

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to the Department of Health; amending
3 s. 381.0045, F.S.; revising the purpose of the
4 department's targeted outreach program for certain
5 pregnant women; requiring the department to encourage
6 high-risk pregnant women of unknown status to be
7 tested for sexually transmissible diseases; requiring
8 the department to provide specified information to
9 pregnant women who have human immunodeficiency virus
10 (HIV); requiring the department to link women with
11 mental health services when available; requiring the
12 department to educate pregnant women who have HIV on
13 certain information; requiring the department to
14 provide, for a specified purpose, continued oversight
15 of newborns exposed to HIV; amending s. 381.0303,
16 F.S.; removing the Children's Medical Services office
17 from parties required to coordinate in the development
18 of local emergency management plans for special needs
19 shelters; amending s. 381.986, F.S.; authorizing the
20 department to select samples of marijuana from medical
21 marijuana treatment center facilities for certain
22 testing; authorizing the department to select samples
23 of marijuana delivery devices from medical marijuana
24 treatment centers to determine whether the device is
25 safe for use; requiring medical marijuana treatment
26 centers to recall marijuana and marijuana delivery
27 devices, instead of just edibles, under certain
28 circumstances; exempting the department and its
29 employees from criminal provisions if they acquire,

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30 possess, test, transport, or lawfully dispose of
31 marijuana and marijuana delivery devices under certain
32 circumstances; amending s. 401.23, F.S.; revising
33 definitions; amending s. 401.25, F.S.; conforming a
34 provision to changes made by the act; amending s.
35 401.27, F.S.; revising certification and
36 recertification requirements for emergency medical
37 technicians and paramedics; amending s. 401.2701,
38 F.S.; revising requirements for emergency medical
39 services training programs; authorizing certain site
40 visits to be conducted either in person or through
41 electronic means; authorizing programs to substitute
42 certain simulated, remote videoconferencing options
43 for in-person training and related requirements;
44 specifying requirements for requests for department
45 approval of such options; providing for the renewal of
46 program certification; providing for initial and
47 ongoing department site visits of programs; revising
48 program application procedures; amending s. 401.272,
49 F.S.; revising functions paramedics and emergency
50 medical technicians may perform in nonemergency
51 environments; authorizing paramedics to administer
52 public health countermeasures in nonemergency
53 environments under certain circumstances; conforming
54 provisions to changes made by the act; amending s.
55 401.30, F.S.; revising recordkeeping requirements for
56 emergency medical services providers; authorizing
57 records to be in either written or electronic formats;
58 revising the list of individuals and entities that may

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59 receive limited disclosure of certain otherwise
60 confidential and exempt records; requiring the release
61 of such records to be in compliance with specified
62 provisions; amending s. 401.34, F.S.; deleting
63 provisions and fees related to an obsolete
64 examination; amending s. 401.425, F.S.; authorizing
65 emergency medical review committees to review the
66 performances of emergency medical technicians,
67 paramedics, and emergency medical services providers
68 to make recommendations for improvement; amending s.
69 401.435, F.S.; relabeling "first responder agencies"
70 as "emergency medical responder agencies"; revising
71 minimum standards for emergency medical first
72 responder training; amending s. 460.406, F.S.;
73 revising provisions related to chiropractic physician
74 licensing; amending s. 464.008, F.S.; deleting a
75 requirement that certain nursing program graduates
76 complete a specified preparatory course; amending s.
77 464.018, F.S.; revising grounds for disciplinary
78 action against licensed nurses; amending s. 467.003,
79 F.S.; revising and defining terms; amending s.
80 467.009, F.S.; revising provisions related to approved
81 midwifery programs; amending s. 467.011, F.S.;
82 revising requirements for licensure of midwives;
83 amending s. 467.0125, F.S.; revising requirements for
84 licensure by endorsement of midwives; revising
85 requirements for temporary certificates to practice
86 midwifery in this state; amending s. 467.205, F.S.;
87 revising provisions relating to approval, continued

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88 monitoring, probationary status, provisional approval,
89 and approval rescission of midwifery programs;
90 amending s. 468.803, F.S.; revising provisions related
91 to orthotist and prosthetist registration,
92 examination, and licensing; amending s. 483.824, F.S.;
93 revising educational requirements for clinical
94 laboratory directors; amending s. 490.003, F.S.;
95 defining the terms "doctoral degree from an American
96 Psychological Association accredited program" and
97 "doctoral degree in psychology"; amending ss. 490.005
98 and 490.0051, F.S.; revising education requirements
99 for psychologist licensure and provisional licensure,
100 respectively; amending s. 491.005, F.S.; revising
101 requirements for licensure of clinical social workers,
102 marriage and family therapists, and mental health
103 counselors; requiring that a licensed mental health
104 professional be accessible through certain means when
105 a registered intern provides clinical services through
106 telehealth; amending s. 766.314, F.S.; deleting
107 obsolete language and updating provisions to conform
108 to current law; revising the frequency with which the
109 department must submit certain reports to the Florida
110 Birth-Related Neurological Injury Compensation
111 Association; revising the content of such reports;
112 providing an effective date.

113
114 Be It Enacted by the Legislature of the State of Florida:

115
116 Section 1. Subsections (2) and (3) of section 381.0045,

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117 Florida Statutes, are amended to read:

118 381.0045 Targeted outreach for pregnant women.—

119 (2) It is the purpose of this section to establish a
120 targeted outreach program for high-risk pregnant women who may
121 not seek proper prenatal care, who suffer from substance abuse
122 or mental health problems, or who have acquired ~~are infected~~
123 ~~with~~ human immunodeficiency virus (HIV), and to provide these
124 women with links to much-needed ~~much-needed~~ services and
125 information.

126 (3) The department shall:

127 (a) Conduct outreach programs through contracts with,
128 grants to, or other working relationships with persons or
129 entities where the target population is likely to be found.

130 (b) Provide outreach that is peer-based, culturally
131 sensitive, and performed in a nonjudgmental manner.

132 (c) Encourage high-risk pregnant women of unknown status to
133 be tested for HIV and other sexually transmissible diseases as
134 specified by department rule.

135 (d) Educate women not receiving prenatal care as to the
136 benefits of such care.

137 (e) Provide ~~HIV-infected~~ pregnant women who have HIV with
138 information on the need for antiretroviral medication for their
139 newborn, their medication options, and how they can access the
140 medication after their discharge from the hospital ~~so they can~~
141 ~~make an informed decision about the use of Zidovudine (AZT).~~

142 (f) Link women with substance abuse treatment and mental
143 health services, when available, and act as a liaison with
144 Healthy Start coalitions, children's medical services, Ryan
145 White-funded providers, and other services of the Department of

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146 Health.

147 (g) Educate pregnant women who have HIV on the importance
148 of engaging in and continuing HIV care.

149 (h) Provide continued oversight of any newborn exposed to
150 HIV to determine the newborn's final HIV status and ensure
151 continued linkage to care if the newborn is diagnosed with HIV
152 to HIV-exposed newborns.

153 Section 2. Paragraphs (a) and (c) of subsection (2) of
154 section 381.0303, Florida Statutes, are amended to read:

155 381.0303 Special needs shelters.—

156 (2) SPECIAL NEEDS SHELTER PLAN; STAFFING; STATE AGENCY
157 ASSISTANCE.—If funds have been appropriated to support disaster
158 coordinator positions in county health departments:

159 (a) The department shall assume lead responsibility for the
160 coordination of local medical and health care providers, the
161 American Red Cross, and other interested parties in developing a
162 plan for the staffing and medical management of special needs
163 shelters and. ~~The local Children's Medical Services offices~~
164 ~~shall assume lead responsibility for the coordination of local~~
165 ~~medical and health care providers, the American Red Cross, and~~
166 ~~other interested parties in developing a plan for the staffing~~
167 ~~and medical management of pediatric special needs shelters.~~

168 Plans must conform to the local comprehensive emergency
169 management plan.

170 (c) The appropriate county health department, ~~Children's~~
171 ~~Medical Services office,~~ and local emergency management agency
172 shall jointly decide who has responsibility for medical
173 supervision in each special needs shelter.

174 Section 3. Present paragraphs (e) through (h) of subsection

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175 (14) of section 381.986, Florida Statutes, are redesignated as
176 paragraphs (f) through (i), respectively, a new paragraph (e) is
177 added to that subsection, and paragraph (e) of subsection (8) of
178 that section is amended, to read:

179 381.986 Medical use of marijuana.—

180 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

181 (e) A licensed medical marijuana treatment center shall
182 cultivate, process, transport, and dispense marijuana for
183 medical use. A licensed medical marijuana treatment center may
184 not contract for services directly related to the cultivation,
185 processing, and dispensing of marijuana or marijuana delivery
186 devices, except that a medical marijuana treatment center
187 licensed pursuant to subparagraph (a)1. may contract with a
188 single entity for the cultivation, processing, transporting, and
189 dispensing of marijuana and marijuana delivery devices. A
190 licensed medical marijuana treatment center must, at all times,
191 maintain compliance with the criteria demonstrated and
192 representations made in the initial application and the criteria
193 established in this subsection. Upon request, the department may
194 grant a medical marijuana treatment center a variance from the
195 representations made in the initial application. Consideration
196 of such a request shall be based upon the individual facts and
197 circumstances surrounding the request. A variance may not be
198 granted unless the requesting medical marijuana treatment center
199 can demonstrate to the department that it has a proposed
200 alternative to the specific representation made in its
201 application which fulfills the same or a similar purpose as the
202 specific representation in a way that the department can
203 reasonably determine will not be a lower standard than the

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204 specific representation in the application. A variance may not
205 be granted from the requirements in subparagraph 2. and
206 subparagraphs (b)1. and 2.

207 1. A licensed medical marijuana treatment center may
208 transfer ownership to an individual or entity who meets the
209 requirements of this section. A publicly traded corporation or
210 publicly traded company that meets the requirements of this
211 section is not precluded from ownership of a medical marijuana
212 treatment center. To accommodate a change in ownership:

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

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

220 c. Upon receipt of an application for a license, the
221 department shall examine the application and, within 30 days
222 after receipt, notify the applicant in writing of any apparent
223 errors or omissions and request any additional information
224 required.

225 d. Requested information omitted from an application for
226 licensure must be filed with the department within 21 days after
227 the department's request for omitted information or the
228 application shall be deemed incomplete and shall be withdrawn
229 from further consideration and the fees shall be forfeited.

230 e. Within 30 days after the receipt of a complete
231 application, the department shall approve or deny the
232 application.

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233 2. A medical marijuana treatment center, and any individual
234 or entity who directly or indirectly owns, controls, or holds
235 with power to vote 5 percent or more of the voting shares of a
236 medical marijuana treatment center, may not acquire direct or
237 indirect ownership or control of any voting shares or other form
238 of ownership of any other medical marijuana treatment center.

239 3. A medical marijuana treatment center may not enter into
240 any form of profit-sharing arrangement with the property owner
241 or lessor of any of its facilities where cultivation,
242 processing, storing, or dispensing of marijuana and marijuana
243 delivery devices occurs.

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

247 5. Each medical marijuana treatment center must adopt and
248 enforce policies and procedures to ensure employees and
249 volunteers receive training on the legal requirements to
250 dispense marijuana to qualified patients.

251 6. When growing marijuana, a medical marijuana treatment
252 center:

253 a. May use pesticides determined by the department, after
254 consultation with the Department of Agriculture and Consumer
255 Services, to be safely applied to plants intended for human
256 consumption, but may not use pesticides designated as
257 restricted-use pesticides pursuant to s. 487.042.

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

260 c. Must inspect seeds and growing plants for plant pests
261 that endanger or threaten the horticultural and agricultural

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262 interests of the state in accordance with chapter 581 and any
263 rules adopted thereunder.

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

267 7. Each medical marijuana treatment center must produce and
268 make available for purchase at least one low-THC cannabis
269 product.

270 8. A medical marijuana treatment center that produces
271 edibles must hold a permit to operate as a food establishment
272 pursuant to chapter 500, the Florida Food Safety Act, and must
273 comply with all the requirements for food establishments
274 pursuant to chapter 500 and any rules adopted thereunder.
275 Edibles may not contain more than 200 milligrams of
276 tetrahydrocannabinol, and a single serving portion of an edible
277 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles
278 may have a potency variance of no greater than 15 percent.
279 Edibles may not be attractive to children; be manufactured in
280 the shape of humans, cartoons, or animals; be manufactured in a
281 form that bears any reasonable resemblance to products available
282 for consumption as commercially available candy; or contain any
283 color additives. To discourage consumption of edibles by
284 children, the department shall determine by rule any shapes,
285 forms, and ingredients allowed and prohibited for edibles.
286 Medical marijuana treatment centers may not begin processing or
287 dispensing edibles until after the effective date of the rule.
288 The department shall also adopt sanitation rules providing the
289 standards and requirements for the storage, display, or
290 dispensing of edibles.

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291 9. Within 12 months after licensure, a medical marijuana
292 treatment center must demonstrate to the department that all of
293 its processing facilities have passed a Food Safety Good
294 Manufacturing Practices, such as Global Food Safety Initiative
295 or equivalent, inspection by a nationally accredited certifying
296 body. A medical marijuana treatment center must immediately stop
297 processing at any facility which fails to pass this inspection
298 until it demonstrates to the department that such facility has
299 met this requirement.

300 10. A medical marijuana treatment center that produces
301 prerolled marijuana cigarettes may not use wrapping paper made
302 with tobacco or hemp.

303 11. When processing marijuana, a medical marijuana
304 treatment center must:

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

307 b. Comply with department rules when processing marijuana
308 with hydrocarbon solvents or other solvents or gases exhibiting
309 potential toxicity to humans. The department shall determine by
310 rule the requirements for medical marijuana treatment centers to
311 use such solvents or gases exhibiting potential toxicity to
312 humans.

313 c. Comply with federal and state laws and regulations and
314 department rules for solid and liquid wastes. The department
315 shall determine by rule procedures for the storage, handling,
316 transportation, management, and disposal of solid and liquid
317 waste generated during marijuana production and processing. The
318 Department of Environmental Protection shall assist the
319 department in developing such rules.

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320 d. Test the processed marijuana using a medical marijuana
321 testing laboratory before it is dispensed. Results must be
322 verified and signed by two medical marijuana treatment center
323 employees. Before dispensing, the medical marijuana treatment
324 center must determine that the test results indicate that low-
325 THC cannabis meets the definition of low-THC cannabis, the
326 concentration of tetrahydrocannabinol meets the potency
327 requirements of this section, the labeling of the concentration
328 of tetrahydrocannabinol and cannabidiol is accurate, and all
329 marijuana is safe for human consumption and free from
330 contaminants that are unsafe for human consumption. The
331 department shall determine by rule which contaminants must be
332 tested for and the maximum levels of each contaminant which are
333 safe for human consumption. The Department of Agriculture and
334 Consumer Services shall assist the department in developing the
335 testing requirements for contaminants that are unsafe for human
336 consumption in edibles. The department shall also determine by
337 rule the procedures for the treatment of marijuana that fails to
338 meet the testing requirements of this section, s. 381.988, or
339 department rule. The department may select samples of marijuana
340 ~~a random sample from edibles available for purchase in a medical~~
341 marijuana treatment center dispensing facility which shall be
342 tested by the department to determine whether that the marijuana
343 ~~edible~~ meets the potency requirements of this section, is safe
344 for human consumption, and is accurately labeled with the
345 ~~labeling of the tetrahydrocannabinol and cannabidiol~~
346 concentration or to verify the result of marijuana testing
347 conducted by a marijuana testing laboratory. The department may
348 also select samples of marijuana delivery devices from a medical

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349 marijuana treatment center to determine whether the marijuana
350 delivery device is safe for use by qualified patients ~~is~~
351 ~~accurate~~. A medical marijuana treatment center may not require
352 payment from the department for the sample. A medical marijuana
353 treatment center must recall marijuana edibles, including all
354 marijuana and marijuana products edibles made from the same
355 batch of marijuana, that fails ~~which fail~~ to meet the potency
356 requirements of this section, that is ~~which are~~ unsafe for human
357 consumption, or for which the labeling of the
358 tetrahydrocannabinol and cannabidiol concentration is
359 inaccurate. A medical marijuana treatment center must also
360 recall all marijuana delivery devices determined to be unsafe
361 for use by qualified patients. The medical marijuana treatment
362 center must retain records of all testing and samples of each
363 homogenous batch of marijuana for at least 9 months. The medical
364 marijuana treatment center must contract with a marijuana
365 testing laboratory to perform audits on the medical marijuana
366 treatment center's standard operating procedures, testing
367 records, and samples and provide the results to the department
368 to confirm that the marijuana or low-THC cannabis meets the
369 requirements of this section and that the marijuana or low-THC
370 cannabis is safe for human consumption. A medical marijuana
371 treatment center shall reserve two processed samples from each
372 batch and retain such samples for at least 9 months for the
373 purpose of such audits. A medical marijuana treatment center may
374 use a laboratory that has not been certified by the department
375 under s. 381.988 until such time as at least one laboratory
376 holds the required certification, but in no event later than
377 July 1, 2018.

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378 e. Package the marijuana in compliance with the United
379 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
380 1471 et seq.

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

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

385 (II) The name of the medical marijuana treatment center
386 from which the marijuana originates.

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

389 (IV) The name of the physician who issued the physician
390 certification.

391 (V) The name of the patient.

392 (VI) The product name, if applicable, and dosage form,
393 including concentration of tetrahydrocannabinol and cannabidiol.
394 The product name may not contain wording commonly associated
395 with products marketed by or to children.

396 (VII) The recommended dose.

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

399 (IX) A marijuana universal symbol developed by the
400 department.

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

404 a. Clinical pharmacology.

405 b. Indications and use.

406 c. Dosage and administration.

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407 d. Dosage forms and strengths.

408 e. Contraindications.

409 f. Warnings and precautions.

410 g. Adverse reactions.

411 13. In addition to the packaging and labeling requirements
412 specified in subparagraphs 11. and 12., marijuana in a form for
413 smoking must be packaged in a sealed receptacle with a legible
414 and prominent warning to keep away from children and a warning
415 that states marijuana smoke contains carcinogens and may
416 negatively affect health. Such receptacles for marijuana in a
417 form for smoking must be plain, opaque, and white without
418 depictions of the product or images other than the medical
419 marijuana treatment center's department-approved logo and the
420 marijuana universal symbol.

421 14. The department shall adopt rules to regulate the types,
422 appearance, and labeling of marijuana delivery devices dispensed
423 from a medical marijuana treatment center. The rules must
424 require marijuana delivery devices to have an appearance
425 consistent with medical use.

426 15. Each edible shall be individually sealed in plain,
427 opaque wrapping marked only with the marijuana universal symbol.
428 Where practical, each edible shall be marked with the marijuana
429 universal symbol. In addition to the packaging and labeling
430 requirements in subparagraphs 11. and 12., edible receptacles
431 must be plain, opaque, and white without depictions of the
432 product or images other than the medical marijuana treatment
433 center's department-approved logo and the marijuana universal
434 symbol. The receptacle must also include a list of all the
435 edible's ingredients, storage instructions, an expiration date,

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436 a legible and prominent warning to keep away from children and
437 pets, and a warning that the edible has not been produced or
438 inspected pursuant to federal food safety laws.

439 16. When dispensing marijuana or a marijuana delivery
440 device, a medical marijuana treatment center:

441 a. May dispense any active, valid order for low-THC
442 cannabis, medical cannabis and cannabis delivery devices issued
443 pursuant to former s. 381.986, Florida Statutes 2016, which was
444 entered into the medical marijuana use registry before July 1,
445 2017.

446 b. May not dispense more than a 70-day supply of marijuana
447 within any 70-day period to a qualified patient or caregiver.
448 May not dispense more than one 35-day supply of marijuana in a
449 form for smoking within any 35-day period to a qualified patient
450 or caregiver. A 35-day supply of marijuana in a form for smoking
451 may not exceed 2.5 ounces unless an exception to this amount is
452 approved by the department pursuant to paragraph (4) (f).

453 c. Must have the medical marijuana treatment center's
454 employee who dispenses the marijuana or a marijuana delivery
455 device enter into the medical marijuana use registry his or her
456 name or unique employee identifier.

457 d. Must verify that the qualified patient and the
458 caregiver, if applicable, each have an active registration in
459 the medical marijuana use registry and an active and valid
460 medical marijuana use registry identification card, the amount
461 and type of marijuana dispensed matches the physician
462 certification in the medical marijuana use registry for that
463 qualified patient, and the physician certification has not
464 already been filled.

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465 e. May not dispense marijuana to a qualified patient who is
466 younger than 18 years of age. If the qualified patient is
467 younger than 18 years of age, marijuana may only be dispensed to
468 the qualified patient's caregiver.

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

474 g. Must, upon dispensing the marijuana or marijuana
475 delivery device, record in the registry the date, time,
476 quantity, and form of marijuana dispensed; the type of marijuana
477 delivery device dispensed; and the name and medical marijuana
478 use registry identification number of the qualified patient or
479 caregiver to whom the marijuana delivery device was dispensed.

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

483 (14) EXCEPTIONS TO OTHER LAWS.—

484 (e) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
485 any other law, but subject to the requirements of this section,
486 the department, including an employee of the department acting
487 within the scope of his or her employment, may acquire, possess,
488 test, transport, and lawfully dispose of marijuana and marijuana
489 delivery devices as provided in this section, in s. 381.988, and
490 by department rule.

491 Section 4. Section 401.23, Florida Statutes, is amended to
492 read:

493 401.23 Definitions.—As used in this part, the term:

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494 (1) "Advanced life support" means assessment or treatment
495 by a person certified ~~qualified~~ under this part to perform
496 ~~through the use of techniques such as endotracheal intubation,~~
497 ~~the administration of drugs or intravenous fluids, telemetry,~~
498 ~~cardiac monitoring, cardiac defibrillation, and other techniques~~
499 ~~described for the paramedic level in the EMT-Paramedic National~~
500 ~~Standard Curriculum or the United States Department of~~
501 Transportation's National EMS Education Standards and approved
502 by, ~~pursuant to rules of the department rule.~~

503 (2) "Advanced life support service" means any emergency
504 medical services provider that offers or provides ~~transport or~~
505 ~~nontransport service which uses~~ advanced life support
506 techniques.

507 (3) "Air ambulance" means any fixed-wing or rotary-wing
508 aircraft used for, or intended to be used by an emergency
509 medical services provider to provide, advanced life support
510 services and transportation of individuals receiving such
511 services ~~for, air transportation of sick or injured persons~~
512 ~~requiring or likely to require medical attention during~~
513 transport.

514 (4) "Air ambulance service" means any emergency medical
515 services provider that offers or provides advanced life support
516 from or onboard an air ambulance ~~publicly or privately owned~~
517 ~~service, licensed in accordance with the provisions of this~~
518 ~~part, which operates air ambulances to transport persons~~
519 ~~requiring or likely to require medical attention during~~
520 transport.

521 (5) "Ambulance" or "emergency medical services vehicle"
522 means any ~~privately or publicly owned~~ land or water vehicle or

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523 ~~air ambulance that is designed, constructed, reconstructed,~~
524 ~~maintained, equipped, or operated for, and is used by for, or~~
525 ~~intended to be used by an emergency medical services provider to~~
526 ~~provide basic or advanced life support services for, land or~~
527 ~~water transportation of sick or injured persons requiring or~~
528 ~~likely to require medical attention during transport.~~

529 (6) "Ambulance driver" means any person who meets the
530 requirements of s. 401.281.

531 (7) "Basic life support" means the assessment or treatment
532 by a person certified ~~qualified~~ under this part to perform
533 ~~through the use of techniques described in the United States~~
534 ~~Department of Transportation's EMT-Basic National Standard~~
535 ~~Curriculum or the National EMS Education Standards of the United~~
536 ~~States Department of Transportation and approved by the~~
537 ~~department rule.~~ The term includes the administration of oxygen
538 and other techniques that have been approved and are performed
539 under conditions specified by rules of the department.

540 (8) "Basic life support service" means any emergency
541 medical services provider that offers or provides ~~service which~~
542 ~~uses~~ only basic life support ~~techniques.~~

543 (9) "Certification" means any authorization issued under
544 ~~pursuant to~~ this part to a person to provide basic life support
545 ~~act~~ as an emergency medical technician or to provide basic and
546 advanced life support as a paramedic.

547 (10) "Department" means the Department of Health.

548 (11) "Emergency medical technician" means a person ~~who is~~
549 certified by the department under this part to provide ~~perform~~
550 basic life support under medical direction in any of the
551 following settings: ~~pursuant to this part~~

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552 (a) Local communities.

553 (b) Hospitals as defined in s. 395.002.

554 (c) Urgent care centers as defined in s. 395.002.

555 (d) Any other location specified by department rule.

556 (12) "Interfacility transfer" means the transportation by
557 ambulance of a patient between two facilities licensed under
558 chapter 393, chapter 395, chapter 400, or chapter 429 or other
559 facilities as specified by department rule, ~~pursuant to this~~
560 ~~part.~~

561 (13) "Licensee" means any basic life support service,
562 advanced life support service, or air ambulance service licensed
563 under ~~pursuant to~~ this part.

564 (14) "Medical direction" means oral instruction ~~direct~~
565 ~~supervision~~ by a physician in person or through two-way voice
566 communication or, when such voice communication is unavailable,
567 through ~~established~~ standing orders, pursuant to rules of the
568 department.

569 (15) "Medical director" means a physician who is employed
570 or contracted by a licensee and who provides medical direction
571 ~~supervision~~, including ~~appropriate~~ quality assurance but not
572 including administrative and managerial functions, for daily
573 operations and training under ~~pursuant to~~ this part.

574 (16) "Mutual aid agreement" means a written agreement
575 between two or more entities whereby the signing parties agree
576 to lend aid to one another under conditions specified in the
577 agreement and as authorized ~~sanctioned~~ by the governing body of
578 each affected county.

579 (17) "Paramedic" means a person ~~who is~~ certified by the
580 department under this part to provide ~~perform~~ basic and advanced

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581 life support under medical direction in any of the following
582 settings:

583 (a) Local communities.

584 (b) Hospitals as defined in s. 395.002.

585 (c) Urgent care centers as defined in s. 395.002.

586 (d) Any other location specified by department rule
587 ~~pursuant to this part.~~

588 (18) "Permit" means any authorization issued under ~~pursuant~~
589 ~~to~~ this part for a vehicle to be operated as a basic life
590 support or advanced life support transport vehicle or an
591 advanced life support nontransport vehicle providing basic or
592 advanced life support.

593 (19) "Physician" means a person ~~practitioner who is~~
594 licensed to practice medicine ~~under the provisions of chapter~~
595 458 or osteopathic medicine under chapter 459. For the purpose
596 of providing "medical direction" as defined in subsection (14)
597 for the treatment of patients immediately before ~~prior to~~ or
598 during transportation to a United States Department of Veterans
599 Affairs medical facility, "physician" also means a person
600 appointed to a physician position ~~practitioner employed by the~~
601 Secretary of the United States Department of Veterans Affairs.

602 (20) "Registered nurse" means a person ~~practitioner who is~~
603 licensed to practice professional nursing ~~under~~ ~~pursuant to~~ part
604 I of chapter 464.

605 (21) "Service location" means any permanent location in or
606 from which a licensee solicits, accepts, or conducts business
607 under this part.

608 (22) "Volunteer ambulance service" means a faith-based,
609 not-for-profit charitable corporation registered under chapter

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610 617 which is licensed under this part as a basic life support
611 service or an advanced life support service; which is not a
612 parent, subsidiary, or affiliate of, or related to, any for-
613 profit entity; and which uses only unpaid volunteers to provide
614 basic life support services or advanced life support services
615 free of charge, is not operating for pecuniary profit or
616 financial gain, and does not distribute to or inure to the
617 benefit of its directors, volunteers, members, or officers any
618 part of its assets or income.

619 Section 5. Paragraph (d) of subsection (2) of section
620 401.25, Florida Statutes, is amended to read:

621 401.25 Licensure as a basic life support or an advanced
622 life support service.—

623 (2) The department shall issue a license for operation to
624 any applicant who complies with the following requirements:

625 (d) The applicant has obtained a certificate of public
626 convenience and necessity from each county in which the
627 applicant will operate. In issuing the certificate of public
628 convenience and necessity, the governing body of each county
629 shall consider the recommendations of municipalities within its
630 jurisdiction. An applicant that is an active emergency medical
631 ~~first~~ responder agency is exempt from this requirement if it:

632 1. Is a faith-based, not-for-profit charitable corporation
633 registered under chapter 617 which has been responding to
634 medical emergencies in this state for at least 10 consecutive
635 years.

636 2. Is not a parent, subsidiary, or affiliate of, or related
637 to, any for-profit entity.

638 3. Provides basic life support services or advanced life

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639 support services solely through at least 50 unpaid licensed
640 emergency medical technician or paramedic volunteers.

641 4. Is not operating for pecuniary profit or financial gain.

642 5. Does not distribute to or inure to the benefit of its
643 directors, members, or officers any part of its assets or
644 income.

645 6. Does not receive any government funding. However, the
646 volunteer ambulance service may receive funding from specialty
647 license plate proceeds.

648 7. Has never had a license denied, revoked, or suspended.

649 8. Provides services free of charge.

650 9. As part of its application for licensure, provides to
651 the department a management plan that includes a training
652 program, dispatch protocols, a complaint management system, an
653 accident or injury handling system, a quality assurance program,
654 and proof of adequate insurance coverage to meet state or county
655 insurance requirements, whichever requirements are greater.

656 10. Provides a disclaimer on all written materials that the
657 volunteer ambulance service is not associated with the state's
658 911 system.

659
660 The exemption under this paragraph may be granted to no more
661 than four counties. This exemption notwithstanding, an applicant
662 is not exempted from and must comply with all other requirements
663 for licensure. An applicant must also take all reasonable
664 efforts to enter into a memorandum of understanding with the
665 emergency medical services licensee within whose jurisdiction
666 the applicant will provide services in order to facilitate
667 communications and coordinate emergency services for situations

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668 beyond the scope of the applicant's capacity and for situations
669 of advanced life support that are deemed priority 1 or priority
670 2 emergencies.

671 Section 6. Subsections (3), (4), and (5) of section 401.27,
672 Florida Statutes, are amended to read:

673 401.27 Personnel; standards and certification.—

674 (3) Any person who desires to be certified or recertified
675 as an emergency medical technician or paramedic must apply to
676 the department ~~under oath~~ on forms provided by the department
677 which shall contain such information as the department
678 reasonably requires, which may include affirmative evidence of
679 ability to comply with applicable laws and rules. The department
680 shall determine whether the applicant meets the requirements
681 specified in this section and in rules of the department and
682 shall issue a certificate to any person who meets such
683 requirements.

684 (4) An applicant for certification or recertification as an
685 emergency medical technician or paramedic must:

686 (a) Have completed an appropriate training program as
687 follows:

688 1. For an emergency medical technician, an emergency
689 medical technician training program approved by the department
690 as equivalent to the most recent ~~EMT-Basic National Standard~~
691 ~~Curriculum or the~~ National EMS Education Standards of the United
692 States Department of Transportation;

693 2. For a paramedic, a paramedic training program approved
694 by the department as equivalent to the most recent ~~EMT-Paramedic~~
695 ~~National Standard Curriculum or the~~ National EMS Education
696 Standards of the United States Department of Transportation;

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697 (b) Confirm ~~Certify under oath~~ that he or she is not
698 addicted to alcohol or any controlled substance;

699 (c) Confirm ~~Certify under oath~~ that he or she is free from
700 any physical or mental defect or disease that might impair the
701 applicant's ability to perform his or her duties;

702 (d) Within 2 years after program completion have passed an
703 examination developed or required by the department;

704 (e)1. For an emergency medical technician, hold a current
705 American Heart Association cardiopulmonary resuscitation course
706 card or an American Red Cross cardiopulmonary resuscitation
707 course card or its equivalent as defined by department rule;

708 2. For a paramedic, hold a certificate of successful course
709 completion in advanced cardiac life support from the American
710 Heart Association or its equivalent as defined by department
711 rule;

712 (f) Submit to the department the application the
713 certification fee and the nonrefundable examination fee
714 prescribed in s. 401.34, and submit to the examination provider
715 the nonrefundable ~~which~~ examination fee ~~will be~~ required for
716 each examination administered to an applicant; and

717 (g) Submit a completed application to the department, which
718 application documents compliance with paragraphs (a), (b), (c),
719 (e), (f), and this paragraph, and, if applicable, paragraph (d).
720 ~~The application must be submitted so as to be received by the~~
721 ~~department at least 30 calendar days before the next regularly~~
722 ~~scheduled examination for which the applicant desires to be~~
723 ~~scheduled.~~

724 ~~(5) The certification examination must be offered monthly.~~
725 ~~The department shall issue an examination admission notice to~~

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726 ~~the applicant advising him or her of the time and place of the~~
727 ~~examination for which he or she is scheduled. Individuals~~
728 ~~achieving a passing score on the certification examination may~~
729 ~~be issued a temporary certificate with their examination grade~~
730 ~~report. The department must issue an original certification~~
731 ~~within 45 days after the examination. Examination questions and~~
732 ~~answers are not subject to discovery but may be introduced into~~
733 ~~evidence and considered only in camera in any administrative~~
734 ~~proceeding under chapter 120. If an administrative hearing is~~
735 ~~held, the department shall provide challenged examination~~
736 ~~questions and answers to the administrative law judge. The~~
737 ~~department shall establish by rule the procedure by which an~~
738 ~~applicant, and the applicant's attorney, may review examination~~
739 ~~questions and answers in accordance with s. 119.071(1)(a).~~

740 Section 7. Section 401.2701, Florida Statutes, is amended
741 to read:

742 401.2701 Emergency medical services training programs.—

743 (1) Any private or public institution in Florida desiring
744 to conduct an approved program for the education of emergency
745 medical technicians and paramedics must ~~shall~~:

746 (a) Submit a completed application on a form adopted
747 ~~provided by the department~~ rule, which must include:

748 1. Evidence that the institution is in compliance with all
749 applicable requirements of the Department of Education.

750 2. Evidence of an affiliation agreement with a hospital
751 that has an emergency department staffed by at least one
752 physician and one registered nurse.

753 3. Evidence of an affiliation agreement with a current
754 emergency medical services provider that is licensed in this

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755 state. Such agreement shall include, at a minimum, a commitment
756 by the provider to conduct the field experience portion of the
757 education program. Evidence of an affiliation agreement is not
758 required if the applicant is licensed by the department as an
759 advanced life support service.

760 4. Documentation verifying faculty, including:

761 a. A medical director who is a licensed physician meeting
762 the applicable requirements for emergency medical services
763 medical directors as outlined in this chapter and rules of the
764 department. The medical director shall have the duty and
765 responsibility of certifying that graduates have successfully
766 completed all phases of the education program and are proficient
767 in basic or advanced life support techniques, as applicable.

768 b. A program director responsible for the operation,
769 organization, periodic review, administration, development, and
770 approval of the program.

771 5. Documentation verifying that the curriculum:

772 a. Meets the most recent ~~Emergency Medical Technician-Basic~~
773 ~~National Standard Curriculum or the National EMS Education~~
774 ~~Standards approved by the department for emergency medical~~
775 ~~technician programs and Emergency Medical Technician-Paramedic~~
776 ~~National Standard Curriculum or the National EMS Education~~
777 ~~Standards approved by the department for paramedic programs.~~

778 b. Includes 2 hours of instruction on the trauma scorecard
779 methodologies for assessment of adult trauma patients and
780 pediatric trauma patients as specified by the department by
781 rule.

782 6. Evidence of sufficient medical and educational equipment
783 to meet emergency medical services training program needs.

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784 (b) Receive a scheduled in-person or department-approved
785 remote audio-visual site visit from the department to the
786 applicant's institution. ~~Such site visit shall be conducted~~
787 within 30 days after the department's notification to the
788 institution that the application was accepted for onsite review.
789 During the site visit, the department must determine the
790 applicant's compliance with the following criteria:

791 1. Emergency medical technician programs must be a minimum
792 of 300 ~~110~~ hours, with at least 20 hours of supervised clinical
793 supervision, including 10 hours in a hospital emergency
794 department.

795 2. Paramedic programs must be available only to Florida-
796 certified emergency medical technicians or ~~an~~ emergency medical
797 technicians, active duty and reserve military-trained emergency
798 medical technicians, and emergency medical technician applicants
799 ~~applicant~~ who will obtain Florida certification before ~~prior to~~
800 completion of phase one of the paramedic program. Paramedic
801 programs must be a minimum of 1,100 ~~700~~ hours of didactic and
802 skills practice components, with the skills laboratory student-
803 to-instructor ratio not exceeding six to one. Paramedic programs
804 must provide a field internship experience aboard an advanced
805 life support permitted ambulance. However, a portion of the
806 field internship experience may be satisfied aboard an advanced
807 life support permitted vehicle other than an ambulance or by
808 supervised, remote live videoconferencing together with
809 simulated direct patient contact in a simulated advanced life
810 support ambulance as provided ~~determined~~ by ~~rule of the~~
811 department rule.

812 (2) A program may request department approval to substitute

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813 simulation and remote, live videoconferencing for supervised in-
814 person clinical instruction and direct patient-contact skills
815 laboratory requirements. Requests must be made in writing and
816 include the following:

817 (a) The written approval of the training program medical
818 director.

819 (b) Documentation that all hospitals or emergency medical
820 services providers with whom the program has an existing
821 affiliation agreement have suspended in-person access for
822 purposes of supervised clinical instruction and direct patient-
823 contact field internships.

824 (c) The time period during which in-person access has been
825 suspended.

826 (d) Documentation of the design, development, and
827 implementation of simulation and videoconferencing training.

828 (e) Documentation of the inclusion of simulation and
829 videoconferencing within the curriculum, the efficacy of
830 simulation and videoconferencing, and student evaluations of
831 simulation, debriefing, and videoconferencing.

832 (3) After completion of the site visit, the department
833 shall prepare a report that must ~~which shall~~ be provided to the
834 institution. Upon completion of the report, ~~an the~~ application
835 from a program that meets the criteria in paragraph (1)(b) is
836 ~~shall be deemed complete, and the provisions of s. 120.60~~
837 applies. An application from a program that does not meet the
838 criteria in paragraph (1)(b) is deemed incomplete, and
839 subsection (5) applies ~~shall apply~~.

840 (4)~~(3)~~ If the program is approved, the department must
841 issue the institution a 2-year certificate of approval as an

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842 emergency medical technician training program or a paramedic
843 training program. The department shall renew the certificate of
844 approval upon receipt of a written statement from the program
845 attesting that the training program continues to meet the
846 requirements of the Department of Education and remains
847 accredited by a national organization recognized by the
848 department. The department shall perform a site visit for all
849 initial nonaccredited programs. The department may periodically
850 and randomly perform in-person and remote telecommunication
851 inspection site visits to ensure compliance with this part and
852 department rules.

853 (5) If an ~~the~~ application is deemed incomplete ~~denied~~, the
854 department must notify the applicant of any errors, omissions,
855 and areas of strength, areas needing improvement, and any
856 suggested means of improving ~~improvement~~ of the program. The
857 applicant must respond within 5 days after receiving the
858 department's notice either with a notice of intent to provide a
859 plan of correction or a request for the department to proceed
860 with a final determination on the application without a plan of
861 correction. A denial notification shall be provided to the
862 applicant so as to allow the applicant 5 days prior to the
863 expiration of the application processing time in s. 120.60 to
864 advise the department in writing of its intent to submit a plan
865 of correction. Such intent notification shall provide the time
866 for application processing in s. 120.60. The plan of correction
867 must be received by ~~submitted to~~ the department within 30 days
868 after the date of the applicant's notice of intent and must
869 specify the date by which the applicant intends to complete the
870 application ~~of the notice~~. The department shall notify ~~advise~~

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871 the applicant of its approval or denial of the plan of
872 correction within 30 days after ~~of~~ receipt. The denial of the
873 plan of correction or denial of the application may be reviewed
874 as provided in chapter 120.

875 (6)~~(4)~~ Approved emergency medical services training
876 programs must maintain records and reports that must be made
877 available to the department, upon written request. Such records
878 must include student applications, records of attendance,
879 records of participation in hospital clinic and field training,
880 medical records, course objectives and outlines, class
881 schedules, learning objectives, lesson plans, number of
882 applicants, number of students accepted, admission requirements,
883 description of qualifications, duties and responsibilities of
884 faculty, and correspondence.

885 (7)~~(5)~~ Each approved program must notify the department
886 within 30 days after any change in the professional or
887 employment status of faculty. Each approved program must require
888 its students to pass a comprehensive final written and practical
889 examination evaluating the skills described in the current
890 United States Department of Transportation EMT-Basic or EMT-
891 Paramedic National Standard Curriculum or the National EMS
892 Education Standards and approved by the department. Each
893 approved program must issue a certificate of completion to
894 program graduates within 14 days after completion.

895 Section 8. Section 401.272, Florida Statutes, is amended to
896 read:

897 401.272 Emergency medical services community health care.-

898 (1) The purpose of this section is to encourage more
899 effective use ~~utilization~~ of the skills of emergency medical

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900 technicians and paramedics by enabling them to perform, in
901 partnership with local county health departments, specific
902 additional health care tasks that are consistent with the public
903 health and welfare.

904 (2) Notwithstanding any other ~~provision of~~ law to the
905 contrary:

906 (a) Paramedics or emergency medical technicians may perform
907 health promotion and wellness activities ~~and blood pressure~~
908 ~~screenings~~ in a nonemergency environment, within the scope of
909 their training, and under medical direction ~~the direction of a~~
910 ~~medical director~~. As used in this paragraph, the term "health
911 promotion and wellness" means the provision of public health
912 programs pertaining to the prevention of illness and injury.

913 (b) Paramedics may administer immunizations and other
914 public health countermeasures in a nonemergency environment,
915 within the scope of their training, and under medical ~~the~~
916 ~~direction of a medical director~~. There must be a written
917 agreement between the paramedic's medical director and the
918 department or the county health department located in each
919 county in which the paramedic administers immunizations or other
920 public health countermeasures. This agreement must establish the
921 protocols, policies, and procedures under which the paramedic
922 must operate.

923 (3) Each medical director under whose direction a paramedic
924 administers immunizations or other public health countermeasures
925 must verify and document that the paramedic has received
926 sufficient training and experience to administer the
927 immunizations or other public health countermeasures, as
928 applicable. The verification must be documented on forms

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929 developed by the department, and the completed forms must be
930 maintained at the service location of the licensee and made
931 available to the department upon request.

932 (4) The department may adopt and enforce all rules
933 necessary to enforce the provisions relating to a paramedic's
934 administration of immunizations and other public health
935 countermeasures and the performance of health promotion and
936 wellness activities ~~and blood pressure screenings~~ by a paramedic
937 or emergency medical technician in a nonemergency environment.

938 Section 9. Subsections (1), (2), and (4) of section 401.30,
939 Florida Statutes, are amended to read:

940 401.30 Records.—

941 (1) Each licensee must maintain accurate records of
942 emergency calls on written or electronic forms that contain such
943 information as is required by the department. The written or
944 electronic ~~These~~ records must be available for inspection by the
945 department at any reasonable time, and paper or electronic
946 copies thereof must be furnished to the department upon request.
947 The department shall prescribe by rule the ~~give each licensee~~
948 ~~notice of what~~ information such forms must contain.

949 (2) Each licensee must provide the receiving facility
950 ~~hospital~~ with a copy of an individual patient care record for
951 each patient ~~who is~~ transported to the receiving facility
952 ~~hospital~~. The information contained in the patient care record
953 and the method and timeframe for providing the record shall be
954 prescribed by department rule ~~of the department~~.

955 (4) Records of emergency calls which contain patient
956 examination or treatment information are confidential and exempt
957 from the provisions of s. 119.07(1) and may not be disclosed

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958 without the consent of the person to whom they pertain, but
959 appropriate limited disclosure may be made without such consent:

960 (a) To the person's guardian as defined in s. 744.102, to
961 the person's designated surrogate as defined in s. 765.101, to
962 the person's personal representative or trustee as those terms
963 are defined in s. 731.201 ~~to the next of kin~~ if the person is
964 deceased, or to a minor's principal as defined in s. 765.101
965 ~~parent if the person is a minor;~~

966 (b) To facility ~~hospital~~ personnel for use in conjunction
967 with the treatment of the patient;

968 (c) To the department;

969 (d) To the emergency medical services provider ~~service~~
970 medical director;

971 (e) For use in a critical incident stress debriefing. Any
972 such discussions during a critical incident stress debriefing
973 shall be considered privileged communication under s. 90.503;

974 (f) In any civil or criminal action, unless otherwise
975 prohibited by law, upon the issuance of a subpoena from a court
976 of competent jurisdiction and proper notice by the party seeking
977 such records, to the patient or his or her legal representative;
978 or

979 (g) To a local trauma agency or a regional trauma agency,
980 or a panel or committee assembled by such an agency to assist
981 the agency in performing quality assurance activities in
982 accordance with a plan approved under s. 395.401. Records
983 obtained under this paragraph are confidential and exempt from
984 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

985
986 Notwithstanding any other law to the contrary, the release of

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987 patient care records or data from patient care records must be
988 in accordance with s. 401.425 and chapter 405. This subsection
989 does not prohibit the department or a licensee from providing
990 information to any law enforcement agency or any other
991 regulatory agency responsible for the regulation or supervision
992 of emergency medical services and personnel.

993 Section 10. Subsections (4) through (7) of section 401.34,
994 Florida Statutes, are amended to read:

995 401.34 Fees.—

996 (4) (a) If a certificate, license, or permit issued under
997 this part is lost or destroyed, the person or entity to whom the
998 certificate, license, or permit was issued may, upon payment of
999 a fee to be set by the department not to exceed \$10, obtain a
1000 ~~duplicate, or substitute thereof.~~

1001 (b) Upon surrender of the original emergency medical
1002 technician or paramedic certificate and receipt of a replacement
1003 fee to be set by the department not to exceed \$10, the
1004 department shall issue a replacement certificate to make a
1005 change in name.

1006 ~~(5) The department may provide same-day grading of the~~
1007 ~~examination for an applicant for emergency medical technician or~~
1008 ~~paramedic certification.~~

1009 ~~(6) The department may offer walk-in eligibility~~
1010 ~~determination and examination to applicants for emergency~~
1011 ~~medical technician or paramedic certification who pay to the~~
1012 ~~department a nonrefundable fee to be set by the department not~~
1013 ~~to exceed \$65. The fee is in addition to the certification fee~~
1014 ~~and examination fee. The department must establish locations and~~
1015 ~~times for eligibility determination and examination.~~

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1016 ~~(7) The cost of emergency medical technician or paramedic~~
1017 ~~certification examination review may not exceed \$50.~~

1018 Section 11. Subsection (5) of section 401.425, Florida
1019 Statutes, is amended, and subsection (8) is added to that
1020 section, to read:

1021 401.425 Emergency medical services quality assurance;
1022 immunity from liability.—

1023 (5) The records or reports obtained or produced by a
1024 committee providing quality assurance or quality improvement
1025 activities as described in subsections (1)-(4) are exempt from
1026 ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
1027 Constitution, and committee proceedings and meetings regarding
1028 quality assurance or quality improvement activities are exempt
1029 from ~~the provisions of~~ s. 286.011 and s. 24(b), Art. I of the
1030 State Constitution. The investigations, proceedings, and records
1031 of a committee providing quality assurance activities as
1032 described in subsections (1)-(4) are shall not ~~be~~ subject to
1033 discovery or introduction into evidence in any civil action or
1034 disciplinary proceeding by the department or employing agency
1035 arising out of matters that ~~which~~ are the subject of evaluation
1036 and review by the committee, and a ~~no~~ person who was in
1037 attendance at a meeting of such committee may not shall be
1038 permitted or required to testify in any such civil action or
1039 disciplinary proceeding as to any evidence or other matters
1040 produced or presented during the proceedings of such committee
1041 or as to any findings, recommendations, evaluations, opinions,
1042 or other actions of such committee or any members thereof.
1043 However, information, documents, or records provided to the
1044 committee from sources external to the committee are not immune

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1045 from discovery or use in any such civil action or disciplinary
1046 proceeding merely because they were presented during proceedings
1047 of such committee, nor may ~~should~~ any person who testifies
1048 before a committee or who is a member of such committee be
1049 prevented from testifying as to matters within the person's
1050 knowledge, but, such witness may ~~shall~~ not be asked about his or
1051 her testimony before a committee or information obtained from or
1052 opinions formed by him or her as a result of participating in
1053 activities conducted by a committee.

1054 (8) An emergency medical review committee may review the
1055 performance of an emergency medical technician, a paramedic, or
1056 an emergency medical services provider and make recommendations
1057 for performance improvement.

1058 Section 12. Section 401.435, Florida Statutes, is amended
1059 to read:

1060 401.435 Emergency medical ~~First~~ responder agencies and
1061 training.-

1062 (1) The department must adopt by rule the United States
1063 Department of Transportation National EMS Education Standards
1064 for the Emergency Medical Responder level Services: First
1065 ~~Responder Training Course~~ as the minimum standard for emergency
1066 medical ~~first~~ responder training. In addition, the department
1067 must adopt rules establishing minimum emergency medical ~~first~~
1068 responder instructor qualifications. For purposes of this
1069 section, an emergency medical ~~a first~~ responder includes any
1070 individual who receives training to render initial care to an
1071 ill or injured person, other than an individual trained and
1072 certified pursuant to s. 943.1395(1), but who does not have the
1073 primary responsibility of treating and transporting ill or

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1074 injured persons.

1075 (2) Each emergency medical ~~first~~ responder agency must take
1076 all reasonable efforts to enter into a memorandum of
1077 understanding with the emergency medical services licensee
1078 within whose territory the agency operates in order to
1079 coordinate emergency services at an emergency scene. The
1080 department must provide a model memorandum of understanding for
1081 this purpose. The memorandum of understanding must ~~should~~
1082 include dispatch protocols, the roles and responsibilities of
1083 emergency medical ~~first~~ responder personnel at an emergency
1084 scene, and the documentation required for patient care rendered.
1085 For purposes of this section, the term "emergency medical ~~first~~
1086 responder agency" includes a law enforcement agency, a fire
1087 service agency not licensed under this part, a lifeguard agency,
1088 and a volunteer organization that renders, as part of its
1089 routine functions, on-scene patient care before emergency
1090 medical technicians or paramedics arrive.

1091 Section 13. Subsection (1) of section 460.406, Florida
1092 Statutes, is amended to read:

1093 460.406 Licensure by examination.—

1094 (1) Any person desiring to be licensed as a chiropractic
1095 physician must apply to the department to take the licensure
1096 examination. There shall be an application fee set by the board
1097 not to exceed \$100 which shall be nonrefundable. There shall
1098 also be an examination fee not to exceed \$500 plus the actual
1099 per applicant cost to the department for purchase of portions of
1100 the examination from the National Board of Chiropractic
1101 Examiners or a similar national organization, which may be
1102 refundable if the applicant is found ineligible to take the

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1103 examination. The department shall examine each applicant whom
1104 ~~who~~ the board certifies has met all of the following criteria:

1105 (a) Completed the application form and remitted the
1106 appropriate fee.

1107 (b) Submitted proof satisfactory to the department that he
1108 or she is not less than 18 years of age.

1109 (c) Submitted proof satisfactory to the department that he
1110 or she is a graduate of a chiropractic college which is
1111 accredited by or has status with the Council on Chiropractic
1112 Education or its predecessor agency. However, any applicant who
1113 is a graduate of a chiropractic college that was initially
1114 accredited by the Council on Chiropractic Education in 1995, who
1115 graduated from such college within the 4 years immediately
1116 preceding such accreditation, and who is otherwise qualified is
1117 ~~shall be~~ eligible to take the examination. An ~~No~~ application for
1118 a license to practice chiropractic medicine may not ~~shall~~ be
1119 denied solely because the applicant is a graduate of a
1120 chiropractic college that subscribes to one philosophy of
1121 chiropractic medicine as distinguished from another.

1122 (d)1. For an applicant who has matriculated in a
1123 chiropractic college before ~~prior to~~ July 2, 1990, completed at
1124 least 2 years of residence college work, consisting of a minimum
1125 of one-half the work acceptable for a bachelor's degree granted
1126 on the basis of a 4-year period of study, in a college or
1127 university accredited by an institutional accrediting agency
1128 recognized and approved by the United States Department of
1129 Education. However, before ~~prior to~~ being certified by the board
1130 to sit for the examination, each applicant who has matriculated
1131 in a chiropractic college after July 1, 1990, must ~~shall~~ have

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1132 been granted a bachelor's degree, based upon 4 academic years of
1133 study, by a college or university accredited by an institutional
1134 ~~a regional~~ accrediting agency that ~~which~~ is a member of the
1135 Commission on Recognition of Postsecondary Accreditation.

1136 2. Effective July 1, 2000, completed, before ~~prior to~~
1137 matriculation in a chiropractic college, at least 3 years of
1138 residence college work, consisting of a minimum of 90 semester
1139 hours leading to a bachelor's degree in a liberal arts college
1140 or university accredited by an institutional accrediting agency
1141 recognized and approved by the United States Department of
1142 Education. However, before ~~prior to~~ being certified by the board
1143 to sit for the examination, each applicant who has matriculated
1144 in a chiropractic college after July 1, 2000, must ~~shall~~ have
1145 been granted a bachelor's degree from an institution holding
1146 accreditation for that degree from an institutional ~~a regional~~
1147 accrediting agency that ~~which~~ is recognized by the United States
1148 Department of Education. The applicant's chiropractic degree
1149 must consist of credits earned in the chiropractic program and
1150 may not include academic credit for courses from the bachelor's
1151 degree.

1152 (e) Successfully completed the National Board of
1153 Chiropractic Examiners certification examination in parts I, II,
1154 III, and IV, and the physiotherapy examination of the National
1155 Board of Chiropractic Examiners, with a score approved by the
1156 board.

1157 (f) Submitted to the department a set of fingerprints on a
1158 form and under procedures specified by the department, along
1159 with payment in an amount equal to the costs incurred by the
1160 Department of Health for the criminal background check of the

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1161 applicant.

1162

1163 The board may require an applicant who graduated from an
1164 institution accredited by the Council on Chiropractic Education
1165 more than 10 years before the date of application to the board
1166 to take the National Board of Chiropractic Examiners Special
1167 Purposes Examination for Chiropractic, or its equivalent, as
1168 determined by the board. The board shall establish by rule a
1169 passing score.

1170 Section 14. Subsection (4) of section 464.008, Florida
1171 Statutes, is amended to read:

1172 464.008 Licensure by examination.—

1173 ~~(4) If an applicant who graduates from an approved program~~
1174 ~~does not take the licensure examination within 6 months after~~
1175 ~~graduation, he or she must enroll in and successfully complete a~~
1176 ~~board-approved licensure examination preparatory course. The~~
1177 ~~applicant is responsible for all costs associated with the~~
1178 ~~course and may not use state or federal financial aid for such~~
1179 ~~costs. The board shall by rule establish guidelines for~~
1180 ~~licensure examination preparatory courses.~~

1181 Section 15. Paragraph (e) of subsection (1) of section
1182 464.018, Florida Statutes, is amended to read:

1183 464.018 Disciplinary actions.—

1184 (1) The following acts constitute grounds for denial of a
1185 license or disciplinary action, as specified in ss. 456.072(2)
1186 and 464.0095:

1187 (e) Having been found guilty of, ~~regardless of~~
1188 ~~adjudication,~~ or entered a plea of nolo contendere or guilty to,
1189 regardless of adjudication, any offense prohibited under s.

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1190 435.04 or similar statute of another jurisdiction; or having
1191 committed an act which constitutes domestic violence as defined
1192 in s. 741.28.

1193 Section 16. Present subsections (13) and (14) of section
1194 467.003, Florida Statutes, are redesignated as subsections (14)
1195 and (15), respectively, a new subsection (13) is added to that
1196 section, and subsections (1) and (12) of that section are
1197 amended, to read:

1198 467.003 Definitions.—As used in this chapter, unless the
1199 context otherwise requires:

1200 (1) "Approved midwifery program" means ~~a midwifery school~~
1201 ~~or~~ a midwifery training program ~~which is~~ approved by the
1202 department pursuant to s. 467.205.

1203 (12) "Preceptor" means a physician licensed under chapter
1204 458 or chapter 459, a ~~licensed~~ midwife licensed under this
1205 chapter, or a certified nurse midwife licensed under chapter
1206 464, who has a minimum of 3 years' professional experience, and
1207 who directs, teaches, supervises, and evaluates the learning
1208 experiences of a the student midwife as part of an approved
1209 midwifery program.

1210 (13) "Prelicensure course" means a course of study, offered
1211 by an approved midwifery program and approved by the department,
1212 which an applicant for licensure must complete before a license
1213 may be issued and which provides instruction in the laws and
1214 rules of this state and demonstrates the student's competency to
1215 practice midwifery under this chapter.

1216 Section 17. Section 467.009, Florida Statutes, is amended
1217 to read:

1218 467.009 Approved midwifery programs; education and training

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1219 requirements.-

1220 (1) The department shall adopt standards for approved
 1221 midwifery programs which must include, but need not be limited
 1222 to, standards for all of the following:

1223 (a) .~~The standards shall encompass~~ Clinical and classroom
 1224 instruction in all aspects of prenatal, intrapartal, and
 1225 postpartal care, including all of the following:

- 1226 1. Obstetrics.†
 1227 2. Neonatal pediatrics.†
 1228 3. Basic sciences.†
 1229 4. Female reproductive anatomy and physiology.†
 1230 5. Behavioral sciences.†
 1231 6. Childbirth education.†
 1232 7. Community care.†
 1233 8. Epidemiology.†
 1234 9. Genetics.†
 1235 10. Embryology.†
 1236 11. Neonatology.†
 1237 12. Applied pharmacology.†
 1238 13. The medical and legal aspects of midwifery.†
 1239 14. Gynecology and women's health.†
 1240 15. Family planning.†
 1241 16. Nutrition during pregnancy and lactation.†
 1242 17. Breastfeeding.† and
 1243 18. Basic nursing skills; and any other instruction
 1244 determined by the department and council to be necessary.

1245 (b) ~~The standards shall incorporate the~~ Core competencies,
 1246 incorporating those established by the American College of Nurse
 1247 Midwives and the Midwives Alliance of North America, including

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1248 knowledge, skills, and professional behavior in all of the
1249 following areas:

- 1250 1. Primary management, collaborative management, referral,
1251 and medical consultation.~~†~~
- 1252 2. Antepartal, intrapartal, postpartal, and neonatal care.~~†~~
- 1253 3. Family planning and gynecological care.~~†~~
- 1254 4. Common complications.~~†~~ and
- 1255 5. Professional responsibilities.

1256 (c) Noncurricular ~~The standards shall include noncurriculum~~
1257 matters under this section, including, but not limited to,
1258 staffing and teacher qualifications.

1259 (2) An approved midwifery program must offer ~~shall include~~
1260 a course of study ~~and clinical training~~ for a minimum of 3 years
1261 which incorporates all of the standards, curriculum guidelines,
1262 and educational objectives provided in this section and the
1263 rules adopted hereunder.

1264 (3) An approved midwifery program may reduce ~~If the~~
1265 ~~applicant is a registered nurse or a licensed practical nurse or~~
1266 ~~has previous nursing or midwifery education,~~ the required period
1267 of training ~~may be reduced~~ to the extent of the student's
1268 ~~applicant's~~ qualifications as a registered nurse or licensed
1269 practical nurse or based on prior completion of equivalent
1270 nursing or midwifery education, as determined ~~under rules~~
1271 ~~adopted by the department~~ rule. ~~In no case shall the training be~~
1272 ~~reduced to a period of less than 2 years.~~

1273 (4) (3) An approved midwifery program may accept students
1274 who ~~To be accepted into an approved midwifery program, an~~
1275 ~~applicant shall~~ have both:

1276 (a) A high school diploma or its equivalent.

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1277 (b) Taken three college-level credits each of math and
1278 English or demonstrated competencies in communication and
1279 computation.

1280 (5)-(4) As part of its course of study, an approved
1281 midwifery program must require clinical training that includes
1282 all of the following:

1283 (a) A student midwife, during training, shall undertake,
1284 under the supervision of a preceptor, The care of 50 women in
1285 each of the prenatal, intrapartal, and postpartal periods under
1286 the supervision of a preceptor., but The same women need not be
1287 seen through all three periods.

1288 (b)-(5) Observation of The student midwife shall observe an
1289 additional 25 women in the intrapartal period before qualifying
1290 for a license.

1291 (6) Clinical The training required under this section must
1292 include all of the following:

1293 (a) shall include Training in ~~either~~ hospitals or
1294 alternative birth settings, or both.

1295 (b) A requirement that students demonstrate competency in
1296 the assessment of and differentiation, with particular emphasis
1297 on learning the ability to differentiate between low-risk
1298 pregnancies and high-risk pregnancies.

1299 (7) A hospital or birthing center receiving public funds
1300 shall be required to provide student midwives access to observe
1301 labor, delivery, and postpartal procedures, provided the woman
1302 in labor has given informed consent. The Department of Health
1303 shall assist in facilitating access to hospital training for
1304 approved midwifery programs.

1305 (8)-(7) The Department of Education shall adopt curricular

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1306 frameworks for midwifery programs offered by ~~conducted within~~
1307 public educational institutions under ~~pursuant to~~ this section.

1308 ~~(8) Nonpublic educational institutions that conduct~~
1309 ~~approved midwifery programs shall be accredited by a member of~~
1310 ~~the Commission on Recognition of Postsecondary Accreditation and~~
1311 ~~shall be licensed by the Commission for Independent Education.~~

1312 Section 18. Section 467.011, Florida Statutes, is amended
1313 to read:

1314 467.011 Licensed midwives; qualifications; examination
1315 ~~Licensure by examination.~~

1316 ~~(1) The department shall administer an examination to test~~
1317 ~~the proficiency of applicants in the core competencies required~~
1318 ~~to practice midwifery as specified in s. 467.009.~~

1319 ~~(2) The department shall develop, publish, and make~~
1320 ~~available to interested parties at a reasonable cost a~~
1321 ~~bibliography and guide for the examination.~~

1322 ~~(3) The department shall issue a license to practice~~
1323 ~~midwifery to an applicant who meets all of the following~~
1324 ~~criteria:~~

1325 (1) Demonstrates that he or she has graduated from one of
1326 the following:

1327 (a) An approved midwifery program.

1328 (b) A medical or midwifery program offered in another
1329 state, jurisdiction, territory, or country whose graduation
1330 requirements were equivalent to or exceeded those required by s.
1331 467.009 and the rules adopted thereunder at the time of
1332 graduation.

1333 (2) Demonstrates that he or she has ~~and~~ successfully
1334 completed a prelicensure course offered by an approved midwifery

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1335 program. Students graduating from an approved midwifery program
1336 may meet this requirement by showing that the content
1337 requirements for the prelicensure course were covered as part of
1338 their course of study.

1339 (3) Submits an application for licensure on a form approved
1340 by the department and pays the appropriate fee.

1341 (4) Demonstrates that he or she has received a passing
1342 score on an the examination specified by the department, upon
1343 payment of the required licensure fee.

1344 Section 19. Section 467.0125, Florida Statutes, is amended
1345 to read:

1346 467.0125 Licensed midwives; qualifications; Licensure by
1347 endorsement; temporary certificates.-

1348 (1) The department shall issue a license by endorsement to
1349 practice midwifery to an applicant who, upon applying to the
1350 department, demonstrates to the department that she or he meets
1351 all of the following criteria:

1352 ~~(a)1. Holds a valid certificate or diploma from a foreign~~
1353 ~~institution of medicine or midwifery or from a midwifery program~~
1354 ~~offered in another state, bearing the seal of the institution or~~
1355 ~~otherwise authenticated, which renders the individual eligible~~
1356 ~~to practice midwifery in the country or state in which it was~~
1357 ~~issued, provided the requirements therefor are deemed by the~~
1358 ~~department to be substantially equivalent to, or to exceed,~~
1359 ~~those established under this chapter and rules adopted under~~
1360 ~~this chapter, and submits therewith a certified translation of~~
1361 ~~the foreign certificate or diploma; or~~

1362 2. Holds an active, unencumbered a valid certificate or
1363 license to practice midwifery in another state, jurisdiction, or

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1364 ~~territory issued by that state, provided the licensing~~
1365 ~~requirements of that state, jurisdiction, or territory at the~~
1366 ~~time the license was issued were therefor are deemed by the~~
1367 ~~department to be~~ substantially equivalent to, or exceeded to
1368 ~~exceed,~~ those established under this chapter and the rules
1369 ~~adopted hereunder under this chapter.~~

1370 (b) Has successfully completed a ~~4-month~~ prelicensure
1371 course conducted by an approved midwifery program and has
1372 ~~submitted documentation to the department of successful~~
1373 ~~completion.~~

1374 (c) Submits an application for licensure on a form approved
1375 by the department and pays the appropriate fee ~~Has successfully~~
1376 ~~passed the licensed midwifery examination.~~

1377 (2) The department may issue a temporary certificate to
1378 practice in areas of critical need to an applicant any midwife
1379 who is qualifying for a midwifery license licensure by
1380 ~~endorsement~~ under subsection (1) and who meets all of the
1381 following criteria, ~~with the following restrictions:~~

1382 (a) Submits an application for a temporary certificate on a
1383 form approved by the department and pays the appropriate fee,
1384 which may not exceed \$50 and is in addition to the fee required
1385 for licensure by endorsement under subsection (1).

1386 (b) Specifies on the application that he or she will ~~The~~
1387 ~~Department of Health shall determine the areas of critical need,~~
1388 ~~and the midwife so certified shall practice only in~~ one or more
1389 of the following locations:

- 1390 1. A county health department.
- 1391 2. A correctional facility.
- 1392 3. A United States Department of Veterans Affairs clinic.

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1393 4. A community health center funded by s. 329, s. 330, or
1394 s. 340 of the Public Health Service Act.

1395 5. Any other agency or institution that is approved by the
1396 State Surgeon General and provides health care to meet the needs
1397 of an underserved population in this state.

1398 (c) Will practice only ~~those specific areas,~~ under the
1399 supervision auspices of a physician licensed under ~~pursuant to~~
1400 chapter 458 or chapter 459, a certified nurse midwife licensed
1401 under ~~pursuant to~~ part I of chapter 464, or a midwife licensed
1402 under this chapter, who has a minimum of 3 years' professional
1403 experience.

1404 (3) The department may issue a temporary certificate under
1405 this section with the following restrictions:

1406 (a) A requirement that a temporary certificateholder
1407 practice only in areas of critical need. The State Surgeon
1408 General shall determine the areas of critical need, which ~~such~~
1409 areas ~~shall~~ include, but are not ~~be~~ limited to, health
1410 professional shortage areas designated by the United States
1411 Department of Health and Human Services.

1412 (b) A requirement that if a temporary certificateholder's
1413 practice area ceases to be an area of critical need, within 30
1414 days after such change the certificateholder must either:

1415 1. Report a new practice area of critical need to the
1416 department; or

1417 2. Voluntarily relinquish the temporary certificate.

1418 (4) The department shall review a temporary
1419 certificateholder's practice at least annually to determine
1420 whether the certificateholder is meeting the requirements of
1421 subsections (2) and (3) and the rules adopted thereunder. If the

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1422 department determines that a certificateholder is not meeting
1423 these requirements, the department must revoke the temporary
1424 certificate.

1425 (5) A temporary certificate issued under this section is
1426 shall be valid only as long as an area for which it is issued
1427 remains an area of critical need, but no longer than 2 years,
1428 and is shall not be renewable.

1429 (c) The department may administer an abbreviated oral
1430 examination to determine the midwife's competency, but no
1431 written regular examination shall be necessary.

1432 (d) The department shall not issue a temporary certificate
1433 to any midwife who is under investigation in another state for
1434 an act which would constitute a violation of this chapter until
1435 such time as the investigation is complete, at which time the
1436 provisions of this section shall apply.

1437 (e) The department shall review the practice under a
1438 temporary certificate at least annually to ascertain that the
1439 minimum requirements of the midwifery rules promulgated under
1440 this chapter are being met. If it is determined that the minimum
1441 requirements are not being met, the department shall immediately
1442 revoke the temporary certificate.

1443 (f) The fee for a temporary certificate shall not exceed
1444 \$50 and shall be in addition to the fee required for licensure.

1445 Section 20. Section 467.205, Florida Statutes, is amended
1446 to read:

1447 467.205 Approval of midwifery programs.—

1448 (1) The department must approve an accredited or state-
1449 licensed public or private institution seeking to provide
1450 midwifery education and training as an approved midwifery

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1451 program in this state if the institution meets all of the
1452 following criteria:

1453 (a) Submits an application for approval on a form approved
1454 by the department.

1455 (b) Demonstrates to the department's satisfaction that the
1456 proposed midwifery program complies with s. 467.009 and the
1457 rules adopted thereunder.

1458 (c) For a private institution, demonstrates its
1459 accreditation by a member of the Council for Higher Education
1460 Accreditation or an accrediting agency approved by the United
1461 States Department of Education and its licensing or provisional
1462 licensing by the Commission for Independent Education An
1463 organization desiring to conduct an approved program for the
1464 education of midwives shall apply to the department and submit
1465 such evidence as may be required to show that it complies with
1466 s. 467.009 and with the rules of the department. Any accredited
1467 or state-licensed institution of higher learning, public or
1468 private, may provide midwifery education and training.

1469 ~~(2) The department shall adopt rules regarding educational~~
1470 ~~objectives, faculty qualifications, curriculum guidelines,~~
1471 ~~administrative procedures, and other training requirements as~~
1472 ~~are necessary to ensure that approved programs graduate midwives~~
1473 ~~competent to practice under this chapter.~~

1474 ~~(3) The department shall survey each organization applying~~
1475 ~~for approval. If the department is satisfied that the program~~
1476 ~~meets the requirements of s. 467.009 and rules adopted pursuant~~
1477 ~~to that section, it shall approve the program.~~

1478 (2)-(4) The department shall, at least once every 3 years,
1479 certify whether each approved midwifery program is currently

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1480 compliant, and has maintained compliance, ~~complies~~ with the
1481 requirements of standards developed under s. 467.009 and the
1482 rules adopted thereunder.

1483 (3)~~(5)~~ If the department finds that an approved midwifery
1484 program is not in compliance with the requirements of s. 467.009
1485 or the rules adopted thereunder, or has lost its accreditation
1486 status, the department must provide its finding to the program
1487 in writing and no longer meets the required standards, it may
1488 place the program on probationary status for a specified period
1489 of time, which may not exceed 3 years until such time as the
1490 standards are restored.

1491 (4) If a program on probationary status does not come into
1492 compliance with the requirements of s. 467.009 or the rules
1493 adopted thereunder, or regain its accreditation status, as
1494 applicable, within the period specified by the department fails
1495 to correct these conditions within a specified period of time,
1496 the department may rescind the program's approval.

1497 (5) ~~A Any~~ program that has having its approval rescinded
1498 has shall have the right to reapply for approval.

1499 (6) The department may grant provisional approval of a new
1500 program seeking accreditation status, for a period not to exceed
1501 5 years, provided that all other requirements of this section
1502 are met.

1503 (7) The department may rescind provisional approval of a
1504 program that fails to meet the requirements of s. 467.009, this
1505 section, or the rules adopted thereunder, in accordance with
1506 procedures provided in subsections (3) and (4) may be granted
1507 pending the licensure results of the first graduating class.

1508 Section 21. Subsections (2), (3), and (4) and paragraphs

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1509 (a) and (b) of subsection (5) of section 468.803, Florida
1510 Statutes, are amended to read:

1511 468.803 License, registration, and examination
1512 requirements.—

1513 (2) An applicant for registration, examination, or
1514 licensure must apply to the department on a form prescribed by
1515 the board for consideration of board approval. Each initial
1516 applicant shall submit ~~a set of~~ fingerprints to the department
1517 in accordance with ~~on a form and under~~ procedures specified by
1518 the department, ~~along with payment in an amount equal to the~~
1519 ~~costs incurred by the department~~ for state and national criminal
1520 history checks of the applicant. ~~The department shall submit the~~
1521 ~~fingerprints provided by an applicant to the Department of Law~~
1522 ~~Enforcement for a statewide criminal history check, and the~~
1523 ~~Department of Law Enforcement shall forward the fingerprints to~~
1524 ~~the Federal Bureau of Investigation for a national criminal~~
1525 ~~history check of the applicant.~~ The board shall screen the
1526 results to determine if an applicant meets licensure
1527 requirements. The board shall consider for examination,
1528 registration, or licensure each applicant whom ~~who~~ the board
1529 verifies:

1530 (a) Has submitted the completed application and completed
1531 the fingerprinting requirements ~~fingerprint forms~~ and has paid
1532 the applicable application fee, not to exceed \$500, ~~and the cost~~
1533 ~~of the state and national criminal history checks.~~ The
1534 application fee is ~~and cost of the criminal history checks shall~~
1535 ~~be~~ nonrefundable;

1536 (b) Is of good moral character;

1537 (c) Is 18 years of age or older; and

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1538 (d) Has completed the appropriate educational preparation.

1539 (3) A person seeking to attain the orthotics or prosthetics
1540 experience required for licensure in this state must be approved
1541 by the board and registered as a resident by the department.
1542 Although a registration may be held in both disciplines, for
1543 independent registrations the board may not approve a second
1544 registration until at least 1 year after the issuance of the
1545 first registration. Notwithstanding subsection (2), a person who
1546 has been approved by the board and registered by the department
1547 in one discipline may apply for registration in the second
1548 discipline without an additional state or national criminal
1549 history check during the period in which the first registration
1550 is valid. Each independent registration or dual registration is
1551 valid for 2 years after the date of issuance unless otherwise
1552 revoked by the department upon recommendation of the board. The
1553 board shall set a registration fee not to exceed \$500 to be paid
1554 by the applicant. A registration may be renewed once by the
1555 department upon recommendation of the board for a period no
1556 longer than 1 year, as such renewal is defined by ~~the board~~ by
1557 rule. The renewal fee may not exceed one-half the current
1558 registration fee. To be considered by the board for approval of
1559 registration as a resident, the applicant must have one of the
1560 following:

1561 (a) A Bachelor of Science or higher-level postgraduate
1562 degree in orthotics and prosthetics from an ~~a regionally~~
1563 accredited college or university recognized by the Commission on
1564 Accreditation of Allied Health Education Programs.

1565 (b) A minimum of a bachelor's degree from an
1566 institutionally ~~a regionally~~ accredited college or university

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1567 and a certificate in orthotics or prosthetics from a program
1568 recognized by the Commission on Accreditation of Allied Health
1569 Education Programs, or its equivalent, as determined by the
1570 board.

1571 (c) A minimum of a bachelor's degree from an
1572 institutionally ~~a regionally~~ accredited college or university
1573 and a dual certificate in both orthotics and prosthetics from
1574 programs recognized by the Commission on Accreditation of Allied
1575 Health Education Programs, or its equivalent, as determined by
1576 the board.

1577 (4) The department may develop and administer a state
1578 examination for an orthotist or a prosthetist license, or the
1579 board may approve the existing examination of a national
1580 standards organization. The examination must be predicated on a
1581 minimum of a baccalaureate-level education and formalized
1582 specialized training in the appropriate field. Each examination
1583 must demonstrate a minimum level of competence in basic
1584 scientific knowledge, written problem solving, and practical
1585 clinical patient management. The board shall require an
1586 examination fee not to exceed the actual cost to the board in
1587 developing, administering, and approving the examination, which
1588 fee must be paid by the applicant. To be considered by the board
1589 for examination, the applicant must have:

1590 (a) For an examination in orthotics:

1591 1. A Bachelor of Science or higher-level postgraduate
1592 degree in orthotics and prosthetics from an institutionally ~~a~~
1593 ~~regionally~~ accredited college or university recognized by the
1594 Commission on Accreditation of Allied Health Education Programs
1595 or, at a minimum, a bachelor's degree from an institutionally ~~a~~

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1596 ~~regionally~~ accredited college or university and a certificate in
1597 orthotics from a program recognized by the Commission on
1598 Accreditation of Allied Health Education Programs, or its
1599 equivalent, as determined by the board; and

1600 2. An approved orthotics internship of 1 year of qualified
1601 experience, as determined by the board, or an orthotic residency
1602 or dual residency program recognized by the board.

1603 (b) For an examination in prosthetics:

1604 1. A Bachelor of Science or higher-level postgraduate
1605 degree in orthotics and prosthetics from an institutionally a
1606 ~~regionally~~ accredited college or university recognized by the
1607 Commission on Accreditation of Allied Health Education Programs
1608 or, at a minimum, a bachelor's degree from an institutionally a
1609 ~~regionally~~ accredited college or university and a certificate in
1610 prosthetics from a program recognized by the Commission on
1611 Accreditation of Allied Health Education Programs, or its
1612 equivalent, as determined by the board; and

1613 2. An approved prosthetics internship of 1 year of
1614 qualified experience, as determined by the board, or a
1615 prosthetic residency or dual residency program recognized by the
1616 board.

1617 (5) In addition to the requirements in subsection (2), to
1618 be licensed as:

1619 (a) An orthotist, the applicant must pay a license fee not
1620 to exceed \$500 and must have:

1621 1. A Bachelor of Science or higher-level postgraduate
1622 degree in orthotics and prosthetics from an institutionally a
1623 ~~regionally~~ accredited college or university recognized by the
1624 Commission on Accreditation of Allied Health Education Programs,

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1625 or a bachelor's degree from an institutionally accredited
1626 college or university and ~~with~~ a certificate in orthotics from a
1627 program recognized by the Commission on Accreditation of Allied
1628 Health Education Programs, or its equivalent, as determined by
1629 the board;

1630 2. An approved ~~appropriate~~ internship of 1 year of
1631 qualified experience, as determined by the board, or a residency
1632 program recognized by the board;

1633 3. Completed the mandatory courses; and

1634 4. Passed the state orthotics examination or the board-
1635 approved orthotics examination.

1636 (b) A prosthetist, the applicant must pay a license fee not
1637 to exceed \$500 and must have:

1638 1. A Bachelor of Science or higher-level postgraduate
1639 degree in orthotics and prosthetics from an institutionally a
1640 ~~regionally~~ accredited college or university recognized by the
1641 Commission on Accreditation of Allied Health Education Programs,
1642 or a bachelor's degree from an institutionally accredited
1643 college or university and ~~with~~ a certificate in prosthetics from
1644 a program recognized by the Commission on Accreditation of
1645 Allied Health Education Programs, or its equivalent, as
1646 determined by the board;

1647 2. An internship of 1 year of qualified experience, as
1648 determined by the board, or a residency program recognized by
1649 the board;

1650 3. Completed the mandatory courses; and

1651 4. Passed the state prosthetics examination or the board-
1652 approved prosthetics examination.

1653 Section 22. Section 483.824, Florida Statutes, is amended

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1654 to read:

1655 483.824 Qualifications of clinical laboratory director.—A
1656 clinical laboratory director must have 4 years of clinical
1657 laboratory experience with 2 years of experience in the
1658 specialty to be directed or be nationally board certified in the
1659 specialty to be directed, and must meet one of the following
1660 requirements:

1661 (1) Be a physician licensed under chapter 458 or chapter
1662 459;

1663 (2) Hold an earned doctoral degree in a chemical, physical,
1664 or biological science from an ~~a regionally~~ accredited
1665 institution and maintain national certification requirements
1666 equal to those required by the federal Health Care Financing
1667 Administration; or

1668 (3) For the subspecialty of oral pathology, be a physician
1669 licensed under chapter 458 or chapter 459 or a dentist licensed
1670 under chapter 466.

1671 Section 23. Subsection (3) of section 490.003, Florida
1672 Statutes, is amended to read:

1673 490.003 Definitions.—As used in this chapter:

1674 (3) (a) "Doctoral degree from an American Psychological
1675 Association accredited program" means ~~Effective July 1, 1999,~~
1676 ~~"doctoral-level psychological education" and "doctoral degree in~~
1677 ~~psychology" mean~~ a Psy.D., an Ed.D. in psychology, or a Ph.D. in
1678 psychology from a psychology program at an educational
1679 institution that, at the time the applicant was enrolled and
1680 graduated:

1681 1. ~~(a)~~ Had institutional accreditation from an agency
1682 recognized and approved by the United States Department of

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1683 Education or was recognized as a member in good standing with
1684 the Association of Universities and Colleges of Canada; and

1685 2.~~(b)~~ Had programmatic accreditation from the American
1686 Psychological Association.

1687 (b) "Doctoral degree in psychology" means a Psy.D., an
1688 Ed.D. in psychology, or a Ph.D. in psychology from a psychology
1689 program at an educational institution that, at the time the
1690 applicant was enrolled and graduated, had institutional
1691 accreditation from an agency recognized and approved by the
1692 United States Department of Education or was recognized as a
1693 member in good standing with the Association of Universities and
1694 Colleges of Canada.

1695 Section 24. Subsection (1) of section 490.005, Florida
1696 Statutes, is amended to read:

1697 490.005 Licensure by examination.—

1698 (1) Any person desiring to be licensed as a psychologist
1699 shall apply to the department to take the licensure examination.
1700 The department shall license each applicant whom ~~who~~ the board
1701 certifies has met all of the following requirements:

1702 (a) Completed the application form and remitted a
1703 nonrefundable application fee not to exceed \$500 and an
1704 examination fee set by the board sufficient to cover the actual
1705 per applicant cost to the department for development, purchase,
1706 and administration of the examination, but not to exceed \$500.

1707 (b) Submitted proof satisfactory to the board that the
1708 applicant has received:

1709 1. A doctoral degree from an American Psychological
1710 Association accredited program ~~Doctoral-level psychological~~
1711 ~~education; or~~

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1712 2. The equivalent of a doctoral degree from an American
1713 Psychological Association accredited program ~~doctoral-level~~
1714 ~~psychological education, as defined in s. 490.003(3),~~ from a
1715 ~~program~~ at a school or university located outside the United
1716 States of America which was officially recognized by the
1717 government of the country in which it is located as an
1718 institution or program to train students to practice
1719 professional psychology. The applicant has the burden of
1720 establishing that this requirement has been met.

1721 (c) Had at least 2 years or 4,000 hours of experience in
1722 the field of psychology in association with or under the
1723 supervision of a licensed psychologist meeting the academic and
1724 experience requirements of this chapter or the equivalent as
1725 determined by the board. The experience requirement may be met
1726 by work performed on or off the premises of the supervising
1727 psychologist if the off-premises work is not the independent,
1728 private practice rendering of psychological services that does
1729 not have a psychologist as a member of the group actually
1730 rendering psychological services on the premises.

1731 (d) Passed the examination. However, an applicant who has
1732 obtained a passing score, as established by the board by rule,
1733 on the psychology licensure examination designated by the board
1734 as the national licensure examination need only pass the Florida
1735 law and rules portion of the examination.

1736 Section 25. Subsection (1) of section 490.0051, Florida
1737 Statutes, is amended to read:

1738 490.0051 Provisional licensure; requirements.—

1739 (1) The department shall issue a provisional psychology
1740 license to each applicant who the board certifies has:

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1741 (a) Completed the application form and remitted a
1742 nonrefundable application fee not to exceed \$250, as set by
1743 board rule.

1744 (b) Earned a doctoral degree from an American Psychological
1745 Association accredited program in psychology as defined in s.
1746 490.003(3).

1747 (c) Met any additional requirements established by board
1748 rule.

1749 Section 26. Subsections (1), (3), and (4) of section
1750 491.005, Florida Statutes, are amended to read:

1751 491.005 Licensure by examination.—

1752 (1) CLINICAL SOCIAL WORK.—Upon verification of
1753 documentation and payment of a fee not to exceed \$200, as set by
1754 board rule, ~~plus the actual per applicant cost to the department~~
1755 ~~for purchase of the examination from the American Association of~~
1756 ~~State Social Worker's Boards or a similar national organization,~~
1757 the department shall issue a license as a clinical social worker
1758 to an applicant whom ~~who~~ the board certifies has met all of the
1759 following criteria:

1760 (a) ~~Has~~ Submitted an application and paid the appropriate
1761 fee.

1762 (b)1. ~~Has~~ Received a doctoral degree in social work from a
1763 graduate school of social work which at the time the applicant
1764 graduated was accredited by an accrediting agency recognized by
1765 the United States Department of Education or ~~has~~ received a
1766 master's degree in social work from a graduate school of social
1767 work which at the time the applicant graduated:

- 1768 a. Was accredited by the Council on Social Work Education;
1769 b. Was accredited by the Canadian Association of Schools of

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1770 Social Work; or

1771 c. Has been determined to have been a program equivalent to
1772 programs approved by the Council on Social Work Education by the
1773 Foreign Equivalency Determination Service of the Council on
1774 Social Work Education. An applicant who graduated from a program
1775 at a university or college outside of the United States or
1776 Canada must present documentation of the equivalency
1777 determination from the council in order to qualify.

1778 2. The applicant's graduate program must have emphasized
1779 direct clinical patient or client health care services,
1780 including, but not limited to, coursework in clinical social
1781 work, psychiatric social work, medical social work, social
1782 casework, psychotherapy, or group therapy. The applicant's
1783 graduate program must have included all of the following
1784 coursework:

1785 a. A supervised field placement which was part of the
1786 applicant's advanced concentration in direct practice, during
1787 which the applicant provided clinical services directly to
1788 clients.

1789 b. Completion of 24 semester hours or 32 quarter hours in
1790 theory of human behavior and practice methods as courses in
1791 clinically oriented services, including a minimum of one course
1792 in psychopathology, and no more than one course in research,
1793 taken in a school of social work accredited or approved pursuant
1794 to subparagraph 1.

1795 3. If the course title which appears on the applicant's
1796 transcript does not clearly identify the content of the
1797 coursework, the applicant shall be required to provide
1798 additional documentation, including, but not limited to, a

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1799 syllabus or catalog description published for the course.

1800 (c) ~~Has~~ Had at least 2 years of clinical social work
1801 experience, which took place subsequent to completion of a
1802 graduate degree in social work at an institution meeting the
1803 accreditation requirements of this section, under the
1804 supervision of a licensed clinical social worker or the
1805 equivalent who is a qualified supervisor as determined by the
1806 board. An individual who intends to practice in Florida to
1807 satisfy clinical experience requirements must register pursuant
1808 to s. 491.0045 before commencing practice. If the applicant's
1809 graduate program was not a program which emphasized direct
1810 clinical patient or client health care services as described in
1811 subparagraph (b)2., the supervised experience requirement must
1812 take place after the applicant has completed a minimum of 15
1813 semester hours or 22 quarter hours of the coursework required. A
1814 doctoral internship may be applied toward the clinical social
1815 work experience requirement. A licensed mental health
1816 professional must be on the premises when clinical services are
1817 provided by a registered intern in a private practice setting.
1818 When a registered intern provides clinical services through
1819 telehealth, a licensed mental health professional must be
1820 accessible by telephone or electronic means.

1821 (d) ~~Has~~ Passed a theory and practice examination designated
1822 by board rule ~~provided by the department for this purpose.~~

1823 (e) ~~Has~~ Demonstrated, in a manner designated by rule of the
1824 board, knowledge of the laws and rules governing the practice of
1825 clinical social work, marriage and family therapy, and mental
1826 health counseling.

1827 (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of

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1828 documentation and payment of a fee not to exceed \$200, as set by
1829 board rule, plus the actual cost of the purchase of the
1830 examination from the Association of Marital and Family Therapy
1831 Regulatory Board, or similar national organization, the
1832 department shall issue a license as a marriage and family
1833 therapist to an applicant whom ~~who~~ the board certifies has met
1834 all of the following criteria:

1835 (a) ~~Has~~ Submitted an application and paid the appropriate
1836 fee.

1837 (b) 1. Obtained one of the following:

1838 a. ~~Has~~ A minimum of a master's degree with major emphasis
1839 in marriage and family therapy or a closely related field from a
1840 program accredited by the Commission on Accreditation for
1841 Marriage and Family Therapy Education or from a Florida
1842 university program accredited by the Council for Accreditation
1843 of Counseling and Related Educational Programs.

1844 b. A minimum of a master's degree with an emphasis in
1845 marriage and family therapy with a degree conferred date before
1846 July 1, 2027, from an institutionally accredited college or
1847 university that is not yet accredited by the Commission on
1848 Accreditation for Marriage and Family Therapy Education or the
1849 Council for Accreditation of Counseling and Related Educational
1850 Programs.

1851 2. Completed ~~and~~ graduate courses approved by the Board of
1852 Clinical Social Work, Marriage and Family Therapy, and Mental
1853 Health Counseling.

1854

1855 If the course title that appears on the applicant's transcript
1856 does not clearly identify the content of the coursework, the

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1857 applicant shall provide additional documentation, including, but
1858 not limited to, a syllabus or catalog description published for
1859 the course. The required master's degree must have been received
1860 in an institution of higher education that, at the time the
1861 applicant graduated, was fully accredited by an institutional a
1862 ~~regional~~ accrediting body recognized by the Commission on
1863 Recognition of Postsecondary Accreditation or publicly
1864 recognized as a member in good standing with the Association of
1865 Universities and Colleges of Canada, or an institution of higher
1866 education located outside the United States and Canada which, at
1867 the time the applicant was enrolled and at the time the
1868 applicant graduated, maintained a standard of training
1869 substantially equivalent to the standards of training of those
1870 institutions in the United States which are accredited by an
1871 institutional a ~~regional~~ accrediting body recognized by the
1872 Commission on Recognition of Postsecondary Accreditation. Such
1873 foreign education and training must have been received in an
1874 institution or program of higher education officially recognized
1875 by the government of the country in which it is located as an
1876 institution or program to train students to practice as
1877 professional marriage and family therapists or psychotherapists.
1878 The applicant has the burden of establishing that the
1879 requirements of this provision have been met, and the board
1880 shall require documentation, such as an evaluation by a foreign
1881 equivalency determination service, as evidence that the
1882 applicant's graduate degree program and education were
1883 equivalent to an accredited program in this country. An
1884 applicant with a master's degree from a program that did not
1885 emphasize marriage and family therapy may complete the

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1886 coursework requirement in a training institution fully
1887 accredited by the Commission on Accreditation for Marriage and
1888 Family Therapy Education recognized by the United States
1889 Department of Education.

1890 (c) ~~Has~~ Had at least 2 years of clinical experience during
1891 which 50 percent of the applicant's clients were receiving
1892 marriage and family therapy services, which must have been ~~be~~ at
1893 the post-master's level under the supervision of a licensed
1894 marriage and family therapist with at least 5 years of
1895 experience, or the equivalent, who is a qualified supervisor as
1896 determined by the board. An individual who intends to practice
1897 in Florida to satisfy the clinical experience requirements must
1898 register pursuant to s. 491.0045 before commencing practice. If
1899 a graduate has a master's degree with a major emphasis in
1900 marriage and family therapy or a closely related field which did
1901 not include all of the coursework required by paragraph (b),
1902 credit for the post-master's level clinical experience may not
1903 commence until the applicant has completed a minimum of 10 of
1904 the courses required by paragraph (b), as determined by the
1905 board, and at least 6 semester hours or 9 quarter hours of the
1906 course credits must have been completed in the area of marriage
1907 and family systems, theories, or techniques. Within the 2 years
1908 of required experience, the applicant must ~~shall~~ provide direct
1909 individual, group, or family therapy and counseling to cases
1910 including those involving unmarried dyads, married couples,
1911 separating and divorcing couples, and family groups that include
1912 children. A doctoral internship may be applied toward the
1913 clinical experience requirement. A licensed mental health
1914 professional must be on the premises when clinical services are

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1915 provided by a registered intern in a private practice setting.
 1916 When a registered intern provides clinical services through
 1917 telehealth, a licensed mental health professional must be
 1918 accessible by telephone or other electronic means.

1919 (d) ~~Has~~ Passed a theory and practice examination designated
 1920 by board rule ~~provided by the department.~~

1921 (e) ~~Has~~ Demonstrated, in a manner designated by board rule,
 1922 knowledge of the laws and rules governing the practice of
 1923 clinical social work, marriage and family therapy, and mental
 1924 health counseling.

1925
 1926 For the purposes of dual licensure, the department shall license
 1927 as a marriage and family therapist any person who meets the
 1928 requirements of s. 491.0057. Fees for dual licensure may not
 1929 exceed those stated in this subsection.

1930 (4) MENTAL HEALTH COUNSELING.—Upon verification of
 1931 documentation and payment of a fee not to exceed \$200, as set by
 1932 board rule, ~~plus the actual per applicant cost of purchase of~~
 1933 ~~the examination from the National Board for Certified Counselors~~
 1934 ~~or its successor organization,~~ the department shall issue a
 1935 license as a mental health counselor to an applicant whom ~~who~~
 1936 the board certifies has met all of the following criteria:

1937 (a) ~~Has~~ Submitted an application and paid the appropriate
 1938 fee.

1939 (b)1. Obtained ~~Has~~ a minimum of an earned master's degree
 1940 from a mental health counseling program accredited by the
 1941 Council for the Accreditation of Counseling and Related
 1942 Educational Programs which consists of at least 60 semester
 1943 hours or 80 quarter hours of clinical and didactic instruction,

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1944 including a course in human sexuality and a course in substance
1945 abuse. If the master's degree is earned from a program related
1946 to the practice of mental health counseling which is not
1947 accredited by the Council for the Accreditation of Counseling
1948 and Related Educational Programs, then the coursework and
1949 practicum, internship, or fieldwork must consist of at least 60
1950 semester hours or 80 quarter hours and meet all of the following
1951 requirements:

1952 a. Thirty-three semester hours or 44 quarter hours of
1953 graduate coursework, which must include a minimum of 3 semester
1954 hours or 4 quarter hours of graduate-level coursework in each of
1955 the following 11 content areas: counseling theories and
1956 practice; human growth and development; diagnosis and treatment
1957 of psychopathology; human sexuality; group theories and
1958 practice; individual evaluation and assessment; career and
1959 lifestyle assessment; research and program evaluation; social
1960 and cultural foundations; substance abuse; and legal, ethical,
1961 and professional standards issues in the practice of mental
1962 health counseling. Courses in research, thesis or dissertation
1963 work, practicums, internships, or fieldwork may not be applied
1964 toward this requirement.

1965 b. A minimum of 3 semester hours or 4 quarter hours of
1966 graduate-level coursework addressing diagnostic processes,
1967 including differential diagnosis and the use of the current
1968 diagnostic tools, such as the current edition of the American
1969 Psychiatric Association's Diagnostic and Statistical Manual of
1970 Mental Disorders. The graduate program must have emphasized the
1971 common core curricular experience.

1972 c. The equivalent, as determined by the board, of at least

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1973 700 hours of university-sponsored supervised clinical practicum,
1974 internship, or field experience that includes at least 280 hours
1975 of direct client services, as required in the accrediting
1976 standards of the Council for Accreditation of Counseling and
1977 Related Educational Programs for mental health counseling
1978 programs. This experience may not be used to satisfy the post-
1979 master's clinical experience requirement.

1980 2. ~~Has~~ Provided additional documentation if a course title
1981 that appears on the applicant's transcript does not clearly
1982 identify the content of the coursework. The documentation must
1983 include, but is not limited to, a syllabus or catalog
1984 description published for the course.

1985
1986 Education and training in mental health counseling must have
1987 been received in an institution of higher education that, at the
1988 time the applicant graduated, was fully accredited by an
1989 institutional ~~a regional~~ accrediting body recognized by the
1990 Council for Higher Education Accreditation or its successor
1991 organization or publicly recognized as a member in good standing
1992 with the Association of Universities and Colleges of Canada, or
1993 an institution of higher education located outside the United
1994 States and Canada which, at the time the applicant was enrolled
1995 and at the time the applicant graduated, maintained a standard
1996 of training substantially equivalent to the standards of
1997 training of those institutions in the United States which are
1998 accredited by an institutional ~~a regional~~ accrediting body
1999 recognized by the Council for Higher Education Accreditation or
2000 its successor organization. Such foreign education and training
2001 must have been received in an institution or program of higher

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2002 education officially recognized by the government of the country
2003 in which it is located as an institution or program to train
2004 students to practice as mental health counselors. The applicant
2005 has the burden of establishing that the requirements of this
2006 provision have been met, and the board shall require
2007 documentation, such as an evaluation by a foreign equivalency
2008 determination service, as evidence that the applicant's graduate
2009 degree program and education were equivalent to an accredited
2010 program in this country. Beginning July 1, 2025, an applicant
2011 must have a master's degree from a program that is accredited by
2012 the Council for Accreditation of Counseling and Related
2013 Educational Programs which consists of at least 60 semester
2014 hours or 80 quarter hours to apply for licensure under this
2015 paragraph.

2016 (c) ~~Has~~ Had at least 2 years of clinical experience in
2017 mental health counseling, which must be at the post-master's
2018 level under the supervision of a licensed mental health
2019 counselor or the equivalent who is a qualified supervisor as
2020 determined by the board. An individual who intends to practice
2021 in Florida to satisfy the clinical experience requirements must
2022 register pursuant to s. 491.0045 before commencing practice. If
2023 a graduate has a master's degree with a major related to the
2024 practice of mental health counseling which did not include all
2025 the coursework required under sub-subparagraphs (b)1.a. and b.,
2026 credit for the post-master's level clinical experience may not
2027 commence until the applicant has completed a minimum of seven of
2028 the courses required under sub-subparagraphs (b)1.a. and b., as
2029 determined by the board, one of which must be a course in
2030 psychopathology or abnormal psychology. A doctoral internship

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2031 may be applied toward the clinical experience requirement. A
2032 licensed mental health professional must be on the premises when
2033 clinical services are provided by a registered intern in a
2034 private practice setting. When a registered intern provides
2035 clinical services through telehealth, a licensed mental health
2036 professional must be accessible by telephone or other electronic
2037 means.

2038 (d) ~~Has~~ Passed a theory and practice examination designated
2039 by department rule provided by the department for this purpose.

2040 (e) ~~Has~~ Demonstrated, in a manner designated by board rule,
2041 knowledge of the laws and rules governing the practice of
2042 clinical social work, marriage and family therapy, and mental
2043 health counseling.

2044 Section 27. Subsection (6) and paragraph (c) of subsection
2045 (9) of section 766.314, Florida Statutes, are amended to read:

2046 766.314 Assessments; plan of operation.—

2047 (6) (a) The association shall make all assessments required
2048 by this section, except initial assessments of physicians
2049 ~~licensed on or after October 1, 1988, which assessments will be~~
2050 ~~made by the Department of Health Business and Professional~~
2051 ~~Regulation, and except assessments of casualty insurers pursuant~~
2052 ~~to subparagraph (5) (c)1., which assessments will be made by the~~
2053 ~~Office of Insurance Regulation. ~~Beginning October 1, 1989, for~~~~
2054 ~~any physician licensed between October 1 and December 31 of any~~
2055 ~~year, the Department of Business and Professional Regulation~~
2056 ~~shall make the initial assessment plus the assessment for the~~
2057 ~~following calendar year. The Department of Health Business and~~
2058 ~~Professional Regulation shall provide the association, in an~~
2059 electronic format, with a monthly report such frequency as

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2060 ~~determined to be necessary, a listing, in a computer-readable~~
2061 ~~form,~~ of the names and license numbers ~~addresses~~ of all
2062 physicians licensed under chapter 458 or chapter 459.

2063 (b)1. The association may enforce collection of assessments
2064 required to be paid pursuant to ss. 766.301-766.316 by suit
2065 filed in county court. The association is ~~shall be~~ entitled to
2066 an award of attorney's fees, costs, and interest upon the entry
2067 of a judgment against a physician for failure to pay such
2068 assessment, with such interest accruing until paid.

2069 Notwithstanding ~~the provisions of~~ chapters 47 and 48, the
2070 association may file such suit in either Leon County or the
2071 county of the residence of the defendant.

2072 2. The Department of Health ~~Business and Professional~~
2073 ~~Regulation,~~ upon notification by the association that an
2074 assessment has not been paid and that there is an unsatisfied
2075 judgment against a physician, shall refuse to ~~not~~ renew any
2076 license issued to practice for such physician under ~~issued~~
2077 ~~pursuant to~~ chapter 458 or chapter 459 until the association
2078 notifies the Department of Health that ~~such time as~~ the judgment
2079 is satisfied in full.

2080 (c) The Agency for Health Care Administration shall, upon
2081 notification by the association that an assessment has not been
2082 timely paid, enforce collection of such assessments required to
2083 be paid by hospitals pursuant to ss. 766.301-766.316. Failure of
2084 a hospital to pay such assessment is grounds for disciplinary
2085 action pursuant to s. 395.1065 notwithstanding any ~~provision of~~
2086 law to the contrary.

2087 (9)

2088 (c) If ~~In the event~~ the total of all current estimates

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2089 equals 80 percent of the funds on hand and the funds that will
2090 become available to the association within the next 12 months
2091 from all sources described in subsections (4) and (5) and
2092 paragraph (7) (a), the association may ~~shall~~ not accept any new
2093 claims without express authority from the Legislature. Nothing
2094 in this section precludes ~~herein shall preclude~~ the association
2095 from accepting any claim if the injury occurred 18 months or
2096 more before ~~prior to~~ the effective date of this suspension.
2097 Within 30 days after ~~of~~ the effective date of this suspension,
2098 the association shall notify the Governor, the Speaker of the
2099 House of Representatives, the President of the Senate, the
2100 Office of Insurance Regulation, the Agency for Health Care
2101 Administration, and the Department of Health, ~~and the Department~~
2102 ~~of Business and Professional Regulation~~ of this suspension.
2103 Section 28. This act shall take effect July 1, 2022.