

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/SB 768 — Department of Health

by Appropriations Committee; Health Policy Committee; and Senator Rodriguez

The bill addresses numerous health care-related issues regulated by the Department of Health (DOH). The bill:

- Updates the “Targeted Outreach for Pregnant Women Act of 1998.”
- Amends s. 381.0303, F.S., to remove Children’s Medical Services as a party required to coordinate in the development of local emergency management plans for special needs shelters. Instead, the bill specifies that the DOH is the lead agency to coordinate local medical and health care providers for the staffing and management of the shelters and is the decision-making authority for determining the medical supervision in each special needs shelter.
- Allows the DOH to collect samples of marijuana and marijuana delivery devices, in general, from a medical marijuana treatment center (MMTC) for specified testing, rather than only samples of edibles.
- Expands MMTC recall requirements to all marijuana products and delivery devices, rather than only edibles.
- Requires the DOH to adopt rules by negotiated rulemaking to establish acceptable marijuana potency variations of no more than 15 percent and prohibits the DOH from issuing a recall of marijuana for product potency as it relates to labeling until such rules are adopted.
- Effective upon the bill becoming law, allows an MMTC applicant that applies for the MMTC license reserved for a class member of *Pigford v. Glickman* or *In Re Black Farmers* litigation to transfer its initial application fee to one subsequent opportunity to apply for licensure as an MMTC if that applicant is determined through the application process to be a class member of the *Pigford v. Glickman* or *In Re Black Farmers* litigation and is not awarded that license.
- Prohibits the DOH from renewing the license of an MMTC that has not begun to cultivate, process, and dispense marijuana by the time its license must be renewed.
- Provides an exception from criminal laws for DOH employees to acquire, possess, test, transport, and lawfully dispose of marijuana and marijuana delivery devices.
- Amends s. 381.99, F.S., to increase the number of rare disease caregiver appointees to the Rare Disease Advisory Council that may be appointed by the President of the Senate and the Speaker of the House of Representatives from one each, to two each, and permits the appointees to be either current or previous caregivers of individuals with a rare disease.
- Amends s. 406.11, F.S., to remove the requirement that medical examiners “certify the death,” in addition to determining the cause of death, when a person dies under certain circumstances.
- Amends s. 383.216, F.S., to authorize the administrative services organization representing all Healthy Start Coalitions under s. 409.975(4), F.S., to use any method of telecommunications to conduct meetings for an authorized function, with proper public notice and reasonable access.

- Amends s. 456.039, F.S., to require that every applicant for licensure or renewal of licensure as a medical doctor or osteopathic physician must furnish to the DOH proof of payment of his or her assessment relating to the Florida Birth-Related Neurological Injury Compensation Plan at the time of initial application or renewal.
- Amends ss. 460.406, 468.803, 483.824, and 490.005, F.S., to delete references to the term “regional” and replace it with the term “institutional” to conform with the U.S. Department of Education accreditation nomenclature for approving health care-related educational institutions.
- Amends s. 464.008, F.S., and deletes the requirement that graduates from an approved nursing program who do not take the licensure examination within six months after graduation, must successfully complete and pay for a licensure examination preparatory course approved by the Board of Nursing.
- Amends s. 464.018(1)(e), F.S., and moves the placement of the phrase, “regardless of adjudication,” after the phrase “[h]aving been found guilty of, or entered a plea of nolo contendere or guilty to”, to clarify that “regardless of adjudication” does not apply only to guilty pleas but to any plea to offenses listed in ss. 435.04 or 741.28, F.S.
- Makes numerous amendments and updates to ch. 467, F.S., the “Midwifery Practice Act.”
- Amends ss. 490.003, 490.005, and 490.0051, F.S., to clarify definitions and the educational requirements for psychologists applying for licensure by examination or provisional licensure.
- Effective upon the bill becoming law, amends the minimum education requirements for licensure as a clinical social worker, marriage and family therapist, or a mental health counselor in s. 491.005, F.S.
- Effective upon the bill becoming law, revises the eligibility requirements under s. 766.31, F.S., for parents or legal guardians who received an award under the Florida Birth-Related Neurological Injury Compensation Plan before January 1, 2021, to eliminate the requirement that the child must be currently receiving benefits under the plan to receive the award. The bill requires the plan to make retroactive payments in a lump sum or in periodic payments as designated by the parents or legal guardians by July 1, 2022, to eligible parents or legal guardians.
- Amends s. 766.314, F.S., authorizing the Florida Birth-Related Neurological Injury Compensation Association (NICA) to collect and enforce physician assessments in circuit court, if necessary, and requires the NICA program to notify the DOH and the appropriate regulatory board of any unpaid final judgments against a physician within a specific timeframe.

If approved by the Governor, the provisions of the bill take effect July 1, 2022, except as otherwise provided.

Vote: Senate 39-0; House 118-0