

By the Committees on Appropriations; and Health Policy; and
Senator Rodriguez

576-03558-22

2022768c2

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
20 certain applicants for medical marijuana treatment
21 center licenses to transfer their initial application
22 fee to one subsequent opportunity to apply for
23 licensure under certain circumstances; authorizing the
24 department to select samples of marijuana from medical
25 marijuana treatment center facilities for certain
26 testing; authorizing the department to select samples
27 of marijuana delivery devices from medical marijuana
28 treatment centers to determine whether such devices
29 are safe for use; requiring medical marijuana

576-03558-22

2022768c2

30 treatment centers to recall marijuana and marijuana
31 delivery devices, instead of just edibles, under
32 certain circumstances; exempting the department and
33 its employees from criminal provisions if they
34 acquire, possess, test, transport, or lawfully dispose
35 of marijuana and marijuana delivery devices under
36 certain circumstances; amending s. 381.99, F.S.;
37 revising the membership of the Rare Disease Advisory
38 Council; amending s. 383.216, F.S.; authorizing the
39 organization representing all Healthy Start Coalitions
40 to use any method of telecommunication to conduct
41 meetings under certain circumstances; amending s.
42 456.039, F.S.; requiring certain applicants for
43 licensure as physicians to provide specified
44 documentation to the department at the time of
45 application; amending s. 460.406, F.S.; revising
46 provisions related to chiropractic physician
47 licensing; amending s. 464.008, F.S.; deleting a
48 requirement that certain nursing program graduates
49 complete a specified preparatory course; amending s.
50 464.018, F.S.; revising grounds for disciplinary
51 action against licensed nurses; amending s. 467.003,
52 F.S.; revising and defining terms; amending s.
53 467.009, F.S.; revising provisions related to
54 accredited and approved midwifery programs; amending
55 s. 467.011, F.S.; revising requirements for licensure
56 of midwives; amending s. 467.0125, F.S.; revising
57 requirements for licensure by endorsement of midwives;
58 revising requirements for temporary certificates to

576-03558-22

2022768c2

59 practice midwifery in this state; amending s. 467.205,
60 F.S.; revising provisions relating to approval,
61 continued monitoring, probationary status, provisional
62 approval, and approval rescission of midwifery
63 programs; amending s. 468.803, F.S.; revising
64 provisions related to orthotist and prosthetist
65 registration, examination, and licensing; amending s.
66 483.824, F.S.; revising educational requirements for
67 clinical laboratory directors; amending s. 490.003,
68 F.S.; defining the terms "doctoral degree from an
69 American Psychological Association accredited program"
70 and "doctoral degree in psychology"; amending ss.
71 490.005 and 490.0051, F.S.; revising education
72 requirements for psychologist licensure and
73 provisional licensure, respectively; amending s.
74 491.005, F.S.; revising requirements for licensure of
75 clinical social workers, marriage and family
76 therapists, and mental health counselors; amending s.
77 766.31, F.S.; revising eligibility requirements for
78 certain retroactive payments to parents or legal
79 guardians under the Florida Birth-Related Neurological
80 Injury Compensation Plan; providing retroactive
81 applicability; requiring the plan to make certain
82 retroactive payments to eligible parents or guardians;
83 authorizing the plan to make such payments in a lump
84 sum or periodically as designated by eligible parents
85 or legal guardians; requiring the plan to make the
86 payments by a specified date; amending s. 766.314,
87 F.S.; deleting obsolete language and updating

576-03558-22

2022768c2

88 provisions to conform to current law; revising the
89 frequency with which the department must submit
90 certain reports to the Florida Birth-Related
91 Neurological Injury Compensation Association; revising
92 the content of such reports; authorizing the
93 association to enforce the collection of certain
94 assessments in circuit court under certain
95 circumstances; requiring the association to notify the
96 department and the applicable regulatory board of any
97 unpaid final judgment against a physician within a
98 specified timeframe; providing effective dates.

99

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

101

102 Section 1. Subsections (2) and (3) of section 381.0045,
103 Florida Statutes, are amended to read:

104 381.0045 Targeted outreach for pregnant women.—

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

112 (3) The department shall:

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

116 (b) Provide outreach that is peer-based, culturally

576-03558-22

2022768c2

117 sensitive, and performed in a nonjudgmental manner.

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

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

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

128 (f) Link women with substance abuse treatment and mental
129 health services, when available, and act as a liaison with
130 Healthy Start coalitions, children's medical services, Ryan
131 White-funded providers, and other services of the Department of
132 Health.

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

135 (h) Provide continued oversight of any newborn exposed to
136 HIV to determine the newborn's final HIV status and ensure
137 continued linkage to care if the newborn is diagnosed with HIV
138 ~~to HIV-exposed newborns.~~

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

141 381.0303 Special needs shelters.—

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

145 (a) The department shall assume lead responsibility for the

576-03558-22

2022768c2

146 coordination of local medical and health care providers, the
147 American Red Cross, and other interested parties in developing a
148 plan for the staffing and medical management of special needs
149 shelters and. ~~The local Children's Medical Services offices~~
150 ~~shall assume lead responsibility for the coordination of local~~
151 ~~medical and health care providers, the American Red Cross, and~~
152 ~~other interested parties in developing a plan for the staffing~~
153 ~~and medical management of pediatric special needs shelters.~~
154 Plans must conform to the local comprehensive emergency
155 management plan.

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

160 Section 3. Effective upon this act becoming a law,
161 paragraph (a) of subsection (8) of section 381.986, Florida
162 Statutes, is amended to read:

163 381.986 Medical use of marijuana.—

164 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

165 (a) The department shall license medical marijuana
166 treatment centers to ensure reasonable statewide accessibility
167 and availability as necessary for qualified patients registered
168 in the medical marijuana use registry and who are issued a
169 physician certification under this section.

170 1. As soon as practicable, but no later than July 3, 2017,
171 the department shall license as a medical marijuana treatment
172 center any entity that holds an active, unrestricted license to
173 cultivate, process, transport, and dispense low-THC cannabis,
174 medical cannabis, and cannabis delivery devices, under former s.

576-03558-22

2022768c2

175 381.986, Florida Statutes 2016, before July 1, 2017, and which
176 meets the requirements of this section. In addition to the
177 authority granted under this section, these entities are
178 authorized to dispense low-THC cannabis, medical cannabis, and
179 cannabis delivery devices ordered pursuant to former s. 381.986,
180 Florida Statutes 2016, which were entered into the compassionate
181 use registry before July 1, 2017, and are authorized to begin
182 dispensing marijuana under this section on July 3, 2017. The
183 department may grant variances from the representations made in
184 such an entity's original application for approval under former
185 s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

186 2. The department shall license as medical marijuana
187 treatment centers 10 applicants that meet the requirements of
188 this section, under the following parameters:

189 a. As soon as practicable, but no later than August 1,
190 2017, the department shall license any applicant whose
191 application was reviewed, evaluated, and scored by the
192 department and which was denied a dispensing organization
193 license by the department under former s. 381.986, Florida
194 Statutes 2014; which had one or more administrative or judicial
195 challenges pending as of January 1, 2017, or had a final ranking
196 within one point of the highest final ranking in its region
197 under former s. 381.986, Florida Statutes 2014; which meets the
198 requirements of this section; and which provides documentation
199 to the department that it has the existing infrastructure and
200 technical and technological ability to begin cultivating
201 marijuana within 30 days after registration as a medical
202 marijuana treatment center.

203 b. As soon as practicable, the department shall license one

576-03558-22

2022768c2

204 applicant that is a recognized class member of *Pigford v.*
205 *Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers*
206 *Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011). An applicant licensed
207 under this sub-subparagraph is exempt from the requirement of
208 subparagraph (b)2. An applicant that applies for licensure under
209 this sub-subparagraph, pays its initial application fee, is
210 determined by the department through the application process to
211 qualify as a recognized class member, and is not awarded a
212 license under this sub-subparagraph may transfer its initial
213 application fee to one subsequent opportunity to apply for
214 licensure under subparagraph 4.

215 c. As soon as practicable, but no later than October 3,
216 2017, the department shall license applicants that meet the
217 requirements of this section in sufficient numbers to result in
218 10 total licenses issued under this subparagraph, while
219 accounting for the number of licenses issued under sub-
220 subparagraphs a. and b.

221 3. For up to two of the licenses issued under subparagraph
222 2., the department shall give preference to applicants that
223 demonstrate in their applications that they own one or more
224 facilities that are, or were, used for the canning,
225 concentrating, or otherwise processing of citrus fruit or citrus
226 molasses and will use or convert the facility or facilities for
227 the processing of marijuana.

228 4. Within 6 months after the registration of 100,000 active
229 qualified patients in the medical marijuana use registry, the
230 department shall license four additional medical marijuana
231 treatment centers that meet the requirements of this section.
232 Thereafter, the department shall license four medical marijuana

576-03558-22

2022768c2

233 treatment centers within 6 months after the registration of each
234 additional 100,000 active qualified patients in the medical
235 marijuana use registry that meet the requirements of this
236 section.

237 Section 4. Present paragraphs (e) through (h) of subsection
238 (14) of section 381.986, Florida Statutes, are redesignated as
239 paragraphs (f) through (i), respectively, a new paragraph (e) is
240 added to that subsection, and paragraph (e) of subsection (8) of
241 that section is amended, to read:

242 381.986 Medical use of marijuana.—

243 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

244 (e) A licensed medical marijuana treatment center shall
245 cultivate, process, transport, and dispense marijuana for
246 medical use. A licensed medical marijuana treatment center may
247 not contract for services directly related to the cultivation,
248 processing, and dispensing of marijuana or marijuana delivery
249 devices, except that a medical marijuana treatment center
250 licensed pursuant to subparagraph (a)1. may contract with a
251 single entity for the cultivation, processing, transporting, and
252 dispensing of marijuana and marijuana delivery devices. A
253 licensed medical marijuana treatment center must, at all times,
254 maintain compliance with the criteria demonstrated and
255 representations made in the initial application and the criteria
256 established in this subsection. Upon request, the department may
257 grant a medical marijuana treatment center a variance from the
258 representations made in the initial application. Consideration
259 of such a request shall be based upon the individual facts and
260 circumstances surrounding the request. A variance may not be
261 granted unless the requesting medical marijuana treatment center

576-03558-22

2022768c2

262 can demonstrate to the department that it has a proposed
263 alternative to the specific representation made in its
264 application which fulfills the same or a similar purpose as the
265 specific representation in a way that the department can
266 reasonably determine will not be a lower standard than the
267 specific representation in the application. A variance may not
268 be granted from the requirements in subparagraph 2. and
269 subparagraphs (b)1. and 2.

270 1. A licensed medical marijuana treatment center may
271 transfer ownership to an individual or entity who meets the
272 requirements of this section. A publicly traded corporation or
273 publicly traded company that meets the requirements of this
274 section is not precluded from ownership of a medical marijuana
275 treatment center. To accommodate a change in ownership:

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

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

283 c. Upon receipt of an application for a license, the
284 department shall examine the application and, within 30 days
285 after receipt, notify the applicant in writing of any apparent
286 errors or omissions and request any additional information
287 required.

288 d. Requested information omitted from an application for
289 licensure must be filed with the department within 21 days after
290 the department's request for omitted information or the

576-03558-22

2022768c2

291 application shall be deemed incomplete and shall be withdrawn
292 from further consideration and the fees shall be forfeited.

293 e. Within 30 days after the receipt of a complete
294 application, the department shall approve or deny the
295 application.

296 2. A medical marijuana treatment center, and any individual
297 or entity who directly or indirectly owns, controls, or holds
298 with power to vote 5 percent or more of the voting shares of a
299 medical marijuana treatment center, may not acquire direct or
300 indirect ownership or control of any voting shares or other form
301 of ownership of any other medical marijuana treatment center.

302 3. A medical marijuana treatment center may not enter into
303 any form of profit-sharing arrangement with the property owner
304 or lessor of any of its facilities where cultivation,
305 processing, storing, or dispensing of marijuana and marijuana
306 delivery devices occurs.

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

310 5. Each medical marijuana treatment center must adopt and
311 enforce policies and procedures to ensure employees and
312 volunteers receive training on the legal requirements to
313 dispense marijuana to qualified patients.

314 6. When growing marijuana, a medical marijuana treatment
315 center:

316 a. May use pesticides determined by the department, after
317 consultation with the Department of Agriculture and Consumer
318 Services, to be safely applied to plants intended for human
319 consumption, but may not use pesticides designated as

576-03558-22

2022768c2

320 restricted-use pesticides pursuant to s. 487.042.

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

323 c. Must inspect seeds and growing plants for plant pests
324 that endanger or threaten the horticultural and agricultural
325 interests of the state in accordance with chapter 581 and any
326 rules adopted thereunder.

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

330 7. Each medical marijuana treatment center must produce and
331 make available for purchase at least one low-THC cannabis
332 product.

333 8. A medical marijuana treatment center that produces
334 edibles must hold a permit to operate as a food establishment
335 pursuant to chapter 500, the Florida Food Safety Act, and must
336 comply with all the requirements for food establishments
337 pursuant to chapter 500 and any rules adopted thereunder.
338 Edibles may not contain more than 200 milligrams of
339 tetrahydrocannabinol, and a single serving portion of an edible
340 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles
341 may have a potency variance of no greater than 15 percent.
342 Edibles may not be attractive to children; be manufactured in
343 the shape of humans, cartoons, or animals; be manufactured in a
344 form that bears any reasonable resemblance to products available
345 for consumption as commercially available candy; or contain any
346 color additives. To discourage consumption of edibles by
347 children, the department shall determine by rule any shapes,
348 forms, and ingredients allowed and prohibited for edibles.

576-03558-22

2022768c2

349 Medical marijuana treatment centers may not begin processing or
350 dispensing edibles until after the effective date of the rule.
351 The department shall also adopt sanitation rules providing the
352 standards and requirements for the storage, display, or
353 dispensing of edibles.

354 9. Within 12 months after licensure, a medical marijuana
355 treatment center must demonstrate to the department that all of
356 its processing facilities have passed a Food Safety Good
357 Manufacturing Practices, such as Global Food Safety Initiative
358 or equivalent, inspection by a nationally accredited certifying
359 body. A medical marijuana treatment center must immediately stop
360 processing at any facility which fails to pass this inspection
361 until it demonstrates to the department that such facility has
362 met this requirement.

363 10. A medical marijuana treatment center that produces
364 prerolled marijuana cigarettes may not use wrapping paper made
365 with tobacco or hemp.

366 11. When processing marijuana, a medical marijuana
367 treatment center must:

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

370 b. Comply with department rules when processing marijuana
371 with hydrocarbon solvents or other solvents or gases exhibiting
372 potential toxicity to humans. The department shall determine by
373 rule the requirements for medical marijuana treatment centers to
374 use such solvents or gases exhibiting potential toxicity to
375 humans.

376 c. Comply with federal and state laws and regulations and
377 department rules for solid and liquid wastes. The department

576-03558-22

2022768c2

378 shall determine by rule procedures for the storage, handling,
379 transportation, management, and disposal of solid and liquid
380 waste generated during marijuana production and processing. The
381 Department of Environmental Protection shall assist the
382 department in developing such rules.

383 d. Test the processed marijuana using a medical marijuana
384 testing laboratory before it is dispensed. Results must be
385 verified and signed by two medical marijuana treatment center
386 employees. Before dispensing, the medical marijuana treatment
387 center must determine that the test results indicate that low-
388 THC cannabis meets the definition of low-THC cannabis, the
389 concentration of tetrahydrocannabinol meets the potency
390 requirements of this section, the labeling of the concentration
391 of tetrahydrocannabinol and cannabidiol is accurate, and all
392 marijuana is safe for human consumption and free from
393 contaminants that are unsafe for human consumption. The
394 department shall determine by rule which contaminants must be
395 tested for and the maximum levels of each contaminant which are
396 safe for human consumption. The Department of Agriculture and
397 Consumer Services shall assist the department in developing the
398 testing requirements for contaminants that are unsafe for human
399 consumption in edibles. The department shall also determine by
400 rule the procedures for the treatment of marijuana that fails to
401 meet the testing requirements of this section, s. 381.988, or
402 department rule. The department may select samples of marijuana
403 ~~a random sample from edibles available for purchase in a medical~~
404 marijuana treatment center dispensing facility which shall be
405 tested by the department to determine whether ~~that~~ the marijuana
406 ~~edible~~ meets the potency requirements of this section, is safe

576-03558-22

2022768c2

407 for human consumption, and is accurately labeled with the
408 ~~labeling of~~ the tetrahydrocannabinol and cannabidiol
409 concentration or to verify the result of marijuana testing
410 conducted by a marijuana testing laboratory. The department may
411 also select samples of marijuana delivery devices from a medical
412 marijuana treatment center to determine whether the marijuana
413 delivery device is safe for use by qualified patients ~~is~~
414 ~~accurate.~~ A medical marijuana treatment center may not require
415 payment from the department for the sample. A medical marijuana
416 treatment center must recall marijuana edibles, including all
417 marijuana and marijuana products ~~edibles~~ made from the same
418 batch of marijuana, that fails ~~which fail~~ to meet the potency
419 requirements of this section, that is ~~which are~~ unsafe for human
420 consumption, or for which the labeling of the
421 tetrahydrocannabinol and cannabidiol concentration is
422 inaccurate. A medical marijuana treatment center must also
423 recall all marijuana delivery devices determined to be unsafe
424 for use by qualified patients. The medical marijuana treatment
425 center must retain records of all testing and samples of each
426 homogenous batch of marijuana for at least 9 months. The medical
427 marijuana treatment center must contract with a marijuana
428 testing laboratory to perform audits on the medical marijuana
429 treatment center's standard operating procedures, testing
430 records, and samples and provide the results to the department
431 to confirm that the marijuana or low-THC cannabis meets the
432 requirements of this section and that the marijuana or low-THC
433 cannabis is safe for human consumption. A medical marijuana
434 treatment center shall reserve two processed samples from each
435 batch and retain such samples for at least 9 months for the

576-03558-22

2022768c2

436 purpose of such audits. A medical marijuana treatment center may
437 use a laboratory that has not been certified by the department
438 under s. 381.988 until such time as at least one laboratory
439 holds the required certification, but in no event later than
440 July 1, 2018.

441 e. Package the marijuana in compliance with the United
442 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
443 1471 et seq.

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

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

448 (II) The name of the medical marijuana treatment center
449 from which the marijuana originates.

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

452 (IV) The name of the physician who issued the physician
453 certification.

454 (V) The name of the patient.

455 (VI) The product name, if applicable, and dosage form,
456 including concentration of tetrahydrocannabinol and cannabidiol.
457 The product name may not contain wording commonly associated
458 with products marketed by or to children.

459 (VII) The recommended dose.

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

462 (IX) A marijuana universal symbol developed by the
463 department.

464 12. The medical marijuana treatment center shall include in

576-03558-22

2022768c2

465 each package a patient package insert with information on the
466 specific product dispensed related to:

- 467 a. Clinical pharmacology.
- 468 b. Indications and use.
- 469 c. Dosage and administration.
- 470 d. Dosage forms and strengths.
- 471 e. Contraindications.
- 472 f. Warnings and precautions.
- 473 g. Adverse reactions.

474 13. In addition to the packaging and labeling requirements
475 specified in subparagraphs 11. and 12., marijuana in a form for
476 smoking must be packaged in a sealed receptacle with a legible
477 and prominent warning to keep away from children and a warning
478 that states marijuana smoke contains carcinogens and may
479 negatively affect health. Such receptacles for marijuana in a
480 form for smoking must be plain, opaque, and white without
481 depictions of the product or images other than the medical
482 marijuana treatment center's department-approved logo and the
483 marijuana universal symbol.

484 14. The department shall adopt rules to regulate the types,
485 appearance, and labeling of marijuana delivery devices dispensed
486 from a medical marijuana treatment center. The rules must
487 require marijuana delivery devices to have an appearance
488 consistent with medical use.

489 15. Each edible shall be individually sealed in plain,
490 opaque wrapping marked only with the marijuana universal symbol.
491 Where practical, each edible shall be marked with the marijuana
492 universal symbol. In addition to the packaging and labeling
493 requirements in subparagraphs 11. and 12., edible receptacles

576-03558-22

2022768c2

494 must be plain, opaque, and white without depictions of the
495 product or images other than the medical marijuana treatment
496 center's department-approved logo and the marijuana universal
497 symbol. The receptacle must also include a list of all the
498 edible's ingredients, storage instructions, an expiration date,
499 a legible and prominent warning to keep away from children and
500 pets, and a warning that the edible has not been produced or
501 inspected pursuant to federal food safety laws.

502 16. When dispensing marijuana or a marijuana delivery
503 device, a medical marijuana treatment center:

504 a. May dispense any active, valid order for low-THC
505 cannabis, medical cannabis and cannabis delivery devices issued
506 pursuant to former s. 381.986, Florida Statutes 2016, which was
507 entered into the medical marijuana use registry before July 1,
508 2017.

509 b. May not dispense more than a 70-day supply of marijuana
510 within any 70-day period to a qualified patient or caregiver.
511 May not dispense more than one 35-day supply of marijuana in a
512 form for smoking within any 35-day period to a qualified patient
513 or caregiver. A 35-day supply of marijuana in a form for smoking
514 may not exceed 2.5 ounces unless an exception to this amount is
515 approved by the department pursuant to paragraph (4) (f).

516 c. Must have the medical marijuana treatment center's
517 employee who dispenses the marijuana or a marijuana delivery
518 device enter into the medical marijuana use registry his or her
519 name or unique employee identifier.

520 d. Must verify that the qualified patient and the
521 caregiver, if applicable, each have an active registration in
522 the medical marijuana use registry and an active and valid

576-03558-22

2022768c2

523 medical marijuana use registry identification card, the amount
524 and type of marijuana dispensed matches the physician
525 certification in the medical marijuana use registry for that
526 qualified patient, and the physician certification has not
527 already been filled.

528 e. May not dispense marijuana to a qualified patient who is
529 younger than 18 years of age. If the qualified patient is
530 younger than 18 years of age, marijuana may only be dispensed to
531 the qualified patient's caregiver.

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

537 g. Must, upon dispensing the marijuana or marijuana
538 delivery device, record in the registry the date, time,
539 quantity, and form of marijuana dispensed; the type of marijuana
540 delivery device dispensed; and the name and medical marijuana
541 use registry identification number of the qualified patient or
542 caregiver to whom the marijuana delivery device was dispensed.

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

546 (14) EXCEPTIONS TO OTHER LAWS.—

547 (e) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
548 any other law, but subject to the requirements of this section,
549 the department, including an employee of the department acting
550 within the scope of his or her employment, may acquire, possess,
551 test, transport, and lawfully dispose of marijuana and marijuana

576-03558-22

2022768c2

552 delivery devices as provided in this section, in s. 381.988, and
553 by department rule.

554 Section 5. Paragraphs (b) and (c) of subsection (2) of
555 section 381.99, Florida Statutes, are amended to read:

556 381.99 Rare Disease Advisory Council.—

557 (2) The advisory council is composed of the following
558 members:

559 (b) As appointed by the President of the Senate:

560 1. A representative from an academic research institution
561 in this state which receives grant funding for research
562 regarding rare diseases.

563 2. A physician who is licensed under chapter 458 or chapter
564 459 and practicing in this state with experience in treating
565 rare diseases.

566 3. An individual who is 18 years of age or older who has a
567 rare disease.

568 4. Two individuals ~~An individual~~ who are caregivers for
569 individuals ~~is a caregiver of an individual~~ with a rare disease.

570 5. A representative of an organization operating in this
571 state which provides care or other support to individuals with
572 rare diseases.

573 (c) As appointed by the Speaker of the House of
574 Representatives:

575 1. A representative from an academic research institution
576 in this state which receives grant funding for research
577 regarding rare diseases.

578 2. A physician who is licensed under chapter 458 or chapter
579 459 and practicing in this state with experience in treating
580 rare diseases.

576-03558-22

2022768c2

581 3. An individual who is 18 years of age or older who has a
582 rare disease.

583 4. Two individuals ~~An individual~~ who are caregivers for
584 individuals ~~is a caregiver of an individual~~ with a rare disease.

585 5. A representative of organizations in this state which
586 provide care or other support to individuals with rare diseases.

587
588 Any vacancy on the advisory council must be filled in the same
589 manner as the original appointment.

590 Section 6. Subsection (9) of section 383.216, Florida
591 Statutes, is amended to read:

592 383.216 Community-based prenatal and infant health care.—

593 (9) Local prenatal and infant health care coalitions shall
594 incorporate as not-for-profit corporations for the purpose of
595 seeking and receiving grants from federal, state, and local
596 government and other contributors. However, a coalition need not
597 be designated as a tax-exempt organization under s. 501(c)(3) of
598 the Internal Revenue Code. The administrative services
599 organization representing all Healthy Start Coalitions under s.
600 409.975(4) may use any method of telecommunication to conduct
601 meetings for any authorized function, provided that the public
602 is given proper notice of and reasonable access to the meeting.

603 Section 7. Subsection (1) of section 456.039, Florida
604 Statutes, is amended to read:

605 456.039 Designated health care professionals; information
606 required for licensure.—

607 (1) Each person who applies for initial licensure or
608 license renewal as a physician under chapter 458, chapter 459,
609 chapter 460, or chapter 461, except a person applying for

576-03558-22

2022768c2

610 registration pursuant to ss. 458.345 and 459.021, must furnish
611 the following information to the department, at the time of
612 application or, ~~and each physician who applies for license~~
613 ~~renewal under chapter 458, chapter 459, chapter 460, or chapter~~
614 ~~461, except a person registered pursuant to ss. 458.345 and~~
615 ~~459.021, must,~~ in conjunction with the renewal of such license
616 and under procedures adopted by the department ~~of Health,~~ and in
617 addition to any other information that may be required from the
618 applicant, ~~furnish the following information to the Department~~
619 ~~of Health:~~

620 (a)1. The name of each medical school that the applicant
621 has attended, with the dates of attendance and the date of
622 graduation, and a description of all graduate medical education
623 completed by the applicant, excluding any coursework taken to
624 satisfy medical licensure continuing education requirements.

625 2. The name of each hospital at which the applicant has
626 privileges.

627 3. The address at which the applicant will primarily
628 conduct his or her practice.

629 4. Any certification that the applicant has received from a
630 specialty board that is recognized by the board to which the
631 applicant is applying.

632 5. The year that the applicant began practicing medicine.

633 6. Any appointment to the faculty of a medical school which
634 the applicant currently holds and an indication as to whether
635 the applicant has had the responsibility for graduate medical
636 education within the most recent 10 years.

637 7. A description of any criminal offense of which the
638 applicant has been found guilty, regardless of whether

576-03558-22

2022768c2

639 adjudication of guilt was withheld, or to which the applicant
640 has pled guilty or nolo contendere. A criminal offense committed
641 in another jurisdiction which would have been a felony or
642 misdemeanor if committed in this state must be reported. If the
643 applicant indicates that a criminal offense is under appeal and
644 submits a copy of the notice for appeal of that criminal
645 offense, the department must state that the criminal offense is
646 under appeal if the criminal offense is reported in the
647 applicant's profile. If the applicant indicates to the
648 department that a criminal offense is under appeal, the
649 applicant must, upon disposition of the appeal, submit to the
650 department a copy of the final written order of disposition.

651 8. A description of any final disciplinary action taken
652 within the previous 10 years against the applicant by the agency
653 regulating the profession that the applicant is or has been
654 licensed to practice, whether in this state or in any other
655 jurisdiction, by a specialty board that is recognized by the
656 American Board of Medical Specialties, the American Osteopathic
657 Association, or a similar national organization, or by a
658 licensed hospital, health maintenance organization, prepaid
659 health clinic, ambulatory surgical center, or nursing home.
660 Disciplinary action includes resignation from or nonrenewal of
661 medical staff membership or the restriction of privileges at a
662 licensed hospital, health maintenance organization, prepaid
663 health clinic, ambulatory surgical center, or nursing home taken
664 in lieu of or in settlement of a pending disciplinary case
665 related to competence or character. If the applicant indicates
666 that the disciplinary action is under appeal and submits a copy
667 of the document initiating an appeal of the disciplinary action,

576-03558-22

2022768c2

668 the department must state that the disciplinary action is under
669 appeal if the disciplinary action is reported in the applicant's
670 profile.

671 9. Relevant professional qualifications as defined by the
672 applicable board.

673 (b) In addition to the information required under paragraph
674 (a), for each applicant seeking ~~who seeks~~ licensure under
675 chapter 458, chapter 459, or chapter 461, ~~and~~ who has practiced
676 previously in this state or in another jurisdiction or a foreign
677 country, ~~must provide~~ the information required of licensees
678 under those chapters pursuant to s. 456.049. An applicant for
679 licensure under chapter 460 who has practiced previously in this
680 state or in another jurisdiction or a foreign country must
681 provide the same information as is required of licensees under
682 chapter 458, pursuant to s. 456.049.

683 (c) For each applicant seeking licensure under chapter 458
684 or chapter 459, proof of payment of the assessment required
685 under s. 766.314, if applicable.

686 Section 8. Subsection (1) of section 460.406, Florida
687 Statutes, is amended to read:

688 460.406 Licensure by examination.—

689 (1) Any person desiring to be licensed as a chiropractic
690 physician must apply to the department to take the licensure
691 examination. There shall be an application fee set by the board
692 not to exceed \$100 which shall be nonrefundable. There shall
693 also be an examination fee not to exceed \$500 plus the actual
694 per applicant cost to the department for purchase of portions of
695 the examination from the National Board of Chiropractic
696 Examiners or a similar national organization, which may be

576-03558-22

2022768c2

697 refundable if the applicant is found ineligible to take the
698 examination. The department shall examine each applicant whom
699 ~~who~~ the board certifies has met all of the following criteria:

700 (a) Completed the application form and remitted the
701 appropriate fee.

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

704 (c) Submitted proof satisfactory to the department that he
705 or she is a graduate of a chiropractic college which is
706 accredited by or has status with the Council on Chiropractic
707 Education or its predecessor agency. However, any applicant who
708 is a graduate of a chiropractic college that was initially
709 accredited by the Council on Chiropractic Education in 1995, who
710 graduated from such college within the 4 years immediately
711 preceding such accreditation, and who is otherwise qualified is
712 ~~shall be~~ eligible to take the examination. An ~~No~~ application for
713 a license to practice chiropractic medicine may not ~~shall~~ be
714 denied solely because the applicant is a graduate of a
715 chiropractic college that subscribes to one philosophy of
716 chiropractic medicine as distinguished from another.

717 (d)1. For an applicant who has matriculated in a
718 chiropractic college before ~~prior to~~ July 2, 1990, completed at
719 least 2 years of residence college work, consisting of a minimum
720 of one-half the work acceptable for a bachelor's degree granted
721 on the basis of a 4-year period of study, in a college or
722 university accredited by an institutional accrediting agency
723 recognized and approved by the United States Department of
724 Education. However, before ~~prior to~~ being certified by the board
725 to sit for the examination, each applicant who has matriculated

576-03558-22

2022768c2

726 in a chiropractic college after July 1, 1990, must ~~shall~~ have
727 been granted a bachelor's degree, based upon 4 academic years of
728 study, by a college or university accredited by an institutional
729 ~~a regional~~ accrediting agency that ~~which~~ is a member of the
730 Commission on Recognition of Postsecondary Accreditation.

731 2. Effective July 1, 2000, completed, before ~~prior to~~
732 matriculation in a chiropractic college, at least 3 years of
733 residence college work, consisting of a minimum of 90 semester
734 hours leading to a bachelor's degree in a liberal arts college
735 or university accredited by an institutional accrediting agency
736 recognized and approved by the United States Department of
737 Education. However, before ~~prior to~~ being certified by the board
738 to sit for the examination, each applicant who has matriculated
739 in a chiropractic college after July 1, 2000, must ~~shall~~ have
740 been granted a bachelor's degree from an institution holding
741 accreditation for that degree from an institutional ~~a regional~~
742 accrediting agency that ~~which~~ is recognized by the United States
743 Department of Education. The applicant's chiropractic degree
744 must consist of credits earned in the chiropractic program and
745 may not include academic credit for courses from the bachelor's
746 degree.

747 (e) Successfully completed the National Board of
748 Chiropractic Examiners certification examination in parts I, II,
749 III, and IV, and the physiotherapy examination of the National
750 Board of Chiropractic Examiners, with a score approved by the
751 board.

752 (f) Submitted to the department a set of fingerprints on a
753 form and under procedures specified by the department, along
754 with payment in an amount equal to the costs incurred by the

576-03558-22

2022768c2

755 Department of Health for the criminal background check of the
756 applicant.

757

758 The board may require an applicant who graduated from an
759 institution accredited by the Council on Chiropractic Education
760 more than 10 years before the date of application to the board
761 to take the National Board of Chiropractic Examiners Special
762 Purposes Examination for Chiropractic, or its equivalent, as
763 determined by the board. The board shall establish by rule a
764 passing score.

765 Section 9. Subsection (4) of section 464.008, Florida
766 Statutes, is amended to read:

767 464.008 Licensure by examination.—

768 ~~(4) If an applicant who graduates from an approved program
769 does not take the licensure examination within 6 months after
770 graduation, he or she must enroll in and successfully complete a
771 board-approved licensure examination preparatory course. The
772 applicant is responsible for all costs associated with the
773 course and may not use state or federal financial aid for such
774 costs. The board shall by rule establish guidelines for
775 licensure examination preparatory courses.~~

776 Section 10. Paragraph (e) of subsection (1) of section
777 464.018, Florida Statutes, is amended to read:

778 464.018 Disciplinary actions.—

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

782 (e) Having been found guilty of, ~~regardless of~~
783 ~~adjudication,~~ or entered a plea of nolo contendere or guilty to,

576-03558-22

2022768c2

784 regardless of adjudication, any offense prohibited under s.
785 435.04 or similar statute of another jurisdiction; or having
786 committed an act which constitutes domestic violence as defined
787 in s. 741.28.

788 Section 11. Present subsections (13) and (14) of section
789 467.003, Florida Statutes, are redesignated as subsections (14)
790 and (15), respectively, a new subsection (13) is added to that
791 section, and subsections (1) and (12) of that section are
792 amended, to read:

793 467.003 Definitions.—As used in this chapter, unless the
794 context otherwise requires:

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

798 (12) "Preceptor" means a physician licensed under chapter
799 458 or chapter 459, a ~~licensed~~ midwife licensed under this
800 chapter, or a certified nurse midwife licensed under chapter
801 464, who has a minimum of 3 years' professional experience,⁷ and
802 who directs, teaches, supervises, and evaluates the learning
803 experiences of a the student midwife as part of an approved
804 midwifery program.

805 (13) "Prelicensure course" means a course of study, offered
806 by an accredited midwifery program and approved by the
807 department, which an applicant for licensure must complete
808 before a license may be issued and which provides instruction in
809 the laws and rules of this state and demonstrates the student's
810 competency to practice midwifery under this chapter.

811 Section 12. Section 467.009, Florida Statutes, is amended
812 to read:

576-03558-22

2022768c2

813 467.009 Accredited and approved midwifery programs;
814 education and training requirements.-

815 (1) The department shall adopt standards for accredited and
816 approved midwifery programs which must include, but need not be
817 limited to, standards for all of the following:

818 (a) ~~The standards shall encompass~~ Clinical and classroom
819 instruction in all aspects of prenatal, intrapartal, and
820 postpartal care, including all of the following:

- 821 1. Obstetrics.†
- 822 2. Neonatal pediatrics.†
- 823 3. Basic sciences.†
- 824 4. Female reproductive anatomy and physiology.†
- 825 5. Behavioral sciences.†
- 826 6. Childbirth education.†
- 827 7. Community care.†
- 828 8. Epidemiology.†
- 829 9. Genetics.†
- 830 10. Embryology.†
- 831 11. Neonatology.†
- 832 12. Applied pharmacology.†
- 833 13. The medical and legal aspects of midwifery.†
- 834 14. Gynecology and women's health.†
- 835 15. Family planning.†
- 836 16. Nutrition during pregnancy and lactation.†
- 837 17. Breastfeeding.† ~~and~~
- 838 18. Basic nursing skills; ~~and any other instruction~~
839 ~~determined by the department and council to be necessary.~~

840 (b) ~~The standards shall incorporate the~~ Core competencies,
841 incorporating those established by the American College of Nurse

576-03558-22

2022768c2

842 Midwives and the Midwives Alliance of North America, including
843 knowledge, skills, and professional behavior in all of the
844 following areas:

845 1. Primary management, collaborative management, referral,
846 and medical consultation.

847 2. Antepartal, intrapartal, postpartal, and neonatal care.

848 3. Family planning and gynecological care.

849 4. Common complications. ~~and~~

850 5. Professional responsibilities.

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

854 (2) An accredited and approved midwifery program must offer
855 ~~shall include a course of study and clinical training for a~~
856 ~~minimum of 3 years which incorporates all of the standards,~~
857 ~~curriculum guidelines, and educational objectives provided in~~
858 ~~this section and the rules adopted hereunder.~~

859 (3) An accredited and approved midwifery program may reduce
860 ~~If the applicant is a registered nurse or a licensed practical~~
861 ~~nurse or has previous nursing or midwifery education, the~~
862 ~~required period of training may be reduced to the extent of the~~
863 ~~student's applicant's qualifications as a registered nurse or~~
864 ~~licensed practical nurse or based on prior completion of~~
865 ~~equivalent nursing or midwifery education, as determined under~~
866 ~~rules adopted by the department rule. In no case shall the~~
867 ~~training be reduced to a period of less than 2 years.~~

868 (4) (3) An accredited and approved midwifery program may
869 accept students who ~~To be accepted into an approved midwifery~~
870 ~~program, an applicant shall have both:~~

576-03558-22

2022768c2

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

872 (b) Taken three college-level credits each of math and
873 English or demonstrated competencies in communication and
874 computation.

875 (5) ~~(4)~~ As part of its course of study, an accredited and
876 approved midwifery program must require clinical training that
877 includes all of the following:

878 (a) A student midwife, during training, shall undertake,
879 under the supervision of a preceptor, The care of 50 women in
880 each of the prenatal, intrapartal, and postpartal periods under
881 the supervision of a preceptor. ~~but~~ The same women need not be
882 seen through all three periods.

883 (b) ~~(5)~~ Observation of The student midwife shall observe an
884 additional 25 women in the intrapartal period before qualifying
885 for a license.

886 (6) Clinical ~~The~~ training required under this section must
887 include all of the following:

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

890 (b) A requirement that students demonstrate competency in
891 the assessment of and differentiation, with particular emphasis
892 on learning the ability to differentiate between low-risk
893 pregnancies and high-risk pregnancies.

894 (7) A hospital or birthing center receiving public funds
895 shall be required to provide student midwives access to observe
896 labor, delivery, and postpartal procedures, provided the woman
897 in labor has given informed consent. The Department of Health
898 shall assist in facilitating access to hospital training for
899 accredited and approved midwifery programs.

576-03558-22

2022768c2

900 ~~(8)~~~~(7)~~ The Department of Education shall adopt curricular
901 frameworks for midwifery programs offered by ~~conducted within~~
902 public educational institutions under ~~pursuant to~~ this section.

903 ~~(8) Nonpublic educational institutions that conduct~~
904 ~~approved midwifery programs shall be accredited by a member of~~
905 ~~the Commission on Recognition of Postsecondary Accreditation and~~
906 ~~shall be licensed by the Commission for Independent Education.~~

907 Section 13. Section 467.011, Florida Statutes, is amended
908 to read:

909 467.011 Licensed midwives; qualifications; examination
910 ~~Licensure by examination.~~

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

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

917 ~~(3)~~ The department shall issue a license to practice
918 midwifery to an applicant who meets all of the following
919 criteria:

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

922 (a) An accredited and approved midwifery program.

923 (b) A medical or midwifery program offered in another
924 state, jurisdiction, territory, or country whose graduation
925 requirements were equivalent to or exceeded those required by s.
926 467.009 and the rules adopted thereunder at the time of
927 graduation.

928 (2) Demonstrates that he or she has ~~and~~ successfully

576-03558-22

2022768c2

929 completed a prelicensure course offered by an accredited and
930 approved midwifery program. Students graduating from an
931 accredited and approved midwifery program may meet this
932 requirement by showing that the content requirements for the
933 prelicensure course were covered as part of their course of
934 study.

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

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

940 Section 14. Section 467.0125, Florida Statutes, is amended
941 to read:

942 467.0125 Licensed midwives; qualifications; Licensure by
943 endorsement; temporary certificates.-

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

948 ~~(a)1. Holds a valid certificate or diploma from a foreign~~
949 ~~institution of medicine or midwifery or from a midwifery program~~
950 ~~offered in another state, bearing the seal of the institution or~~
951 ~~otherwise authenticated, which renders the individual eligible~~
952 ~~to practice midwifery in the country or state in which it was~~
953 ~~issued, provided the requirements therefor are deemed by the~~
954 ~~department to be substantially equivalent to, or to exceed,~~
955 ~~those established under this chapter and rules adopted under~~
956 ~~this chapter, and submits therewith a certified translation of~~
957 ~~the foreign certificate or diploma; or~~

576-03558-22

2022768c2

958 ~~2.~~ Holds an active, unencumbered ~~a valid certificate or~~
959 license to practice midwifery in another state, jurisdiction, or
960 territory ~~issued by that state,~~ provided the licensing
961 requirements of that state, jurisdiction, or territory at the
962 time the license was issued were ~~therefor are deemed by the~~
963 ~~department to be~~ substantially equivalent to, or exceeded ~~to~~
964 ~~exceed,~~ those established under this chapter and the rules
965 adopted hereunder ~~under this chapter.~~

966 (b) Has successfully completed a ~~4-month~~ prelicensure
967 course conducted by an accredited and approved midwifery program
968 ~~and has submitted documentation to the department of successful~~
969 ~~completion.~~

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

973 (2) The department may issue a temporary certificate to
974 practice in areas of critical need to an applicant any midwife
975 ~~who is~~ qualifying for a midwifery license ~~licensure by~~
976 ~~endorsement~~ under subsection (1) who meets all of the following
977 criteria, ~~with the following restrictions:~~

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

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

986 1. A county health department.

576-03558-22

2022768c2

987 2. A correctional facility.

988 3. A United States Department of Veterans Affairs clinic.

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

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

994 (c) Will practice only those specific areas, under the
995 supervision auspices of a physician licensed under ~~pursuant to~~
996 chapter 458 or chapter 459, a certified nurse midwife licensed
997 under ~~pursuant to~~ part I of chapter 464, or a midwife licensed
998 under this chapter, who has a minimum of 3 years' professional
999 experience.

1000 (3) The department may issue a temporary certificate under
1001 this section with the following restrictions:

1002 (a) A requirement that a temporary certificateholder
1003 practice only in areas of critical need. The State Surgeon
1004 General shall determine the areas of critical need, which ~~Such~~
1005 areas shall include, but are not be limited to, health
1006 professional shortage areas designated by the United States
1007 Department of Health and Human Services.

1008 (b) A requirement that if a temporary certificateholder's
1009 practice area ceases to be an area of critical need, within 30
1010 days after such change the certificateholder must either:

1011 1. Report a new practice area of critical need to the
1012 department; or

1013 2. Voluntarily relinquish the temporary certificate.

1014 (4) The department shall review a temporary
1015 certificateholder's practice at least annually to determine

576-03558-22

2022768c2

1016 whether the certificateholder is meeting the requirements of
1017 subsections (2) and (3) and the rules adopted thereunder. If the
1018 department determines that a certificateholder is not meeting
1019 these requirements, the department must revoke the temporary
1020 certificate.

1021 (5) A temporary certificate issued under this section is
1022 shall be valid only as long as an area for which it is issued
1023 remains an area of critical need, but no longer than 2 years,
1024 and is shall not be renewable.

1025 ~~(c) The department may administer an abbreviated oral~~
1026 ~~examination to determine the midwife's competency, but no~~
1027 ~~written regular examination shall be necessary.~~

1028 ~~(d) The department shall not issue a temporary certificate~~
1029 ~~to any midwife who is under investigation in another state for~~
1030 ~~an act which would constitute a violation of this chapter until~~
1031 ~~such time as the investigation is complete, at which time the~~
1032 ~~provisions of this section shall apply.~~

1033 ~~(e) The department shall review the practice under a~~
1034 ~~temporary certificate at least annually to ascertain that the~~
1035 ~~minimum requirements of the midwifery rules promulgated under~~
1036 ~~this chapter are being met. If it is determined that the minimum~~
1037 ~~requirements are not being met, the department shall immediately~~
1038 ~~revoke the temporary certificate.~~

1039 ~~(f) The fee for a temporary certificate shall not exceed~~
1040 ~~\$50 and shall be in addition to the fee required for licensure.~~

1041 Section 15. Section 467.205, Florida Statutes, is amended
1042 to read:

1043 467.205 Approval of midwifery programs.—

1044 (1) The department must approve an accredited or state-

576-03558-22

2022768c2

1045 licensed public or private institution seeking to provide
1046 midwifery education and training as an approved midwifery
1047 program in this state if the institution meets all of the
1048 following criteria:

1049 (a) Submits an application for approval on a form approved
1050 by the department.

1051 (b) Demonstrates to the department's satisfaction that the
1052 proposed midwifery program complies with s. 467.009 and the
1053 rules adopted thereunder.

1054 (c) For a private institution, demonstrates its
1055 accreditation by a member of the Council for Higher Education
1056 Accreditation or an accrediting agency approved by the United
1057 States Department of Education as an institutional accrediting
1058 agency for direct-entry midwifery education programs and its
1059 licensing or provisional licensing by the Commission for
1060 Independent Education ~~An organization desiring to conduct an~~
1061 ~~approved program for the education of midwives shall apply to~~
1062 ~~the department and submit such evidence as may be required to~~
1063 ~~show that it complies with s. 467.009 and with the rules of the~~
1064 ~~department. Any accredited or state-licensed institution of~~
1065 ~~higher learning, public or private, may provide midwifery~~
1066 ~~education and training.~~

1067 ~~(2) The department shall adopt rules regarding educational~~
1068 ~~objectives, faculty qualifications, curriculum guidelines,~~
1069 ~~administrative procedures, and other training requirements as~~
1070 ~~are necessary to ensure that approved programs graduate midwives~~
1071 ~~competent to practice under this chapter.~~

1072 ~~(3) The department shall survey each organization applying~~
1073 ~~for approval. If the department is satisfied that the program~~

576-03558-22

2022768c2

1074 ~~meets the requirements of s. 467.009 and rules adopted pursuant~~
1075 ~~to that section, it shall approve the program.~~

1076 (2)~~(4)~~ The department shall, at least once every 3 years,
1077 certify whether each approved midwifery program is currently
1078 compliant, and has maintained compliance, ~~complies~~ with the
1079 requirements of ~~standards developed under~~ s. 467.009 and the
1080 rules adopted thereunder.

1081 (3)~~(5)~~ If the department finds that an approved midwifery
1082 program is not in compliance with the requirements of s. 467.009
1083 or the rules adopted thereunder, or has lost its accreditation
1084 status, the department must provide its finding to the program
1085 in writing and ~~no longer meets the required standards, it may~~
1086 place the program on probationary status for a specified period
1087 of time, which may not exceed 3 years ~~until such time as the~~
1088 standards are restored.

1089 (4) If a program on probationary status does not come into
1090 compliance with the requirements of s. 467.009 or the rules
1091 adopted thereunder, or regain its accreditation status, as
1092 applicable, within the period specified by the department ~~fails~~
1093 ~~to correct these conditions within a specified period of time,~~
1094 the department may rescind the program's approval.

1095 (5) A ~~Any~~ program that has ~~having~~ its approval rescinded
1096 has ~~shall have~~ the right to reapply for approval.

1097 (6) The department may grant provisional approval of a new
1098 program seeking accreditation status, for a period not to exceed
1099 5 years, provided that all other requirements of this section
1100 are met.

1101 (7) The department may rescind provisional approval of a
1102 program that fails to meet the requirements of s. 467.009, this

576-03558-22

2022768c2

1103 section, or the rules adopted thereunder, in accordance with
1104 procedures provided in subsections (3) and (4) ~~may be granted~~
1105 ~~pending the licensure results of the first graduating class.~~

1106 Section 16. Subsections (2), (3), and (4) and paragraphs
1107 (a) and (b) of subsection (5) of section 468.803, Florida
1108 Statutes, are amended to read:

1109 468.803 License, registration, and examination
1110 requirements.-

1111 (2) An applicant for registration, examination, or
1112 licensure must apply to the department on a form prescribed by
1113 the board for consideration of board approval. Each initial
1114 applicant shall submit ~~a set of~~ fingerprints to the department
1115 in accordance with ~~on a form and under~~ procedures specified by
1116 the department, ~~along with payment in an amount equal to the~~
1117 ~~costs incurred by the department~~ for state and national criminal
1118 history checks of the applicant. ~~The department shall submit the~~
1119 ~~fingerprints provided by an applicant to the Department of Law~~
1120 ~~Enforcement for a statewide criminal history check, and the~~
1121 ~~Department of Law Enforcement shall forward the fingerprints to~~
1122 ~~the Federal Bureau of Investigation for a national criminal~~
1123 ~~history check of the applicant.~~ The board shall screen the
1124 results to determine if an applicant meets licensure
1125 requirements. The board shall consider for examination,
1126 registration, or licensure each applicant whom ~~who~~ the board
1127 verifies:

1128 (a) Has submitted the completed application and completed
1129 the fingerprinting requirements ~~fingerprint forms~~ and has paid
1130 the applicable application fee, not to exceed \$500, ~~and the cost~~
1131 ~~of the state and national criminal history checks.~~ The

576-03558-22

2022768c2

1132 application fee is ~~and cost of the criminal history checks shall~~
1133 ~~be~~ nonrefundable;

1134 (b) Is of good moral character;

1135 (c) Is 18 years of age or older; and

1136 (d) Has completed the appropriate educational preparation.

1137 (3) A person seeking to attain the orthotics or prosthetics
1138 experience required for licensure in this state must be approved
1139 by the board and registered as a resident by the department.
1140 Although a registration may be held in both disciplines, for
1141 independent registrations the board may not approve a second
1142 registration until at least 1 year after the issuance of the
1143 first registration. Notwithstanding subsection (2), a person who
1144 has been approved by the board and registered by the department
1145 in one discipline may apply for registration in the second
1146 discipline without an additional state or national criminal
1147 history check during the period in which the first registration
1148 is valid. Each independent registration or dual registration is
1149 valid for 2 years after the date of issuance unless otherwise
1150 revoked by the department upon recommendation of the board. The
1151 board shall set a registration fee not to exceed \$500 to be paid
1152 by the applicant. A registration may be renewed once by the
1153 department upon recommendation of the board for a period no
1154 longer than 1 year, as such renewal is defined by ~~the board by~~
1155 rule. The renewal fee may not exceed one-half the current
1156 registration fee. To be considered by the board for approval of
1157 registration as a resident, the applicant must have one of the
1158 following:

1159 (a) A Bachelor of Science or higher-level postgraduate
1160 degree in orthotics and prosthetics from an institutionally a

576-03558-22

2022768c2

1161 ~~regionally~~ accredited college or university recognized by the
1162 Commission on Accreditation of Allied Health Education Programs.

1163 (b) A minimum of a bachelor's degree from an
1164 institutionally ~~a regionally~~ accredited college or university
1165 and a certificate in orthotics or prosthetics from a program
1166 recognized by the Commission on Accreditation of Allied Health
1167 Education Programs, or its equivalent, as determined by the
1168 board.

1169 (c) A minimum of a bachelor's degree from an
1170 institutionally ~~a regionally~~ accredited college or university
1171 and a dual certificate in both orthotics and prosthetics from
1172 programs recognized by the Commission on Accreditation of Allied
1173 Health Education Programs, or its equivalent, as determined by
1174 the board.

1175 (4) The department may develop and administer a state
1176 examination for an orthotist or a prosthetist license, or the
1177 board may approve the existing examination of a national
1178 standards organization. The examination must be predicated on a
1179 minimum of a baccalaureate-level education and formalized
1180 specialized training in the appropriate field. Each examination
1181 must demonstrate a minimum level of competence in basic
1182 scientific knowledge, written problem solving, and practical
1183 clinical patient management. The board shall require an
1184 examination fee not to exceed the actual cost to the board in
1185 developing, administering, and approving the examination, which
1186 fee must be paid by the applicant. To be considered by the board
1187 for examination, the applicant must have:

1188 (a) For an examination in orthotics:

1189 1. A Bachelor of Science or higher-level postgraduate

576-03558-22

2022768c2

1190 degree in orthotics and prosthetics from an institutionally a
1191 ~~regionally~~ accredited college or university recognized by the
1192 Commission on Accreditation of Allied Health Education Programs
1193 or, at a minimum, a bachelor's degree from an institutionally a
1194 ~~regionally~~ accredited college or university and a certificate in
1195 orthotics from a program recognized by the Commission on
1196 Accreditation of Allied Health Education Programs, or its
1197 equivalent, as determined by the board; and

1198 2. An approved orthotics internship of 1 year of qualified
1199 experience, as determined by the board, or an orthotic residency
1200 or dual residency program recognized by the board.

1201 (b) For an examination in prosthetics:

1202 1. A Bachelor of Science or higher-level postgraduate
1203 degree in orthotics and prosthetics from an institutionally a
1204 ~~regionally~~ accredited college or university recognized by the
1205 Commission on Accreditation of Allied Health Education Programs
1206 or, at a minimum, a bachelor's degree from an institutionally a
1207 ~~regionally~~ accredited college or university and a certificate in
1208 prosthetics from a program recognized by the Commission on
1209 Accreditation of Allied Health Education Programs, or its
1210 equivalent, as determined by the board; and

1211 2. An approved prosthetics internship of 1 year of
1212 qualified experience, as determined by the board, or a
1213 prosthetic residency or dual residency program recognized by the
1214 board.

1215 (5) In addition to the requirements in subsection (2), to
1216 be licensed as:

1217 (a) An orthotist, the applicant must pay a license fee not
1218 to exceed \$500 and must have:

576-03558-22

2022768c2

1219 1. A Bachelor of Science or higher-level postgraduate
1220 degree in orthotics and prosthetics from an institutionally a
1221 ~~regionally~~ accredited college or university recognized by the
1222 Commission on Accreditation of Allied Health Education Programs,
1223 or a bachelor's degree from an institutionally accredited
1224 college or university and ~~with~~ a certificate in orthotics from a
1225 program recognized by the Commission on Accreditation of Allied
1226 Health Education Programs, or its equivalent, as determined by
1227 the board;

1228 2. An approved ~~appropriate~~ internship of 1 year of
1229 qualified experience, as determined by the board, or a residency
1230 program recognized by the board;

1231 3. Completed the mandatory courses; and

1232 4. Passed the state orthotics examination or the board-
1233 approved orthotics examination.

1234 (b) A prosthetist, the applicant must pay a license fee not
1235 to exceed \$500 and must have:

1236 1. A Bachelor of Science or higher-level postgraduate
1237 degree in orthotics and prosthetics from an institutionally a
1238 ~~regionally~~ accredited college or university recognized by the
1239 Commission on Accreditation of Allied Health Education Programs,
1240 or a bachelor's degree from an institutionally accredited
1241 college or university and ~~with~~ a certificate in prosthetics from
1242 a program recognized by the Commission on Accreditation of
1243 Allied Health Education Programs, or its equivalent, as
1244 determined by the board;

1245 2. An internship of 1 year of qualified experience, as
1246 determined by the board, or a residency program recognized by
1247 the board;

576-03558-22

2022768c2

1248 3. Completed the mandatory courses; and

1249 4. Passed the state prosthetics examination or the board-
1250 approved prosthetics examination.

1251 Section 17. Section 483.824, Florida Statutes, is amended
1252 to read:

1253 483.824 Qualifications of clinical laboratory director.—A
1254 clinical laboratory director must have 4 years of clinical
1255 laboratory experience with 2 years of experience in the
1256 specialty to be directed or be nationally board certified in the
1257 specialty to be directed, and must meet one of the following
1258 requirements:

1259 (1) Be a physician licensed under chapter 458 or chapter
1260 459;

1261 (2) Hold an earned doctoral degree in a chemical, physical,
1262 or biological science from an institutionally ~~a regionally~~
1263 accredited institution and maintain national certification
1264 requirements equal to those required by the federal Health Care
1265 Financing Administration; or

1266 (3) For the subspecialty of oral pathology, be a physician
1267 licensed under chapter 458 or chapter 459 or a dentist licensed
1268 under chapter 466.

1269 Section 18. Subsection (3) of section 490.003, Florida
1270 Statutes, is amended to read:

1271 490.003 Definitions.—As used in this chapter:

1272 (3) (a) "Doctoral degree from an American Psychological
1273 Association accredited program" ~~means Effective July 1, 1999,~~
1274 ~~"doctoral-level psychological education" and "doctoral degree in~~
1275 ~~psychology"~~ ~~mean~~ a Psy.D., an Ed.D. in psychology, or a Ph.D. in
1276 psychology from a psychology program at an educational

576-03558-22

2022768c2

1277 institution that, at the time the applicant was enrolled and
1278 graduated:

1279 1.(a) Had institutional accreditation from an agency
1280 recognized and approved by the United States Department of
1281 Education or was recognized as a member in good standing with
1282 Universities Canada ~~the Association of Universities and Colleges~~
1283 ~~of Canada~~; and

1284 2.(b) Had programmatic accreditation from the American
1285 Psychological Association.

1286 (b) "Doctoral degree in psychology" means a Psy.D., an
1287 Ed.D. in psychology, or a Ph.D. in psychology from a psychology
1288 program at an educational institution that, at the time the
1289 applicant was enrolled and graduated, had institutional
1290 accreditation from an agency recognized and approved by the
1291 United States Department of Education or was recognized as a
1292 member in good standing with Universities Canada.

1293 Section 19. Subsection (1) of section 490.005, Florida
1294 Statutes, is amended to read:

1295 490.005 Licensure by examination.—

1296 (1) Any person desiring to be licensed as a psychologist
1297 shall apply to the department to take the licensure examination.
1298 The department shall license each applicant whom ~~who~~ the board
1299 certifies has met all of the following requirements:

1300 (a) Completed the application form and remitted a
1301 nonrefundable application fee not to exceed \$500 and an
1302 examination fee set by the board sufficient to cover the actual
1303 per applicant cost to the department for development, purchase,
1304 and administration of the examination, but not to exceed \$500.

1305 (b) Submitted proof satisfactory to the board that the

576-03558-22

2022768c2

1306 applicant has received:

1307 1. A doctoral degree from an American Psychological
1308 Association accredited program ~~Doctoral-level psychological~~
1309 ~~education~~; or

1310 2. The equivalent of a doctoral degree from an American
1311 Psychological Association accredited program ~~doctoral-level~~
1312 ~~psychological education, as defined in s. 490.003(3), from a~~
1313 ~~program at a school or university located outside the United~~
1314 States of America which was officially recognized by the
1315 government of the country in which it is located as an
1316 institution or program to train students to practice
1317 professional psychology. The applicant has the burden of
1318 establishing that this requirement has been met.

1319 (c) Had at least 2 years or 4,000 hours of experience in
1320 the field of psychology in association with or under the
1321 supervision of a licensed psychologist meeting the academic and
1322 experience requirements of this chapter or the equivalent as
1323 determined by the board. The experience requirement may be met
1324 by work performed on or off the premises of the supervising
1325 psychologist if the off-premises work is not the independent,
1326 private practice rendering of psychological services that does
1327 not have a psychologist as a member of the group actually
1328 rendering psychological services on the premises.

1329 (d) Passed the examination. However, an applicant who has
1330 obtained a passing score, as established by the board by rule,
1331 on the psychology licensure examination designated by the board
1332 as the national licensure examination need only pass the Florida
1333 law and rules portion of the examination.

1334 Section 20. Subsection (1) of section 490.0051, Florida

576-03558-22

2022768c2

1335 Statutes, is amended to read:

1336 490.0051 Provisional licensure; requirements.—

1337 (1) The department shall issue a provisional psychology
1338 license to each applicant whom ~~who~~ the board certifies has met
1339 all of the following criteria:

1340 (a) Completed the application form and remitted a
1341 nonrefundable application fee not to exceed \$250, as set by
1342 board rule.

1343 (b) Earned a doctoral degree from an American Psychological
1344 Association accredited program ~~in psychology as defined in s.~~
1345 ~~490.003(3).~~

1346 (c) Met any additional requirements established by board
1347 rule.

1348 Section 21. Effective upon this act becoming a law,
1349 subsections (1), (3), and (4) of section 491.005, Florida
1350 Statutes, are amended to read:

1351 491.005 Licensure by examination.—

1352 (1) CLINICAL SOCIAL WORK.—Upon verification of
1353 documentation and payment of a fee not to exceed \$200, as set by
1354 board rule, ~~plus the actual per applicant cost to the department~~
1355 ~~for purchase of the examination from the American Association of~~
1356 ~~State Social Worker's Boards or a similar national organization,~~
1357 the department shall issue a license as a clinical social worker
1358 to an applicant whom ~~who~~ the board certifies has met all of the
1359 following criteria:

1360 (a) ~~Has~~ Submitted an application and paid the appropriate
1361 fee.

1362 (b)1. ~~Has~~ Received a doctoral degree in social work from a
1363 graduate school of social work which at the time the applicant

576-03558-22

2022768c2

1364 graduated was accredited by an accrediting agency recognized by
1365 the United States Department of Education or ~~has~~ received a
1366 master's degree in social work from a graduate school of social
1367 work which at the time the applicant graduated:

1368 a. Was accredited by the Council on Social Work Education;

1369 b. Was accredited by the Canadian Association for ~~of~~
1370 ~~Schools of Social Work Education~~; or

1371 c. Has been determined to have been a program equivalent to
1372 programs approved by the Council on Social Work Education by the
1373 Foreign Equivalency Determination Service of the Council on
1374 Social Work Education. An applicant who graduated from a program
1375 at a university or college outside of the United States or
1376 Canada must present documentation of the equivalency
1377 determination from the council in order to qualify.

1378 2. The applicant's graduate program ~~must have~~ emphasized
1379 direct clinical patient or client health care services,
1380 including, but not limited to, coursework in clinical social
1381 work, psychiatric social work, medical social work, social
1382 casework, psychotherapy, or group therapy. The applicant's
1383 graduate program must have included all of the following
1384 coursework:

1385 a. A supervised field placement which was part of the
1386 applicant's advanced concentration in direct practice, during
1387 which the applicant provided clinical services directly to
1388 clients.

1389 b. Completion of 24 semester hours or 32 quarter hours in
1390 theory of human behavior and practice methods as courses in
1391 clinically oriented services, including a minimum of one course
1392 in psychopathology, and no more than one course in research,

576-03558-22

2022768c2

1393 taken in a school of social work accredited or approved pursuant
1394 to subparagraph 1.

1395 3. If the course title which appears on the applicant's
1396 transcript does not clearly identify the content of the
1397 coursework, the applicant provided ~~shall be required to provide~~
1398 additional documentation, including, but not limited to, a
1399 syllabus or catalog description published for the course.

1400 (c) Completed ~~Has had~~ at least 2 years of clinical social
1401 work experience, which took place subsequent to completion of a
1402 graduate degree in social work at an institution meeting the
1403 accreditation requirements of this section, under the
1404 supervision of a licensed clinical social worker or the
1405 equivalent who is a qualified supervisor as determined by the
1406 board. An individual who intends to practice in Florida to
1407 satisfy clinical experience requirements must register pursuant
1408 to s. 491.0045 before commencing practice. If the applicant's
1409 graduate program was not a program which emphasized direct
1410 clinical patient or client health care services as described in
1411 subparagraph (b)2., the supervised experience requirement must
1412 take place after the applicant has completed a minimum of 15
1413 semester hours or 22 quarter hours of the coursework required. A
1414 doctoral internship may be applied toward the clinical social
1415 work experience requirement. A licensed mental health
1416 professional must be on the premises when clinical services are
1417 provided by a registered intern in a private practice setting.

1418 (d) ~~Has~~ Passed a theory and practice examination designated
1419 by board rule ~~provided by the department for this purpose.~~

1420 (e) ~~Has~~ Demonstrated, in a manner designated by board rule
1421 ~~of the board~~, knowledge of the laws and rules governing the

576-03558-22

2022768c2

1422 practice of clinical social work, marriage and family therapy,
1423 and mental health counseling.

1424 (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of
1425 documentation and payment of a fee not to exceed \$200, as set by
1426 board rule, ~~plus the actual cost of the purchase of the~~
1427 ~~examination from the Association of Marital and Family Therapy~~
1428 ~~Regulatory Board, or similar national organization,~~ the
1429 department shall issue a license as a marriage and family
1430 therapist to an applicant whom ~~who~~ the board certifies has met
1431 all of the following criteria:

1432 (a) ~~Has~~ Submitted an application and paid the appropriate
1433 fee.

1434 (b) 1. Attained one of the following:

1435 a. A minimum of a master's degree in marriage and family
1436 therapy from a program accredited by the Commission on
1437 Accreditation for Marriage and Family Therapy Education.

1438 b. A minimum of a master's degree with a major emphasis in
1439 marriage and family therapy or a closely related field from a
1440 university program accredited by the Council on Accreditation of
1441 Counseling and Related Educational Programs and graduate courses
1442 approved by the board.

1443 c. ~~Has~~ A minimum of a master's degree with an major
1444 emphasis in marriage and family therapy or a closely related
1445 field, with a degree conferred before September 1, 2027, from an
1446 institutionally accredited college or university ~~from a program~~
1447 ~~accredited by the Commission on Accreditation for Marriage and~~
1448 ~~Family Therapy Education or from a Florida university program~~
1449 ~~accredited by the Council for Accreditation of Counseling and~~
1450 ~~Related Educational Programs~~ and graduate courses approved by

576-03558-22

2022768c2

1451 the board of ~~Clinical Social Work, Marriage and Family Therapy,~~
1452 ~~and Mental Health Counseling.~~

1453 2. If the course title that appears on the applicant's
1454 transcript does not clearly identify the content of the
1455 coursework, the applicant provided ~~shall provide~~ additional
1456 documentation, including, but not limited to, a syllabus or
1457 catalog description published for the course. The required
1458 master's degree must have been received in an institution of
1459 higher education that, at the time the applicant graduated, was
1460 fully accredited by an institutional ~~a regional~~ accrediting body
1461 recognized by the Council for Higher Education Accreditation or
1462 its successor organization ~~Commission on Recognition of~~
1463 ~~Postsecondary Accreditation~~ or was ~~publicly recognized~~ as a
1464 member in good standing with Universities Canada ~~the Association~~
1465 ~~of Universities and Colleges of Canada~~, or an institution of
1466 higher education located outside the United States and Canada
1467 which, at the time the applicant was enrolled and at the time
1468 the applicant graduated, maintained a standard of training
1469 substantially equivalent to the standards of training of those
1470 institutions in the United States which are accredited by an
1471 institutional ~~a regional~~ accrediting body recognized by the
1472 Council for Higher Education Accreditation or its successor
1473 organization ~~Commission on Recognition of Postsecondary~~
1474 ~~Accreditation~~. Such foreign education and training must have
1475 been received in an institution or program of higher education
1476 officially recognized by the government of the country in which
1477 it is located as an institution or program to train students to
1478 practice as professional marriage and family therapists or
1479 psychotherapists. The applicant has the burden of establishing

576-03558-22

2022768c2

1480 that the requirements of this provision have been met, and the
1481 board shall require documentation, such as an evaluation by a
1482 foreign equivalency determination service, as evidence that the
1483 applicant's graduate degree program and education were
1484 equivalent to an accredited program in this country. An
1485 applicant with a master's degree from a program that did not
1486 emphasize marriage and family therapy may complete the
1487 coursework requirement in a training institution fully
1488 accredited by the Commission on Accreditation for Marriage and
1489 Family Therapy Education recognized by the United States
1490 Department of Education.

1491 (c) Completed ~~Has had~~ at least 2 years of clinical
1492 experience during which 50 percent of the applicant's clients
1493 were receiving marriage and family therapy services, which must
1494 be at the post-master's level under the supervision of a
1495 licensed marriage and family therapist with at least 5 years of
1496 experience, or the equivalent, who is a qualified supervisor as
1497 determined by the board. An individual who intends to practice
1498 in Florida to satisfy the clinical experience requirements must
1499 register pursuant to s. 491.0045 before commencing practice. If
1500 a graduate has a master's degree with a major emphasis in
1501 marriage and family therapy or a closely related field which did
1502 not include all of the coursework required by paragraph (b),
1503 credit for the post-master's level clinical experience may not
1504 commence until the applicant has completed a minimum of 10 of
1505 the courses required by paragraph (b), as determined by the
1506 board, and at least 6 semester hours or 9 quarter hours of the
1507 course credits must have been completed in the area of marriage
1508 and family systems, theories, or techniques. Within the 2 years

576-03558-22

2022768c2

1509 of required experience, the applicant shall provide direct
1510 individual, group, or family therapy and counseling to cases
1511 including those involving unmarried dyads, married couples,
1512 separating and divorcing couples, and family groups that include
1513 children. A doctoral internship may be applied toward the
1514 clinical experience requirement. A licensed mental health
1515 professional must be on the premises when clinical services are
1516 provided by a registered intern in a private practice setting.

1517 (d) ~~Has~~ Passed a theory and practice examination designated
1518 by board rule ~~provided by the department~~.

1519 (e) ~~Has~~ Demonstrated, in a manner designated by board rule,
1520 knowledge of the laws and rules governing the practice of
1521 clinical social work, marriage and family therapy, and mental
1522 health counseling.

1523

1524 For the purposes of dual licensure, the department shall license
1525 as a marriage and family therapist any person who meets the
1526 requirements of s. 491.0057. Fees for dual licensure may not
1527 exceed those stated in this subsection.

1528 (4) MENTAL HEALTH COUNSELING.—Upon verification of
1529 documentation and payment of a fee not to exceed \$200, as set by
1530 board rule, ~~plus the actual per applicant cost of purchase of~~
1531 ~~the examination from the National Board for Certified Counselors~~
1532 ~~or its successor organization,~~ the department shall issue a
1533 license as a mental health counselor to an applicant whom ~~who~~
1534 the board certifies has met all of the following criteria:

1535 (a) ~~Has~~ Submitted an application and paid the appropriate
1536 fee.

1537 (b)1. Attained ~~Has~~ a minimum of an earned master's degree

576-03558-22

2022768c2

1538 from a mental health counseling program accredited by the
1539 Council for the Accreditation of Counseling and Related
1540 Educational Programs which consists of at least 60 semester
1541 hours or 80 quarter hours of clinical and didactic instruction,
1542 including a course in human sexuality and a course in substance
1543 abuse. If the master's degree is earned from a program related
1544 to the practice of mental health counseling which is not
1545 accredited by the Council for the Accreditation of Counseling
1546 and Related Educational Programs, then the coursework and
1547 practicum, internship, or fieldwork must consist of at least 60
1548 semester hours or 80 quarter hours and meet all of the following
1549 requirements:

1550 a. Thirty-three semester hours or 44 quarter hours of
1551 graduate coursework, which must include a minimum of 3 semester
1552 hours or 4 quarter hours of graduate-level coursework in each of
1553 the following 11 content areas: counseling theories and
1554 practice; human growth and development; diagnosis and treatment
1555 of psychopathology; human sexuality; group theories and
1556 practice; individual evaluation and assessment; career and
1557 lifestyle assessment; research and program evaluation; social
1558 and cultural foundations; substance abuse; and legal, ethical,
1559 and professional standards issues in the practice of mental
1560 health counseling. Courses in research, thesis or dissertation
1561 work, practicums, internships, or fieldwork may not be applied
1562 toward this requirement.

1563 b. A minimum of 3 semester hours or 4 quarter hours of
1564 graduate-level coursework addressing diagnostic processes,
1565 including differential diagnosis and the use of the current
1566 diagnostic tools, such as the current edition of the American

576-03558-22

2022768c2

1567 Psychiatric Association's Diagnostic and Statistical Manual of
1568 Mental Disorders. The graduate program must have emphasized the
1569 common core curricular experience.

1570 c. The equivalent, as determined by the board, of at least
1571 700 hours of university-sponsored supervised clinical practicum,
1572 internship, or field experience that includes at least 280 hours
1573 of direct client services, as required in the accrediting
1574 standards of the Council for Accreditation of Counseling and
1575 Related Educational Programs for mental health counseling
1576 programs. This experience may not be used to satisfy the post-
1577 master's clinical experience requirement.

1578 2. ~~Has~~ Provided additional documentation if a course title
1579 that appears on the applicant's transcript does not clearly
1580 identify the content of the coursework. The documentation must
1581 include, but is not limited to, a syllabus or catalog
1582 description published for the course.

1583

1584 Education and training in mental health counseling must have
1585 been received in an institution of higher education that, at the
1586 time the applicant graduated, was fully accredited by an
1587 institutional ~~a regional~~ accrediting body recognized by the
1588 Council for Higher Education Accreditation or its successor
1589 organization or was ~~publicly recognized as~~ a member in good
1590 standing with Universities Canada ~~the Association of~~
1591 ~~Universities and Colleges of Canada~~, or an institution of higher
1592 education located outside the United States and Canada which, at
1593 the time the applicant was enrolled and at the time the
1594 applicant graduated, maintained a standard of training
1595 substantially equivalent to the standards of training of those

576-03558-22

2022768c2

1596 institutions in the United States which are accredited by an
1597 institutional ~~a regional~~ accrediting body recognized by the
1598 Council for Higher Education Accreditation or its successor
1599 organization. Such foreign education and training must have been
1600 received in an institution or program of higher education
1601 officially recognized by the government of the country in which
1602 it is located as an institution or program to train students to
1603 practice as mental health counselors. The applicant has the
1604 burden of establishing that the requirements of this provision
1605 have been met, and the board shall require documentation, such
1606 as an evaluation by a foreign equivalency determination service,
1607 as evidence that the applicant's graduate degree program and
1608 education were equivalent to an accredited program in this
1609 country. Beginning July 1, 2025, an applicant must have a
1610 master's degree from a program that is accredited by the Council
1611 for Accreditation of Counseling and Related Educational
1612 Programs, the Masters in Psychology and Counseling Accreditation
1613 Council, or an equivalent accrediting body which consists of at
1614 least 60 semester hours or 80 quarter hours to apply for
1615 licensure under this paragraph.

1616 (c) Completed ~~Has had~~ at least 2 years of clinical
1617 experience in mental health counseling, which must be at the
1618 post-master's level under the supervision of a licensed mental
1619 health counselor or the equivalent who is a qualified supervisor
1620 as determined by the board. An individual who intends to
1621 practice in Florida to satisfy the clinical experience
1622 requirements must register pursuant to s. 491.0045 before
1623 commencing practice. If a graduate has a master's degree with a
1624 major related to the practice of mental health counseling which

576-03558-22

2022768c2

1625 did not include all the coursework required under sub-
1626 subparagraphs (b)1.a. and b., credit for the post-master's level
1627 clinical experience may not commence until the applicant has
1628 completed a minimum of seven of the courses required under sub-
1629 subparagraphs (b)1.a. and b., as determined by the board, one of
1630 which must be a course in psychopathology or abnormal
1631 psychology. A doctoral internship may be applied toward the
1632 clinical experience requirement. A licensed mental health
1633 professional must be on the premises when clinical services are
1634 provided by a registered intern in a private practice setting.

1635 (d) ~~Has~~ Passed a theory and practice examination designated
1636 by board rule ~~provided by the department for this purpose.~~

1637 (e) ~~Has~~ Demonstrated, in a manner designated by board rule,
1638 knowledge of the laws and rules governing the practice of
1639 clinical social work, marriage and family therapy, and mental
1640 health counseling.

1641 Section 22. Effective upon this act becoming a law,
1642 paragraph (d) of subsection (1) of section 766.31, Florida
1643 Statutes, is amended to read:

1644 766.31 Administrative law judge awards for birth-related
1645 neurological injuries; notice of award.—

1646 (1) Upon determining that an infant has sustained a birth-
1647 related neurological injury and that obstetrical services were
1648 delivered by a participating physician at the birth, the
1649 administrative law judge shall make an award providing
1650 compensation for the following items relative to such injury:

1651 (d)1.a. Periodic payments of an award to the parents or
1652 legal guardians of the infant found to have sustained a birth-
1653 related neurological injury, which award may not exceed

576-03558-22

2022768c2

1654 \$100,000. However, at the discretion of the administrative law
1655 judge, such award may be made in a lump sum. Beginning on
1656 January 1, 2021, the award may not exceed \$250,000, and each
1657 January 1 thereafter, the maximum award authorized under this
1658 paragraph shall increase by 3 percent.

1659 b. Parents or legal guardians who received an award
1660 pursuant to this section before January 1, 2021, ~~and whose child~~
1661 ~~currently receives benefits under the plan~~ must receive a
1662 retroactive payment in an amount sufficient to bring the total
1663 award paid to the parents or legal guardians pursuant to sub-
1664 subparagraph a. to \$250,000. This additional payment may be made
1665 in a lump sum or in periodic payments as designated by the
1666 parents or legal guardians and must be paid by July 1, 2021.

1667 2.a. Death benefit for the infant in an amount of \$50,000.

1668 b. Parents or legal guardians who received an award
1669 pursuant to this section, and whose child died since the
1670 inception of the program, must receive a retroactive payment in
1671 an amount sufficient to bring the total award paid to the
1672 parents or legal guardians pursuant to sub-subparagraph a. to
1673 \$50,000. This additional payment may be made in a lump sum or in
1674 periodic payments as designated by the parents or legal
1675 guardians and must be paid by July 1, 2021.

1676
1677 Should there be a final determination of compensability, and the
1678 claimants accept an award under this section, the claimants are
1679 ~~shall not be~~ liable for any expenses, including attorney
1680 ~~attorney's~~ fees, incurred in connection with the filing of a
1681 claim under ss. 766.301-766.316 other than those expenses
1682 awarded under this section.

576-03558-22

2022768c2

1683 Section 23. The amendment made to s. 766.31(1)(d)1.b.,
1684 Florida Statutes, by this act applies retroactively. The Florida
1685 Birth-Related Neurological Injury Compensation Plan must provide
1686 the additional payment required under s. 766.31(1)(d)1.b.,
1687 Florida Statutes, to parents and legal guardians who are
1688 eligible for the additional payment under that sub-subparagraph
1689 as a result of the amendment made by this act. The additional
1690 payment may be made in a lump sum or in periodic payments as
1691 designated by the parents or legal guardians and must be paid by
1692 July 1, 2022. This section shall take effect upon this act
1693 becoming a law.

1694 Section 24. Subsection (6) and paragraph (c) of subsection
1695 (9) of section 766.314, Florida Statutes, are amended to read:

1696 766.314 Assessments; plan of operation.—

1697 (6) (a) The association shall make all assessments required
1698 by this section, except initial assessments of physicians
1699 ~~licensed on or after October 1, 1988, which assessments will be~~
1700 ~~made~~ by the Department of Health Business and Professional
1701 Regulation, and except assessments of casualty insurers pursuant
1702 to subparagraph (5)(c)1., which assessments will be made by the
1703 Office of Insurance Regulation. ~~Beginning October 1, 1989, for~~
1704 ~~any physician licensed between October 1 and December 31 of any~~
1705 ~~year, the Department of Business and Professional Regulation~~
1706 ~~shall make the initial assessment plus the assessment for the~~
1707 ~~following calendar year. The Department of Health Business and~~
1708 ~~Professional Regulation shall provide the association, in an~~
1709 electronic format, with a monthly report such frequency as
1710 ~~determined to be necessary, a listing, in a computer-readable~~
1711 ~~form,~~ of the names and license numbers ~~addresses~~ of all

576-03558-22

2022768c2

1712 physicians licensed under chapter 458 or chapter 459.

1713 (b)1. The association may enforce collection of assessments
1714 required to be paid pursuant to ss. 766.301-766.316 by suit
1715 filed in county court, or in circuit court if the amount due
1716 could exceed the jurisdictional limits of county court. The
1717 association is ~~shall be~~ entitled to an award of attorney
1718 ~~attorney's~~ fees, costs, and interest upon the entry of a
1719 judgment against a physician for failure to pay such assessment,
1720 with such interest accruing until paid. Notwithstanding ~~the~~
1721 ~~provisions of~~ chapters 47 and 48, the association may file such
1722 suit in either Leon County or the county of the residence of the
1723 defendant. The association shall notify the Department of Health
1724 and the applicable board of any unpaid final judgment against a
1725 physician within 7 days after the entry of final judgment.

1726 2. The Department of Health ~~Business and Professional~~
1727 ~~Regulation~~, upon notification by the association that an
1728 assessment has not been paid and that there is an unsatisfied
1729 judgment against a physician, shall refuse to ~~not~~ renew any
1730 license issued to ~~practice for~~ such physician under ~~issued~~
1731 ~~pursuant to~~ chapter 458 or chapter 459 until the association
1732 notifies the Department of Health that ~~such time as~~ the judgment
1733 is satisfied in full.

1734 (c) The Agency for Health Care Administration shall, upon
1735 notification by the association that an assessment has not been
1736 timely paid, enforce collection of such assessments required to
1737 be paid by hospitals pursuant to ss. 766.301-766.316. Failure of
1738 a hospital to pay such assessment is grounds for disciplinary
1739 action pursuant to s. 395.1065 notwithstanding any ~~provision of~~
1740 law to the contrary.

576-03558-22

2022768c2

1741 (9)

1742 (c) If ~~In the event~~ the total of all current estimates

1743 equals 80 percent of the funds on hand and the funds that will

1744 become available to the association within the next 12 months

1745 from all sources described in subsections (4) and (5) and

1746 paragraph (7) (a), the association may ~~shall~~ not accept any new

1747 claims without express authority from the Legislature. Nothing

1748 in this section precludes ~~herein shall preclude~~ the association

1749 from accepting any claim if the injury occurred 18 months or

1750 more before ~~prior to~~ the effective date of this suspension.

1751 Within 30 days after ~~of~~ the effective date of this suspension,

1752 the association shall notify the Governor, the Speaker of the

1753 House of Representatives, the President of the Senate, the

1754 Office of Insurance Regulation, the Agency for Health Care

1755 Administration, and the Department of Health, ~~and the Department~~

1756 ~~of Business and Professional Regulation~~ of this suspension.

1757 Section 25. Except as otherwise expressly provided in this

1758 act and except for this section, which shall take effect upon

1759 this act becoming a law, this act shall take effect July 1,

1760 2022.