except as provided in subsection (9), a person who
18 commits retail theft commits a felony of the third degree,
19 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
20 if the property stolen is valued at \$700 ~~\$300~~ or more, and the
21 person:

22 (a) Individually commits retail theft, or in concert with
23 one or more other persons, coordinates the activities of one or
24 more individuals in committing the offense. Multiple acts of
25 retail theft occurring within a 90-day period by an individual
26 or in concert with one or more persons must be, in which case
27 the amount of each individual theft is aggregated to determine
28 the value of the property stolen;

29 (b) Conspires with another person to commit retail theft
30 with the intent to sell the stolen property for monetary or
31 other gain, and subsequently takes or causes such property to be
32 placed in the control of another person in exchange for
33 consideration;

34 (c) ~~(b)~~ Individually, or in concert with one or more other
35 persons, commits theft from more than one location within a 90-
36 day 48-hour period, in which case the amount of each individual
37 theft is aggregated to determine the value of the property
38 stolen;

39 (d) ~~(e)~~ Acts in concert with one or more other individuals



815540

40 within one or more establishments to distract the merchant,
41 merchant's employee, or law enforcement officer in order to
42 carry out the offense, or acts in other ways to coordinate
43 efforts to carry out the offense; or

44 (e)~~(d)~~ Commits the offense through the purchase of
45 merchandise in a package or box that contains merchandise other
46 than, or in addition to, the merchandise purported to be
47 contained in the package or box.

48
49 ===== T I T L E A M E N D M E N T =====

50 And the title is amended as follows:

51 Delete lines 11 - 21

52 and insert:

53 theft offenses; amending s. 812.015, F.S.; revising
54 the circumstances under which an offense of retail
55 theft constitutes a felony of the second or third
56 degree; authorizing the aggregation of



805438

LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Bradley and Simpson)
recommended the following:

1 **Senate Substitute for Amendment (815540) (with title**
2 **amendment)**

3
4 Delete lines 173 - 259
5 and insert:

6 (e) Except as provided in paragraph (d), if the property
7 stolen is valued at \$100 or more, but less than \$700 ~~\$300~~, the
8 offender commits petit theft of the first degree, punishable as
9 a misdemeanor of the first degree, as provided in s. 775.082 or
10 s. 775.083.



805438

11 Section 4. Subsections (8) and (9) of section 812.015,
12 Florida Statutes, are amended, and subsection (10) is added to
13 that section, to read:

14 812.015 Retail and farm theft; transit fare evasion;
15 mandatory fine; alternative punishment; detention and arrest;
16 exemption from liability for false arrest; resisting arrest;
17 penalties.-

18 (8) Except as provided in subsection (9), a person who
19 commits retail theft commits a felony of the third degree,
20 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
21 if the property stolen is valued at \$700 ~~\$300~~ or more, and the
22 person:

23 (a) Individually commits retail theft, or in concert with
24 one or more other persons, coordinates the activities of one or
25 more individuals in committing the offense, which may occur
26 through multiple acts of retail theft, in which ~~ease~~ the amount
27 of each individual theft is aggregated within a 90-day period to
28 determine the value of the property stolen;

29 (b) Conspires with another person to commit retail theft
30 with the intent to sell the stolen property for monetary or
31 other gain, and subsequently takes or causes such property to be
32 placed in the control of another person in exchange for
33 consideration, in which the stolen property taken or placed
34 within a 90-day period is aggregated to determine the value of
35 the stolen property;

36 (c) ~~(b)~~ Individually, or in concert with one or more other
37 persons, commits theft from more than one location within a 90-
38 day 48-hour period, in which ~~ease~~ the amount of each individual
39 theft is aggregated to determine the value of the property



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40 stolen;

41 (d)~~(e)~~ Acts in concert with one or more other individuals
42 within one or more establishments to distract the merchant,
43 merchant's employee, or law enforcement officer in order to
44 carry out the offense, or acts in other ways to coordinate
45 efforts to carry out the offense; or

46 (e)~~(d)~~ Commits the offense through the purchase of
47 merchandise in a package or box that contains merchandise other
48 than, or in addition to, the merchandise purported to be
49 contained in the package or box.

50 (9) A person commits a felony of the second degree,
51 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
52 if the person:

53 (a) Violates subsection (8) and has previously been
54 convicted of a violation of subsection (8); ~~or~~

55 (b) Individually, or in concert with one or more other
56 persons, coordinates the activities of one or more persons in
57 committing the offense of retail theft, in which the amount of
58 each individual theft within a 90-day period is aggregated to
59 determine the value of the stolen property and such ~~where the~~
60 ~~stolen property has a value~~ is in excess of \$3,000; or

61 (c) Conspires with another person to commit retail theft
62 with the intent to sell the stolen property for monetary or
63 other gain, and subsequently takes or causes such property to be
64 placed in control of another person in exchange for
65 consideration, in which the stolen property taken or placed
66 within a 90-day period is aggregated to have a value in excess
67 of \$3,000.

68 (10) If a person commits retail theft in more than one



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69 judicial circuit within a 90-day period, the value of the stolen
70 property resulting from the thefts in each judicial circuit may
71 be aggregated and must be prosecuted by the Office of the
72 Statewide Prosecutor in accordance with s. 16.56.

73

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

75 And the title is amended as follows:

76 Delete lines 11 - 24

77 and insert:

78 theft offenses; amending s. 812.015, F.S.; revising
79 the circumstances under which an offense of retail
80 theft constitutes a felony of the second or third
81 degree; authorizing retail thefts which occur in more
82 than one judicial circuit within a 90-day period to be
83 aggregated into one total value and must be prosecuted
84 by the Office of the Statewide Prosecutor in
85 accordance with s. 16.56, F.S.; amending s.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Brandes) recommended the following:

1 **Senate Substitute for Amendment (815540) (with title**
2 **amendment)**

3
4 Delete lines 118 - 398

5 and insert:

- 6 1. Valued at \$1,500 ~~\$300~~ or more, but less than \$5,000.
7 2. Valued at \$5,000 or more, but less than \$10,000.
8 3. Valued at \$10,000 or more, but less than \$20,000.
9 4. A will, codicil, or other testamentary instrument.
10 5. A firearm.



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- 11 6. A motor vehicle, except as provided in paragraph (a).
12 7. Any commercially farmed animal, including any animal of
13 the equine, avian, bovine, or swine class or other grazing
14 animal; a bee colony of a registered beekeeper; and aquaculture
15 species raised at a certified aquaculture facility. If the
16 property stolen is a commercially farmed animal, including an
17 animal of the equine, avian, bovine, or swine class or other
18 grazing animal; a bee colony of a registered beekeeper; or an
19 aquaculture species raised at a certified aquaculture facility,
20 a \$10,000 fine shall be imposed.
21 8. Any fire extinguisher.
22 9. Any amount of citrus fruit consisting of 2,000 or more
23 individual pieces of fruit.
24 10. Taken from a designated construction site identified by
25 the posting of a sign as provided for in s. 810.09(2)(d).
26 11. Any stop sign.
27 12. Anhydrous ammonia.
28 13. Any amount of a controlled substance as defined in s.
29 893.02. Notwithstanding any other law, separate judgments and
30 sentences for theft of a controlled substance under this
31 subparagraph and for any applicable possession of controlled
32 substance offense under s. 893.13 or trafficking in controlled
33 substance offense under s. 893.135 may be imposed when all such
34 offenses involve the same amount or amounts of a controlled
35 substance.
36
37 However, if the property is stolen within a county that is
38 subject to a state of emergency declared by the Governor under
39 chapter 252, the property is stolen after the declaration of



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40 emergency is made, and the perpetration of the theft is
41 facilitated by conditions arising from the emergency, the
42 offender commits a felony of the second degree, punishable as
43 provided in s. 775.082, s. 775.083, or s. 775.084, if the
44 property is valued at \$5,000 or more, but less than \$10,000, as
45 provided under subparagraph 2., or if the property is valued at
46 \$10,000 or more, but less than \$20,000, as provided under
47 subparagraph 3. As used in this paragraph, the term "conditions
48 arising from the emergency" means civil unrest, power outages,
49 curfews, voluntary or mandatory evacuations, or a reduction in
50 the presence of or the response time for first responders or
51 homeland security personnel. For purposes of sentencing under
52 chapter 921, a felony offense that is reclassified under this
53 paragraph is ranked one level above the ranking under s.
54 921.0022 or s. 921.0023 of the offense committed.

55 (d) It is grand theft of the third degree and a felony of
56 the third degree, punishable as provided in s. 775.082, s.
57 775.083, or s. 775.084, if the property stolen is valued at \$100
58 or more, but less than \$1,500 ~~\$300~~, and is taken from a dwelling
59 as defined in s. 810.011(2) or from the unenclosed curtilage of
60 a dwelling pursuant to s. 810.09(1).

61 (e) Except as provided in paragraph (d), if the property
62 stolen is valued at \$100 or more, but less than \$1,500 ~~\$300~~, the
63 offender commits petit theft of the first degree, punishable as
64 a misdemeanor of the first degree, as provided in s. 775.082 or
65 s. 775.083.

66 Section 4. Subsections (8) and (9) of section 812.015,
67 Florida Statutes, are amended, and subsection (10) is added to
68 that section, to read:



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69 812.015 Retail and farm theft; transit fare evasion;
70 mandatory fine; alternative punishment; detention and arrest;
71 exemption from liability for false arrest; resisting arrest;
72 penalties.—

73 (8) Except as provided in subsection (9), a person who
74 commits retail theft commits a felony of the third degree,
75 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
76 if the property stolen is valued at \$1,500 ~~\$300~~ or more, and the
77 person:

78 (a) Individually commits retail theft, or in concert with
79 one or more other persons, coordinates the activities of one or
80 more individuals in committing the offense. Multiple acts of
81 retail theft occurring within a 90-day period by an individual
82 or in concert with one or more persons must be, ~~in which case~~
83 ~~the amount of each individual theft is~~ aggregated to determine
84 the value of the property stolen;

85 (b) Conspires with another person to commit retail theft
86 with the intent to sell the stolen property for monetary or
87 other gain, and subsequently takes or causes such property to be
88 placed in the control of another person in exchange for
89 consideration;

90 (c) ~~(b)~~ Individually, or in concert with one or more other
91 persons, commits theft from more than one location within a 90-
92 day ~~48-hour~~ period, in which case the amount of each individual
93 theft is aggregated to determine the value of the property
94 stolen;

95 (d) ~~(c)~~ Acts in concert with one or more other individuals
96 within one or more establishments to distract the merchant,
97 merchant's employee, or law enforcement officer in order to



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98 carry out the offense, or acts in other ways to coordinate
99 efforts to carry out the offense; or

100 (e)~~(d)~~ Commits the offense through the purchase of
101 merchandise in a package or box that contains merchandise other
102 than, or in addition to, the merchandise purported to be
103 contained in the package or box.

104 (9) A person commits a felony of the second degree,
105 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
106 if the person:

107 (a) Violates subsection (8) and has previously been
108 convicted of a violation of subsection (8); ~~or~~

109 (b) Individually, or in concert with one or more other
110 persons, coordinates the activities of one or more persons in
111 committing the offense, in which case the amount of each
112 individual of retail theft is aggregated; and if where the
113 stolen property has a value in excess of \$3,000 and the theft
114 occurs within a 90-day period; or

115 (c) Conspires with another person to commit retail theft
116 with the intent to sell the stolen property for monetary or
117 other gain, and subsequently takes or causes such property to be
118 placed in control of another person in exchange for
119 consideration, if such property has a value in excess of \$3,000,
120 aggregated over a 90-day period.

121 (10) If a person commits retail theft in more than one
122 county, the amount of the theft may be aggregated and each
123 county where any of the retail theft occurred has concurrent
124 jurisdiction.

125 Section 5. Subsection (3) is added to section 812.019,
126 Florida Statutes, to read:



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127 812.019 Dealing in stolen property.-
128 (3) Any person who receives, possesses, or purchases any
129 merchandise or stored-value card obtained from a fraudulent
130 return with the knowledge that the merchandise or stored-value
131 card was obtained in violation of s. 812.015 commits a felony of
132 the third degree, punishable as provided in s. 775.082, s.
133 775.083, or s. 775.084.

134 Section 6. Paragraphs (b), (c), and (e) of subsection (3)
135 of section 921.0022, Florida Statutes, are amended to read:

136 921.0022 Criminal Punishment Code; offense severity ranking
137 chart.-

138 (3) OFFENSE SEVERITY RANKING CHART

139 (b) LEVEL 2

140

Florida Statute	Felony Degree	Description
379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.

141

142

143

144



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145	403.413 (6) (c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
146	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
147	590.28 (1)	3rd	Intentional burning of lands.
148	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
149	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or



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150	810.061 (2)	3rd	any other public service.
151	810.09 (2) (e)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
152	812.014 (2) (c) 1.	3rd	Trespassing on posted commercial horticulture property.
153	812.014 (2) (d)	3rd	Grand theft, 3rd degree; <u>\$1,500</u> \$300 or more but less than \$5,000.
154	812.015 (7)	3rd	Grand theft, 3rd degree; \$100 or more but less than <u>\$1,500</u> \$300 , taken from unenclosed curtilage of dwelling.
155	817.234 (1) (a) 2.	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
			False statement in



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156			support of insurance claim.
	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
157			
	817.52 (3)	3rd	Failure to redeliver hired vehicle.
158			
	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
159			
	817.60 (5)	3rd	Dealing in credit cards of another.
160			
	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
161			
	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
162			
	826.04	3rd	Knowingly marries or has



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163			sexual intercourse with person to whom related.
164	831.01	3rd	Forgery.
165	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
166	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
167	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
168	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
169	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
	832.05 (3) (a)	3rd	Cashing or depositing item with intent to



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170			defraud.
171	843.08	3rd	False personation.
172	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs other than cannabis.
173	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
174			
175			
176			
177	(c) LEVEL 3		
178			
179			
180	Florida Statute	Felony Degree	Description
181	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.



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182	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
183	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
184	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
185	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
186	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
187	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title



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188			or registration.
189	327.35 (2) (b)	3rd	Felony BUI.
190	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
191	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
192	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
	379.2431 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation



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193

379.2431
(1) (e) 6.

3rd

of the Marine Turtle
Protection Act.
Possessing any marine
turtle species or
hatchling, or parts
thereof, or the nest of any
marine turtle species
described in the Marine
Turtle Protection Act.

194

379.2431
(1) (e) 7.

3rd

Soliciting to commit or
conspiring to commit a
violation of the Marine
Turtle Protection Act.

195

400.9935 (4) (a)
or (b)

3rd

Operating a clinic, or
offering services requiring
licensure, without a
license.

196

400.9935 (4) (e)

3rd

Filing a false license
application or other
required information or
failing to report
information.

197

440.1051 (3)

3rd

False report of workers'
compensation fraud or



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198			retaliation for making such a report.
	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
199			
	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
200			
	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
201			
	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
202			
	697.08	3rd	Equity skimming.
203			
	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
204			
	806.10 (1)	3rd	Maliciously injure,



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205			destroy, or interfere with vehicles or equipment used in firefighting.
206	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
207	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
208	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
209	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
210	<u>812.015 (8) (b)</u>	<u>3rd</u>	<u>Retail theft with intent to sell; coordination with others.</u>
211	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
	817.034 (4) (a) 3.	3rd	Engages in scheme to



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212			defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
213	817.233	3rd	Burning to defraud insurer.
214	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
215	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
216	817.236	3rd	Filing a false motor vehicle insurance application.
217	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
218	817.413 (2)	3rd	Sale of used goods as new.
	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment



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219			instrument.
	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
220			
	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
221			
	843.19	3rd	Injure, disable, or kill police dog or horse.
222			
	860.15 (3)	3rd	Overcharging for repairs and parts.
223			
	870.01 (2)	3rd	Riot; inciting or encouraging.
224			
	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs).
225			
	893.13 (1) (d) 2.	2nd	Sell, manufacture, or



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deliver s. 893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10., (3),
or (4) drugs within 1,000
feet of university.

226

893.13(1)(f)2.

2nd

Sell, manufacture, or
deliver s. 893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10., (3),
or (4) drugs within 1,000
feet of public housing
facility.

227

893.13(4)(c)

3rd

Use or hire of minor;
deliver to minor other
controlled substances.

228

893.13(6)(a)

3rd

Possession of any
controlled substance other
than felony possession of
cannabis.

229

893.13(7)(a)8.

3rd

Withhold information from
practitioner regarding



546784

230			previous receipt of or prescription for a controlled substance.
230	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
231			
231	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
232			
232	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
233			
233	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
234			
234	893.13(8)(a)2.	3rd	Employ a trick or scheme in



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235			the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
236			
	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
237			
	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
238			
	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
239			
	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.



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252

327.30 (5)

3rd

motor vehicle with
suspended license,
resulting in death or
serious bodily injury.

Vessel accidents
involving personal
injury; leaving scene.

253

379.365 (2) (c) 1.

3rd

Violation of rules
relating to: willful
molestation of stone
crab traps, lines, or
buoys; illegal
bartering, trading, or
sale, conspiring or
aiding in such barter,
trade, or sale, or
supplying, agreeing to
supply, aiding in
supplying, or giving
away stone crab trap
tags or certificates;
making, altering,
forging, counterfeiting,
or reproducing stone
crab trap tags;
possession of forged,
counterfeit, or



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254	379.367 (4)	3rd	imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
255	379.407 (5) (b) 3.	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
256	381.0041 (11) (b)	3rd	Possession of 100 or more undersized spiny lobsters.
257	440.10 (1) (g)	3rd	Donate blood, plasma, or organs knowing HIV positive.
258	440.105 (5)	2nd	Failure to obtain workers' compensation coverage.
259		2nd	Unlawful solicitation for the purpose of making workers' compensation claims.



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260	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
261	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
262	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
263	790.01 (2)	3rd	Carrying a concealed firearm.
264	790.162	2nd	Threat to throw or discharge destructive device.
	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use



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265			of firearms in violent manner.
266	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
267	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
268	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
269	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
270	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
271	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
	812.0145 (2) (b)	2nd	Theft from person 65



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years of age or older;
\$10,000 or more but less
than \$50,000.

272

812.015(8) (a), (c),
(d), & (e)

3rd

Retail theft; property
stolen is valued at
\$1,500 ~~\$300~~ or more and
one or more specified
acts.

273

274

275

276

277

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

279 And the title is amended as follows:

280 Delete lines 11 - 21

281 and insert:

282 theft offenses; amending s. 812.015, F.S.; revising
283 the circumstances under which an offense of retail
284 theft constitutes a felony of the second or third
285 degree; authorizing the aggregation of



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LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Appropriations (Brandes) recommended the following:

Senate Amendment

Delete lines 118 - 398

and insert:

1. Valued at \$1,500 ~~\$300~~ or more, but less than \$5,000.
2. Valued at \$5,000 or more, but less than \$10,000.
3. Valued at \$10,000 or more, but less than \$20,000.
4. A will, codicil, or other testamentary instrument.
5. A firearm.
6. A motor vehicle, except as provided in paragraph (a).



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11 7. Any commercially farmed animal, including any animal of
12 the equine, avian, bovine, or swine class or other grazing
13 animal; a bee colony of a registered beekeeper; and aquaculture
14 species raised at a certified aquaculture facility. If the
15 property stolen is a commercially farmed animal, including an
16 animal of the equine, avian, bovine, or swine class or other
17 grazing animal; a bee colony of a registered beekeeper; or an
18 aquaculture species raised at a certified aquaculture facility,
19 a \$10,000 fine shall be imposed.

20 8. Any fire extinguisher.

21 9. Any amount of citrus fruit consisting of 2,000 or more
22 individual pieces of fruit.

23 10. Taken from a designated construction site identified by
24 the posting of a sign as provided for in s. 810.09(2)(d).

25 11. Any stop sign.

26 12. Anhydrous ammonia.

27 13. Any amount of a controlled substance as defined in s.
28 893.02. Notwithstanding any other law, separate judgments and
29 sentences for theft of a controlled substance under this
30 subparagraph and for any applicable possession of controlled
31 substance offense under s. 893.13 or trafficking in controlled
32 substance offense under s. 893.135 may be imposed when all such
33 offenses involve the same amount or amounts of a controlled
34 substance.

35
36 However, if the property is stolen within a county that is
37 subject to a state of emergency declared by the Governor under
38 chapter 252, the property is stolen after the declaration of
39 emergency is made, and the perpetration of the theft is



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40 facilitated by conditions arising from the emergency, the
41 offender commits a felony of the second degree, punishable as
42 provided in s. 775.082, s. 775.083, or s. 775.084, if the
43 property is valued at \$5,000 or more, but less than \$10,000, as
44 provided under subparagraph 2., or if the property is valued at
45 \$10,000 or more, but less than \$20,000, as provided under
46 subparagraph 3. As used in this paragraph, the term "conditions
47 arising from the emergency" means civil unrest, power outages,
48 curfews, voluntary or mandatory evacuations, or a reduction in
49 the presence of or the response time for first responders or
50 homeland security personnel. For purposes of sentencing under
51 chapter 921, a felony offense that is reclassified under this
52 paragraph is ranked one level above the ranking under s.
53 921.0022 or s. 921.0023 of the offense committed.

54 (d) It is grand theft of the third degree and a felony of
55 the third degree, punishable as provided in s. 775.082, s.
56 775.083, or s. 775.084, if the property stolen is valued at \$100
57 or more, but less than \$1,500 ~~\$300~~, and is taken from a dwelling
58 as defined in s. 810.011(2) or from the unenclosed curtilage of
59 a dwelling pursuant to s. 810.09(1).

60 (e)1. Except as provided in paragraph (d), if the property
61 stolen is valued at \$100 or more, but less than \$1,500 ~~\$300~~, the
62 offender commits petit theft of the first degree, punishable as
63 a misdemeanor of the first degree, as provided in s. 775.082 or
64 s. 775.083.

65 2. The threshold amounts for offenses specified in this
66 paragraph and subparagraph (c)1. must be adjusted every 2 years
67 in an amount equal to the total of the annual increases for that
68 2-year period in the Consumer Price Index for All Urban



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69 Consumers, U.S. City Average, All Items. The Office of Economic
70 and Demographic Research shall calculate the thresholds, rounded
71 to the nearest \$50, and publish the amounts, as adjusted, on its
72 website by July 1 of every second year, with the amounts to take
73 effect on October 1 of that year. The office shall certify the
74 revised amounts to the Division of Law Revision, which is
75 directed to conform the statutes to the revised amounts.

76 Section 4. Subsections (8) and (9) of section 812.015,
77 Florida Statutes, are amended, and subsection (10) is added to
78 that section, to read:

79 812.015 Retail and farm theft; transit fare evasion;
80 mandatory fine; alternative punishment; detention and arrest;
81 exemption from liability for false arrest; resisting arrest;
82 penalties.—

83 (8) Except as provided in subsection (9), a person who
84 commits retail theft commits a felony of the third degree,
85 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
86 if the property stolen is valued at \$1,500 ~~\$300~~ or more, and the
87 person:

88 (a) Individually commits retail theft, or in concert with
89 one or more other persons, coordinates the activities of one or
90 more individuals in committing the offense. Multiple acts of
91 retail theft occurring within a 90-day period by an individual
92 or in concert with one or more persons must be, ~~in which case~~
93 ~~the amount of each individual theft is~~ aggregated to determine
94 the value of the property stolen;

95 (b) Conspires with another person to commit retail theft
96 with the intent to sell the stolen property for monetary or
97 other gain, and subsequently takes or causes such property to be



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98 placed in the control of another person in exchange for
99 consideration;

100 (c) ~~(b)~~ Individually, or in concert with one or more other
101 persons, commits theft from more than one location within a 90-
102 day ~~48-hour~~ period, in which case the amount of each individual
103 theft is aggregated to determine the value of the property
104 stolen;

105 (d) ~~(e)~~ Acts in concert with one or more other individuals
106 within one or more establishments to distract the merchant,
107 merchant's employee, or law enforcement officer in order to
108 carry out the offense, or acts in other ways to coordinate
109 efforts to carry out the offense; or

110 (e) ~~(d)~~ Commits the offense through the purchase of
111 merchandise in a package or box that contains merchandise other
112 than, or in addition to, the merchandise purported to be
113 contained in the package or box.

114
115 The threshold amounts for offenses specified in this subsection
116 must be adjusted every 2 years in an amount equal to the total
117 of the annual increases for that 2-year period in the Consumer
118 Price Index for All Urban Consumers, U.S. City Average, All
119 Items. The Office of Economic and Demographic Research shall
120 calculate the thresholds, rounded to the nearest \$50, and
121 publish the amounts, as adjusted, on its website by July 1 of
122 every second year, with the amounts to take effect on October 1
123 of that year. The office shall certify the revised amounts to
124 the Division of Law Revision, which is directed to conform the
125 statutes to the revised amounts.

126 (9) A person commits a felony of the second degree,



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127 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
128 if the person:

129 (a) Violates subsection (8) and has previously been
130 convicted of a violation of subsection (8); ~~or~~

131 (b) Individually, or in concert with one or more other
132 persons, coordinates the activities of one or more persons in
133 committing the offense, in which case the amount of each
134 individual ~~of~~ retail theft is aggregated; and if ~~where~~ the
135 stolen property has a value in excess of \$3,000 and the theft
136 occurs within a 90-day period; or

137 (c) Conspires with another person to commit retail theft
138 with the intent to sell the stolen property for monetary or
139 other gain, and subsequently takes or causes such property to be
140 placed in control of another person in exchange for
141 consideration, if such property has a value in excess of \$3,000,
142 aggregated over a 90-day period.

143 (10) If a person commits retail theft in more than one
144 county, the amount of the theft may be aggregated and each
145 county where any of the retail theft occurred has concurrent
146 jurisdiction.

147 Section 5. Subsection (3) is added to section 812.019,
148 Florida Statutes, to read:

149 812.019 Dealing in stolen property.—

150 (3) Any person who receives, possesses, or purchases any
151 merchandise or stored-value card obtained from a fraudulent
152 return with the knowledge that the merchandise or stored-value
153 card was obtained in violation of s. 812.015 commits a felony of
154 the third degree, punishable as provided in s. 775.082, s.
155 775.083, or s. 775.084.



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156 Section 6. Paragraphs (b), (c), and (e) of subsection (3)
157 of section 921.0022, Florida Statutes, are amended to read:
158 921.0022 Criminal Punishment Code; offense severity ranking
159 chart.—

160 (3) OFFENSE SEVERITY RANKING CHART

161 (b) LEVEL 2

162

Florida Statute	Felony Degree	Description
379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
403.413 (6) (c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.

163

164

165

166



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167	517.07(2)	3rd	Failure to furnish a prospectus meeting requirements.
168	590.28(1)	3rd	Intentional burning of lands.
169	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
170	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
171	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
172	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.



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173	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
174	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; <u>\$1,500</u> \$300 or more but less than \$5,000.
175	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than <u>\$1,500</u> \$300 , taken from unenclosed curtilage of dwelling.
176	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
177	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
178	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value



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179			over \$300.
	817.52 (3)	3rd	Failure to redeliver hired vehicle.
180			
	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
181			
	817.60 (5)	3rd	Dealing in credit cards of another.
182			
	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
183			
	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
184			
	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
185			
	831.01	3rd	Forgery.
186			
	831.02	3rd	Uttering forged instrument; utters or



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187			publishes alteration with intent to defraud.
188	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
189	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
190	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
191	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
192	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
193	843.08	3rd	False personation.
	893.13 (2) (a) 2.	3rd	Purchase of any s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3.,



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(2) (c) 6., (2) (c) 7.,
(2) (c) 8., (2) (c) 9.,
(2) (c) 10., (3), or (4)
drugs other than
cannabis.

194

893.147 (2)

3rd

Manufacture or delivery
of drug paraphernalia.

195

196

197

198

(c) LEVEL 3

199

200

Florida
Statute

Felony
Degree

Description

201

119.10 (2) (b)

3rd

Unlawful use of
confidential information
from police reports.

202

316.066
(3) (b) - (d)

3rd

Unlawfully obtaining or
using confidential crash
reports.

203

316.193 (2) (b)

3rd

Felony DUI, 3rd conviction.

204

316.1935 (2)

3rd

Fleeing or attempting to
elude law enforcement



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205			officer in patrol vehicle with siren and lights activated.
206	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
207	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
208	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
209	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
210	327.35 (2) (b)	3rd	Felony BUI.
	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of



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211

328.07(4) 3rd vessels.
Manufacture, exchange, or
possess vessel with
counterfeit or wrong ID
number.

212

376.302(5) 3rd Fraud related to
reimbursement for cleanup
expenses under the Inland
Protection Trust Fund.

213

379.2431 3rd Taking, disturbing,
(1)(e)5. mutilating, destroying,
causing to be destroyed,
transferring, selling,
offering to sell,
molesting, or harassing
marine turtles, marine
turtle eggs, or marine
turtle nests in violation
of the Marine Turtle
Protection Act.

214

379.2431 3rd Possessing any marine
(1)(e)6. turtle species or
hatchling, or parts
thereof, or the nest of any
marine turtle species



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215

379.2431
(1) (e) 7.

3rd

described in the Marine
Turtle Protection Act.

Soliciting to commit or
conspiring to commit a
violation of the Marine
Turtle Protection Act.

216

400.9935 (4) (a)
or (b)

3rd

Operating a clinic, or
offering services requiring
licensure, without a
license.

217

400.9935 (4) (e)

3rd

Filing a false license
application or other
required information or
failing to report
information.

218

440.1051 (3)

3rd

False report of workers'
compensation fraud or
retaliation for making such
a report.

219

501.001 (2) (b)

2nd

Tampers with a consumer
product or the container
using materially
false/misleading
information.



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220	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
221	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
222	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
223	697.08	3rd	Equity skimming.
224	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
225	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
226	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
227			



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228	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
229	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
230	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
231	<u>812.015 (8) (b)</u>	<u>3rd</u>	<u>Retail theft with intent to sell; coordination with others.</u>
232	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
233	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
234	817.233	3rd	Burning to defraud insurer.
	817.234	3rd	Unlawful solicitation of



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235	(8) (b) & (c)		persons involved in motor vehicle accidents.
236	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
237	817.236	3rd	Filing a false motor vehicle insurance application.
238	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
239	817.413 (2)	3rd	Sale of used goods as new.
240	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
241	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
	838.021 (3) (b)	3rd	Threatens unlawful harm to



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242			public servant.
	843.19	3rd	Injure, disable, or kill police dog or horse.
243			
	860.15(3)	3rd	Overcharging for repairs and parts.
244			
	870.01(2)	3rd	Riot; inciting or encouraging.
245			
	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).
246			
	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.
247			



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248	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.
249	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
250	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
251	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.



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252	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
253	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
254	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
255	893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
256	893.13(8)(a)3.	3rd	Knowingly write a prescription for a



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257

893.13(8)(a)4.

3rd

controlled substance for a fictitious person.

Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.

258

918.13(1)(a)

3rd

Alter, destroy, or conceal investigation evidence.

259

944.47
(1)(a)1. & 2.

3rd

Introduce contraband to correctional facility.

260

944.47(1)(c)

2nd

Possess contraband while upon the grounds of a correctional institution.

261

985.721

3rd

Escapes from a juvenile facility (secure detention or residential commitment facility).

262

263

264



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265 (e) LEVEL 5

266

267

Florida
Statute

Felony
Degree

Description

268

316.027(2)(a)

3rd

Accidents involving
personal injuries other
than serious bodily
injury, failure to stop;
leaving scene.

269

316.1935(4)(a)

2nd

Aggravated fleeing or
eluding.

270

316.80(2)

2nd

Unlawful conveyance of
fuel; obtaining fuel
fraudulently.

271

322.34(6)

3rd

Careless operation of
motor vehicle with
suspended license,
resulting in death or
serious bodily injury.

272

327.30(5)

3rd

Vessel accidents
involving personal
injury; leaving scene.

273



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379.365(2)(c)1.

3rd

Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

274

379.367(4)

3rd

Willful molestation of a commercial harvester's



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275			spiny lobster trap, line, or buoy.
276	379.407 (5) (b) 3.	3rd	Possession of 100 or more undersized spiny lobsters.
277	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
278	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
279	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
280	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
	624.401 (4) (b) 2.	2nd	Transacting insurance



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281			without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
281	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
282			
282	790.01 (2)	3rd	Carrying a concealed firearm.
283			
283	790.162	2nd	Threat to throw or discharge destructive device.
284			
284	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
285			
285	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
286			
286	790.23	2nd	Felons in possession of firearms, ammunition, or



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287			electronic weapons or devices.
288	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
289	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
290	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
291	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
292	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
	812.015 (8) <u>(a), (c), (d), & (e)</u>	3rd	Retail theft; property stolen is valued at <u>\$1,500</u> \$300 or more and one or more specified acts.



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FOR CONSIDERATION By the Committee on Appropriations

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1 A bill to be entitled
 2 An act relating to criminal justice; creating s.
 3 43.51, F.S.; requiring the Office of the State Courts
 4 Administrator to provide an annual report containing
 5 certain information to the Legislature; defining the
 6 term "problem-solving court"; amending s. 394.47891,
 7 F.S.; requiring the chief judge of each judicial
 8 circuit to establish a military veterans and
 9 servicemembers court program; amending s. 812.014,
 10 F.S.; increasing the threshold amount for certain
 11 theft offenses; requiring the adjustment of certain
 12 monetary amounts by the Division of Law Revision based
 13 on certain required periodic calculations made by the
 14 Office of Economic and Demographic Research; amending
 15 s. 812.015, F.S.; revising the circumstances under
 16 which an offense of retail theft constitutes a felony
 17 of the second or third degree; requiring the
 18 adjustment of certain monetary amounts by the Division
 19 of Law Revision based on certain required periodic
 20 calculations made by the Office of Economic and
 21 Demographic Research; authorizing the aggregation of
 22 theft of retail property that occurred in multiple
 23 counties; providing that each county where such theft
 24 took place has concurrent jurisdiction; amending s.
 25 812.019, F.S.; prohibiting specified acts involving
 26 merchandise or a stored-value card obtained from a
 27 fraudulent return; amending s. 921.0022, F.S.;
 28 revising the ranking of offenses on the offense
 29 severity ranking chart of the Criminal Punishment

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30 Code; reenacting ss. 95.18(10), 373.6055(3) (c),
 31 400.9935(3), 409.910(17) (g), 489.126(4), 550.6305(10),
 32 627.743(2), 634.319(2), 634.421(2), 636.238(3),
 33 642.038(2), 705.102(4), 718.111(1) (d), 812.14(4), (7),
 34 and (8), and 985.11(1) (b), F.S., relating to adverse
 35 possession without color of title, criminal history
 36 checks for certain water management district employees
 37 and others, clinic responsibilities, responsibility
 38 for payments on behalf of Medicaid-eligible persons
 39 when other parties are liable, moneys received by
 40 contractors, intertrack wagering, payment of third-
 41 party claims, diversion or appropriation of certain
 42 funds received by sales representatives, diversion or
 43 appropriation of certain funds received by sales
 44 representatives, penalties for certain violations,
 45 diversion or appropriation of certain funds received
 46 by sales representatives, reporting lost or abandoned
 47 property, condominium associations, trespass and
 48 larceny with relation to utility fixtures and theft of
 49 utility services, fingerprinting and photographing of
 50 certain children, and discretionary and mandatory
 51 criteria for the direct filing of an information,
 52 respectively, to incorporate the amendment made to s.
 53 812.014, F.S., in references thereto; reenacting ss.
 54 538.09(5) (f) and 538.23(2), F.S., relating to
 55 registration with the Department of Revenue and
 56 violations and penalties for secondary metals
 57 recyclers, respectively, to incorporate the amendment
 58 made to s. 812.015, F.S., in references thereto;

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59 reenacting s. 812.0155(1) and (2), F.S., relating to
60 suspension of driver licenses, to incorporate the
61 amendments made to ss. 812.014 and 812.015, F.S., in
62 references thereto; reenacting s. 893.138(3), F.S.,
63 relating to pain-management clinics, to incorporate
64 the amendments made to ss. 812.014 and 812.019, F.S.,
65 in references thereto; providing an effective date.

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

68 Section 1. Section 43.51, Florida Statutes, is created to
69 read:

70 43.51 Problem-solving court reports.-

71 (1) The Office of the State Courts Administrator shall
72 provide an annual report to the President of the Senate and the
73 Speaker of the House of Representatives which details the number
74 of participants in each problem-solving court for each fiscal
75 year the court has been operating and the types of services
76 provided, identifies each source of funding for each court
77 during each fiscal year, and provides information on the
78 performance of each court based upon outcome measures
79 established by the courts.

80 (2) For purposes of this section, the term "problem-solving
81 court" includes, but is not limited to, a drug court pursuant to
82 s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s. 948.20; a
83 military veterans' and servicemembers' court pursuant to s.
84 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental health
85 court program pursuant to s. 394.47892, s. 948.01, s. 948.06, s.
86 948.08, or s. 948.16; or a delinquency pretrial intervention
87

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88 court program pursuant to s. 985.345.

89 Section 2. Section 394.47891, Florida Statutes, is amended
90 to read:

91 394.47891 Military veterans and servicemembers court
92 programs.—The chief judge of each judicial circuit ~~shall~~ may
93 establish a Military Veterans and Servicemembers Court Program
94 under which veterans, as defined in s. 1.01, including veterans
95 who were discharged or released under a general discharge, and
96 servicemembers, as defined in s. 250.01, who are charged or
97 convicted of a criminal offense and who suffer from a military-
98 related mental illness, traumatic brain injury, substance abuse
99 disorder, or psychological problem can be sentenced in
100 accordance with chapter 921 in a manner that appropriately
101 addresses the severity of the mental illness, traumatic brain
102 injury, substance abuse disorder, or psychological problem
103 through services tailored to the individual needs of the
104 participant. Entry into any Military Veterans and Servicemembers
105 Court Program must be based upon the sentencing court's
106 assessment of the defendant's criminal history, military
107 service, substance abuse treatment needs, mental health
108 treatment needs, amenability to the services of the program, the
109 recommendation of the state attorney and the victim, if any, and
110 the defendant's agreement to enter the program.

111 Section 3. Paragraphs (c), (d), and (e) of subsection (2)
112 of section 812.014, Florida Statutes, are amended to read:

113 812.014 Theft.—

114 (2)

115 (c) It is grand theft of the third degree and a felony of
116 the third degree, punishable as provided in s. 775.082, s.

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117 775.083, or s. 775.084, if the property stolen is:

118 1. Valued at \$700 ~~\$300~~ or more, but less than \$5,000.

119 2. Valued at \$5,000 or more, but less than \$10,000.

120 3. Valued at \$10,000 or more, but less than \$20,000.

121 4. A will, codicil, or other testamentary instrument.

122 5. A firearm.

123 6. A motor vehicle, except as provided in paragraph (a).

124 7. Any commercially farmed animal, including any animal of

125 the equine, avian, bovine, or swine class or other grazing

126 animal; a bee colony of a registered beekeeper; and aquaculture

127 species raised at a certified aquaculture facility. If the

128 property stolen is a commercially farmed animal, including an

129 animal of the equine, avian, bovine, or swine class or other

130 grazing animal; a bee colony of a registered beekeeper; or an

131 aquaculture species raised at a certified aquaculture facility,

132 a \$10,000 fine shall be imposed.

133 8. Any fire extinguisher.

134 9. Any amount of citrus fruit consisting of 2,000 or more

135 individual pieces of fruit.

136 10. Taken from a designated construction site identified by

137 the posting of a sign as provided for in s. 810.09(2) (d).

138 11. Any stop sign.

139 12. Anhydrous ammonia.

140 13. Any amount of a controlled substance as defined in s.

141 893.02. Notwithstanding any other law, separate judgments and

142 sentences for theft of a controlled substance under this

143 subparagraph and for any applicable possession of controlled

144 substance offense under s. 893.13 or trafficking in controlled

145 substance offense under s. 893.135 may be imposed when all such

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146 offenses involve the same amount or amounts of a controlled

147 substance.

148

149 However, if the property is stolen within a county that is

150 subject to a state of emergency declared by the Governor under

151 chapter 252, the property is stolen after the declaration of

152 emergency is made, and the perpetration of the theft is

153 facilitated by conditions arising from the emergency, the

154 offender commits a felony of the second degree, punishable as

155 provided in s. 775.082, s. 775.083, or s. 775.084, if the

156 property is valued at \$5,000 or more, but less than \$10,000, as

157 provided under subparagraph 2., or if the property is valued at

158 \$10,000 or more, but less than \$20,000, as provided under

159 subparagraph 3. As used in this paragraph, the term "conditions

160 arising from the emergency" means civil unrest, power outages,

161 curfews, voluntary or mandatory evacuations, or a reduction in

162 the presence of or the response time for first responders or

163 homeland security personnel. For purposes of sentencing under

164 chapter 921, a felony offense that is reclassified under this

165 paragraph is ranked one level above the ranking under s.

166 921.0022 or s. 921.0023 of the offense committed.

167 (d) It is grand theft of the third degree and a felony of

168 the third degree, punishable as provided in s. 775.082, s.

169 775.083, or s. 775.084, if the property stolen is valued at \$100

170 or more, but less than \$700 ~~\$300~~, and is taken from a dwelling

171 as defined in s. 810.011(2) or from the unenclosed curtilage of

172 a dwelling pursuant to s. 810.09(1).

173 (e)1. Except as provided in paragraph (d), if the property

174 stolen is valued at \$100 or more, but less than \$700 ~~\$300~~, the

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175 offender commits petit theft of the first degree, punishable as
 176 a misdemeanor of the first degree, as provided in s. 775.082 or
 177 s. 775.083.

178 2. The threshold amounts for offenses specified in this
 179 paragraph and subparagraph (c)1. must be adjusted every 2 years
 180 in an amount equal to the total of the annual increases for that
 181 2-year period in the Consumer Price Index for All Urban
 182 Consumers, U.S. City Average, All Items. The Office of Economic
 183 and Demographic Research shall calculate the thresholds, rounded
 184 to the nearest \$50, and publish the amounts, as adjusted, on its
 185 website by July 1 of every second year, with the amounts to take
 186 effect on October 1 of that year. The office shall certify the
 187 revised amounts to the Division of Law Revision, which is
 188 directed to conform the statutes to the revised amounts.

189 Section 4. Subsections (8) and (9) of section 812.015,
 190 Florida Statutes, are amended, and subsection (10) is added to
 191 that section, to read:

192 812.015 Retail and farm theft; transit fare evasion;
 193 mandatory fine; alternative punishment; detention and arrest;
 194 exemption from liability for false arrest; resisting arrest;
 195 penalties.—

196 (8) Except as provided in subsection (9), a person who
 197 commits retail theft commits a felony of the third degree,
 198 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 199 if the property stolen is valued at \$700 ~~\$300~~ or more, and the
 200 person:

201 (a) Individually commits retail theft, or in concert with
 202 one or more other persons, coordinates the activities of one or
 203 more individuals in committing the offense. Multiple acts of

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204 retail theft occurring within a 90-day period by an individual
 205 or in concert with one or more persons must be, in which case
 206 ~~the amount of each individual theft is aggregated to determine~~
 207 ~~the value of the property stolen;~~

208 (b) Conspires with another person to commit retail theft
 209 with the intent to sell the stolen property for monetary or
 210 other gain, and subsequently takes or causes such property to be
 211 placed in the control of another person in exchange for
 212 consideration;

213 (c) ~~(b)~~ Individually, or in concert with one or more other
 214 persons, commits theft from more than one location within a 90-
 215 day ~~48-hour~~ period, in which case the amount of each individual
 216 theft is aggregated to determine the value of the property
 217 stolen;

218 (d) ~~(e)~~ Acts in concert with one or more other individuals
 219 within one or more establishments to distract the merchant,
 220 merchant's employee, or law enforcement officer in order to
 221 carry out the offense, or acts in other ways to coordinate
 222 efforts to carry out the offense; or

223 (e) ~~(d)~~ Commits the offense through the purchase of
 224 merchandise in a package or box that contains merchandise other
 225 than, or in addition to, the merchandise purported to be
 226 contained in the package or box.

227
 228 The threshold amounts for offenses specified in this subsection
 229 must be adjusted every 2 years in an amount equal to the total
 230 of the annual increases for that 2-year period in the Consumer
 231 Price Index for All Urban Consumers, U.S. City Average, All
 232 Items. The Office of Economic and Demographic Research shall

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233 calculate the thresholds, rounded to the nearest \$50, and
 234 publish the amounts, as adjusted, on its website by July 1 of
 235 every second year, with the amounts to take effect on October 1
 236 of that year. The office shall certify the revised amounts to
 237 the Division of Law Revision, which is directed to conform the
 238 statutes to the revised amounts.

239 (9) A person commits a felony of the second degree,
 240 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 241 if the person:

242 (a) Violates subsection (8) and has previously been
 243 convicted of a violation of subsection (8); ~~or~~

244 (b) Individually, or in concert with one or more other
 245 persons, coordinates the activities of one or more persons in
 246 committing the offense, in which case the amount of each
 247 individual ~~of~~ retail theft is aggregated; and if ~~where~~ the
 248 stolen property has a value in excess of \$3,000 and the theft
 249 occurs within a 90-day period; or

250 (c) Conspires with another person to commit retail theft
 251 with the intent to sell the stolen property for monetary or
 252 other gain, and subsequently takes or causes such property to be
 253 placed in control of another person in exchange for
 254 consideration, if such property has a value in excess of \$3,000,
 255 aggregated over a 90-day period.

256 (10) If a person commits retail theft in more than one
 257 county, the amount of the theft may be aggregated and each
 258 county where any of the retail theft occurred has concurrent
 259 jurisdiction.

260 Section 5. Subsection (3) is added to section 812.019,
 261 Florida Statutes, to read:

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262 812.019 Dealing in stolen property.-

263 (3) Any person who receives, possesses, or purchases any
 264 merchandise or stored-value card obtained from a fraudulent
 265 return with the knowledge that the merchandise or stored-value
 266 card was obtained in violation of s. 812.015 commits a felony of
 267 the third degree, punishable as provided in s. 775.082, s.
 268 775.083, or s. 775.084.

269 Section 6. Paragraphs (b), (c), and (e) of subsection (3)
 270 of section 921.0022, Florida Statutes, are amended to read:

271 921.0022 Criminal Punishment Code; offense severity ranking
 272 chart.-

273 (3) OFFENSE SEVERITY RANKING CHART

274 (b) LEVEL 2

275	Florida Statute	Felony Degree	Description
276	379.2431 (1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
277	379.2431 (1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
278	403.413(6)(c)	3rd	Dumps waste litter

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exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.

279

517.07(2)

3rd

Failure to furnish a prospectus meeting requirements.

280

590.28(1)

3rd

Intentional burning of lands.

281

784.05(3)

3rd

Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.

282

787.04(1)

3rd

In violation of court order, take, entice, etc., minor beyond state limits.

283

806.13(1)(b)3.

3rd

Criminal mischief; damage \$1,000 or more to public communication or any other public

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service.

284

810.061(2)

3rd

Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.

285

810.09(2)(e)

3rd

Trespassing on posted commercial horticulture property.

286

812.014(2)(c)1.

3rd

Grand theft, 3rd degree; \$700 ~~\$300~~ or more but less than \$5,000.

287

812.014(2)(d)

3rd

Grand theft, 3rd degree; \$100 or more but less than \$700 ~~\$300~~, taken from unenclosed curtilage of dwelling.

288

812.015(7)

3rd

Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.

289

817.234(1)(a)2.

3rd

False statement in support of insurance

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			claim.
290	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
291	817.52(3)	3rd	Failure to redeliver hired vehicle.
292	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
293	817.60(5)	3rd	Dealing in credit cards of another.
294	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
295	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
296	826.04	3rd	Knowingly marries or has sexual intercourse with

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			person to whom related.
297	831.01	3rd	Forgery.
298	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
299	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
300	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
301	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
302	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
303	832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.

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304	843.08	3rd	False personation.
305	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs other than cannabis.
306	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
307			
308	(c) LEVEL 3		
309	Florida Statute	Felony Degree	Description
310	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
311	316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
312	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.

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313	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
314	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
315	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
316	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
317	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
318	327.35(2)(b)	3rd	Felony BUI.
319	328.05(2)	3rd	Possess, sell, or

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counterfeit fictitious,
stolen, or fraudulent
titles or bills of sale of
vessels.

320

328.07(4) 3rd Manufacture, exchange, or
possess vessel with
counterfeit or wrong ID
number.

321

376.302(5) 3rd Fraud related to
reimbursement for cleanup
expenses under the Inland
Protection Trust Fund.

322

379.2431 3rd Taking, disturbing,
(1) (e) 5. mutilating, destroying,
causing to be destroyed,
transferring, selling,
offering to sell,
molesting, or harassing
marine turtles, marine
turtle eggs, or marine
turtle nests in violation
of the Marine Turtle
Protection Act.

323

379.2431 3rd Possessing any marine
(1) (e) 6. turtle species or

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hatchling, or parts
thereof, or the nest of any
marine turtle species
described in the Marine
Turtle Protection Act.

324

379.2431 3rd Soliciting to commit or
(1) (e) 7. conspiring to commit a
violation of the Marine
Turtle Protection Act.

325

400.9935(4) (a) 3rd Operating a clinic, or
or (b) offering services requiring
licensure, without a
license.

326

400.9935(4) (e) 3rd Filing a false license
application or other
required information or
failing to report
information.

327

440.1051(3) 3rd False report of workers'
compensation fraud or
retaliation for making such
a report.

328

501.001(2) (b) 2nd Tamperers with a consumer
product or the container

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			using materially false/misleading information.	
329	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.	
330	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.	
331	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.	
332	697.08	3rd	Equity skimming.	
333	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.	
334	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.	
335	806.10(2)	3rd	Interferes with or assaults	

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			firefighter in performance of duty.	
336	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.	
337	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.	
338	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.	
339	<u>812.015(8)(b)</u>	<u>3rd</u>	<u>Retail theft with intent to sell; coordination with others.</u>	
340	815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.	
341	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.	
342				

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343	817.233	3rd	Burning to defraud insurer.
	817.234	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
344	(8) (b) & (c)		
	817.234(11) (a)	3rd	Insurance fraud; property value less than \$20,000.
345	817.236	3rd	Filing a false motor vehicle insurance application.
346	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
347	817.413(2)	3rd	Sale of used goods as new.
348	831.28(2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
349	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification

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			cards.
350	838.021(3) (b)	3rd	Threatens unlawful harm to public servant.
351	843.19	3rd	Injure, disable, or kill police dog or horse.
352	860.15(3)	3rd	Overcharging for repairs and parts.
353	870.01(2)	3rd	Riot; inciting or encouraging.
354	893.13(1) (a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1) (c), (2) (c)1., (2) (c)2., (2) (c)3., (2) (c)6., (2) (c)7., (2) (c)8., (2) (c)9., (2) (c)10., (3), or (4) drugs).
355	893.13(1) (d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1) (c), (2) (c)1., (2) (c)2., (2) (c)3., (2) (c)6., (2) (c)7., (2) (c)8., (2) (c)9., (2) (c)10., (3),

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or (4) drugs within 1,000 feet of university.

356

893.13(1)(f)2.

2nd

Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.

357

893.13(4)(c)

3rd

Use or hire of minor; deliver to minor other controlled substances.

358

893.13(6)(a)

3rd

Possession of any controlled substance other than felony possession of cannabis.

359

893.13(7)(a)8.

3rd

Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

360

893.13(7)(a)9.

3rd

Obtain or attempt to obtain

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controlled substance by fraud, forgery, misrepresentation, etc.

361

893.13(7)(a)10.

3rd

Affix false or forged label to package of controlled substance.

362

893.13(7)(a)11.

3rd

Furnish false or fraudulent material information on any document or record required by chapter 893.

363

893.13(8)(a)1.

3rd

Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

364

893.13(8)(a)2.

3rd

Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.

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365	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
366	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
367	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
368	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
369	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
370	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

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371	(e) LEVEL 5		
372			
373	Florida Statute	Felony Degree	Description
374	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
375	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
376	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
377	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
378	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
379			

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	379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
380	379.367(4)	3rd	Willful molestation of a commercial harvester's

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			spiny lobster trap, line, or buoy.
381	379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
382	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
383	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
384	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
385	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
386	624.401(4)(b)2.	2nd	Transacting insurance

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387	626.902(1)(c)	2nd		Representing an unauthorized insurer; repeat offender.
388	790.01(2)	3rd		Carrying a concealed firearm.
389	790.162	2nd		Threat to throw or discharge destructive device.
390	790.163(1)	2nd		False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
391	790.221(1)	2nd		Possession of short-barreled shotgun or machine gun.
392	790.23	2nd		Felons in possession of firearms, ammunition, or

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393	796.05(1)	2nd		Live on earnings of a prostitute; 1st offense.
394	800.04(6)(c)	3rd		Lewd or lascivious conduct; offender less than 18 years of age.
395	800.04(7)(b)	2nd		Lewd or lascivious exhibition; offender 18 years of age or older.
396	806.111(1)	3rd		Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
397	812.0145(2)(b)	2nd		Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
398	812.015(8) <u>(a), (c),</u> <u>(d), & (e)</u>	3rd		Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
399				

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	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
400	<u>812.019(3)</u>	<u>3rd</u>	<u>Specified acts involving merchandise or a stored-value card obtained from a fraudulent return.</u>
401	812.131(2)(b)	3rd	Robbery by sudden snatching.
402	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
403	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
404	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
405	817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the

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			solvency of an insuring entity.
406	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
407	817.611(2)(a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
408	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
409	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly

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410	576-02456C-19		20197072pb	person or disabled adult.
411	827.071(4)	2nd		Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
412	827.071(5)	3rd		Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
413	828.12(2)	3rd		Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
414	839.13(2)(b)	2nd		Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

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416	843.01	3rd		Resist officer with violence to person; resist arrest with violence.
417	847.0135(5)(b)	2nd		Lewd or lascivious exhibition using computer; offender 18 years or older.
418	847.0137 (2) & (3)	3rd		Transmission of pornography by electronic device or equipment.
419	847.0138 (2) & (3)	3rd		Transmission of material harmful to minors to a minor by electronic device or equipment.
419	874.05(1)(b)	2nd		Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
419	874.05(2)(a)	2nd		Encouraging or recruiting person under 13 years of age to join

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420

a criminal gang.

893.13(1)(a)1.

2nd

Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs).

421

893.13(1)(c)2.

2nd

Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

422

893.13(1)(d)1.

1st

Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a),

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423

(2)(b), or (2)(c)5. drugs) within 1,000 feet of university.

893.13(1)(e)2.

2nd

Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.

424

893.13(1)(f)1.

1st

Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.

425

893.13(4)(b)

2nd

Use or hire of minor; deliver to minor other

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controlled substance.

426

893.1351(1) 3rd Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

427

428 Section 7. For the purpose of incorporating the amendment
429 made by this act to section 812.014, Florida Statutes, in a
430 reference thereto, subsection (10) of section 95.18, Florida
431 Statutes, is reenacted to read:

432 95.18 Real property actions; adverse possession without
433 color of title.—

434 (10) A person who occupies or attempts to occupy a
435 residential structure solely by claim of adverse possession
436 under this section and offers the property for lease to another
437 commits theft under s. 812.014.

438 Section 8. For the purpose of incorporating the amendment
439 made by this act to section 812.014, Florida Statutes, in a
440 reference thereto, paragraph (c) of subsection (3) of section
441 373.6055, Florida Statutes, is reenacted to read:

442 373.6055 Criminal history checks for certain water
443 management district employees and others.—

444 (3)

445 (c) In addition to other requirements for employment or
446 access established by any water management district pursuant to
447 its water management district's security plan for buildings,
448 facilities, and structures, each water management district's
449 security plan shall provide that:

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450 1. Any person who has within the past 7 years been
451 convicted, regardless of whether adjudication was withheld, for
452 a forcible felony as defined in s. 776.08; an act of terrorism
453 as defined in s. 775.30; planting of a hoax bomb as provided in
454 s. 790.165; any violation involving the manufacture, possession,
455 sale, delivery, display, use, or attempted or threatened use of
456 a weapon of mass destruction or hoax weapon of mass destruction
457 as provided in s. 790.166; dealing in stolen property; any
458 violation of s. 893.135; any violation involving the sale,
459 manufacturing, delivery, or possession with intent to sell,
460 manufacture, or deliver a controlled substance; burglary;
461 robbery; any felony violation of s. 812.014; any violation of s.
462 790.07; any crime an element of which includes use or possession
463 of a firearm; any conviction for any similar offenses under the
464 laws of another jurisdiction; or conviction for conspiracy to
465 commit any of the listed offenses may not be qualified for
466 initial employment within or authorized regular access to
467 buildings, facilities, or structures defined in the water
468 management district's security plan as restricted access areas.

469 2. Any person who has at any time been convicted of any of
470 the offenses listed in subparagraph 1. may not be qualified for
471 initial employment within or authorized regular access to
472 buildings, facilities, or structures defined in the water
473 management district's security plan as restricted access areas
474 unless, after release from incarceration and any supervision
475 imposed as a sentence, the person remained free from a
476 subsequent conviction, regardless of whether adjudication was
477 withheld, for any of the listed offenses for a period of at
478 least 7 years prior to the employment or access date under

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479 consideration.

480 Section 9. For the purpose of incorporating the amendment
 481 made by this act to section 812.014, Florida Statutes, in a
 482 reference thereto, subsection (3) of section 400.9935, Florida
 483 Statutes, is reenacted to read:

484 400.9935 Clinic responsibilities.—

485 (3) A charge or reimbursement claim made by or on behalf of
 486 a clinic that is required to be licensed under this part but
 487 that is not so licensed, or that is otherwise operating in
 488 violation of this part, regardless of whether a service is
 489 rendered or whether the charge or reimbursement claim is paid,
 490 is an unlawful charge and is noncompensable and unenforceable. A
 491 person who knowingly makes or causes to be made an unlawful
 492 charge commits theft within the meaning of and punishable as
 493 provided in s. 812.014.

494 Section 10. For the purpose of incorporating the amendment
 495 made by this act to section 812.014, Florida Statutes, in a
 496 reference thereto, paragraph (g) of subsection (17) of section
 497 409.910, Florida Statutes, is reenacted to read:

498 409.910 Responsibility for payments on behalf of Medicaid-
 499 eligible persons when other parties are liable.—

500 (17)

501 (g) The agency may investigate and request appropriate
 502 officers or agencies of the state to investigate suspected
 503 criminal violations or fraudulent activity related to third-
 504 party benefits, including, without limitation, ss. 414.39 and
 505 812.014. Such requests may be directed, without limitation, to
 506 the Medicaid Fraud Control Unit of the Office of the Attorney
 507 General or to any state attorney. Pursuant to s. 409.913, the

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508 Attorney General has primary responsibility to investigate and
 509 control Medicaid fraud.

510 Section 11. For the purpose of incorporating the amendment
 511 made by this act to section 812.014, Florida Statutes, in a
 512 reference thereto, subsection (4) of section 489.126, Florida
 513 Statutes, is reenacted to read:

514 489.126 Moneys received by contractors.—

515 (4) Any person who violates any provision of this section
 516 is guilty of theft and shall be prosecuted and punished under s.
 517 812.014.

518 Section 12. For the purpose of incorporating the amendment
 519 made by this act to section 812.014, Florida Statutes, in a
 520 reference thereto, subsection (10) of section 550.6305, Florida
 521 Statutes, is reenacted to read:

522 550.6305 Intertrack wagering; guest track payments;
 523 accounting rules.—

524 (10) All races or games conducted at a permitholder's
 525 facility, all broadcasts of such races or games, and all
 526 broadcast rights relating thereto are owned by the permitholder
 527 at whose facility such races or games are conducted and
 528 constitute the permitholder's property as defined in s.
 529 812.012(4). Transmission, reception of a transmission,
 530 exhibition, use, or other appropriation of such races or games,
 531 broadcasts of such races or games, or broadcast rights relating
 532 thereto without the written consent of the permitholder
 533 constitutes a theft of such property under s. 812.014; and in
 534 addition to the penal sanctions contained in s. 812.014, the
 535 permitholder has the right to avail itself of the civil remedies
 536 specified in ss. 772.104, 772.11, and 812.035 in addition to any

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537 other remedies available under applicable state or federal law.

538 Section 13. For the purpose of incorporating the amendment
539 made by this act to section 812.014, Florida Statutes, in a
540 reference thereto, subsection (2) of section 627.743, Florida
541 Statutes, is reenacted to read:

542 627.743 Payment of third-party claims.—

543 (2) When making any payment on a third party claim for
544 damage to an automobile for a partial loss, the insurer shall
545 have printed on the loss estimate, if prepared by the insurer,
546 the following: "Failure to use the insurance proceeds in
547 accordance with the security agreement, if any, could be a
548 violation of s. 812.014, Florida Statutes. If you have any
549 questions, contact your lending institution." However, this
550 subsection does not apply if the insurer does not prepare the
551 loss estimate.

552 Section 14. For the purpose of incorporating the amendment
553 made by this act to section 812.014, Florida Statutes, in a
554 reference thereto, subsection (2) of section 634.319, Florida
555 Statutes, is reenacted to read:

556 634.319 Reporting and accounting for funds.—

557 (2) Any sales representative who, not being entitled
558 thereto, diverts or appropriates such funds or any portion
559 thereof to her or his own use is, upon conviction, guilty of
560 theft, punishable as provided in s. 812.014.

561 Section 15. For the purpose of incorporating the amendment
562 made by this act to section 812.014, Florida Statutes, in a
563 reference thereto, subsection (2) of section 634.421, Florida
564 Statutes, is reenacted to read:

565 634.421 Reporting and accounting for funds.—

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566 (2) Any sales representative who, not being entitled
567 thereto, diverts or appropriates funds or any portion thereof to
568 her or his own use commits theft as provided in s. 812.014.

569 Section 16. For the purpose of incorporating the amendment
570 made by this act to section 812.014, Florida Statutes, in a
571 reference thereto, subsection (3) of section 636.238, Florida
572 Statutes, is reenacted to read:

573 636.238 Penalties for violation of this part.—

574 (3) A person who collects fees for purported membership in
575 a discount plan but purposefully fails to provide the promised
576 benefits commits a theft, punishable as provided in s. 812.014.

577 Section 17. For the purpose of incorporating the amendment
578 made by this act to section 812.014, Florida Statutes, in a
579 reference thereto, subsection (2) of section 642.038, Florida
580 Statutes, is reenacted to read:

581 642.038 Reporting and accounting for funds.—

582 (2) Any sales representative who, not being entitled
583 thereto, diverts or appropriates such funds or any portion
584 thereof to his or her own use commits theft as provided in s.
585 812.014.

586 Section 18. For the purpose of incorporating the amendment
587 made by this act to section 812.014, Florida Statutes, in a
588 reference thereto, subsection (4) of section 705.102, Florida
589 Statutes, is reenacted to read:

590 705.102 Reporting lost or abandoned property.—

591 (4) Any person who unlawfully appropriates such lost or
592 abandoned property to his or her own use or refuses to deliver
593 such property when required commits theft as defined in s.
594 812.014, punishable as provided in s. 775.082, s. 775.083, or s.

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595 775.084.

596 Section 19. For the purpose of incorporating the amendment
597 made by this act to section 812.014, Florida Statutes, in a
598 reference thereto, paragraph (d) of subsection (1) of section
599 718.111, Florida Statutes, is reenacted to read:

600 718.111 The association.—

601 (1) CORPORATE ENTITY.—

602 (d) As required by s. 617.0830, an officer, director, or
603 agent shall discharge his or her duties in good faith, with the
604 care an ordinarily prudent person in a like position would
605 exercise under similar circumstances, and in a manner he or she
606 reasonably believes to be in the interests of the association.
607 An officer, director, or agent shall be liable for monetary
608 damages as provided in s. 617.0834 if such officer, director, or
609 agent breached or failed to perform his or her duties and the
610 breach of, or failure to perform, his or her duties constitutes
611 a violation of criminal law as provided in s. 617.0834;
612 constitutes a transaction from which the officer or director
613 derived an improper personal benefit, either directly or
614 indirectly; or constitutes recklessness or an act or omission
615 that was in bad faith, with malicious purpose, or in a manner
616 exhibiting wanton and willful disregard of human rights, safety,
617 or property. Forgery of a ballot envelope or voting certificate
618 used in a condominium association election is punishable as
619 provided in s. 831.01, the theft or embezzlement of funds of a
620 condominium association is punishable as provided in s. 812.014,
621 and the destruction of or the refusal to allow inspection or
622 copying of an official record of a condominium association that
623 is accessible to unit owners within the time periods required by

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624 general law in furtherance of any crime is punishable as
625 tampering with physical evidence as provided in s. 918.13 or as
626 obstruction of justice as provided in chapter 843. An officer or
627 director charged by information or indictment with a crime
628 referenced in this paragraph must be removed from office, and
629 the vacancy shall be filled as provided in s. 718.112(2)(d)2.
630 until the end of the officer's or director's period of
631 suspension or the end of his or her term of office, whichever
632 occurs first. If a criminal charge is pending against the
633 officer or director, he or she may not be appointed or elected
634 to a position as an officer or a director of any association and
635 may not have access to the official records of any association,
636 except pursuant to a court order. However, if the charges are
637 resolved without a finding of guilt, the officer or director
638 must be reinstated for the remainder of his or her term of
639 office, if any.

640 Section 20. For the purpose of incorporating the amendment
641 made by this act to section 812.014, Florida Statutes, in
642 references thereto, subsections (4), (7), and (8) of section
643 812.14, Florida Statutes, are reenacted to read:

644 812.14 Trespass and larceny with relation to utility
645 fixtures; theft of utility services.—

646 (4) A person who willfully violates subsection (2) commits
647 theft, punishable as provided in s. 812.014.

648 (7) An owner, lessor, or sublessor who willfully violates
649 subsection (5) commits a misdemeanor of the first degree,
650 punishable as provided in s. 775.082 or s. 775.083. Prosecution
651 for a violation of subsection (5) does not preclude prosecution
652 for theft pursuant to subsection (8) or s. 812.014.

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653 (8) Theft of utility services for the purpose of
 654 facilitating the manufacture of a controlled substance is theft,
 655 punishable as provided in s. 812.014.

656 Section 21. For the purpose of incorporating the amendment
 657 made by this act to section 812.014, Florida Statutes, in a
 658 reference thereto, paragraph (b) of subsection (1) of section
 659 985.11, Florida Statutes, is reenacted to read:

660 985.11 Fingerprinting and photographing.—

661 (1)

662 (b) Unless the child is issued a civil citation or is
 663 participating in a similar diversion program pursuant to s.
 664 985.12, a child who is charged with or found to have committed
 665 one of the following offenses shall be fingerprinted, and the
 666 fingerprints shall be submitted to the Department of Law
 667 Enforcement as provided in s. 943.051(3)(b):

- 668 1. Assault, as defined in s. 784.011.
- 669 2. Battery, as defined in s. 784.03.
- 670 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 671 4. Unlawful use of destructive devices or bombs, as defined
 672 in s. 790.1615(1).
- 673 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 674 6. Assault on a law enforcement officer, a firefighter, or
 675 other specified officers, as defined in s. 784.07(2)(a).
- 676 7. Open carrying of a weapon, as defined in s. 790.053.
- 677 8. Exposure of sexual organs, as defined in s. 800.03.
- 678 9. Unlawful possession of a firearm, as defined in s.
 679 790.22(5).
- 680 10. Petit theft, as defined in s. 812.014.
- 681 11. Cruelty to animals, as defined in s. 828.12(1).

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682 12. Arson, resulting in bodily harm to a firefighter, as
 683 defined in s. 806.031(1).

684 13. Unlawful possession or discharge of a weapon or firearm
 685 at a school-sponsored event or on school property as defined in
 686 s. 790.115.

687
 688 A law enforcement agency may fingerprint and photograph a child
 689 taken into custody upon probable cause that such child has
 690 committed any other violation of law, as the agency deems
 691 appropriate. Such fingerprint records and photographs shall be
 692 retained by the law enforcement agency in a separate file, and
 693 these records and all copies thereof must be marked "Juvenile
 694 Confidential." These records are not available for public
 695 disclosure and inspection under s. 119.07(1) except as provided
 696 in ss. 943.053 and 985.04(2), but shall be available to other
 697 law enforcement agencies, criminal justice agencies, state
 698 attorneys, the courts, the child, the parents or legal
 699 custodians of the child, their attorneys, and any other person
 700 authorized by the court to have access to such records. In
 701 addition, such records may be submitted to the Department of Law
 702 Enforcement for inclusion in the state criminal history records
 703 and used by criminal justice agencies for criminal justice
 704 purposes. These records may, in the discretion of the court, be
 705 open to inspection by anyone upon a showing of cause. The
 706 fingerprint and photograph records shall be produced in the
 707 court whenever directed by the court. Any photograph taken
 708 pursuant to this section may be shown by a law enforcement
 709 officer to any victim or witness of a crime for the purpose of
 710 identifying the person who committed such crime.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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711 Section 22. For the purpose of incorporating the amendment
 712 made by this act to section 812.015, Florida Statutes, in a
 713 reference thereto, paragraph (f) of subsection (5) of section
 714 538.09, Florida Statutes, is reenacted to read:

715 538.09 Registration.—

716 (5) In addition to the fine provided in subsection (4),
 717 registration under this section may be denied or any
 718 registration granted may be revoked, restricted, or suspended by
 719 the department if the department determines that the applicant
 720 or registrant:

721 (f) Has, within the preceding 10-year period for new
 722 registrants who apply for registration on or after October 1,
 723 2006, been convicted of, or has entered a plea of guilty or nolo
 724 contendere to, or had adjudication withheld for, a crime against
 725 the laws of this state or any other state or of the United
 726 States which relates to registration as a secondhand dealer or
 727 which involves theft, larceny, dealing in stolen property,
 728 receiving stolen property, burglary, embezzlement, obtaining
 729 property by false pretenses, possession of altered property, any
 730 felony drug offense, any violation of s. 812.015, or any
 731 fraudulent dealing;

732
 733 In the event the department determines to deny an application or
 734 revoke a registration, it shall enter a final order with its
 735 findings on the register of secondhand dealers and their
 736 business associates, if any; and denial, suspension, or
 737 revocation of the registration of a secondhand dealer shall also
 738 deny, suspend, or revoke the registration of such secondhand
 739 dealer's business associates.

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740 Section 23. For the purpose of incorporating the amendment
 741 made by this act to section 812.015, Florida Statutes, in a
 742 reference thereto, subsection (2) of section 538.23, Florida
 743 Statutes, is reenacted to read:

744 538.23 Violations and penalties.—

745 (2) A secondary metals recycler is presumed to know upon
 746 receipt of stolen regulated metals property in a purchase
 747 transaction that the regulated metals property has been stolen
 748 from another if the secondary metals recycler knowingly and
 749 intentionally fails to maintain the information required in s.
 750 538.19 and shall, upon conviction of a violation of s. 812.015,
 751 be punished as provided in s. 812.014(2) or (3).

752 Section 24. For the purpose of incorporating the amendment
 753 made by this act to section 812.019, Florida Statutes, in a
 754 reference thereto, paragraph (bb) of subsection (1) of section
 755 1012.315, Florida Statutes, is reenacted to read:

756 1012.315 Disqualification from employment.—A person is
 757 ineligible for educator certification or employment in any
 758 position that requires direct contact with students in a
 759 district school system, charter school, or private school that
 760 accepts scholarship students who participate in a state
 761 scholarship program under chapter 1002 if the person has been
 762 convicted of:

763 (1) Any felony offense prohibited under any of the
 764 following statutes:

765 (bb) Section 812.019, relating to dealing in stolen
 766 property.

767 Section 25. For the purpose of incorporating the amendments
 768 made by this act to sections 812.014 and 812.015, Florida

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769 Statutes, in references thereto, subsections (1) and (2) of
770 section 812.0155, Florida Statutes, are reenacted to read:

771 812.0155 Suspension of driver license following an
772 adjudication of guilt for theft.—

773 (1) Except as provided in subsections (2) and (3), the
774 court may order the suspension of the driver license of each
775 person adjudicated guilty of any misdemeanor violation of s.
776 812.014 or s. 812.015, regardless of the value of the property
777 stolen. Upon ordering the suspension of the driver license of
778 the person adjudicated guilty, the court shall forward the
779 driver license of the person adjudicated guilty to the
780 Department of Highway Safety and Motor Vehicles in accordance
781 with s. 322.25.

782 (a) The first suspension of a driver license under this
783 subsection shall be for a period of up to 6 months.

784 (b) A second or subsequent suspension of a driver license
785 under this subsection shall be for 1 year.

786 (2) The court may revoke, suspend, or withhold issuance of
787 a driver license of a person less than 18 years of age who
788 violates s. 812.014 or s. 812.015 as an alternative to
789 sentencing the person to:

790 (a) Probation as defined in s. 985.03 or commitment to the
791 Department of Juvenile Justice, if the person is adjudicated
792 delinquent for such violation and has not previously been
793 convicted of or adjudicated delinquent for any criminal offense,
794 regardless of whether adjudication was withheld.

795 (b) Probation as defined in s. 985.03, commitment to the
796 Department of Juvenile Justice, probation as defined in chapter
797 948, community control, or incarceration, if the person is

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798 convicted as an adult of such violation and has not previously
799 been convicted of or adjudicated delinquent for any criminal
800 offense, regardless of whether adjudication was withheld.

801 Section 26. For the purpose of incorporating the amendments
802 made by this act to sections 812.014 and 812.019, Florida
803 Statutes, in a reference thereto, subsection (3) of section
804 893.138, Florida Statutes, is reenacted to read:

805 893.138 Local administrative action to abate drug-related,
806 prostitution-related, or stolen-property-related public
807 nuisances and criminal gang activity.—

808 (3) Any pain-management clinic, as described in s. 458.3265
809 or s. 459.0137, which has been used on more than two occasions
810 within a 6-month period as the site of a violation of:

811 (a) Section 784.011, s. 784.021, s. 784.03, or s. 784.045,
812 relating to assault and battery;

813 (b) Section 810.02, relating to burglary;

814 (c) Section 812.014, relating to theft;

815 (d) Section 812.131, relating to robbery by sudden
816 snatching; or

817 (e) Section 893.13, relating to the unlawful distribution
818 of controlled substances,

819
820 may be declared to be a public nuisance, and such nuisance may
821 be abated pursuant to the procedures provided in this section.

822 Section 27. This act shall take effect October 1, 2019.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/7/19

Meeting Date

SB7072

Bill Number (if applicable)

760754

Amendment Barcode (if applicable)

Topic Criminal Justice

Name Mrs. Logan Padgett

Job Title Director of Communications

Address 100 N Duval Street

Phone 850-386-3131

Street

Tallahassee

FL

32301

Email lpadgett@jamesmadison.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The James Madison Institute

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

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3/7/19

Meeting Date

SB7072

Bill Number (if applicable)

Topic Criminal Justice

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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3/7/2019
Meeting Date

7072
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave So

Phone 727/897-9291

Street

St Petersburg

FL

33705

Email justice2jesus@yahoo.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

CourtSmart Tag Report

Room: KN 412

Case No.:

Type:

Caption: Senate Appropriations Committee

Judge:

Started: 3/7/2019 10:04:00 AM

Ends: 3/7/2019 10:30:35 AM

Length: 00:26:36

10:03:59 AM Sen. Bradley (Chair)
10:06:05 AM S 184
10:06:13 AM Sen. Book
10:07:20 AM Am. 175178
10:07:28 AM Sen. Book
10:07:59 AM Am. 499518
10:08:04 AM Sen. Book
10:08:41 AM S 184 (cont.)
10:08:58 AM Brian Pitts, Trustee, Justice-2-Jesus
10:14:24 AM S 188
10:14:39 AM PCS 114864
10:14:49 AM Sen. Harrell
10:17:58 AM Am. 430820
10:18:08 AM Sen. Harrell
10:18:56 AM Am. 973632
10:19:00 AM Sen. Harrell
10:20:04 AM Sen. Brandes
10:20:08 AM Sen. Harrell
10:20:36 AM Alexandria Abboud, Lobbyist, Florida Dental Association (waives in support)
10:20:48 AM Sen. Brandes
10:21:25 AM Sen. Bradley
10:22:12 AM Sen. Harrell
10:22:43 AM Am. 661862
10:22:47 AM Sen. Harrell
10:23:23 AM Jillian Heddaeus, Executive Director, Florida Dental Laboratory Association (waives in support)
10:23:45 AM Eric Thorn, Staff Council, Florida Dental Laboratory Association (waives in support)
10:23:53 AM Alexandra Abboud, Lobbyist, Florida Dental Association (waives in support)
10:24:17 AM S 188 (cont.)
10:24:27 AM Steve Winn, Executive Director, Florida Osteopathic Medical Association (waives in support)
10:24:40 AM Brian Pitts, Trustee, Justice-2-Jesus
10:28:52 AM Sen. Harrell