

1 A bill to be entitled
2 An act relating to the Department of Health; amending
3 s. 39.303, F.S.; specifying direct reporting
4 requirements for certain positions within the
5 Children's Medical Services Program; amending s.
6 381.0042, F.S.; revising the purpose of patient care
7 networks from serving patients with acquired immune
8 deficiency syndrome to serving those with human
9 immunodeficiency virus; conforming provisions to
10 changes made by the act; deleting obsolete language;
11 amending s. 381.4018, F.S.; requiring the Department
12 of Health to develop strategies to maximize federal-
13 state partnerships that provide incentives for
14 physicians to practice in medically underserved or
15 rural areas; authorizing the department to adopt
16 certain rules; amending s. 381.915, F.S.; revising
17 provisions relating to time limitations on a cancer
18 center's participation in the Tier 3 designation under
19 the Florida Consortium of National Cancer Institute
20 Centers Program; s. 381.986; providing a definition;
21 revising a provision requiring certain information to
22 be entered into the medical marijuana use registry;
23 revising a provision relating to the informed consent
24 form to include the negative health effects of
25 marijuana use on certain persons; providing daily dose

26 amount limits for edibles and marijuana in a form for
27 smoking; prohibiting physicians from certifying a
28 certain potency of tetrahydrocannabinol in marijuana
29 for certain patients; providing an exception;
30 authorizing the Department of Health to possess and
31 test marijuana samples from medical marijuana
32 treatment centers; authorizing medical marijuana
33 treatment centers to contract with certain medical
34 marijuana testing laboratories; prohibiting the
35 department from renewing a medical marijuana treatment
36 center's license under certain circumstances;
37 providing limits on the potency of
38 tetrahydrocannabinol in marijuana and edibles
39 dispensed by a medical marijuana treatment center;
40 prohibiting a medical marijuana treatment center from
41 dispensing a medical marijuana product containing
42 tetrahydrocannabiphorol; providing applicability;
43 authorizing the department and certain employees to
44 acquire, possess, test, transport, and dispose of
45 marijuana; amending s. 381.988, F.S.; prohibiting a
46 certified medical marijuana testing laboratory from
47 having an economic interest in or financial
48 relationship with a medical marijuana treatment
49 center; providing construction; amending s. 401.35,
50 F.S.; revising provisions relating to the

51 applicability of rules to certain licensees; deleting
52 a requirement that the department base rules governing
53 medical supplies and equipment required in ambulances
54 and emergency medical services vehicles on a certain
55 association's standards; deleting a requirement that
56 the department base rules governing ambulance or
57 vehicle design and construction on a certain agency's
58 standards and instead requiring the department to base
59 such rules on national standards recognized by the
60 department; amending s. 404.031, F.S.; defining the
61 term "useful beam"; amending s. 404.22, F.S.;
62 providing requirements for the maintenance, operation,
63 and modification of certain radiation machines;
64 providing conditions for the authorized exposure of
65 human beings to the radiation emitted from a radiation
66 machine; amending s. 456.013, F.S.; revising health
67 care practitioner licensure application requirements;
68 authorizing the board or department to issue a
69 temporary license to certain applicants which expires
70 after 60 days; amending s. 456.0635, F.S.; providing
71 an exception to a prohibition on the examination or
72 licensure of certain applicants who are listed on a
73 specified federal list; amending s. 456.072, F.S.;
74 conforming provisions to changes made by the act;
75 repealing s. 456.0721, F.S., relating to health care

76 practitioners in default on student loan or
77 scholarship obligations; amending s. 456.074, F.S.;
78 conforming provisions to changes made by the act;
79 amending s. 458.3145, F.S.; revising the list of
80 individuals who may be issued a medical faculty
81 certificate without examination; amending s. 458.3312,
82 F.S.; removing a prohibition against physicians
83 representing themselves as board-certified specialists
84 in dermatology unless the recognizing agency is
85 reviewed and reauthorized on a specified basis by the
86 Board of Medicine; amending s. 459.0055, F.S.;
87 revising licensure requirements for a person seeking
88 licensure or certification as an osteopathic
89 physician; repealing s. 460.4166, F.S., relating to
90 registered chiropractic assistants; amending s.
91 464.019, F.S.; authorizing the Board of Nursing to
92 adopt specified rules; extending through 2025 the
93 Florida Center for Nursing's responsibility to study
94 and issue an annual report on the implementation of
95 nursing education programs; authorizing certain
96 nursing education programs to apply for an extension
97 for accreditation within a specified timeframe;
98 providing limitations on and eligibility criteria for
99 the extension; amending s. 464.202, F.S.; requiring
100 the Board of Nursing to adopt rules that include

101 disciplinary procedures and standards of practice for
102 certified nursing assistants; amending s. 464.203,
103 F.S.; revising certification requirements for nursing
104 assistants; amending s. 464.204, F.S.; revising
105 grounds for board-imposed disciplinary sanctions;
106 amending s. 466.006, F.S.; revising certain
107 examination requirements for applicants seeking dental
108 licensure; reviving, reenacting, and amending s.
109 466.0067, F.S., relating to the application for a
110 health access dental license; reviving, reenacting,
111 and amending s. 466.00671, F.S., relating to the
112 renewal of such a license; reviving and reenacting s.
113 466.00672, F.S., relating to the revocation of such a
114 license; providing for retroactive application;
115 amending s. 466.007, F.S.; revising requirements for
116 examinations of dental hygienists; amending s.
117 466.017, F.S.; requiring dentists and certified
118 registered dental hygienists to report in writing
119 certain adverse incidents to the department within a
120 specified timeframe; providing for disciplinary action
121 by the Board of Dentistry for violations; defining the
122 term "adverse incident"; authorizing the board to
123 adopt rules; amending s. 466.031, F.S.; making
124 technical changes; authorizing an employee or an
125 independent contractor of a dental laboratory, acting

126 as an agent of that dental laboratory, to engage in
127 onsite consultation with a licensed dentist during a
128 dental procedure; amending s. 466.036, F.S.; revising
129 the frequency of dental laboratory inspections during
130 a specified period; amending s. 468.701, F.S.;
131 revising the definition of the term "athletic
132 trainer"; deleting a requirement that is relocated to
133 another section; amending s. 468.707, F.S.; revising
134 athletic trainer licensure requirements; amending s.
135 468.711, F.S.; requiring certain licensees to maintain
136 certification in good standing without lapse as a
137 condition of renewal of their athletic trainer
138 licenses; amending s. 468.713, F.S.; requiring that an
139 athletic trainer work within a specified scope of
140 practice; relocating an existing requirement that was
141 stricken from another section; amending s. 468.723,
142 F.S.; requiring the direct supervision of an athletic
143 training student to be in accordance with rules
144 adopted by the Board of Athletic Training; amending s.
145 468.803, F.S.; revising orthotic, prosthetic, and
146 pedorthic licensure, registration, and examination
147 requirements; amending s. 480.033, F.S.; revising the
148 definition of the term "apprentice"; amending s.
149 480.041, F.S.; revising qualifications for licensure
150 as a massage therapist; specifying that massage

151 apprentices licensed before a specified date may
152 continue to perform massage therapy as authorized
153 under their licenses; authorizing massage apprentices
154 to apply for full licensure upon completion of their
155 apprenticeships, under certain conditions; repealing
156 s. 480.042, F.S., relating to examinations for
157 licensure as a massage therapist; amending s. 490.003,
158 F.S.; revising the definition of the terms "doctoral-
159 level psychological education" and "doctoral degree in
160 psychology"; amending s. 490.005, F.S.; revising
161 requirements for licensure by examination of
162 psychologists and school psychologists; amending s.
163 490.006, F.S.; revising requirements for licensure by
164 endorsement of psychologists and school psychologists;
165 amending s. 491.0045, F.S.; exempting clinical social
166 worker interns, marriage and family therapist interns,
167 and mental health counselor interns from registration
168 requirements, under certain circumstances; amending s.
169 491.005, F.S.; revising requirements for the licensure
170 by examination of marriage and family therapists;
171 revising requirements for the licensure by examination
172 of mental health counselors; amending s. 491.006,
173 F.S.; revising requirements for licensure by
174 endorsement or certification for specified
175 professions; amending s. 491.007, F.S.; removing a

176 biennial intern registration fee; amending s. 491.009,
177 F.S.; authorizing the Board of Clinical Social Work,
178 Marriage and Family Therapy, and Mental Health
179 Counseling or, under certain circumstances, the
180 department to enter an order denying licensure or
181 imposing penalties against an applicant for licensure
182 under certain circumstances; amending s. 514.0115,
183 F.S.; providing that certain surf pools are exempt
184 from supervision for certain provisions under certain
185 circumstances; providing construction; defining the
186 term "surf pool"; amending s. 408.809, F.S.; providing
187 that battery on a specified victim is a disqualifying
188 offense for employment in certain health care
189 facilities; amending s. 456.0135, F.S.; providing that
190 battery on a specified victim is a disqualifying
191 offense for licensure as a health care practitioner;
192 amending s. 553.77, F.S.; conforming a cross-
193 reference; amending ss. 491.0046 and 945.42, F.S.;
194 conforming cross-references; providing effective
195 dates.

196
197 Be It Enacted by the Legislature of the State of Florida:

198
199 Section 1. Paragraphs (a) and (b) of subsection (2) of
200 section 39.303, Florida Statutes, are amended to read:

201 39.303 Child Protection Teams and sexual abuse treatment
202 programs; services; eligible cases.—

203 (2) (a) The Statewide Medical Director for Child Protection
204 must be a physician licensed under chapter 458 or chapter 459
205 who is a board-certified pediatrician with a subspecialty
206 certification in child abuse from the American Board of
207 Pediatrics. The Statewide Medical Director for Child Protection
208 shall report directly to the Deputy Secretary for Children's
209 Medical Services.

210 (b) Each Child Protection Team medical director must be a
211 physician licensed under chapter 458 or chapter 459 who is a
212 board-certified physician in pediatrics or family medicine and,
213 within 2 years after the date of employment as a Child
214 Protection Team medical director, obtains a subspecialty
215 certification in child abuse from the American Board of
216 Pediatrics or within 2 years meet the minimum requirements
217 established by a third-party credentialing entity recognizing a
218 demonstrated specialized competence in child abuse pediatrics
219 pursuant to paragraph (d). Each Child Protection Team medical
220 director employed on July 1, 2015, must, by July 1, 2019, either
221 obtain a subspecialty certification in child abuse from the
222 American Board of Pediatrics or meet the minimum requirements
223 established by a third-party credentialing entity recognizing a
224 demonstrated specialized competence in child abuse pediatrics
225 pursuant to paragraph (d). Child Protection Team medical

226 | directors shall be responsible for oversight of the teams in the
227 | circuits. Each Child Protection Team medical director shall
228 | report directly to the Statewide Medical Director for Child
229 | Protection.

230 | Section 2. Section 381.0042, Florida Statutes, is amended
231 | to read:

232 | 381.0042 Patient care for persons with HIV infection.—The
233 | department may establish human immunodeficiency virus ~~acquired~~
234 | ~~immune deficiency syndrome~~ patient care networks in each region
235 | of the state where the number ~~numbers~~ of cases of ~~acquired~~
236 | ~~immune deficiency syndrome~~ and other human immunodeficiency
237 | virus transmission ~~infections~~ justifies the establishment of
238 | cost-effective regional patient care networks. Such networks
239 | shall be delineated by rule of the department which shall take
240 | into account natural trade areas and centers of medical
241 | excellence that specialize in the treatment of human
242 | immunodeficiency virus ~~acquired immune deficiency syndrome~~, as
243 | well as available federal, state, and other funds. Each patient
244 | care network shall include representation of persons with human
245 | immunodeficiency virus infection; health care providers;
246 | business interests; the department, including, but not limited
247 | to, county health departments; and local units of government.
248 | Each network shall plan for the care and treatment of persons
249 | with human immunodeficiency virus ~~acquired immune deficiency~~
250 | ~~syndrome and acquired immune deficiency syndrome related complex~~

251 in a cost-effective, dignified manner that ~~which~~ emphasizes
252 outpatient and home care. Once per ~~each~~ year, ~~beginning April~~
253 ~~1989~~, each network shall make its recommendations concerning the
254 needs for patient care to the department.

255 Section 3. Subsection (3) of section 381.4018, Florida
256 Statutes, is amended to read:

257 381.4018 Physician workforce assessment and development.—

258 (3) GENERAL FUNCTIONS.—The department shall maximize the
259 use of existing programs under the jurisdiction of the
260 department and other state agencies and coordinate governmental
261 and nongovernmental stakeholders and resources in order to
262 develop a state strategic plan and assess the implementation of
263 such strategic plan. In developing the state strategic plan, the
264 department shall:

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

269 (b) Develop a model and quantify, on an ongoing basis, the
270 adequacy of the state's current and future physician workforce
271 as reliable data becomes available. Such model must take into
272 account demographics, physician practice status, place of
273 education and training, generational changes, population growth,
274 economic indicators, and issues concerning the "pipeline" into
275 medical education.

276 (c) Develop and recommend strategies to determine whether
277 the number of qualified medical school applicants who might
278 become competent, practicing physicians in this state will be
279 sufficient to meet the capacity of the state's medical schools.
280 If appropriate, the department shall, working with
281 representatives of appropriate governmental and nongovernmental
282 entities, develop strategies and recommendations and identify
283 best practice programs that introduce health care as a
284 profession and strengthen skills needed for medical school
285 admission for elementary, middle, and high school students, and
286 improve premedical education at the precollege and college level
287 in order to increase this state's potential pool of medical
288 students.

289 (d) Develop strategies to ensure that the number of
290 graduates from the state's public and private allopathic and
291 osteopathic medical schools is adequate to meet physician
292 workforce needs, based on the analysis of the physician
293 workforce data, so as to provide a high-quality medical
294 education to students in a manner that recognizes the uniqueness
295 of each new and existing medical school in this state.

296 (e) Pursue strategies and policies to create, expand, and
297 maintain graduate medical education positions in the state based
298 on the analysis of the physician workforce data. Such strategies
299 and policies must take into account the effect of federal
300 funding limitations on the expansion and creation of positions

301 in graduate medical education. The department shall develop
302 options to address such federal funding limitations. The
303 department shall consider options to provide direct state
304 funding for graduate medical education positions in a manner
305 that addresses requirements and needs relative to accreditation
306 of graduate medical education programs. The department shall
307 consider funding residency positions as a means of addressing
308 needed physician specialty areas, rural areas having a shortage
309 of physicians, and areas of ongoing critical need, and as a
310 means of addressing the state's physician workforce needs based
311 on an ongoing analysis of physician workforce data.

312 (f) Develop strategies to maximize federal and state
313 programs that provide for the use of incentives to attract
314 physicians to this state or retain physicians within the state.
315 Such strategies should explore and maximize federal-state
316 partnerships that provide incentives for physicians to practice
317 in federally designated shortage areas, in otherwise medically
318 underserved areas, or in rural areas. Strategies shall also
319 consider the use of state programs, such as the Medical
320 Education Reimbursement and Loan Repayment Program pursuant to
321 s. 1009.65, which provide for education loan repayment or loan
322 forgiveness and provide monetary incentives for physicians to
323 relocate to underserved areas of the state.

324 (g) Coordinate and enhance activities relative to
325 physician workforce needs, undergraduate medical education,

326 graduate medical education, and reentry of retired military and
327 other physicians into the physician workforce provided by the
328 Division of Medical Quality Assurance, area health education
329 center networks established pursuant to s. 381.0402, and other
330 offices and programs within the department as designated by the
331 State Surgeon General.

332 (h) Work in conjunction with and act as a coordinating
333 body for governmental and nongovernmental stakeholders to
334 address matters relating to the state's physician workforce
335 assessment and development for the purpose of ensuring an
336 adequate supply of well-trained physicians to meet the state's
337 future needs. Such governmental stakeholders shall include, but
338 need not be limited to, the State Surgeon General or his or her
339 designee, the Commissioner of Education or his or her designee,
340 the Secretary of Health Care Administration or his or her
341 designee, and the Chancellor of the State University System or
342 his or her designee, and, at the discretion of the department,
343 other representatives of state and local agencies that are
344 involved in assessing, educating, or training the state's
345 current or future physicians. Other stakeholders shall include,
346 but need not be limited to, organizations representing the
347 state's public and private allopathic and osteopathic medical
348 schools; organizations representing hospitals and other
349 institutions providing health care, particularly those that
350 currently provide or have an interest in providing accredited

351 | medical education and graduate medical education to medical
352 | students and medical residents; organizations representing
353 | allopathic and osteopathic practicing physicians; and, at the
354 | discretion of the department, representatives of other
355 | organizations or entities involved in assessing, educating, or
356 | training the state's current or future physicians.

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

360 | (j) Act as a clearinghouse for collecting and
361 | disseminating information concerning the physician workforce and
362 | medical education continuum in this state.

363 |
364 | The department may adopt rules to implement this subsection,
365 | including rules that establish guidelines to implement the
366 | federal Conrad 30 Waiver Program created under s. 214(1) of the
367 | Immigration and Nationality Act.

368 | Section 4. Paragraph (c) of subsection (4) of section
369 | 381.915, Florida Statutes, is amended to read:

370 | 381.915 Florida Consortium of National Cancer Institute
371 | Centers Program.—

372 | (4) Tier designations and corresponding weights within the
373 | Florida Consortium of National Cancer Institute Centers Program
374 | are as follows:

375 (c) Tier 3: Florida-based cancer centers seeking
376 designation as either a NCI-designated cancer center or NCI-
377 designated comprehensive cancer center, which shall be weighted
378 at 1.0.

379 1. A cancer center shall meet the following minimum
380 criteria to be considered eligible for Tier 3 designation in any
381 given fiscal year:

382 a. Conducting cancer-related basic scientific research and
383 cancer-related population scientific research;

384 b. Offering and providing the full range of diagnostic and
385 treatment services on site, as determined by the Commission on
386 Cancer of the American College of Surgeons;

387 c. Hosting or conducting cancer-related interventional
388 clinical trials that are registered with the NCI's Clinical
389 Trials Reporting Program;

390 d. Offering degree-granting programs or affiliating with
391 universities through degree-granting programs accredited or
392 approved by a nationally recognized agency and offered through
393 the center or through the center in conjunction with another
394 institution accredited by the Commission on Colleges of the
395 Southern Association of Colleges and Schools;

396 e. Providing training to clinical trainees, medical
397 trainees accredited by the Accreditation Council for Graduate
398 Medical Education or the American Osteopathic Association, and
399 postdoctoral fellows recently awarded a doctorate degree; and

400 f. Having more than \$5 million in annual direct costs
401 associated with their total NCI peer-reviewed grant funding.

402 2. The General Appropriations Act or accompanying
403 legislation may limit the number of cancer centers which shall
404 receive Tier 3 designations or provide additional criteria for
405 such designation.

406 3. A cancer center's participation in Tier 3 may not
407 extend beyond June 30, 2024 ~~shall be limited to 6 years.~~

408 4. A cancer center that qualifies as a designated Tier 3
409 center under the criteria provided in subparagraph 1. by July 1,
410 2014, is authorized to pursue NCI designation as a cancer center
411 or a comprehensive cancer center until June 30, 2024 ~~for 6 years~~
412 ~~after qualification.~~

413 Section 5. Paragraphs (l) through (o) of subsection (1) of
414 section 381.986, Florida Statutes, are redesignated as
415 paragraphs (m) through (p), respectively, paragraph (a) of
416 subsection (3), paragraphs (a) and (f) of subsection (4),
417 paragraphs (b) and (e) of subsection (8), and paragraph (a) of
418 subsection (14) are amended, and a new paragraph (l) is added to
419 subsection (1) and paragraph (h) is added to subsection (14) of
420 that section, to read:

421 381.986 Medical use of marijuana.—

422 (1) DEFINITIONS.—As used in this section, the term:

423 (1) "Potency" means the relative strength of cannabinoids,
424 and the total amount, in milligrams, of tetrahydrocannabinol as

425 the sum of (delta-9-tetrahydrocannabinol + (0.877 x
426 tetrahydrocannabinolic acid)) and cannabidiol as the sum of
427 (cannabidiol + (0.877 x cannabidiolic acid)) in the final
428 product dispensed to a patient or caregiver.

429 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

430 (a) Before being approved as a qualified physician, as
431 defined in paragraph (1)(n) ~~(1)(m)~~, and before each license
432 renewal, a physician must successfully complete a 2-hour course
433 and subsequent examination offered by the Florida Medical
434 Association or the Florida Osteopathic Medical Association which
435 encompass the requirements of this section and any rules adopted
436 hereunder. The course and examination shall be administered at
437 least annually and may be offered in a distance learning format,
438 including an electronic, online format that is available upon
439 request. The price of the course may not exceed \$500. A
440 physician who has met the physician education requirements of
441 former s. 381.986(4), Florida Statutes 2016, before June 23,
442 2017, shall be deemed to be in compliance with this paragraph
443 from June 23, 2017, until 90 days after the course and
444 examination required by this paragraph become available.

445 (4) PHYSICIAN CERTIFICATION.—

446 (a) A qualified physician may issue a physician
447 certification only if the qualified physician:

448 1. Conducted a physical examination while physically
449 present in the same room as the patient and a full assessment of

450 the medical history of the patient.

451 2. Diagnosed the patient with at least one qualifying
452 medical condition.

453 3. Determined that the medical use of marijuana would
454 likely outweigh the potential health risks for the patient, and
455 such determination must be documented in the patient's medical
456 record. If a patient is younger than 18 years of age, a second
457 physician must concur with this determination, and such
458 concurrence must be documented in the patient's medical record.

459 4. Determined whether the patient is pregnant and
460 documented such determination in the patient's medical record. A
461 physician may not issue a physician certification, except for
462 low-THC cannabis, to a patient who is pregnant.

463 5. Reviewed the patient's controlled drug prescription
464 history in the prescription drug monitoring program database
465 established pursuant to s. 893.055.

466 6. Reviews the medical marijuana use registry and
467 confirmed that the patient does not have an active physician
468 certification from another qualified physician.

469 7. Registers as the issuer of the physician certification
470 for the named qualified patient on the medical marijuana use
471 registry in an electronic manner determined by the department,
472 and:

473 a. Enters into the registry the contents of the physician
474 certification, including all of the patient's qualifying

475 conditions ~~condition~~ and the dosage not to exceed the daily dose
476 amount authorized under paragraph (f) ~~determined by the~~
477 ~~department~~, the amount and forms of marijuana authorized for the
478 patient, and any types of marijuana delivery devices needed by
479 the patient for the medical use of marijuana.

480 b. Updates the registry within 7 days after any change is
481 made to the original physician certification to reflect such
482 change.

483 c. Deactivates the registration of the qualified patient
484 and the patient's caregiver when the physician no longer
485 recommends the medical use of marijuana for the patient.

486 8. Obtains the voluntary and informed written consent of
487 the patient for medical use of marijuana each time the qualified
488 physician issues a physician certification for the patient,
489 which shall be maintained in the patient's medical record. The
490 patient, or the patient's parent or legal guardian if the
491 patient is a minor, must sign the informed consent acknowledging
492 that the qualified physician has sufficiently explained its
493 content. The qualified physician must use a standardized
494 informed consent form adopted in rule by the Board of Medicine
495 and the Board of Osteopathic Medicine, which must include, at a
496 minimum, information related to:

497 a. The Federal Government's classification of marijuana as
498 a Schedule I controlled substance.

499 b. The approval and oversight status of marijuana by the

500 Food and Drug Administration.

501 c. The current state of research on the efficacy of
502 marijuana to treat the qualifying conditions set forth in this
503 section.

504 d. The potential for addiction.

505 e. The potential effect that marijuana may have on a
506 patient's coordination, motor skills, and cognition, including a
507 warning against operating heavy machinery, operating a motor
508 vehicle, or engaging in activities that require a person to be
509 alert or respond quickly.

510 f. The potential side effects of marijuana use, including
511 the negative health risks associated with smoking marijuana and
512 the negative health effects of marijuana use on persons under 18
513 years of age.

514 g. The risks, benefits, and drug interactions of
515 marijuana.

516 h. That the patient's de-identified health information
517 contained in the physician certification and medical marijuana
518 use registry may be used for research purposes.

519 (f) A qualified physician may not issue a physician
520 certification for more than three 70-day supply limits of
521 marijuana, more than six 35-day supply limits of edibles, or
522 more than six 35-day supply limits of marijuana in a form for
523 smoking or, to a qualified patient under 21 years of age,
524 marijuana that contains tetrahydrocannabinol or has a

525 tetrahydrocannabinol potency, by weight or volume, of greater
526 than 10 percent in the final product. However, a physician may
527 certify such qualified patient for marijuana with any potency of
528 tetrahydrocannabinol which contains tetrahydrocannabiphorol, if
529 the qualified patient is diagnosed with a terminal condition and
530 the qualified physician indicates such on the physician
531 certification. The department shall quantify by rule a daily
532 dose amount with equivalent dose amounts for each allowable form
533 of marijuana, other than edibles and marijuana in a form for
534 smoking, dispensed by a medical marijuana treatment center. The
535 department shall use the daily dose amount to calculate a 70-day
536 supply. The daily dose amount for edibles shall not exceed 200
537 mg of tetrahydrocannabinol. The daily dose amount for marijuana
538 in a form for smoking shall not exceed .08 ounces.

539 1. A qualified physician may request an exception to the
540 daily dose amount limit, the 35-day supply limit for edibles,
541 the 35-day supply limit of marijuana in a form for smoking, and
542 the 4-ounce possession limit of marijuana in a form for smoking
543 established in paragraph (14)(a), and the tetrahydrocannabinol
544 concentration limits established in this paragraph. The request
545 shall be made electronically on a form adopted by the department
546 in rule and must include, at a minimum:

- 547 a. The qualified patient's qualifying medical condition.
548 b. The dosage and route of administration that was
549 insufficient to provide relief to the qualified patient.

550 c. A description of how the patient will benefit from an
551 increased amount.

552 d. The minimum daily dose amount of marijuana that would
553 be sufficient for the treatment of the qualified patient's
554 qualifying medical condition.

555 2. A qualified physician must provide the qualified
556 patient's records upon the request of the department.

557 3. The department shall approve or disapprove the request
558 within 14 days after receipt of the complete documentation
559 required by this paragraph. The request shall be deemed approved
560 if the department fails to act within this time period.

561 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

562 (b) An applicant for licensure as a medical marijuana
563 treatment center shall apply to the department on a form
564 prescribed by the department and adopted in rule. The department
565 shall adopt rules pursuant to ss. 120.536(1) and 120.54
566 establishing a procedure for the issuance and biennial renewal
567 of licenses, including initial application and biennial renewal
568 fees sufficient to cover the costs of implementing and
569 administering this section, and establishing supplemental
570 licensure fees for payment beginning May 1, 2018, sufficient to
571 cover the costs of administering ss. 381.989 and 1004.4351. The
572 department may not renew a medical marijuana treatment center's
573 license if the medical marijuana treatment center has not begun
574 dispensing marijuana by the date that the medical marijuana

575 treatment center is required to renew its license. The
576 department shall identify applicants with strong diversity plans
577 reflecting this state's commitment to diversity and implement
578 training programs and other educational programs to enable
579 minority persons and minority business enterprises, as defined
580 in s. 288.703, and veteran business enterprises, as defined in
581 s. 295.187, to compete for medical marijuana treatment center
582 licensure and contracts. Subject to the requirements in
583 subparagraphs (a)2.-4., the department shall issue a license to
584 an applicant if the applicant meets the requirements of this
585 section and pays the initial application fee. The department
586 shall renew the licensure of a medical marijuana treatment
587 center biennially if the licensee meets the requirements of this
588 section and pays the biennial renewal fee. An individual may not
589 be an applicant, owner, officer, board member, or manager on
590 more than one application for licensure as a medical marijuana
591 treatment center. An individual or entity may not be awarded
592 more than one license as a medical marijuana treatment center.
593 An applicant for licensure as a medical marijuana treatment
594 center must demonstrate:

595 1. That, for the 5 consecutive years before submitting the
596 application, the applicant has been registered to do business in
597 the state.

598 2. Possession of a valid certificate of registration
599 issued by the Department of Agriculture and Consumer Services

600 pursuant to s. 581.131.

601 3. The technical and technological ability to cultivate
602 and produce marijuana, including, but not limited to, low-THC
603 cannabis.

604 4. The ability to secure the premises, resources, and
605 personnel necessary to operate as a medical marijuana treatment
606 center.

607 5. The ability to maintain accountability of all raw
608 materials, finished products, and any byproducts to prevent
609 diversion or unlawful access to or possession of these
610 substances.

611 6. An infrastructure reasonably located to dispense
612 marijuana to registered qualified patients statewide or
613 regionally as determined by the department.

614 7. The financial ability to maintain operations for the
615 duration of the 2-year approval cycle, including the provision
616 of certified financial statements to the department.

617 a. Upon approval, the applicant must post a \$5 million
618 performance bond issued by an authorized surety insurance
619 company rated in one of the three highest rating categories by a
620 nationally recognized rating service. However, a medical
621 marijuana treatment center serving at least 1,000 qualified
622 patients is only required to maintain a \$2 million performance
623 bond.

624 b. In lieu of the performance bond required under sub-

625 | subparagraph a., the applicant may provide an irrevocable letter
626 | of credit payable to the department or provide cash to the
627 | department. If provided with cash under this sub-subparagraph,
628 | the department shall deposit the cash in the Grants and
629 | Donations Trust Fund within the Department of Health, subject to
630 | the same conditions as the bond regarding requirements for the
631 | applicant to forfeit ownership of the funds. If the funds
632 | deposited under this sub-subparagraph generate interest, the
633 | amount of that interest shall be used by the department for the
634 | administration of this section.

635 | 8. That all owners, officers, board members, and managers
636 | have passed a background screening pursuant to subsection (9).

637 | 9. The employment of a medical director to supervise the
638 | activities of the medical marijuana treatment center.

639 | 10. A diversity plan that promotes and ensures the
640 | involvement of minority persons and minority business
641 | enterprises, as defined in s. 288.703, or veteran business
642 | enterprises, as defined in s. 295.187, in ownership, management,
643 | and employment. An applicant for licensure renewal must show the
644 | effectiveness of the diversity plan by including the following
645 | with his or her application for renewal:

646 | a. Representation of minority persons and veterans in the
647 | medical marijuana treatment center's workforce;

648 | b. Efforts to recruit minority persons and veterans for
649 | employment; and

650 c. A record of contracts for services with minority
651 business enterprises and veteran business enterprises.

652 (e) A licensed medical marijuana treatment center shall
653 cultivate, process, transport, and dispense marijuana for
654 medical use. A licensed medical marijuana treatment center may
655 not contract for services directly related to the cultivation,
656 processing, and dispensing of marijuana or marijuana delivery
657 devices, except that a medical marijuana treatment center
658 licensed pursuant to subparagraph (a)1. may contract with a
659 single entity for the cultivation, processing, transporting, and
660 dispensing of marijuana and marijuana delivery devices. A
661 licensed medical marijuana treatment center must, at all times,
662 maintain compliance with the criteria demonstrated and
663 representations made in the initial application and the criteria
664 established in this subsection. Upon request, the department may
665 grant a medical marijuana treatment center a variance from the
666 representations made in the initial application. Consideration
667 of such a request shall be based upon the individual facts and
668 circumstances surrounding the request. A variance may not be
669 granted unless the requesting medical marijuana treatment center
670 can demonstrate to the department that it has a proposed
671 alternative to the specific representation made in its
672 application which fulfills the same or a similar purpose as the
673 specific representation in a way that the department can
674 reasonably determine will not be a lower standard than the

675 specific representation in the application. A variance may not
676 be granted from the requirements in subparagraph 2. and
677 subparagraphs (b)1. and 2.

678 1. A licensed medical marijuana treatment center may
679 transfer ownership to an individual or entity who meets the
680 requirements of this section. A publicly traded corporation or
681 publicly traded company that meets the requirements of this
682 section is not precluded from ownership of a medical marijuana
683 treatment center. To accommodate a change in ownership:

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

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

691 c. Upon receipt of an application for a license, the
692 department shall examine the application and, within 30 days
693 after receipt, notify the applicant in writing of any apparent
694 errors or omissions and request any additional information
695 required.

696 d. Requested information omitted from an application for
697 licensure must be filed with the department within 21 days after
698 the department's request for omitted information or the
699 application shall be deemed incomplete and shall be withdrawn

700 from further consideration and the fees shall be forfeited.

701

702 Within 30 days after the receipt of a complete application, the
703 department shall approve or deny the application.

704 2. A medical marijuana treatment center, and any
705 individual or entity who directly or indirectly owns, controls,
706 or holds with power to vote 5 percent or more of the voting
707 shares of a medical marijuana treatment center, may not acquire
708 direct or indirect ownership or control of any voting shares or
709 other form of ownership of any other medical marijuana treatment
710 center.

711 3. A medical marijuana treatment center may not enter into
712 any form of profit-sharing arrangement with the property owner
713 or lessor of any of its facilities where cultivation,
714 processing, storing, or dispensing of marijuana and marijuana
715 delivery devices occurs.

716 4. All employees of a medical marijuana treatment center
717 must be 21 years of age or older and have passed a background
718 screening pursuant to subsection (9).

719 5. Each medical marijuana treatment center must adopt and
720 enforce policies and procedures to ensure employees and
721 volunteers receive training on the legal requirements to
722 dispense marijuana to qualified patients.

723 6. When growing marijuana, a medical marijuana treatment
724 center:

725 a. May use pesticides determined by the department, after
726 consultation with the Department of Agriculture and Consumer
727 Services, to be safely applied to plants intended for human
728 consumption, but may not use pesticides designated as
729 restricted-use pesticides pursuant to s. 487.042.

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

732 c. Must inspect seeds and growing plants for plant pests
733 that endanger or threaten the horticultural and agricultural
734 interests of the state in accordance with chapter 581 and any
735 rules adopted thereunder.

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

739 7. Each medical marijuana treatment center must produce
740 and make available for purchase at least one low-THC cannabis
741 product.

742 8. A medical marijuana treatment center that produces
743 edibles must hold a permit to operate as a food establishment
744 pursuant to chapter 500, the Florida Food Safety Act, and must
745 comply with all the requirements for food establishments
746 pursuant to chapter 500 and any rules adopted thereunder.
747 Edibles may not contain more than 200 milligrams of
748 tetrahydrocannabinol, and a single serving portion of an edible
749 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles

750 may have a potency variance of no greater than 15 percent of the
751 10 milligrams of tetrahydrocannabinol per single serving limit
752 or the 200 milligrams of tetrahydrocannabinol per product limit.

753 Edibles may not be attractive to children; be manufactured in
754 the shape of humans, cartoons, or animals; be manufactured in a
755 form that bears any reasonable resemblance to products available
756 for consumption as commercially available candy; or contain any
757 color additives. To discourage consumption of edibles by
758 children, the department shall determine by rule any shapes,
759 forms, and ingredients allowed and prohibited for edibles.

760 Medical marijuana treatment centers may not begin processing or
761 dispensing edibles until after the effective date of the rule.
762 The department shall also adopt sanitation rules providing the
763 standards and requirements for the storage, display, or
764 dispensing of edibles.

765 9. Within 12 months after licensure, a medical marijuana
766 treatment center must demonstrate to the department that all of
767 its processing facilities have passed a Food Safety Good
768 Manufacturing Practices, such as Global Food Safety Initiative
769 or equivalent, inspection by a nationally accredited certifying
770 body. A medical marijuana treatment center must immediately stop
771 processing at any facility which fails to pass this inspection
772 until it demonstrates to the department that such facility has
773 met this requirement.

774 10. A medical marijuana treatment center that produces

775 prerolled marijuana cigarettes may not use wrapping paper made
776 with tobacco or hemp.

777 11. When processing marijuana, a medical marijuana
778 treatment center must:

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

781 b. Comply with department rules when processing marijuana
782 with hydrocarbon solvents or other solvents or gases exhibiting
783 potential toxicity to humans. The department shall determine by
784 rule the requirements for medical marijuana treatment centers to
785 use such solvents or gases exhibiting potential toxicity to
786 humans.

787 c. Comply with federal and state laws and regulations and
788 department rules for solid and liquid wastes. The department
789 shall determine by rule procedures for the storage, handling,
790 transportation, management, and disposal of solid and liquid
791 waste generated during marijuana production and processing. The
792 Department of Environmental Protection shall assist the
793 department in developing such rules.

794 12.d. A medical marijuana treatment center must test ~~the~~
795 ~~processed~~ marijuana using a medical marijuana testing laboratory
796 before it is dispensed. Results must be verified and signed by
797 two medical marijuana treatment center employees. Before
798 dispensing, the medical marijuana treatment center must
799 determine that the test results indicate that low-THC cannabis

800 | meets the definition of low-THC cannabis, the concentration of
801 | tetrahydrocannabinol meets the potency requirements of this
802 | section, the labeling of the concentration of
803 | tetrahydrocannabinol and cannabidiol is accurate, and all
804 | marijuana is safe for human consumption and free from
805 | contaminants that are unsafe for human consumption. The
806 | department shall determine by rule which contaminants must be
807 | tested for and the maximum levels of each contaminant which are
808 | safe for human consumption. The Department of Agriculture and
809 | Consumer Services shall assist the department in developing the
810 | testing requirements for contaminants that are unsafe for human
811 | consumption in edibles. The department shall also determine by
812 | rule the procedures for the treatment of marijuana that fails to
813 | meet the testing requirements of this section, s. 381.988, or
814 | department rule. The department may select ~~a~~ random samples of
815 | marijuana, sample from edibles available in a cultivation
816 | facility or processing facility, or for purchase in a dispensing
817 | facility which shall be tested by the department to determine
818 | that the marijuana edible meets the potency requirements of this
819 | section, is safe for human consumption, and the labeling of the
820 | tetrahydrocannabinol and cannabidiol concentration is accurate.
821 | A medical marijuana treatment center may not require payment
822 | from the department for the sample. A medical marijuana
823 | treatment center must recall edibles, including all edibles made
824 | from the same batch of marijuana, which fail to meet the potency

825 requirements of this section, which are unsafe for human
826 consumption, or for which the labeling of the
827 tetrahydrocannabinol and cannabidiol concentration is
828 inaccurate. The medical marijuana treatment center must retain
829 records of all testing and samples of each homogenous batch of
830 marijuana for at least 9 months. The medical marijuana treatment
831 center must contract with a marijuana testing laboratory to
832 perform audits on the medical marijuana treatment center's
833 standard operating procedures, testing records, and samples and
834 provide the results to the department to confirm that the
835 marijuana or low-THC cannabis meets the requirements of this
836 section and that the marijuana or low-THC cannabis is safe for
837 human consumption. A medical marijuana treatment center shall
838 reserve two processed samples from each batch and retain such
839 samples for at least 9 months for the purpose of such audits. A
840 medical marijuana treatment center may use a laboratory that has
841 not been certified by the department under s. 381.988 until such
842 time as at least one laboratory holds the required
843 certification, but in no event later than July 1, 2020 ~~2018~~.

844 13. When packaging marijuana, a medical marijuana
845 treatment center must:

846 a.e. Package the marijuana in compliance with the United
847 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
848 1471 et seq.

849 b.f. Package the marijuana in a receptacle that has a

850 firmly affixed and legible label stating the following
851 information:

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

854 (II) The name of the medical marijuana treatment center
855 from which the marijuana originates.

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

858 (IV) The name of the physician who issued the physician
859 certification.

860 (V) The name of the patient.

861 (VI) The product name, if applicable, and dosage form,
862 including concentration of tetrahydrocannabinol and cannabidiol.
863 The product name may not contain wording commonly associated
864 with products marketed by or to children.

865 (VII) The recommended dose.

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

868 (IX) A marijuana universal symbol developed by the
869 department.

870 ~~14.12.~~ The medical marijuana treatment center shall
871 include in each package a patient package insert with
872 information on the specific product dispensed related to:

873 a. Clinical pharmacology.

874 b. Indications and use.

875 c. Dosage and administration.

876 d. Dosage forms and strengths.

877 e. Contraindications.

878 f. Warnings and precautions.

879 g. Adverse reactions.

880 15.13. In addition to the packaging and labeling
881 requirements specified in subparagraphs 13. and 14., ~~11. and~~
882 ~~12.,~~ marijuana in a form for smoking must be packaged in a
883 sealed receptacle with a legible and prominent warning to keep
884 away from children and a warning that states marijuana smoke
885 contains carcinogens and may negatively affect health. Such
886 receptacles for marijuana in a form for smoking must be plain,
887 opaque, and white without depictions of the product or images
888 other than the medical marijuana treatment center's department-
889 approved logo and the marijuana universal symbol.

890 16.14. The department shall adopt rules to regulate the
891 types, appearance, and labeling of marijuana delivery devices
892 dispensed from a medical marijuana treatment center. The rules
893 must require marijuana delivery devices to have an appearance
894 consistent with medical use.

895 17.15. Each edible shall be individually sealed in plain,
896 opaque wrapping marked only with the marijuana universal symbol.
897 Where practical, each edible shall be marked with the marijuana
898 universal symbol. In addition to the packaging and labeling
899 requirements in subparagraphs 13. and 14. ~~11. and 12.,~~ edible

900 receptacles must be plain, opaque, and white without depictions
901 of the product or images other than the medical marijuana
902 treatment center's department-approved logo and the marijuana
903 universal symbol. The receptacle must also include a list of all
904 the edible's ingredients, storage instructions, an expiration
905 date, a legible and prominent warning to keep away from children
906 and pets, and a warning that the edible has not been produced or
907 inspected pursuant to federal food safety laws.

908 ~~18.16.~~ When dispensing marijuana or a marijuana delivery
909 device, a medical marijuana treatment center:

910 a. May dispense any active, valid order for low-THC
911 cannabis, medical cannabis and cannabis delivery devices issued
912 pursuant to former s. 381.986, Florida Statutes 2016, which was
913 entered into the medical marijuana use registry before July 1,
914 2017.

915 b. May not dispense more than a 70-day supply of marijuana
916 within any 70-day period to a qualified patient or caregiver.
917 May not dispense more than a 35-day supply of edibles within any
918 35-day period to a qualified patient or caregiver. A 35-day
919 supply of edibles may not exceed 7000 mg of tetrahydrocannabinol
920 unless an exception to this amount is approved by the department
921 pursuant to paragraph (4) (f). May not dispense more than one 35-
922 day supply of marijuana in a form for smoking within any 35-day
923 period to a qualified patient or caregiver. A 35-day supply of
924 marijuana in a form for smoking may not exceed 2.5 ounces unless

925 an exception to this amount is approved by the department
926 pursuant to paragraph (4) (f).

927 c. Must have the medical marijuana treatment center's
928 employee who dispenses the marijuana or a marijuana delivery
929 device enter into the medical marijuana use registry his or her
930 name or unique employee identifier.

931 d. Must verify that the qualified patient and the
932 caregiver, if applicable, each have an active registration in
933 the medical marijuana use registry and an active and valid
934 medical marijuana use registry identification card, the amount
935 and type of marijuana dispensed matches the physician
936 certification in the medical marijuana use registry for that
937 qualified patient, and the physician certification has not
938 already been filled.

939 e. May not dispense marijuana to a qualified patient who
940 is younger than 18 years of age. If the qualified patient is
941 younger than 18 years of age, marijuana may only be dispensed to
942 the qualified patient's caregiver.

943 f. May not dispense marijuana that contains
944 tetrahydrocannabiphorol or has a tetrahydrocannabinol potency,
945 by weight or volume, of greater than 10 percent in the final
946 product to a qualified patient ages 18 through 21 years, to his
947 or her caregiver, or to the caregiver of a qualified patient
948 younger than 18 years of age, for the qualified patient's
949 medical use, unless the qualified patient has an applicable

950 exception approved by the department under paragraph (4) (f) or
951 the qualified physician certification indicates that the
952 qualified patient has been diagnosed with a terminal condition.

953 ~~g.f.~~ May not dispense or sell any other type of cannabis,
954 alcohol, or illicit drug-related product, including pipes or
955 wrapping papers made with tobacco or hemp, other than a
956 marijuana delivery device required for the medical use of
957 marijuana and which is specified in a physician certification.

958 ~~h.g.~~ Must, upon dispensing the marijuana or marijuana
959 delivery device, record in the registry the date, time,
960 quantity, and form of marijuana dispensed; the type of marijuana
961 delivery device dispensed; and the name and medical marijuana
962 use registry identification number of the qualified patient or
963 caregiver to whom the marijuana delivery device was dispensed.

964 ~~i.h.~~ Must ensure that patient records are not visible to
965 anyone other than the qualified patient, his or her caregiver,
966 and authorized medical marijuana treatment center employees.

967 (14) EXCEPTIONS TO OTHER LAWS.—

968 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
969 any other provision of law, but subject to the requirements of
970 this section, a qualified patient and the qualified patient's
971 caregiver may purchase from a medical marijuana treatment center
972 for the patient's medical use a marijuana delivery device and up
973 to the amount of marijuana authorized in the physician
974 certification, but may not possess more than a 35-day supply of

975 | edibles, a 70-day supply of marijuana, or the greater of 4
976 | ounces of marijuana in a form for smoking or an amount of
977 | marijuana in a form for smoking approved by the department
978 | pursuant to paragraph (4) (f), at any given time and all
979 | marijuana purchased must remain in its original packaging.

980 | (h) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
981 | any other provision of law, but subject to the requirements of
982 | this section, the department, including an employee of the
983 | department acting within the scope of his or her employment, may
984 | acquire, possess, test, transport, and lawfully dispose of
985 | marijuana as provided in this section.

986 | Section 6. Subsection (11) of section 381.988, Florida
987 | Statutes, is renumbered as subsection (12), and a new subsection
988 | (11) is added to that section, to read:

989 | 381.988 Medical marijuana testing laboratories; marijuana
990 | tests conducted by a certified laboratory.-

991 | (11) A certified medical marijuana testing laboratory and
992 | its officers, directors, and employees may not have a direct or
993 | indirect economic interest in, or financial relationship with, a
994 | medical marijuana treatment center. Nothing in this subsection
995 | may be construed to prohibit a certified medical marijuana
996 | testing laboratory from contracting with a medical marijuana
997 | treatment center to provide testing services.

998 | Section 7. Paragraphs (c) and (d) of subsection (1) of
999 | section 401.35, Florida Statutes, are amended to read:

1000 401.35 Rules.—The department shall adopt rules, including
 1001 definitions of terms, necessary to carry out the purposes of
 1002 this part.

1003 (1) The rules must provide at least minimum standards
 1004 governing:

1005 (c) Ground ambulance and vehicle equipment and supplies
 1006 that a licensee with a valid vehicle permit under s. 401.26 is
 1007 required to maintain to provide basic or advanced life support
 1008 services at least as comprehensive as those published in the
 1009 most current edition of the American College of Surgeons,
 1010 Committee on Trauma, list of essential equipment for ambulances,
 1011 as interpreted by rules of the department.

1012 (d) Ground ambulance or vehicle design and construction
 1013 based on national standards recognized by the department and at
 1014 least equal to those most currently recommended by the United
 1015 States General Services Administration as interpreted by
 1016 department rules of the department.

1017 Section 8. Subsection (21) is added to section 404.031,
 1018 Florida Statutes, to read:

1019 404.031 Definitions.—As used in this chapter, unless the
 1020 context clearly indicates otherwise, the term:

1021 (21) "Useful beam" means that portion of the radiation
 1022 emitted from a radiation machine through the aperture of the
 1023 machine's beam-limiting device which is designed to focus the
 1024 radiation on the intended target in order to accomplish the

1025 machine's purpose when the machine's exposure controls are in a
1026 mode to cause the system to produce radiation.

1027 Section 9. Subsections (7) and (8) are added to section
1028 404.22, Florida Statutes, to read:

1029 404.22 Radiation machines and components; inspection.—

1030 (7) Radiation machines that are used to intentionally
1031 expose a human being to the useful beam:

1032 (a) Must be maintained and operated according to
1033 manufacturer standards or nationally-recognized consensus
1034 standards accepted by the department;

1035 (b) Must be operated at the lowest exposure that will
1036 achieve the intended purpose of the exposure; and

1037 (c) May not be modified in a manner that causes the
1038 original parts to operate in a way that differs from the
1039 original manufacturer's design specification or the parameters
1040 approved for the machine and its components by the United States
1041 Food and Drug Administration.

1042 (8) A human being may be exposed to the useful beam of a
1043 radiation machine only under the following conditions:

1044 (a) For the purpose of medical or health care, if a
1045 licensed health care practitioner operating within the scope of
1046 his or her practice determines that the exposure provides a
1047 medical or health benefit greater than the health risks posed by
1048 the exposure and the health care practitioner uses the results

1049 of the exposure in the medical or health care of the exposed
1050 individual; or

1051 (b) For the purpose of providing security for facilities
1052 or other venues, the exposure is determined to provide a life
1053 safety benefit to the individual exposed which is greater than
1054 the health risk posed by the exposure. Such determination must
1055 be made by an individual trained in evaluating and calculating
1056 comparative mortality and morbidity risks according to standards
1057 set by the department. To be valid, the calculation and method
1058 of making the determination must be submitted to and accepted by
1059 the department. Limits to annual total exposure for security
1060 purposes must be adopted by department rule based on nationally
1061 recognized limits or relevant consensus standards.

1062 Section 10. Paragraphs (a) and (b) of subsection (1) of
1063 section 456.013, Florida Statutes, are amended to read:

1064 456.013 Department; general licensing provisions.—

1065 (1) (a) Any person desiring to be licensed in a profession
1066 within the jurisdiction of the department must ~~shall~~ apply to
1067 the department in writing ~~to take the licensure examination~~. The
1068 application must ~~shall~~ be made on a form prepared and furnished
1069 by the department. The application form must be available on the
1070 Internet, ~~World Wide Web~~ and the department may accept
1071 electronically submitted applications. The application shall
1072 require the social security number and date of birth of the
1073 applicant, except as provided in paragraphs (b) and (c). The

1074 form shall be supplemented as needed to reflect any material
1075 change in any circumstance or condition stated in the
1076 application which takes place between the initial filing of the
1077 application and the final grant or denial of the license and
1078 which might affect the decision of the department. If an
1079 application is submitted electronically, the department may
1080 require supplemental materials, including an original signature
1081 of the applicant and verification of credentials, to be
1082 submitted in a nonelectronic format. An incomplete application
1083 shall expire 1 year after initial filing. In order to further
1084 the economic development goals of the state, and notwithstanding
1085 any law to the contrary, the department may enter into an
1086 agreement with the county tax collector for the purpose of
1087 appointing the county tax collector as the department's agent to
1088 accept applications for licenses and applications for renewals
1089 of licenses. The agreement must specify the time within which
1090 the tax collector must forward any applications and accompanying
1091 application fees to the department.

1092 (b) If an applicant has not been issued a social security
1093 number by the Federal Government at the time of application
1094 because the applicant is not a citizen or resident of this
1095 country, the department may process the application using a
1096 unique personal identification number. If such an applicant is
1097 otherwise eligible for licensure, the board, or the department
1098 when there is no board, may issue a temporary license to the

1099 applicant, which shall expire 30 days after issuance unless a
1100 social security number is obtained and submitted in writing to
1101 the department. A temporary license issued under this paragraph
1102 to an applicant who has accepted a position with an accredited
1103 residency, internship, or fellowship program in this state and
1104 is applying for registration under s. 458.345 or s. 459.021
1105 shall expire 60 days after issuance unless the applicant obtains
1106 a social security number and submits it in writing to the
1107 department. Upon receipt of the applicant's social security
1108 number, the department shall issue a new license, which shall
1109 expire at the end of the current biennium.

1110 Section 11. Paragraph (e) of subsection (2) and paragraph
1111 (e) of subsection (3) of section 456.0635, Florida Statutes, are
1112 amended to read:

1113 456.0635 Health care fraud; disqualification for license,
1114 certificate, or registration.—

1115 (2) Each board within the jurisdiction of the department,
1116 or the department if there is no board, shall refuse to admit a
1117 candidate to any examination and refuse to issue a license,
1118 certificate, or registration to any applicant if the candidate
1119 or applicant or any principal, officer, agent, managing
1120 employee, or affiliated person of the candidate or applicant:

1121 (e) Is currently listed on the United States Department of
1122 Health and Human Services Office of Inspector General's List of
1123 Excluded Individuals and Entities, unless such applicant is

1124 listed solely based on a default or delinquency on a student
1125 loan.

1126
1127 This subsection does not apply to an applicant for initial
1128 licensure, certification, or registration who was arrested or
1129 charged with a felony specified in paragraph (a) or paragraph
1130 (b) before July 1, 2009.

1131 (3) The department shall refuse to renew a license,
1132 certificate, or registration of any applicant if the applicant
1133 or any principal, officer, agent, managing employee, or
1134 affiliated person of the applicant:

1135 (e) Is currently listed on the United States Department of
1136 Health and Human Services Office of Inspector General's List of
1137 Excluded Individuals and Entities, unless such applicant is
1138 listed solely based on a default or delinquency on a student
1139 loan.

1140
1141 This subsection does not apply to an applicant for renewal of
1142 licensure, certification, or registration who was arrested or
1143 charged with a felony specified in paragraph (a) or paragraph
1144 (b) before July 1, 2009.

1145 Section 12. Paragraph (k) of subsection (1) of section
1146 456.072, Florida Statutes, is amended to read:

1147 456.072 Grounds for discipline; penalties; enforcement.—

1148 (1) The following acts shall constitute grounds for which
1149 the disciplinary actions specified in subsection (2) may be
1150 taken:

1151 (k) Failing to perform any statutory or legal obligation
1152 placed upon a licensee. For purposes of this section, failing to
1153 repay a student loan issued or guaranteed by the state or the
1154 Federal Government in accordance with the terms of the loan is
1155 not ~~or failing to comply with service scholarship obligations~~
1156 ~~shall be~~ considered a failure to perform a statutory or legal
1157 obligation, ~~and the minimum disciplinary action imposed shall be~~
1158 ~~a suspension of the license until new payment terms are agreed~~
1159 ~~upon or the scholarship obligation is resumed, followed by~~
1160 ~~probation for the duration of the student loan or remaining~~
1161 ~~scholarship obligation period, and a fine equal to 10 percent of~~
1162 ~~the defaulted loan amount.~~ Fines collected shall be deposited
1163 into the Medical Quality Assurance Trust Fund.

1164 Section 13. Section 456.0721, Florida Statutes, is
1165 repealed.

1166 Section 14. Subsection (4) of section 456.074, Florida
1167 Statutes, is amended to read:

1168 456.074 Certain health care practitioners; immediate
1169 suspension of license.—

1170 ~~(4) Upon receipt of information that a Florida-licensed~~
1171 ~~health care practitioner has defaulted on a student loan issued~~
1172 ~~or guaranteed by the state or the Federal Government, the~~

1173 ~~department shall notify the licensee by certified mail that he~~
 1174 ~~or she shall be subject to immediate suspension of license~~
 1175 ~~unless, within 45 days after the date of mailing, the licensee~~
 1176 ~~provides proof that new payment terms have been agreed upon by~~
 1177 ~~all parties to the loan. The department shall issue an emergency~~
 1178 ~~order suspending the license of any licensee who, after 45 days~~
 1179 ~~following the date of mailing from the department, has failed to~~
 1180 ~~provide such proof. Production of such proof shall not prohibit~~
 1181 ~~the department from proceeding with disciplinary action against~~
 1182 ~~the licensee pursuant to s. 456.073.~~

1183 Section 15. Subsection (1) of section 458.3145, Florida
 1184 Statutes, is amended to read:

1185 458.3145 Medical faculty certificate.—

1186 (1) A medical faculty certificate may be issued without
 1187 examination to an individual who:

1188 (a) Is a graduate of an accredited medical school or its
 1189 equivalent, or is a graduate of a foreign medical school listed
 1190 with the World Health Organization;

1191 (b) Holds a valid, current license to practice medicine in
 1192 another jurisdiction;

1193 (c) Has completed the application form and remitted a
 1194 nonrefundable application fee not to exceed \$500;

1195 (d) Has completed an approved residency or fellowship of
 1196 at least 1 year or has received training which has been
 1197 determined by the board to be equivalent to the 1-year residency

1198 requirement;

1199 (e) Is at least 21 years of age;

1200 (f) Is of good moral character;

1201 (g) Has not committed any act in this or any other

1202 jurisdiction which would constitute the basis for disciplining a

1203 physician under s. 458.331;

1204 (h) For any applicant who has graduated from medical

1205 school after October 1, 1992, has completed, before entering

1206 medical school, the equivalent of 2 academic years of

1207 preprofessional, postsecondary education, as determined by rule

1208 of the board, which must include, at a minimum, courses in such

1209 fields as anatomy, biology, and chemistry; and

1210 (i) Has been offered and has accepted a full-time faculty

1211 appointment to teach in a program of medicine at:

1212 1. The University of Florida;

1213 2. The University of Miami;

1214 3. The University of South Florida;

1215 4. The Florida State University;

1216 5. The Florida International University;

1217 6. The University of Central Florida;

1218 7. The Mayo Clinic College of Medicine and Science in

1219 Jacksonville, Florida;

1220 8. The Florida Atlantic University; ~~or~~

1221 9. The Johns Hopkins All Children's Hospital in St.

1222 Petersburg, Florida;

1223 10. Nova Southeastern University; or
 1224 11. Lake Erie College of Osteopathic Medicine.
 1225 Section 16. Section 458.3312, Florida Statutes, is amended
 1226 to read:
 1227 458.3312 Specialties.—A physician licensed under this
 1228 chapter may not hold himself or herself out as a board-certified
 1229 specialist unless the physician has received formal recognition
 1230 as a specialist from a specialty board of the American Board of
 1231 Medical Specialties or other recognizing agency that has been
 1232 approved by the board. However, a physician may indicate the
 1233 services offered and may state that his or her practice is
 1234 limited to one or more types of services when this accurately
 1235 reflects the scope of practice of the physician. ~~A physician may~~
 1236 ~~not hold himself or herself out as a board-certified specialist~~
 1237 ~~in dermatology unless the recognizing agency, whether authorized~~
 1238 ~~in statute or by rule, is triennially reviewed and reauthorized~~
 1239 ~~by the Board of Medicine.~~
 1240 Section 17. Subsection (1) of section 459.0055, Florida
 1241 Statutes, is amended to read:
 1242 459.0055 General licensure requirements.—
 1243 (1) Except as otherwise provided herein, any person
 1244 desiring to be licensed or certified as an osteopathic physician
 1245 pursuant to this chapter shall:
 1246 (a) Complete an application form and submit the
 1247 appropriate fee to the department;

- 1248 (b) Be at least 21 years of age;
- 1249 (c) Be of good moral character;
- 1250 (d) Have completed at least 3 years of preprofessional
 1251 postsecondary education;
- 1252 (e) Have not previously committed any act that would
 1253 constitute a violation of this chapter, unless the board
 1254 determines that such act does not adversely affect the
 1255 applicant's present ability and fitness to practice osteopathic
 1256 medicine;
- 1257 (f) Not be under investigation in any jurisdiction for an
 1258 act that would constitute a violation of this chapter. If, upon
 1259 completion of such investigation, it is determined that the
 1260 applicant has committed an act that would constitute a violation
 1261 of this chapter, the applicant is ineligible for licensure
 1262 unless the board determines that such act does not adversely
 1263 affect the applicant's present ability and fitness to practice
 1264 osteopathic medicine;
- 1265 (g) Have not had an application for a license to practice
 1266 osteopathic medicine denied or a license to practice osteopathic
 1267 medicine revoked, suspended, or otherwise acted against by the
 1268 licensing authority of any jurisdiction unless the board
 1269 determines that the grounds on which such action was taken do
 1270 not adversely affect the applicant's present ability and fitness
 1271 to practice osteopathic medicine. A licensing authority's
 1272 acceptance of a physician's relinquishment of license,

1273 stipulation, consent order, or other settlement, offered in
1274 response to or in anticipation of the filing of administrative
1275 charges against the osteopathic physician, shall be considered
1276 action against the osteopathic physician's license;

1277 (h) Not have received less than a satisfactory evaluation
1278 from an internship, residency, or fellowship training program,
1279 unless the board determines that such act does not adversely
1280 affect the applicant's present ability and fitness to practice
1281 osteopathic medicine. Such evaluation shall be provided by the
1282 director of medical education from the medical training
1283 facility;

1284 (i) Have met the criteria set forth in s. 459.0075, s.
1285 459.0077, or s. 459.021, whichever is applicable;

1286 (j) Submit to the department a set of fingerprints on a
1287 form and under procedures specified by the department, along
1288 with a payment in an amount equal to the costs incurred by the
1289 Department of Health for the criminal background check of the
1290 applicant;

1291 (k) Demonstrate that ~~he or~~ she or he is a graduate of a
1292 medical college recognized and approved by the American
1293 Osteopathic Association;

1294 (l) Demonstrate that she or he has successfully completed
1295 an internship or residency ~~a resident internship~~ of not less
1296 than 12 months in a program accredited ~~hospital approved~~ for
1297 this purpose by ~~the Board of Trustees of~~ the American

1298 Osteopathic Association or the Accreditation Council for
 1299 Graduate Medical Education ~~any other internship program approved~~
 1300 ~~by the board upon a showing of good cause by the applicant.~~ This
 1301 requirement may be waived for an applicant who matriculated in a
 1302 college of osteopathic medicine during or before 1948; and

1303 (m) Demonstrate that she or he has obtained a passing
 1304 score, as established by rule of the board, on all parts of the
 1305 examination conducted by the National Board of Osteopathic
 1306 Medical Examiners or other examination approved by the board no
 1307 more than 5 years before making application in this state or, if
 1308 holding a valid active license in another state, that the
 1309 initial licensure in the other state occurred no more than 5
 1310 years after the applicant obtained a passing score on the
 1311 examination conducted by the National Board of Osteopathic
 1312 Medical Examiners or other substantially similar examination
 1313 approved by the board.

1314 Section 18. Section 460.4166, Florida Statutes, is
 1315 repealed.

1316 Section 19. Effective upon this act becoming a law,
 1317 subsections (8) and (10) of section 464.019, Florida Statutes,
 1318 are amended, and paragraph (f) is added to subsection (11) of
 1319 that section, to read:

1320 464.019 Approval of nursing education programs.—

1321 (8) RULEMAKING.—The board does not have rulemaking
 1322 authority to administer this section, except that the board

1323 shall adopt rules that prescribe the format for submitting
1324 program applications under subsection (1) and annual reports
1325 under subsection (3), and to administer the documentation of the
1326 accreditation of nursing education programs under subsection
1327 (11). The board may adopt rules relating to the nursing
1328 curriculum, including rules relating to the uses and limitations
1329 of simulation technology, and rules relating to the criteria to
1330 qualify for an extension of time to meet the accreditation
1331 requirements under paragraph (11)(f). The board may not impose
1332 any condition or requirement on an educational institution
1333 submitting a program application, an approved program, or an
1334 accredited program, except as expressly provided in this
1335 section.

1336 (10) IMPLEMENTATION STUDY.—The Florida Center for Nursing
1337 shall study the administration of this section and submit
1338 reports to the Governor, the President of the Senate, and the
1339 Speaker of the House of Representatives annually by January 30,
1340 through January 30, 2025 ~~2020~~. The annual reports shall address
1341 the previous academic year; provide data on the measures
1342 specified in paragraphs (a) and (b), as such data becomes
1343 available; and include an evaluation of such data for purposes
1344 of determining whether this section is increasing the
1345 availability of nursing education programs and the production of
1346 quality nurses. The department and each approved program or
1347 accredited program shall comply with requests for data from the

1348 Florida Center for Nursing.

1349 (a) The Florida Center for Nursing shall evaluate program-
 1350 specific data for each approved program and accredited program
 1351 conducted in the state, including, but not limited to:

1352 1. The number of programs and student slots available.

1353 2. The number of student applications submitted, the
 1354 number of qualified applicants, and the number of students
 1355 accepted.

1356 3. The number of program graduates.

1357 4. Program retention rates of students tracked from
 1358 program entry to graduation.

1359 5. Graduate passage rates on the National Council of State
 1360 Boards of Nursing Licensing Examination.

1361 6. The number of graduates who become employed as
 1362 practical or professional nurses in the state.

1363 (b) The Florida Center for Nursing shall evaluate the
 1364 board's implementation of the:

1365 1. Program application approval process, including, but
 1366 not limited to, the number of program applications submitted
 1367 under subsection (1) and the number of program applications
 1368 approved and denied by the board under subsection (2) and the
 1369 number of denials of program applications reviewed under chapter
 1370 120 and a description of the outcomes of those reviews.

1371 2. Accountability processes, including, but not limited
 1372 to, the number of programs on probationary status, the number of

1373 approved programs for which the program director is required to
1374 appear before the board under subsection (5), the number of
1375 approved programs terminated by the board, the number of
1376 terminations reviewed under chapter 120, and a description of
1377 the outcomes of those reviews.

1378 (c) The Florida Center for Nursing shall complete an
1379 annual assessment of compliance by programs with the
1380 accreditation requirements of subsection (11), include in the
1381 assessment a determination of the accreditation process status
1382 for each program, and submit the assessment as part of the
1383 reports required by this subsection.

1384 (11) ACCREDITATION REQUIRED.—

1385 (f) An approved nursing education program may, no sooner
1386 than 90 days before the deadline for meeting the accreditation
1387 requirements of this subsection, apply to the board for an
1388 extension of the accreditation deadline for a period which does
1389 not exceed 2 years. An additional extension may not be granted.
1390 In order to be eligible for the extension, the approved program
1391 must establish that it has a graduate passage rate of 60 percent
1392 or higher on the National Council of State Boards of Nursing
1393 Licensing Examination for the most recent calendar year and must
1394 meet a majority of the board's additional criteria, including,
1395 but not limited to, all of the following:

1396 1. A student retention rate of 60 percent or higher for
1397 the most recent calendar year.

1398 2. A graduate work placement rate of 70 percent or higher
 1399 for the most recent calendar year.

1400 3. The program has applied for approval or been approved
 1401 by an institutional or programmatic accreditor recognized by the
 1402 United States Department of Education.

1403 4. The program is in full compliance with subsections (1)
 1404 and (3) and paragraph (5) (b).

1405 5. The program is not currently in its second year of
 1406 probationary status under subsection (5).

1407
 1408 The applicable deadline under this paragraph is tolled from the
 1409 date on which an approved program applies for an extension until
 1410 the date on which the board issues a decision on the requested
 1411 extension.

1412 Section 20. Section 464.202, Florida Statutes, is amended
 1413 to read:

1414 464.202 Duties and powers of the board.—The board shall
 1415 maintain, or contract with or approve another entity to
 1416 maintain, a state registry of certified nursing assistants. The
 1417 registry must consist of the name of each certified nursing
 1418 assistant in this state; other identifying information defined
 1419 by board rule; certification status; the effective date of
 1420 certification; other information required by state or federal
 1421 law; information regarding any crime or any abuse, neglect, or
 1422 exploitation as provided under chapter 435; and any disciplinary

1423 action taken against the certified nursing assistant. The
1424 registry shall be accessible to the public, the
1425 certificateholder, employers, and other state agencies. The
1426 board shall adopt by rule testing procedures for use in
1427 certifying nursing assistants and shall adopt rules regulating
1428 the practice of certified nursing assistants, including
1429 disciplinary procedures and standards of practice, and
1430 specifying the scope of practice authorized and the level of
1431 supervision required for the practice of certified nursing
1432 assistants. The board may contract with or approve another
1433 entity or organization to provide the examination services,
1434 including the development and administration of examinations.
1435 The board shall require that the contract provider offer
1436 certified nursing assistant applications via the Internet, and
1437 may require the contract provider to accept certified nursing
1438 assistant applications for processing via the Internet. The
1439 board shall require the contract provider to provide the
1440 preliminary results of the certified nursing examination on the
1441 date the test is administered. The provider shall pay all
1442 reasonable costs and expenses incurred by the board in
1443 evaluating the provider's application and performance during the
1444 delivery of services, including examination services and
1445 procedures for maintaining the certified nursing assistant
1446 registry.

1447 Section 21. Paragraph (c) of subsection (1) of section

1448 464.203, Florida Statutes, is amended to read:

1449 464.203 Certified nursing assistants; certification
1450 requirement.—

1451 (1) The board shall issue a certificate to practice as a
1452 certified nursing assistant to any person who demonstrates a
1453 minimum competency to read and write and successfully passes the
1454 required background screening pursuant to s. 400.215. If the
1455 person has successfully passed the required background screening
1456 pursuant to s. 400.215 or s. 408.809 within 90 days before
1457 applying for a certificate to practice and the person's
1458 background screening results are not retained in the
1459 clearinghouse created under s. 435.12, the board shall waive the
1460 requirement that the applicant successfully pass an additional
1461 background screening pursuant to s. 400.215. The person must
1462 also meet one of the following requirements:

1463 (c) Is currently certified in another state or territory
1464 of the United States or in the District of Columbia; is listed
1465 on that jurisdiction's ~~state's~~ certified nursing assistant
1466 registry; and has not been found to have committed abuse,
1467 neglect, or exploitation in that jurisdiction ~~state~~.

1468 Section 22. Paragraph (b) of subsection (1) of section
1469 464.204, Florida Statutes, is amended to read:

1470 464.204 Denial, suspension, or revocation of
1471 certification; disciplinary actions.—

1472 (1) The following acts constitute grounds for which the

1473 board may impose disciplinary sanctions as specified in
 1474 subsection (2):

1475 (b) ~~Intentionally~~ Violating any provision of this chapter,
 1476 chapter 456, or the rules adopted by the board.

1477 Section 23. Subsections (3) and (4) of section 466.006,
 1478 Florida Statutes, are amended to read:

1479 466.006 Examination of dentists.—

1480 (3) If an applicant is a graduate of a dental college or
 1481 school not accredited in accordance with paragraph (2)(b) or of
 1482 a dental college or school not approved by the board, the
 1483 applicant is not entitled to take the examinations required in
 1484 this section to practice dentistry until she or he satisfies one
 1485 of the following:

1486 (a) Completes a program of study, as defined by the board
 1487 by rule, at an accredited American dental school and
 1488 demonstrates receipt of a D.D.S. or D.M.D. from said school; or

1489 (b) Submits proof of having successfully completed at
 1490 least 2 consecutive academic years at a full-time supplemental
 1491 general dentistry program accredited by the American Dental
 1492 Association Commission on Dental Accreditation. This program
 1493 must provide didactic and clinical education at the level of a
 1494 D.D.S. or D.M.D. program accredited by the American Dental
 1495 Association Commission on Dental Accreditation. For purposes of
 1496 this paragraph, a supplemental general dentistry program does
 1497 not include an advanced education program in a dental specialty.

1498 (4) Notwithstanding any other provision of law in chapter
1499 456 pertaining to the clinical dental licensure examination or
1500 national examinations, to be licensed as a dentist in this
1501 state, an applicant must successfully complete both of the
1502 following:

1503 (a) A written examination on the laws and rules of the
1504 state regulating the practice of dentistry.†

1505 (b)~~1.~~ A practical or clinical examination, which must
1506 ~~shall~~ be the American Dental Licensing Examination produced by
1507 the American Board of Dental Examiners, Inc., or its successor
1508 entity, if any, that is administered in this state ~~and graded by~~
1509 ~~dentists licensed in this state and employed by the department~~
1510 ~~for just such purpose~~, provided that the board has attained, and
1511 continues to maintain thereafter, representation on the board of
1512 directors of the American Board of Dental Examiners, the
1513 examination development committee of the American Board of
1514 Dental Examiners, and such other committees of the American
1515 Board of Dental Examiners as the board deems appropriate by rule
1516 to assure that the standards established herein are maintained
1517 organizationally. A passing score on the American Dental
1518 Licensing Examination administered in this state ~~and graded by~~
1519 ~~dentists who are licensed in this state~~ is valid for 365 days
1520 after the date the official examination results are published.

1521 1.2.a. As an alternative to such practical or clinical
1522 examination ~~the requirements of subparagraph 1.~~, an applicant

1523 may submit scores from an American Dental Licensing Examination
1524 previously administered in a jurisdiction other than this state
1525 after October 1, 2011, and such examination results shall be
1526 recognized as valid for the purpose of licensure in this state.
1527 A passing score on the American Dental Licensing Examination
1528 administered out of state ~~out-of-state~~ shall be the same as the
1529 passing score for the American Dental Licensing Examination
1530 administered in this state ~~and graded by dentists who are~~
1531 ~~licensed in this state~~. The examination results are valid for
1532 365 days after the date the official examination results are
1533 published. The applicant must have completed the examination
1534 after October 1, 2011.

1535 ~~b.~~ This subparagraph may not be given retroactive
1536 application.

1537 ~~2.3.~~ If the date of an applicant's passing American Dental
1538 Licensing Examination scores from an examination previously
1539 administered in a jurisdiction other than this state under
1540 subparagraph 1. ~~subparagraph 2.~~ is older than 365 days, ~~then~~
1541 such scores are ~~shall~~ nevertheless ~~be recognized as~~ valid for
1542 the purpose of licensure in this state, but only if the
1543 applicant demonstrates that all of the following additional
1544 standards have been met:

1545 a.~~(I)~~ The applicant completed the American Dental
1546 Licensing Examination after October 1, 2011.

1547 ~~(II)~~ This sub-subparagraph may not be given retroactive

1548 application;

1549 b. The applicant graduated from a dental school accredited
1550 by the American Dental Association Commission on Dental
1551 Accreditation or its successor entity, if any, or any other
1552 dental accrediting organization recognized by the United States
1553 Department of Education. Provided, however, if the applicant did
1554 not graduate from such a dental school, the applicant may submit
1555 proof of having successfully completed a full-time supplemental
1556 general dentistry program accredited by the American Dental
1557 Association Commission on Dental Accreditation of at least 2
1558 consecutive academic years at such accredited sponsoring
1559 institution. Such program must provide didactic and clinical
1560 education at the level of a D.D.S. or D.M.D. program accredited
1561 by the American Dental Association Commission on Dental
1562 Accreditation. For purposes of this sub-subparagraph, a
1563 supplemental general dentistry program does not include an
1564 advanced education program in a dental specialty;

1565 c. The applicant currently possesses a valid and active
1566 dental license in good standing, with no restriction, which has
1567 never been revoked, suspended, restricted, or otherwise
1568 disciplined, from another state or territory of the United
1569 States, the District of Columbia, or the Commonwealth of Puerto
1570 Rico;

1571 d. The applicant submits proof that he or she has never
1572 been reported to the National Practitioner Data Bank, the

1573 Healthcare Integrity and Protection Data Bank, or the American
1574 Association of Dental Boards Clearinghouse. This sub-
1575 subparagraph does not apply if the applicant successfully
1576 appealed to have his or her name removed from the data banks of
1577 these agencies;

1578 e. (I) (A) ~~In the 5 years immediately preceding the date of~~
1579 ~~application for licensure in this state,~~ The applicant submits
1580 ~~must submit~~ proof of having been consecutively engaged in the
1581 full-time practice of dentistry in another state or territory of
1582 the United States, the District of Columbia, or the Commonwealth
1583 of Puerto Rico in the 5 years immediately preceding the date of
1584 application for licensure in this state; ~~or~~

1585 (B) If the applicant has been licensed in another state or
1586 territory of the United States, the District of Columbia, or the
1587 Commonwealth of Puerto Rico for less than 5 years, the applicant
1588 submits ~~must submit~~ proof of having been engaged in the full-
1589 time practice of dentistry since the date of his or her initial
1590 licensure.

1591 (II) As used in this section, "full-time practice" is
1592 defined as a minimum of 1,200 hours per year for each and every
1593 year in the consecutive 5-year period or, when ~~where~~ applicable,
1594 the period since initial licensure, and must include any
1595 combination of the following:

1596 (A) Active clinical practice of dentistry providing direct
1597 patient care.

1598 (B) Full-time practice as a faculty member employed by a
 1599 dental or dental hygiene school approved by the board or
 1600 accredited by the American Dental Association Commission on
 1601 Dental Accreditation.

1602 (C) Full-time practice as a student at a postgraduate
 1603 dental education program approved by the board or accredited by
 1604 the American Dental Association Commission on Dental
 1605 Accreditation.

1606 (III) The board shall develop rules to determine what type
 1607 of proof of full-time practice is required and to recoup the
 1608 cost to the board of verifying full-time practice under this
 1609 section. Such proof must, at a minimum, be:

1610 (A) Admissible as evidence in an administrative
 1611 proceeding;

1612 (B) Submitted in writing;

1613 (C) Submitted by the applicant under oath with penalties
 1614 of perjury attached;

1615 (D) Further documented by an affidavit of someone
 1616 unrelated to the applicant who is familiar with the applicant's
 1617 practice and testifies with particularity that the applicant has
 1618 been engaged in full-time practice; and

1619 (E) Specifically found by the board to be both credible
 1620 and admissible.

1621 (IV) An affidavit of only the applicant is not acceptable
 1622 proof of full-time practice unless it is further attested to by

1623 someone unrelated to the applicant who has personal knowledge of
1624 the applicant's practice. If the board deems it necessary to
1625 assess credibility or accuracy, the board may require the
1626 applicant or the applicant's witnesses to appear before the
1627 board and give oral testimony under oath;

1628 f. The applicant submits ~~must submit~~ documentation that he
1629 or she has completed, or will complete before he or she is
1630 licensed, ~~prior to licensure~~ in this state, continuing education
1631 equivalent to this state's requirements for the last full
1632 reporting biennium;

1633 g. The applicant proves ~~must prove~~ that he or she has
1634 never been convicted of, or pled nolo contendere to, regardless
1635 of adjudication, any felony or misdemeanor related to the
1636 practice of a health care profession in any jurisdiction;

1637 h. The applicant has ~~must~~ successfully passed ~~pass~~ a
1638 written examination on the laws and rules of this state
1639 regulating the practice of dentistry and ~~must successfully pass~~
1640 the computer-based diagnostic skills examination; and

1641 i. The applicant submits ~~must submit~~ documentation that he
1642 or she has successfully completed the applicable examination
1643 administered by the Joint Commission on National Dental
1644 Examinations or its successor organization ~~National Board of~~
1645 ~~Dental Examiners dental examination~~.

1646 Section 24. Notwithstanding the January 1, 2020, repeal of
1647 section 466.0067, Florida Statutes, that section is revived,

1648 reenacted, and amended, to read:

1649 466.0067 Application for health access dental license.—The
1650 Legislature finds that there is an important state interest in
1651 attracting dentists to practice in underserved health access
1652 settings in this state and further, that allowing out-of-state
1653 dentists who meet certain criteria to practice in health access
1654 settings without the supervision of a dentist licensed in this
1655 state is substantially related to achieving this important state
1656 interest. Therefore, notwithstanding the requirements of s.
1657 466.006, the board shall grant a health access dental license to
1658 practice dentistry in this state in health access settings as
1659 defined in s. 466.003 to an applicant who ~~that~~:

1660 (1) Files an appropriate application approved by the
1661 board;

1662 (2) Pays an application license fee for a health access
1663 dental license, laws-and-rule exam fee, and an initial licensure
1664 fee. The fees specified in this subsection may not differ from
1665 an applicant seeking licensure pursuant to s. 466.006;

1666 (3) Has not been convicted of or pled nolo contendere to,
1667 regardless of adjudication, any felony or misdemeanor related to
1668 the practice of a health care profession;

1669 (4) Submits proof of graduation from a dental school
1670 accredited by the Commission on Dental Accreditation of the
1671 American Dental Association or its successor agency;

1672 (5) Submits documentation that she or he has completed, or

1673 will obtain before ~~prior~~ to licensure, continuing education
1674 equivalent to this state's requirement for dentists licensed
1675 under s. 466.006 for the last full reporting biennium before
1676 applying for a health access dental license;

1677 (6) Submits proof of her or his successful completion of
1678 parts I and II of the dental examination by the National Board
1679 of Dental Examiners and a state or regional clinical dental
1680 licensing examination that the board has determined effectively
1681 measures the applicant's ability to practice safely;

1682 (7) Currently holds a valid, active, dental license in
1683 good standing which has not been revoked, suspended, restricted,
1684 or otherwise disciplined from another of the United States, the
1685 District of Columbia, or a United States territory;

1686 (8) Has never had a license revoked from another of the
1687 United States, the District of Columbia, or a United States
1688 territory;

1689 (9) Has never failed the examination specified in s.
1690 466.006, unless the applicant was reexamined pursuant to s.
1691 466.006 and received a license to practice dentistry in this
1692 state;

1693 (10) Has not been reported to the National Practitioner
1694 Data Bank, unless the applicant successfully appealed to have
1695 his or her name removed from the data bank;

1696 (11) Submits proof that he or she has been engaged in the
1697 active, clinical practice of dentistry providing direct patient

1698 care for 5 years immediately preceding the date of application,
1699 or in instances when the applicant has graduated from an
1700 accredited dental school within the preceding 5 years, submits
1701 proof of continuous clinical practice providing direct patient
1702 care since graduation; and

1703 (12) Has passed an examination covering the laws and rules
1704 of the practice of dentistry in this state as described in s.
1705 466.006(4)(a).

1706 Section 25. Notwithstanding the January 1, 2020, repeal of
1707 section 466.00671, Florida Statutes, that section is revived,
1708 reenacted, and amended to read:

1709 466.00671 Renewal of the health access dental license.—

1710 (1) A health access dental licensee shall apply for
1711 renewal each biennium. At the time of renewal, the licensee
1712 shall sign a statement that she or he has complied with all
1713 continuing education requirements of an active dentist licensee.
1714 The board shall renew a health access dental license for an
1715 applicant who ~~that~~:

1716 (a) Submits documentation, as approved by the board, from
1717 the employer in the health access setting that the licensee has
1718 at all times pertinent remained an employee;

1719 (b) Has not been convicted of or pled nolo contendere to,
1720 regardless of adjudication, any felony or misdemeanor related to
1721 the practice of a health care profession;

1722 (c) Has paid a renewal fee set by the board. The fee

1723 specified herein may not differ from the renewal fee adopted by
1724 the board pursuant to s. 466.013. The department may provide
1725 payment for these fees through the dentist's salary, benefits,
1726 or other department funds;

1727 (d) Has not failed the examination specified in s. 466.006
1728 since initially receiving a health access dental license or
1729 since the last renewal; and

1730 (e) Has not been reported to the National Practitioner
1731 Data Bank, unless the applicant successfully appealed to have
1732 his or her name removed from the data bank.

1733 (2) The board may undertake measures to independently
1734 verify the health access dental licensee's ongoing employment
1735 status in the health access setting.

1736 Section 26. Notwithstanding the January 1, 2020, repeal of
1737 section 466.00672, Florida Statutes, that section is revived and
1738 reenacted to read:

1739 466.00672 Revocation of health access dental license.—

1740 (1) The board shall revoke a health access dental license
1741 upon:

1742 (a) The licensee's termination from employment from a
1743 qualifying health access setting;

1744 (b) Final agency action determining that the licensee has
1745 violated any provision of s. 466.027 or s. 466.028, other than
1746 infractions constituting citation offenses or minor violations;
1747 or

1748 (c) Failure of the Florida dental licensure examination.

1749 (2) Failure of an individual licensed pursuant to s.
1750 466.0067 to limit the practice of dentistry to health access
1751 settings as defined in s. 466.003 constitutes the unlicensed
1752 practice of dentistry.

1753 Section 27. The amendments and reenactments made by this
1754 act to ss. 466.0067, 466.00671, and 466.00672, Florida Statutes,
1755 are remedial in nature and apply retroactively to January 1,
1756 2020. This section shall take effect upon this act becoming a
1757 law.

1758 Section 28. Paragraph (b) of subsection (4) and paragraph
1759 (a) of subsection (6) of section 466.007, Florida Statutes, are
1760 amended to read:

1761 466.007 Examination of dental hygienists.—

1762 (4) Effective July 1, 2012, to be licensed as a dental
1763 hygienist in this state, an applicant must successfully complete
1764 the following:

1765 (b) A practical or clinical examination approved by the
1766 board. The examination shall be the Dental Hygiene Examination
1767 produced by the American Board of Dental Examiners, Inc. (ADEX)
1768 or its successor entity, if any, if the board finds that the
1769 successor entity's clinical examination meets or exceeds the
1770 provisions of this section. The board shall approve the ADEX
1771 Dental Hygiene Examination if the board has attained and
1772 continues to maintain representation on the ADEX House of

1773 Representatives, the ADEX Dental Hygiene Examination Development
1774 Committee, and such other ADEX Dental Hygiene committees as the
1775 board deems appropriate through rulemaking to ensure that the
1776 standards established in this section are maintained
1777 organizationally. The ADEX Dental Hygiene Examination or the
1778 examination produced by its successor entity is a comprehensive
1779 examination in which an applicant must demonstrate skills within
1780 the dental hygiene scope of practice on a live patient and any
1781 other components that the board deems necessary for the
1782 applicant to successfully demonstrate competency for the purpose
1783 of licensure. ~~The ADEX Dental Hygiene Examination or the~~
1784 ~~examination by the successor entity administered in this state~~
1785 ~~shall be graded by dentists and dental hygienists licensed in~~
1786 ~~this state who are employed by the department for this purpose.~~

1787 (6) (a) A passing score on the ADEX Dental Hygiene
1788 Examination administered out of state must ~~shall~~ be considered
1789 the same as a passing score for the ADEX Dental Hygiene
1790 Examination administered in this state ~~and graded by licensed~~
1791 ~~dentists and dental hygienists.~~

1792 Section 29. Subsections (9) through (15) are added to
1793 section 466.017, Florida Statutes, to read:

1794 466.017 Prescription of drugs; anesthesia.—

1795 (9) Any adverse incident that occurs in an office
1796 maintained by a dentist must be reported to the department. The
1797 required notification to the department must be submitted in

1798 writing by certified mail and postmarked within 48 hours after
1799 the incident occurs.

1800 (10) A dentist practicing in this state must notify the
1801 board in writing by certified mail within 48 hours after any
1802 adverse incident that occurs in the dentist's outpatient
1803 facility. A complete written report must be filed with the board
1804 within 30 days after the incident occurs.

1805 (11) Any certified registered dental hygienist
1806 administering local anesthesia must notify the board in writing
1807 by registered mail within 48 hours after any adverse incident
1808 that was related to or the result of the administration of local
1809 anesthesia. A complete written report must be filed with the
1810 board within 30 days after the mortality or other adverse
1811 incident.

1812 (12) A failure by the dentist or dental hygienist to
1813 timely and completely comply with all the reporting requirements
1814 in this section is the basis for disciplinary action by the
1815 board pursuant to s. 466.028(1).

1816 (13) The department shall review each adverse incident and
1817 determine whether it involved conduct by a health care
1818 professional subject to disciplinary action, in which case s.
1819 456.073 applies. Disciplinary action, if any, shall be taken by
1820 the board under which the health care professional is licensed.

1821 (14) As used in subsections (9)-(13), the term "adverse
1822 incident" means any mortality that occurs during or as the

1823 result of a dental procedure, or an incident that results in a
 1824 temporary or permanent physical or mental injury that requires
 1825 hospitalization or emergency room treatment of a dental patient
 1826 which occurs during or as a direct result of the use of general
 1827 anesthesia, deep sedation, moderate sedation, pediatric moderate
 1828 sedation, oral sedation, minimal sedation (anxiolysis), nitrous
 1829 oxide, or local anesthesia.

1830 (15) The board may adopt rules to administer this section.

1831 Section 30. Section 466.031, Florida Statutes, is amended
 1832 to read:

1833 466.031 "Dental laboratories ~~laboratory~~" defined.—

1834 (1) As used in this chapter, the term "dental laboratory"
 1835 ~~as used in this chapter:~~

1836 ~~(1)~~ includes any person, firm, or corporation that ~~who~~
 1837 performs for a fee of any kind, gratuitously, or otherwise,
 1838 directly or through an agent or an employee, by any means or
 1839 method, or ~~who in any way~~ supplies or manufactures artificial
 1840 substitutes for the natural teeth; ~~or who~~ furnishes, supplies,
 1841 constructs, or reproduces or repairs any prosthetic denture,
 1842 bridge, or appliance to be worn in the human mouth; ~~or who~~ in
 1843 any way represents ~~holds~~ itself ~~out~~ as a dental laboratory.

1844 ~~(2)~~ The term does not include a ~~Excludes any~~ dental
 1845 laboratory technician who constructs or repairs dental
 1846 prosthetic appliances in the office of a licensed dentist
 1847 exclusively for that ~~such~~ dentist ~~only~~ ~~and~~ under her or his

1848 supervision and work order.

1849 (2) An employee or independent contractor of a dental
1850 laboratory, acting as an agent of that dental laboratory, may
1851 engage in onsite consultation with a licensed dentist during a
1852 dental procedure.

1853 Section 31. Section 466.036, Florida Statutes, is amended
1854 to read:

1855 466.036 Information; periodic inspections; equipment and
1856 supplies.—The department may require from the applicant for a
1857 registration certificate to operate a dental laboratory any
1858 information necessary to carry out the purpose of this chapter,
1859 including proof that the applicant has the equipment and
1860 supplies necessary to operate as determined by rule of the
1861 department, and shall require periodic inspection of all dental
1862 laboratories operating in this state at least once each biennial
1863 registration period. Such inspections must ~~shall~~ include, but
1864 need not be limited to, inspection of sanitary conditions,
1865 equipment, supplies, and facilities on the premises. The
1866 department shall specify dental equipment and supplies that are
1867 not allowed ~~permitted~~ in a registered dental laboratory.

1868 Section 32. Subsection (1) of section 468.701, Florida
1869 Statutes, is amended to read:

1870 468.701 Definitions.—As used in this part, the term:

1871 (1) "Athletic trainer" means a person licensed under this
1872 part who has met the requirements of ~~under~~ this part, including

1873 | the education requirements established ~~as set forth~~ by the
1874 | Commission on Accreditation of Athletic Training Education or
1875 | its successor organization and necessary credentials from the
1876 | Board of Certification. ~~An individual who is licensed as an~~
1877 | ~~athletic trainer may not provide, offer to provide, or represent~~
1878 | ~~that he or she is qualified to provide any care or services that~~
1879 | ~~he or she lacks the education, training, or experience to~~
1880 | ~~provide, or that he or she is otherwise prohibited by law from~~
1881 | ~~providing.~~

1882 | Section 33. Section 468.707, Florida Statutes, is amended
1883 | to read:

1884 | 468.707 Licensure requirements.—Any person desiring to be
1885 | licensed as an athletic trainer shall apply to the department on
1886 | a form approved by the department. An applicant shall also
1887 | provide records or other evidence, as determined by the board,
1888 | to prove he or she has met the requirements of this section. The
1889 | department shall license each applicant who:

1890 | (1) Has completed the application form and remitted the
1891 | required fees.

1892 | ~~(2) For a person who applies on or after July 1, 2016,~~ Has
1893 | submitted to background screening pursuant to s. 456.0135. The
1894 | board may require a background screening for an applicant whose
1895 | license has expired or who is undergoing disciplinary action.

1896 | (3) (a) Has obtained, at a minimum, a bachelor's
1897 | ~~baccalaureate or higher~~ degree from a college or university

1898 professional athletic training degree program accredited by the
1899 Commission on Accreditation of Athletic Training Education or
1900 its successor organization recognized and approved by the United
1901 States Department of Education or the Commission on Recognition
1902 of Postsecondary Accreditation, approved by the board, or
1903 recognized by the Board of Certification, and has passed the
1904 national examination to be certified by the Board of
1905 Certification; or-

1906 (b) (4) Has obtained, at a minimum, a bachelor's degree,
1907 has completed the Board of Certification internship
1908 requirements, and holds ~~If graduated before 2004, has~~ a current
1909 certification from the Board of Certification.

1910 (4) (5) Has current certification in both cardiopulmonary
1911 resuscitation and the use of an automated external defibrillator
1912 set forth in the continuing education requirements as determined
1913 by the board pursuant to s. 468.711.

1914 (5) (6) Has completed any other requirements as determined
1915 by the department and approved by the board.

1916 Section 34. Subsection (3) of section 468.711, Florida
1917 Statutes, is amended to read:

1918 468.711 Renewal of license; continuing education.—

1919 (3) If initially licensed after January 1, 1998, the
1920 licensee must be currently certified by the Board of
1921 Certification or its successor agency and maintain that
1922 certification in good standing without lapse.

1923 Section 35. Section 468.713, Florida Statutes, is amended
 1924 to read:

1925 468.713 Responsibilities of athletic trainers.—

1926 (1) An athletic trainer shall practice under the direction
 1927 of a physician licensed under chapter 458, chapter 459, chapter
 1928 460, or otherwise authorized by Florida law to practice
 1929 medicine. The physician shall communicate his or her direction
 1930 through oral or written prescriptions or protocols as deemed
 1931 appropriate by the physician for the provision of services and
 1932 care by the athletic trainer. An athletic trainer shall provide
 1933 service or care in the manner dictated by the physician.

1934 (2) An athletic trainer shall work within his or her
 1935 allowable scope of practice as specified in board rule under s.
 1936 468.705. An athletic trainer may not provide, offer to provide,
 1937 or represent that he or she is qualified to provide any care or
 1938 services that he or she lacks the education, training, or
 1939 experience to provide or that he or she is otherwise prohibited
 1940 by law from providing.

1941 Section 36. Subsection (2) of section 468.723, Florida
 1942 Statutes, is amended to read:

1943 468.723 Exemptions.—This part does not prohibit ~~prevent~~ or
 1944 restrict:

1945 (2) An athletic training student acting under the direct
 1946 supervision of a licensed athletic trainer. For purposes of this
 1947 subsection, "direct supervision" means the physical presence of

1948 an athletic trainer so that the athletic trainer is immediately
 1949 available to the athletic training student and able to intervene
 1950 on behalf of the athletic training student. The supervision must
 1951 comply with board rule ~~in accordance with the standards set~~
 1952 ~~forth by the Commission on Accreditation of Athletic Training~~
 1953 ~~Education or its successor.~~

1954 Section 37. Subsections (1), (3), and (4) of section
 1955 468.803, Florida Statutes, are amended to read:

1956 468.803 License, registration, and examination
 1957 requirements.—

1958 (1) The department shall issue a license to practice
 1959 orthotics, prosthetics, or pedorthics, or a registration for a
 1960 resident to practice orthotics or prosthetics, to qualified
 1961 applicants. Licenses to practice ~~shall be granted independently~~
 1962 ~~in~~ orthotics, prosthetics, or pedorthics must be granted
 1963 independently, but a person may be licensed in more than one
 1964 such discipline, and a prosthetist-orthotist license may be
 1965 granted to persons meeting the requirements for licensure both
 1966 as a prosthetist and as an orthotist ~~license~~. Registrations to
 1967 practice ~~shall be granted independently in~~ orthotics or
 1968 prosthetics must be granted independently, and a person may be
 1969 registered in both disciplines ~~fields~~ at the same time or
 1970 jointly in orthotics and prosthetics as a dual registration.

1971 (3) A person seeking to attain the ~~required~~ orthotics or
 1972 prosthetics experience required for licensure in this state must

1973 | be approved by the board and registered as a resident by the
1974 | department. Although a registration may be held in both
1975 | disciplines practice fields, for independent registrations the
1976 | board may ~~shall~~ not approve a second registration until at least
1977 | 1 year after the issuance of the first registration.
1978 | Notwithstanding subsection (2), a person ~~an applicant~~ who has
1979 | been approved by the board and registered by the department in
1980 | one discipline practice field may apply for registration in the
1981 | second discipline practice field without an additional state or
1982 | national criminal history check during the period in which the
1983 | first registration is valid. Each independent registration or
1984 | dual registration is valid for 2 years after ~~from~~ the date of
1985 | issuance unless otherwise revoked by the department upon
1986 | recommendation of the board. The board shall set a registration
1987 | fee not to exceed \$500 to be paid by the applicant. A
1988 | registration may be renewed once by the department upon
1989 | recommendation of the board for a period no longer than 1 year,
1990 | as such renewal is defined by the board by rule. The
1991 | ~~registration~~ renewal fee may ~~shall~~ not exceed one-half the
1992 | current registration fee. To be considered by the board for
1993 | approval of registration as a resident, the applicant must have
1994 | one of the following:
1995 | (a) A Bachelor of Science or higher-level postgraduate
1996 | degree in orthotics and prosthetics from a regionally accredited
1997 | college or university recognized by the Commission on

1998 Accreditation of Allied Health Education Programs ~~or, at~~
 1999 (b) A minimum ~~of,~~ a bachelor's degree from a regionally
 2000 accredited college or university and a certificate in orthotics
 2001 or prosthetics from a program recognized by the Commission on
 2002 Accreditation of Allied Health Education Programs, or its
 2003 equivalent, as determined by the board. ~~;~~ ~~or~~
 2004 (c) A minimum of a bachelor's degree from a regionally
 2005 accredited college or university and a dual certificate in both
 2006 orthotics and prosthetics from programs recognized by the
 2007 Commission on Accreditation of Allied Health Education Programs,
 2008 or its equivalent, as determined by the board.
 2009 ~~(b) A Bachelor of Science or higher-level postgraduate~~
 2010 ~~degree in Orthotics and Prosthetics from a regionally accredited~~
 2011 ~~college or university recognized by the Commission on~~
 2012 ~~Accreditation of Allied Health Education Programs or, at a~~
 2013 ~~minimum, a bachelor's degree from a regionally accredited~~
 2014 ~~college or university and a certificate in prosthetics from a~~
 2015 ~~program recognized by the Commission on Accreditation of Allied~~
 2016 ~~Health Education Programs, or its equivalent, as determined by~~
 2017 ~~the board.~~
 2018 (4) The department may develop and administer a state
 2019 examination for an orthotist or a prosthetist license, or the
 2020 board may approve the existing examination of a national
 2021 standards organization. The examination must be predicated on a
 2022 minimum of a baccalaureate-level education and formalized

2023 specialized training in the appropriate field. Each examination
 2024 must demonstrate a minimum level of competence in basic
 2025 scientific knowledge, written problem solving, and practical
 2026 clinical patient management. The board shall require an
 2027 examination fee not to exceed the actual cost to the board in
 2028 developing, administering, and approving the examination, which
 2029 fee must be paid by the applicant. To be considered by the board
 2030 for examination, the applicant must have:

2031 (a) For an examination in orthotics:

2032 1. A Bachelor of Science or higher-level postgraduate
 2033 degree in orthotics and prosthetics from a regionally accredited
 2034 college or university recognized by the Commission on
 2035 Accreditation of Allied Health Education Programs or, at a
 2036 minimum, a bachelor's degree from a regionally accredited
 2037 college or university and a certificate in orthotics from a
 2038 program recognized by the Commission on Accreditation of Allied
 2039 Health Education Programs, or its equivalent, as determined by
 2040 the board; and

2041 2. An approved orthotics internship of 1 year of qualified
 2042 experience, as determined by the board, or an orthotic residency
 2043 or dual residency program recognized by the board.

2044 (b) For an examination in prosthetics:

2045 1. A Bachelor of Science or higher-level postgraduate
 2046 degree in orthotics and prosthetics from a regionally accredited
 2047 college or university recognized by the Commission on

2048 Accreditation of Allied Health Education Programs or, at a
2049 minimum, a bachelor's degree from a regionally accredited
2050 college or university and a certificate in prosthetics from a
2051 program recognized by the Commission on Accreditation of Allied
2052 Health Education Programs, or its equivalent, as determined by
2053 the board; and

2054 2. An approved prosthetics internship of 1 year of
2055 qualified experience, as determined by the board, or a
2056 prosthetic residency or dual residency program recognized by the
2057 board.

2058 Section 38. Subsection (5) of section 480.033, Florida
2059 Statutes, is amended to read:

2060 480.033 Definitions.—As used in this act:

2061 (5) "Apprentice" means a person approved by the board to
2062 study colonic irrigation ~~massage~~ under the instruction of a
2063 licensed massage therapist practicing colonic irrigation.

2064 Section 39. Subsections (1) and (2) of section 480.041,
2065 Florida Statutes, are amended, and subsection (8) is added to
2066 that section, to read:

2067 480.041 Massage therapists; qualifications; licensure;
2068 endorsement.—

2069 (1) Any person is qualified for licensure as a massage
2070 therapist under this act who:

2071 (a) Is at least 18 years of age or has received a high
2072 school diploma or high school equivalency diploma;

2073 (b) Has completed a course of study at a board-approved
 2074 massage school ~~or has completed an apprenticeship program~~ that
 2075 meets standards adopted by the board; and

2076 (c) Has received a passing grade on a national an
 2077 examination designated ~~administered~~ by the board ~~department~~.

2078 (2) Every person desiring to be examined for licensure as
 2079 a massage therapist must ~~shall~~ apply to the department in
 2080 writing upon forms prepared and furnished by the department.
 2081 Such applicants are ~~shall be~~ subject to ~~the provisions of s.~~
 2082 480.046(1). ~~Applicants may take an examination administered by~~
 2083 ~~the department only upon meeting the requirements of this~~
 2084 ~~section as determined by the board.~~

2085 (8) A person issued a license as a massage apprentice
 2086 before July 1, 2020, may continue that apprenticeship and
 2087 perform massage therapy as authorized under that license until
 2088 it expires. Upon completion of the apprenticeship, which must
 2089 occur before July 1, 2023, a massage apprentice may apply to the
 2090 board for full licensure and be granted a license if all other
 2091 applicable licensure requirements are met.

2092 Section 40. Section 480.042, Florida Statutes, is
 2093 repealed.

2094 Section 41. Subsection (3) of section 490.003, Florida
 2095 Statutes, is amended to read:

2096 490.003 Definitions.—As used in this chapter:

2097 (3)(a) ~~Prior to July 1, 1999, "doctoral-level~~

2098 ~~psychological education" and "doctoral degree in psychology"~~
2099 ~~mean a Psy.D., an Ed.D. in psychology, or a Ph.D. in psychology~~
2100 ~~from:~~

2101 ~~1. An educational institution which, at the time the~~
2102 ~~applicant was enrolled and graduated, had institutional~~
2103 ~~accreditation from an agency recognized and approved by the~~
2104 ~~United States Department of Education or was recognized as a~~
2105 ~~member in good standing with the Association of Universities and~~
2106 ~~Colleges of Canada; and~~

2107 ~~2. A psychology program within that educational~~
2108 ~~institution which, at the time the applicant was enrolled and~~
2109 ~~graduated, had programmatic accreditation from an accrediting~~
2110 ~~agency recognized and approved by the United States Department~~
2111 ~~of Education or was comparable to such programs.~~

2112 ~~(b)~~ Effective July 1, 1999, "doctoral-level psychological
2113 education" and "doctoral degree in psychology" mean a Psy.D., an
2114 Ed.D. in psychology, or a Ph.D. in psychology from a psychology
2115 program at:

2116 ~~1.~~ an educational institution that ~~which~~, at the time the
2117 applicant was enrolled and graduated:

2118 (a) ~~1.~~ Had institutional accreditation from an agency
2119 recognized and approved by the United States Department of
2120 Education or was recognized as a member in good standing with
2121 the Association of Universities and Colleges of Canada; and

2122 (b)2. ~~A psychology program within that educational~~

2123 ~~institution which, at the time the applicant was enrolled and~~
2124 ~~graduated,~~ Had programmatic accreditation from the American
2125 Psychological Association ~~an agency recognized and approved by~~
2126 ~~the United States Department of Education.~~

2127 Section 42. Paragraph (b) of subsection (1) and paragraph
2128 (b) of subsection (2) of section 490.005, Florida Statutes, are
2129 amended to read:

2130 490.005 Licensure by examination.—

2131 (1) Any person desiring to be licensed as a psychologist
2132 shall apply to the department to take the licensure examination.
2133 The department shall license each applicant who the board
2134 certifies has:

2135 (b) Submitted proof satisfactory to the board that the
2136 applicant has received:

2137 1. ~~Received~~ Doctoral-level psychological education, ~~as~~
2138 ~~defined in s. 490.003(3);~~ or

2139 2. ~~Received~~ The equivalent of a doctoral-level
2140 psychological education, as defined in s. 490.003(3), from a
2141 program at a school or university located outside the United
2142 States of America ~~and Canada,~~ which was officially recognized by
2143 the government of the country in which it is located as an
2144 institution or program to train students to practice
2145 professional psychology. The applicant has the burden of
2146 establishing that this requirement has ~~the requirements of this~~
2147 ~~provision have been met shall be upon the applicant;~~

2148 ~~3. Received and submitted to the board, prior to July 1,~~
2149 ~~1999, certification of an augmented doctoral-level psychological~~
2150 ~~education from the program director of a doctoral-level~~
2151 ~~psychology program accredited by a programmatic agency~~
2152 ~~recognized and approved by the United States Department of~~
2153 ~~Education; or~~

2154 ~~4. Received and submitted to the board, prior to August~~
2155 ~~31, 2001, certification of a doctoral-level program that at the~~
2156 ~~time the applicant was enrolled and graduated maintained a~~
2157 ~~standard of education and training comparable to the standard of~~
2158 ~~training of programs accredited by a programmatic agency~~
2159 ~~recognized and approved by the United States Department of~~
2160 ~~Education. Such certification of comparability shall be provided~~
2161 ~~by the program director of a doctoral-level psychology program~~
2162 ~~accredited by a programmatic agency recognized and approved by~~
2163 ~~the United States Department of Education.~~

2164 (2) Any person desiring to be licensed as a school
2165 psychologist shall apply to the department to take the licensure
2166 examination. The department shall license each applicant who the
2167 department certifies has:

2168 (b) Submitted satisfactory proof to the department that
2169 the applicant:

2170 1. Has received a doctorate, specialist, or equivalent
2171 degree from a program primarily psychological in nature and has
2172 completed 60 semester hours or 90 quarter hours of graduate

2173 study, in areas related to school psychology as defined by rule
 2174 of the department, from a college or university which at the
 2175 time the applicant was enrolled and graduated was accredited by
 2176 an accrediting agency recognized and approved by the Council for
 2177 Higher Education Accreditation or its successor organization
 2178 ~~Commission on Recognition of Postsecondary Accreditation~~ or from
 2179 an institution that ~~which~~ is ~~publicly recognized as~~ a member in
 2180 good standing with the Association of Universities and Colleges
 2181 of Canada.

2182 2. Has had a minimum of 3 years of experience in school
 2183 psychology, 2 years of which must be supervised by an individual
 2184 who is a licensed school psychologist or who has otherwise
 2185 qualified as a school psychologist supervisor, by education and
 2186 experience, as set forth by rule of the department. A doctoral
 2187 internship may be applied toward the supervision requirement.

2188 3. Has passed an examination provided by the department.

2189 Section 43. Subsection (1) of section 490.006, Florida
 2190 Statutes, is amended to read:

2191 490.006 Licensure by endorsement.—

2192 (1) The department shall license a person as a
 2193 psychologist or school psychologist who, upon applying to the
 2194 department and remitting the appropriate fee, demonstrates to
 2195 the department or, in the case of psychologists, to the board
 2196 that the applicant:

2197 ~~(a) Holds a valid license or certificate in another state~~

2198 ~~to practice psychology or school psychology, as applicable,~~
2199 ~~provided that, when the applicant secured such license or~~
2200 ~~certificate, the requirements were substantially equivalent to~~
2201 ~~or more stringent than those set forth in this chapter at that~~
2202 ~~time; and, if no Florida law existed at that time, then the~~
2203 ~~requirements in the other state must have been substantially~~
2204 ~~equivalent to or more stringent than those set forth in this~~
2205 ~~chapter at the present time;~~

2206 (a) ~~(b)~~ Is a diplomate in good standing with the American
2207 Board of Professional Psychology, Inc.; or

2208 (b) ~~(e)~~ Possesses a doctoral degree in psychology ~~as~~
2209 ~~described in s. 490.003~~ and has at least 10 ~~20~~ years of
2210 experience as a licensed psychologist in any jurisdiction or
2211 territory of the United States within the 25 years preceding the
2212 date of application.

2213 Section 44. Subsection (6) of section 491.0045, Florida
2214 Statutes, as created by chapter 2016-80 and chapter 2016-241,
2215 Laws of Florida, is amended to read:

2216 491.0045 Intern registration; requirements.—

2217 (6) A registration issued on or before March 31, 2017,
2218 expires March 31, 2022, and may not be renewed or reissued. Any
2219 registration issued after March 31, 2017, expires 60 months
2220 after the date it is issued. The board may make a one-time
2221 exception from the requirements of this subsection in emergency
2222 or hardship cases, as defined by board rule, if A subsequent

2223 ~~intern registration may not be issued unless~~ the candidate has
 2224 passed the theory and practice examination described in s.
 2225 491.005(1)(d), (3)(d), and (4)(d).

2226 Section 45. Subsections (3) and (4) of section 491.005,
 2227 Florida Statutes, are amended to read:

2228 491.005 Licensure by examination.—

2229 (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of
 2230 documentation and payment of a fee not to exceed \$200, as set by
 2231 board rule, plus the actual cost of ~~to the department for~~ the
 2232 purchase of the examination from the Association of Marital and
 2233 Family Therapy Regulatory Board, or similar national
 2234 organization, the department shall issue a license as a marriage
 2235 and family therapist to an applicant who the board certifies:

2236 (a) Has submitted an application and paid the appropriate
 2237 fee.

2238 (b)1. Has a minimum of a master's degree with major
 2239 emphasis in marriage and family therapy, ~~or~~ or a closely related
 2240 field from a program accredited by the Commission on
 2241 Accreditation for Marriage and Family Therapy Education or from
 2242 a Florida university program accredited by the Council for
 2243 Accreditation of Counseling and Related Educational Programs,
 2244 and graduate courses approved by the Board of Clinical Social
 2245 Work, Marriage and Family Therapy, and Mental Health Counseling
 2246 ~~has completed all of the following requirements:~~

2247 ~~a. Thirty-six semester hours or 48 quarter hours of~~

2248 ~~graduate coursework, which must include a minimum of 3 semester~~
2249 ~~hours or 4 quarter hours of graduate-level course credits in~~
2250 ~~each of the following nine areas: dynamics of marriage and~~
2251 ~~family systems; marriage therapy and counseling theory and~~
2252 ~~techniques; family therapy and counseling theory and techniques;~~
2253 ~~individual human development theories throughout the life cycle;~~
2254 ~~personality theory or general counseling theory and techniques;~~
2255 ~~psychopathology; human sexuality theory and counseling~~
2256 ~~techniques; psychosocial theory; and substance abuse theory and~~
2257 ~~counseling techniques. Courses in research, evaluation,~~
2258 ~~appraisal, assessment, or testing theories and procedures;~~
2259 ~~thesis or dissertation work; or practicums, internships, or~~
2260 ~~fieldwork may not be applied toward this requirement.~~

2261 ~~b. A minimum of one graduate-level course of 3 semester~~
2262 ~~hours or 4 quarter hours in legal, ethical, and professional~~
2263 ~~standards issues in the practice of marriage and family therapy~~
2264 ~~or a course determined by the board to be equivalent.~~

2265 ~~e. A minimum of one graduate-level course of 3 semester~~
2266 ~~hours or 4 quarter hours in diagnosis, appraisal, assessment,~~
2267 ~~and testing for individual or interpersonal disorder or~~
2268 ~~dysfunction; and a minimum of one 3 semester-hour or 4 quarter-~~
2269 ~~hour graduate-level course in behavioral research which focuses~~
2270 ~~on the interpretation and application of research data as it~~
2271 ~~applies to clinical practice. Credit for thesis or dissertation~~
2272 ~~work, practicums, internships, or fieldwork may not be applied~~

2273 ~~toward this requirement.~~

2274 ~~d. A minimum of one supervised clinical practicum,~~
2275 ~~internship, or field experience in a marriage and family~~
2276 ~~counseling setting, during which the student provided 180 direct~~
2277 ~~client contact hours of marriage and family therapy services~~
2278 ~~under the supervision of an individual who met the requirements~~
2279 ~~for supervision under paragraph (c). This requirement may be met~~
2280 ~~by a supervised practice experience which took place outside the~~
2281 ~~academic arena, but which is certified as equivalent to a~~
2282 ~~graduate-level practicum or internship program which required a~~
2283 ~~minimum of 180 direct client contact hours of marriage and~~
2284 ~~family therapy services currently offered within an academic~~
2285 ~~program of a college or university accredited by an accrediting~~
2286 ~~agency approved by the United States Department of Education, or~~
2287 ~~an institution which is publicly recognized as a member in good~~
2288 ~~standing with the Association of Universities and Colleges of~~
2289 ~~Canada or a training institution accredited by the Commission on~~
2290 ~~Accreditation for Marriage and Family Therapy Education~~
2291 ~~recognized by the United States Department of Education.~~
2292 ~~Certification shall be required from an official of such~~
2293 ~~college, university, or training institution.~~

2294 2. If the course title that ~~which~~ appears on the
2295 applicant's transcript does not clearly identify the content of
2296 the coursework, the applicant shall ~~be required to provide~~
2297 additional documentation, including, but not limited to, a

2298 syllabus or catalog description published for the course.
2299
2300 The required master's degree must have been received in an
2301 institution of higher education that, ~~which~~ at the time the
2302 applicant graduated, was ~~+~~ fully accredited by a regional
2303 accrediting body recognized by the Commission on Recognition of
2304 Postsecondary Accreditation or ~~+~~ publicly recognized as a member
2305 in good standing with the Association of Universities and
2306 Colleges of Canada, + or an institution of higher education
2307 located outside the United States and Canada, + which, + at the time
2308 the applicant was enrolled and at the time the applicant
2309 graduated, + maintained a standard of training substantially
2310 equivalent to the standards of training of those institutions in
2311 the United States which are accredited by a regional accrediting
2312 body recognized by the Commission on Recognition of
2313 Postsecondary Accreditation. Such foreign education and training
2314 must have been received in an institution or program of higher
2315 education officially recognized by the government of the country
2316 in which it is located as an institution or program to train
2317 students to practice as professional marriage and family
2318 therapists or psychotherapists. The applicant has the burden of
2319 establishing that the requirements of this provision have been
2320 met ~~shall be upon the applicant,~~ and the board shall require
2321 documentation, such as, ~~but not limited to,~~ an evaluation by a
2322 foreign equivalency determination service, as evidence that the

2323 applicant's graduate degree program and education were
2324 equivalent to an accredited program in this country. An
2325 applicant with a master's degree from a program that ~~which~~ did
2326 not emphasize marriage and family therapy may complete the
2327 coursework requirement in a training institution fully
2328 accredited by the Commission on Accreditation for Marriage and
2329 Family Therapy Education recognized by the United States
2330 Department of Education.

2331 (c) Has had at least 2 years of clinical experience during
2332 which 50 percent of the applicant's clients were receiving
2333 marriage and family therapy services, which must be at the post-
2334 master's level under the supervision of a licensed marriage and
2335 family therapist with at least 5 years of experience, or the
2336 equivalent, who is a qualified supervisor as determined by the
2337 board. An individual who intends to practice in Florida to
2338 satisfy the clinical experience requirements must register
2339 pursuant to s. 491.0045 before commencing practice. If a
2340 graduate has a master's degree with a major emphasis in marriage
2341 and family therapy or a closely related field which ~~that~~ did not
2342 include all of the coursework required by subparagraph (b)1.
2343 ~~under sub-subparagraphs (b)1.a.-c.,~~ credit for the post-master's
2344 level clinical experience may ~~shall~~ not commence until the
2345 applicant has completed a minimum of 10 of the courses required
2346 by subparagraph (b)1. ~~under sub-subparagraphs (b)1.a.-c.,~~ as
2347 determined by the board, and at least 6 semester hours or 9

2348 quarter hours of the course credits must have been completed in
2349 the area of marriage and family systems, theories, or
2350 techniques. Within the 2 ~~3~~ years of required experience, the
2351 applicant shall provide direct individual, group, or family
2352 therapy and counseling, ~~to include the following categories of~~
2353 cases including those involving unmarried dyads, married
2354 couples, separating and divorcing couples, and family groups
2355 that include ~~including~~ children. A doctoral internship may be
2356 applied toward the clinical experience requirement. A licensed
2357 mental health professional must be on the premises when clinical
2358 services are provided by a registered intern in a private
2359 practice setting.

2360 (d) Has passed a theory and practice examination provided
2361 by the department ~~for this purpose~~.

2362 (e) Has demonstrated, in a manner designated by board rule
2363 ~~of the board~~, knowledge of the laws and rules governing the
2364 practice of clinical social work, marriage and family therapy,
2365 and mental health counseling.

2366 ~~(f)~~

2367
2368 For the purposes of dual licensure, the department shall license
2369 as a marriage and family therapist any person who meets the
2370 requirements of s. 491.0057. Fees for dual licensure may ~~shall~~
2371 not exceed those stated in this subsection.

2372 (4) MENTAL HEALTH COUNSELING.—Upon verification of

2373 documentation and payment of a fee not to exceed \$200, as set by
2374 board rule, plus the actual per applicant cost of ~~to the~~
2375 ~~department for~~ purchase of the examination from the National
2376 Board for Certified Counselors or its successor Professional
2377 ~~Examination Service for the National Academy of Certified~~
2378 ~~Clinical Mental Health Counselors or a similar national~~
2379 organization, the department shall issue a license as a mental
2380 health counselor to an applicant who the board certifies:

2381 (a) Has submitted an application and paid the appropriate
2382 fee.

2383 (b)1. Has a minimum of an earned master's degree from a
2384 mental health counseling program accredited by the Council for
2385 the Accreditation of Counseling and Related Educational Programs
2386 which ~~that~~ consists of at least 60 semester hours or 80 quarter
2387 hours of clinical and didactic instruction, including a course
2388 in human sexuality and a course in substance abuse. If the
2389 master's degree is earned from a program related to the practice
2390 of mental health counseling which ~~that~~ is not accredited by the
2391 Council for the Accreditation of Counseling and Related
2392 Educational Programs, then the coursework and practicum,
2393 internship, or fieldwork must consist of at least 60 semester
2394 hours or 80 quarter hours and meet all of the following
2395 requirements:

2396 a. Thirty-three semester hours or 44 quarter hours of
2397 graduate coursework, which must include a minimum of 3 semester

2398 hours or 4 quarter hours of graduate-level coursework in each of
2399 the following 11 content areas: counseling theories and
2400 practice; human growth and development; diagnosis and treatment
2401 of psychopathology; human sexuality; group theories and
2402 practice; individual evaluation and assessment; career and
2403 lifestyle assessment; research and program evaluation; social
2404 and cultural foundations; substance abuse; and legal, ethical,
2405 and professional standards issues in the practice of mental
2406 health counseling in community settings; and substance abuse.
2407 Courses in research, thesis or dissertation work, practicums,
2408 internships, or fieldwork may not be applied toward this
2409 requirement.

2410 b. A minimum of 3 semester hours or 4 quarter hours of
2411 graduate-level coursework addressing diagnostic processes,
2412 including differential diagnosis and the use of the current
2413 diagnostic tools, such as the current edition of the American
2414 Psychiatric Association's Diagnostic and Statistical Manual of
2415 Mental Disorders. The graduate program must have emphasized the
2416 common core curricular experience ~~in legal, ethical, and~~
2417 ~~professional standards issues in the practice of mental health~~
2418 ~~counseling, which includes goals, objectives, and practices of~~
2419 ~~professional counseling organizations, codes of ethics, legal~~
2420 ~~considerations, standards of preparation, certifications and~~
2421 ~~licensing, and the role identity and professional obligations of~~
2422 ~~mental health counselors. Courses in research, thesis or~~

2423 ~~dissertation work, practicums, internships, or fieldwork may not~~
2424 ~~be applied toward this requirement.~~

2425 c. The equivalent, as determined by the board, of at least
2426 700 ~~1,000~~ hours of university-sponsored supervised clinical
2427 practicum, internship, or field experience that includes at
2428 least 280 hours of direct client services, as required in the
2429 accrediting standards of the Council for Accreditation of
2430 Counseling and Related Educational Programs for mental health
2431 counseling programs. This experience may not be used to satisfy
2432 the post-master's clinical experience requirement.

2433 2. Has provided additional documentation if a ~~the~~ course
2434 title that ~~which~~ appears on the applicant's transcript does not
2435 clearly identify the content of the coursework.7 ~~The applicant~~
2436 ~~shall be required to provide additional~~ documentation must
2437 include, including, but is not limited to, a syllabus or catalog
2438 description published for the course.

2439
2440 Education and training in mental health counseling must have
2441 been received in an institution of higher education that, which
2442 at the time the applicant graduated, ~~was~~ fully accredited by a
2443 regional accrediting body recognized by the Council for Higher
2444 Education Accreditation or its successor organization or
2445 ~~Commission on Recognition of Postsecondary Accreditation;~~
2446 publicly recognized as a member in good standing with the
2447 Association of Universities and Colleges of Canada,7 or an

2448 institution of higher education located outside the United
2449 States and Canada, which, at the time the applicant was enrolled
2450 and at the time the applicant graduated, maintained a standard
2451 of training substantially equivalent to the standards of
2452 training of those institutions in the United States which are
2453 accredited by a regional accrediting body recognized by the
2454 Council for Higher Education Accreditation or its successor
2455 organization ~~Commission on Recognition of Postsecondary~~
2456 ~~Accreditation~~. Such foreign education and training must have
2457 been received in an institution or program of higher education
2458 officially recognized by the government of the country in which
2459 it is located as an institution or program to train students to
2460 practice as mental health counselors. The applicant has the
2461 burden of establishing that the requirements of this provision
2462 have been met ~~shall be upon the applicant,~~ and the board shall
2463 require documentation, such as, ~~but not limited to,~~ an
2464 evaluation by a foreign equivalency determination service, as
2465 evidence that the applicant's graduate degree program and
2466 education were equivalent to an accredited program in this
2467 country. Beginning July 1, 2025, an applicant must have a
2468 master's degree from a program that is accredited by the Council
2469 for Accreditation of Counseling and Related Educational Programs
2470 which consists of at least 60 semester hours or 80 quarter hours
2471 to apply for licensure under this paragraph.

2472 (c) Has had at least 2 years of clinical experience in

2473 mental health counseling, which must be at the post-master's
2474 level under the supervision of a licensed mental health
2475 counselor or the equivalent who is a qualified supervisor as
2476 determined by the board. An individual who intends to practice
2477 in Florida to satisfy the clinical experience requirements must
2478 register pursuant to s. 491.0045 before commencing practice. If
2479 a graduate has a master's degree with a major related to the
2480 practice of mental health counseling which ~~that~~ did not include
2481 all the coursework required under sub-subparagraphs (b)1.a. and
2482 b. ~~(b)1.a.-b.~~, credit for the post-master's level clinical
2483 experience may ~~shall~~ not commence until the applicant has
2484 completed a minimum of seven of the courses required under sub-
2485 subparagraphs (b)1.a. and b. ~~(b)1.a.-b.~~, as determined by the
2486 board, one of which must be a course in psychopathology or
2487 abnormal psychology. A doctoral internship may be applied toward
2488 the clinical experience requirement. A licensed mental health
2489 professional must be on the premises when clinical services are
2490 provided by a registered intern in a private practice setting.

2491 (d) Has passed a theory and practice examination provided
2492 by the department for this purpose.

2493 (e) Has demonstrated, in a manner designated by board rule
2494 ~~of the board~~, knowledge of the laws and rules governing the
2495 practice of clinical social work, marriage and family therapy,
2496 and mental health counseling.

2497 Section 46. Paragraph (b) of subsection (1) of section

2498 491.006, Florida Statutes, is amended to read:

2499 491.006 Licensure or certification by endorsement.—

2500 (1) The department shall license or grant a certificate to
 2501 a person in a profession regulated by this chapter who, upon
 2502 applying to the department and remitting the appropriate fee,
 2503 demonstrates to the board that he or she:

2504 (b)1. Holds an active valid license to practice and has
 2505 actively practiced the licensed profession ~~for which licensure~~
 2506 ~~is applied~~ in another state for 3 of the last 5 years
 2507 immediately preceding licensure;—

2508 ~~2. Meets the education requirements of this chapter for~~
 2509 ~~the profession for which licensure is applied.~~

2510 ~~2.3.~~ Has passed a substantially equivalent licensing
 2511 examination in another state or has passed the licensure
 2512 examination in this state in the profession for which the
 2513 applicant seeks licensure; and—

2514 ~~3.4.~~ Holds a license in good standing, is not under
 2515 investigation for an act that would constitute a violation of
 2516 this chapter, and has not been found to have committed any act
 2517 that would constitute a violation of this chapter.

2518
 2519 The fees paid by any applicant for certification as a master
 2520 social worker under this section are nonrefundable.

2521 Section 47. Subsection (3) of section 491.007, Florida
 2522 Statutes, is amended to read:

2523 491.007 Renewal of license, registration, or certificate.—
 2524 ~~(3) The board or department shall prescribe by rule a~~
 2525 ~~method for the biennial renewal of an intern registration at a~~
 2526 ~~fee set by rule, not to exceed \$100.~~

2527 Section 48. Subsection (2) of section 491.009, Florida
 2528 Statutes, is amended to read:

2529 491.009 Discipline.—

2530 (2) The board ~~department,~~ or, in the case of certified
 2531 master social workers ~~psychologists,~~ the department ~~board,~~ may
 2532 enter an order denying licensure or imposing any of the
 2533 penalties authorized in s. 456.072(2) against any applicant for
 2534 licensure or any licensee who violates ~~is found guilty of~~
 2535 ~~violating any provision of subsection (1) of this section or who~~
 2536 ~~is found guilty of violating any provision of s. 456.072(1).~~

2537 Section 49. Subsection (7) of section 514.0115, Florida
 2538 Statutes, is renumbered as subsection (8), and a new subsection
 2539 (7) is added to that section, to read:

2540 514.0115 Exemptions from supervision or regulation;
 2541 variances.—

2542 (7) Until such time as the department adopts rules for the
 2543 supervision and regulation of surf pools, a surf pool that is
 2544 larger than 4 acres is exempt from supervision under this
 2545 chapter, provided that it is permitted by a local government
 2546 pursuant to a special use permit process in which the local
 2547 government asserts regulatory authority over the construction of

2548 | the surf pool and, in consultation with the department,
2549 | establishes through the local government's special use
2550 | permitting process the conditions for the surf pool's operation,
2551 | water quality, and necessary lifesaving equipment. This
2552 | subsection does not affect the department's or a county health
2553 | department's right of entry pursuant to s. 514.04 or its
2554 | authority to seek an injunction pursuant to s. 514.06 to
2555 | restrain the operation of a surf pool permitted and operated
2556 | under this subsection if the surf pool presents significant
2557 | risks to public health. For the purposes of this subsection, the
2558 | term "surf pool" means a pool designed to generate waves
2559 | dedicated to the activity of surfing on a surfboard or an
2560 | analogous surfing device commonly used in the ocean and intended
2561 | for sport, as opposed to general play intent for wave pools,
2562 | other large-scale public swimming pools, or other public bathing
2563 | places.

2564 | Section 50. Paragraphs (g) through (v) of subsection (4)
2565 | of section 408.809, Florida Statutes, are redesignated as
2566 | paragraphs (h) through (w), respectively, and a new paragraph
2567 | (g) is added to that subsection, to read:

2568 | 408.809 Background screening; prohibited offenses.—

2569 | (4) In addition to the offenses listed in s. 435.04, all
2570 | persons required to undergo background screening pursuant to
2571 | this part or authorizing statutes must not have an arrest
2572 | awaiting final disposition for, must not have been found guilty

2573 of, regardless of adjudication, or entered a plea of nolo
2574 contendere or guilty to, and must not have been adjudicated
2575 delinquent and the record not have been sealed or expunged for
2576 any of the following offenses or any similar offense of another
2577 jurisdiction:

2578 (g) Section 784.03, relating to battery, if the victim is
2579 a vulnerable adult as defined in s. 415.102 or a patient or
2580 resident of a facility licensed under chapter 395, chapter 400,
2581 or chapter 429.

2582
2583 If, upon rescreening, a person who is currently employed or
2584 contracted with a licensee as of June 30, 2014, and was screened
2585 and qualified under ss. 435.03 and 435.04, has a disqualifying
2586 offense that was not a disqualifying offense at the time of the
2587 last screening, but is a current disqualifying offense and was
2588 committed before the last screening, he or she may apply for an
2589 exemption from the appropriate licensing agency and, if agreed
2590 to by the employer, may continue to perform his or her duties
2591 until the licensing agency renders a decision on the application
2592 for exemption if the person is eligible to apply for an
2593 exemption and the exemption request is received by the agency no
2594 later than 30 days after receipt of the rescreening results by
2595 the person.

2596 Section 51. Subsection (5) is added to section 456.0135,
2597 Florida Statutes, to read:

2598 456.0135 General background screening provisions.—
 2599 (5) In addition to the offenses listed in s. 435.04, all
 2600 persons required to undergo background screening under this
 2601 section, other than those licensed under s. 465.022, must not
 2602 have an arrest awaiting final disposition for, must not have
 2603 been found guilty of, regardless of adjudication, or entered a
 2604 plea of nolo contendere or guilty to, and must not have been
 2605 adjudicated delinquent and the record not have been sealed or
 2606 expunged for an offense or any similar offense of another
 2607 jurisdiction under s. 784.03, relating to battery, if the victim
 2608 is a vulnerable adult as defined in s. 415.102 or a patient or
 2609 resident of a facility licensed under chapter 395, chapter 400,
 2610 or chapter 429.

2611 Section 52. Subsection (7) of section 553.77, Florida
 2612 Statutes, is amended to read:

2613 553.77 Specific powers of the commission.—

2614 (7) Building officials shall recognize and enforce
 2615 variance orders issued by the Department of Health pursuant to
 2616 s. 514.0115(8) ~~s. 514.0115(7)~~, including any conditions attached
 2617 to the granting of the variance.

2618 Section 53. Subsection (2) of section 491.0046, Florida
 2619 Statutes, is amended to read:

2620 491.0046 Provisional license; requirements.—

2621 (2) The department shall issue a provisional clinical
 2622 social worker license, provisional marriage and family therapist

2623 license, or provisional mental health counselor license to each
 2624 applicant who the board certifies has:

2625 (a) Completed the application form and remitted a
 2626 nonrefundable application fee not to exceed \$100, as set by
 2627 board rule; and

2628 (b) Earned a graduate degree in social work, a graduate
 2629 degree with a major emphasis in marriage and family therapy or a
 2630 closely related field, or a graduate degree in a major related
 2631 to the practice of mental health counseling; and

2632 (c) ~~Has~~ Met the following minimum coursework requirements:

2633 1. For clinical social work, a minimum of 15 semester
 2634 hours or 22 quarter hours of the coursework required by s.
 2635 491.005(1)(b)2.b.

2636 2. For marriage and family therapy, 10 of the courses
 2637 required by s. 491.005(3)(b)1. ~~s. 491.005(3)(b)1.a.-c.~~, as
 2638 determined by the board, and at least 6 semester hours or 9
 2639 quarter hours of the course credits must have been completed in
 2640 the area of marriage and family systems, theories, or
 2641 techniques.

2642 3. For mental health counseling, a minimum of seven of the
 2643 courses required under s. 491.005(4)(b)1.a.-c.

2644 Section 54. Subsection (11) of section 945.42, Florida
 2645 Statutes, is amended to read:

2646 945.42 Definitions; ss. 945.40-945.49.—As used in ss.
 2647 945.40-945.49, the following terms shall have the meanings

2648 ascribed to them, unless the context shall clearly indicate
2649 otherwise:

2650 (11) "Psychological professional" means a behavioral
2651 practitioner who has an approved doctoral degree in psychology
2652 as defined in s. 490.003(3) ~~s. 490.003(3)(b)~~ and is employed by
2653 the department or who is licensed as a psychologist pursuant to
2654 chapter 490.

2655 Section 55. Except as otherwise expressly provided in this
2656 act and except for this section, which shall take effect upon
2657 this act becoming a law, this act shall take effect July 1,
2658 2020.