

1 A bill to be entitled
2 An act relating to the Department of Health; amending
3 s. 381.0041, F.S.; providing that it is a felony for
4 certain persons living with human immunodeficiency
5 virus to donate human tissue to persons who are not
6 living with such virus; providing an exception;
7 amending s. 394.463, F.S.; authorizing a psychiatric
8 nurse performing within the framework of a protocol
9 with a psychiatrist to approve the release of a
10 patient from certain community health centers;
11 amending s. 408.809, F.S.; providing that battery on a
12 specified victim is a disqualifying offense for
13 licensure as a health care practitioner; amending s.
14 456.0135, F.S.; providing that battery on a specified
15 victim is a disqualifying offense for licensure as a
16 health care practitioner; creating s. 456.4501, F.S.;
17 implementing the Interstate Medical Licensure Compact
18 in this state; providing for an interstate medical
19 licensure process; providing requirements for
20 multistate practice; creating s. 456.4502, F.S.;
21 establishing that a formal hearing before the Division
22 of Administrative Hearings must be held if there are
23 any disputed issues of material fact when the licenses
24 of certain physicians and osteopathic physicians are
25 suspended or revoked by this state under the compact;

26 requiring the department to notify the division of a
27 petition for a formal hearing within a specified
28 timeframe; requiring the administrative law judge to
29 issue a recommended order; requiring the Board of
30 Medicine or the Board of Osteopathic Medicine, as
31 applicable, to determine and issue final orders in
32 certain cases; providing the department with standing
33 to seek judicial review of any final order of the
34 boards; creating s. 456.4503, F.S.; requiring the
35 Interstate Medical Licensure Compact Commissioners to
36 ensure that the Interstate Medical Licensure Compact
37 Commission complies with specified public records and
38 public meetings laws; creating s. 456.4504, F.S.;
39 authorizing the department to adopt rules; creating s.
40 458.3129, F.S.; establishing that a physician licensed
41 under the Interstate Medical Licensure Compact is
42 deemed to be licensed as a physician under ch. 458,
43 F.S.; amending s. 458.3145, F.S.; revising the list of
44 individuals who may be issued a medical faculty
45 certificate without examination; creating s. 459.074,
46 F.S.; establishing that an osteopathic physician
47 licensed under the Interstate Medical Licensure
48 Compact is deemed to be licensed as an osteopathic
49 physician under ch. 459, F.S.; amending s. 464.019,
50 F.S.; authorizing the Board of Nursing to adopt

51 specified rules; authorizing certain nursing education
52 programs to apply for an extension of an accreditation
53 deadline within a specified timeframe; providing
54 limitations on and eligibility criteria for the
55 extension; providing a specific timeframe for an
56 extension to be tolled; amending s. 465.003, F.S.;
57 revising a definition; amending s. 465.1893, F.S.;
58 authorizing a pharmacist who meets certain
59 requirements to administer certain extended-release
60 medications; amending s. 466.017, F.S.; authorizing a
61 licensed dentist to order physical impression
62 materials for self-administration by a patient for a
63 specified purpose; amending s. 466.031, F.S.; making
64 technical changes; authorizing an employee or
65 independent contractor of a dental laboratory, acting
66 as an agent of that dental laboratory, to engage in
67 onsite consultation with a licensed dentist during a
68 dental procedure; amending s. 466.036, F.S.; requiring
69 dental laboratories to be inspected at least once each
70 biennial registration period; renaming ch. 480, F.S.,
71 as "Massage Therapy Practice"; amending s. 480.031,
72 F.S.; conforming a provision to changes made by the
73 act; amending s. 480.032, F.S.; revising the purpose
74 of ch. 480, F.S.; amending s. 480.033, F.S.; revising
75 definitions; amending s. 480.041, F.S.; revising

76 requirements for licensure as a massage therapist;
77 conforming provisions to changes made by the act;
78 providing applicability for persons who were issued a
79 license as an apprentice before a specified date;
80 repealing s. 480.042, F.S., relating to examinations;
81 amending s. 491.003, F.S.; providing definitions;
82 amending s. 491.004, F.S.; deleting an obsolete
83 provision; amending s. 491.0045, F.S.; authorizing the
84 Board of Clinical Social Work, Marriage and Family
85 Therapy, and Mental Health Counseling to make a one-
86 time exception to intern registration requirements
87 under certain circumstances; amending s. 491.005,
88 F.S.; revising the licensure requirements for clinical
89 social workers, marriage and family therapists, and
90 mental health counselors; amending s. 491.0057, F.S.;;
91 requiring that an applicant for dual licensure as a
92 marriage and family therapist pass an examination
93 designated by the Board of Clinical Social Work,
94 Marriage and Family Therapy, and Mental Health
95 Counseling; amending s. 491.006, F.S.; revising
96 requirements for licensure or certification by
97 endorsement for certain professions; amending s.
98 491.007, F.S.; deleting a provision providing
99 certified master social workers an exemption from
100 continuing education requirements; deleting a

101 provision requiring the board to establish a procedure
102 for the biennial renewal of intern registrations;
103 amending s. 491.009, F.S.; revising who may enter an
104 order denying licensure or imposing penalties against
105 an applicant for licensure under certain
106 circumstances; amending s. 491.012, F.S.; providing
107 that using the title "certified master social worker"
108 without a valid, active license is unlawful; amending
109 s. 491.0145, F.S.; requiring the department to license
110 an applicant for designation as a certified master
111 social worker under certain circumstances; providing
112 that applicants for designation as a certified master
113 social worker submit their application to the board;
114 deleting a provision relating to the nonrefundable fee
115 for examination set by department rule; authorizing
116 the board to adopt rules; amending s. 491.0149, F.S.;
117 requiring the use of applicable professional titles by
118 specified licensees and registrants on social media
119 and other specified materials; repealing s. 491.015,
120 F.S., relating to duties of the department relating to
121 certified master social workers; amending s. 514.0115,
122 F.S.; providing that certain surf pools are exempt
123 from supervision under certain circumstances;
124 providing construction; defining the term "surf pool";
125 amending s. 768.28, F.S.; designating the state

126 commissioners of the Interstate Medical Licensure
 127 Compact Commission and other members or employees of
 128 the commission as state agents for the purpose of
 129 applying sovereign immunity and waivers of sovereign
 130 immunity; requiring the commission to pay certain
 131 claims or judgments; authorizing the commission to
 132 maintain insurance coverage to pay such claims or
 133 judgments; amending ss. 414.065, 477.013, 477.0135,
 134 477.0265, 480.034, 480.035, 480.043, 480.046,
 135 480.0465, 480.047, 480.052, 480.0535, 553.77,
 136 627.6407, 627.6619, 627.736, and 641.31, F.S.;
 137 conforming cross-references and provisions to changes
 138 made by the act; making technical changes; providing
 139 effective dates.

140

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

142

143 Section 1. Paragraph (b) of subsection (11) of section
 144 381.0041, Florida Statutes, is amended to read:

145 381.0041 Donation and transfer of human tissue; testing
 146 requirements.—

147 (11)

148 (b) Any person who is living with ~~has~~ human
 149 immunodeficiency virus infection, who knows he or she is living
 150 ~~infected~~ with human immunodeficiency virus, and who has been

151 informed that he or she may communicate this disease by donating
152 blood, plasma, organs, skin, or other human tissue who donates
153 blood, plasma, organs, skin, or other human tissue for use in
154 another person commits ~~is guilty of~~ a felony of the third
155 degree, punishable as provided in s. 775.082, s. 775.083, or s.
156 775.084. This paragraph does not apply to a donation made to a
157 recipient who is living with human immunodeficiency virus and
158 who knows that the donor is living with human immunodeficiency
159 virus.

160 Section 2. Paragraph (f) of subsection (2) of section
161 394.463, Florida Statutes, is amended to read:

162 394.463 Involuntary examination.—

163 (2) INVOLUNTARY EXAMINATION.—

164 (f) A patient shall be examined by a physician or a
165 clinical psychologist, or by a psychiatric nurse performing
166 within the framework of an established protocol with a
167 psychiatrist at a facility without unnecessary delay to
168 determine if the criteria for involuntary services are met.
169 Emergency treatment may be provided upon the order of a
170 physician if the physician determines that such treatment is
171 necessary for the safety of the patient or others. The patient
172 may not be released by the receiving facility or its contractor
173 without the documented approval of a psychiatrist or a clinical
174 psychologist or, if the receiving facility is owned or operated
175 by a hospital, ~~or~~ health system, or nationally accredited not-

176 for-profit community mental health center, the release may also
177 be approved by a psychiatric nurse performing within the
178 framework of an established protocol with a psychiatrist, or an
179 attending emergency department physician with experience in the
180 diagnosis and treatment of mental illness after completion of an
181 involuntary examination pursuant to this subsection. A
182 psychiatric nurse may not approve the release of a patient if
183 the involuntary examination was initiated by a psychiatrist
184 unless the release is approved by the initiating psychiatrist.

185 Section 3. Paragraphs (g) through (v) of subsection (4) of
186 section 408.809, Florida Statutes, are redesignated as
187 paragraphs (h) through (w), respectively, and a new paragraph
188 (g) is added to that subsection to read:

189 408.809 Background screening; prohibited offenses.—

190 (4) In addition to the offenses listed in s. 435.04, all
191 persons required to undergo background screening pursuant to
192 this part or authorizing statutes must not have an arrest
193 awaiting final disposition for, must not have been found guilty
194 of, regardless of adjudication, or entered a plea of nolo
195 contendere or guilty to, and must not have been adjudicated
196 delinquent and the record not have been sealed or expunged for
197 any of the following offenses or any similar offense of another
198 jurisdiction:

199 (g) Section 784.03, relating to battery, if the victim is
200 a vulnerable adult as defined in 415.102 or a patient or

201 resident of a facility licensed under chapter 395, chapter 400,
202 or chapter 429.

203

204 If, upon rescreening, a person who is currently employed or
205 contracted with a licensee as of June 30, 2014, and was screened
206 and qualified under ss. 435.03 and 435.04, has a disqualifying
207 offense that was not a disqualifying offense at the time of the
208 last screening, but is a current disqualifying offense and was
209 committed before the last screening, he or she may apply for an
210 exemption from the appropriate licensing agency and, if agreed
211 to by the employer, may continue to perform his or her duties
212 until the licensing agency renders a decision on the application
213 for exemption if the person is eligible to apply for an
214 exemption and the exemption request is received by the agency no
215 later than 30 days after receipt of the rescreening results by
216 the person.

217 Section 4. Subsection (5) is added to section 456.0135,
218 Florida Statutes, to read:

219 456.0135 General background screening provisions.—

220 (5) In addition to the offenses listed in s. 435.04, all
221 persons required to undergo background screening pursuant to
222 this section, other than those licensed under s. 465.022, must
223 not have an arrest awaiting final disposition for, must not have
224 been found guilty of, regardless of adjudication, or entered a
225 plea of nolo contendere or guilty to, and must not have been

226 adjudicated delinquent and the record not have been sealed or
227 expunged for an offense or any similar offense of another
228 jurisdiction under s. 784.03, relating to battery, if the victim
229 is a vulnerable adult as defined in 415.102 or a patient or
230 resident of a facility licensed under chapter 395, chapter 400,
231 or chapter 429.

232 Section 5. Effective July 1, 2021, section 456.4501,
233 Florida Statutes, is created to read:

234 456.4501 Interstate Medical Licensure Compact.—The
235 Interstate Medical Licensure Compact is hereby enacted into law
236 and entered into by this state with all other jurisdictions
237 legally joining therein in the form substantially as follows:

238
239 SECTION 1

240 PURPOSE

241
242 In order to strengthen access to health care, and in
243 recognition of the advances in the delivery of health care, the
244 member states of the Interstate Medical Licensure Compact have
245 allied in common purpose to develop a comprehensive process that
246 complements the existing licensing and regulatory authority of
247 state medical boards, provides a streamlined process that allows
248 physicians to become licensed in multiple states, thereby
249 enhancing the portability of a medical license and ensuring the
250 safety of patients. The Compact creates another pathway for

251 licensure and does not otherwise change a state's existing
252 Medical Practice Act. The Compact also adopts the prevailing
253 standard for licensure and affirms that the practice of medicine
254 occurs where the patient is located at the time of the
255 physician-patient encounter, and therefore, requires the
256 physician to be under the jurisdiction of the state medical
257 board where the patient is located. State medical boards that
258 participate in the Compact retain the jurisdiction to impose an
259 adverse action against a license to practice medicine in that
260 state issued to a physician through the procedures in the
261 Compact.

262
263 SECTION 2
264 DEFINITIONS
265

266 In this Compact:

267 (1) "Bylaws" means those bylaws established by the
268 Interstate Commission pursuant to section 11 for its governance,
269 or for directing and controlling its actions and conduct.

270 (2) "Commissioner" means the voting representative
271 appointed by each member board pursuant to section 11.

272 (3) "Conviction" means a finding by a court that an
273 individual is guilty of a criminal offense through adjudication,
274 or entry of a plea of guilt or no contest to the charge by the
275 offender. Evidence of an entry of a conviction of a criminal

276 offense by the court shall be considered final for purposes of
277 disciplinary action by a member board.

278 (4) "Expedited license" means a full and unrestricted
279 medical license granted by a member state to an eligible
280 physician through the process set forth in the Compact.

281 (5) "Interstate Commission" means the Interstate Medical
282 Licensure Compact Commission created pursuant to section 11.

283 (6) "License" means authorization by a state for a
284 physician to engage in the practice of medicine, which would be
285 unlawful without the authorization.

286 (7) "Medical Practice Act" means laws and regulations
287 governing the practice of allopathic and osteopathic medicine
288 within a member state.

289 (8) "Member board" means a state agency in a member state
290 that acts in the sovereign interests of the state by protecting
291 the public through licensure, regulation, and education of
292 physicians as directed by the state government.

293 (9) "Member state" means a state that has enacted the
294 Compact.

295 (10) "Practice of medicine" means the diagnosis,
296 treatment, prevention, cure, or relieving of a human disease,
297 ailment, defect, complaint, or other physical or mental
298 condition, by attendance, advice, device, diagnostic test, or
299 other means, or offering, undertaking, attempting to do, or
300 holding oneself out as able to do, any of these acts.

301 (11) "Physician" means any person who:
302 (a) Is a graduate of a medical school accredited by the
303 Liaison Committee on Medical Education, the Commission on
304 Osteopathic College Accreditation, or a medical school listed in
305 the International Medical Education Directory or its equivalent;
306 (b) Passed each component of the United States Medical
307 Licensing Examination (USMLE) or the Comprehensive Osteopathic
308 Medical Licensing Examination (COMLEX-USA) within three
309 attempts, or any of its predecessor examinations accepted by a
310 state medical board as an equivalent examination for licensure
311 purposes;
312 (c) Successfully completed graduate medical education
313 approved by the Accreditation Council for Graduate Medical
314 Education or the American Osteopathic Association;
315 (d) Holds specialty certification or a time-unlimited
316 specialty certificate recognized by the American Board of
317 Medical Specialties or the American Osteopathic Association's
318 Bureau of Osteopathic Specialists; however, the specialty
319 certification or a time-unlimited specialty certificate does not
320 have to be maintained once a physician is initially determined
321 to be eligible for expedited licensure through the Compact;
322 (e) Possesses a full and unrestricted license to engage in
323 the practice of medicine issued by a member board;
324 (f) Has never been convicted, received adjudication,
325 deferred adjudication, community supervision, or deferred

326 disposition for any offense by a court of appropriate
327 jurisdiction;

328 (g) Has never held a license authorizing the practice of
329 medicine subjected to discipline by a licensing agency in any
330 state, federal, or foreign jurisdiction, excluding any action
331 related to non-payment of fees related to a license;

332 (h) Has never had a controlled substance license or permit
333 suspended or revoked by a state or the United States Drug
334 Enforcement Administration; and

335 (i) Is not under active investigation by a licensing
336 agency or law enforcement authority in any state, federal, or
337 foreign jurisdiction.

338 (12) "Offense" means a felony, high court misdemeanor, or
339 crime of moral turpitude.

340 (13) "Rule" means a written statement by the Interstate
341 Commission promulgated pursuant to section 12 of the Compact
342 that is of general applicability, implements, interprets, or
343 prescribes a policy or provision of the Compact, or an
344 organizational, procedural, or practice requirement of the
345 Interstate Commission, and has the force and effect of statutory
346 law in a member state, if the rule is not inconsistent with the
347 laws of the member state. The term includes the amendment,
348 repeal, or suspension of an existing rule.

349 (14) "State" means any state, commonwealth, district, or
350 territory of the United States.

351 (15) "State of principal license" means a member state
352 where a physician holds a license to practice medicine and which
353 has been designated as such by the physician for purposes of
354 registration and participation in the Compact.

355
356 SECTION 3

357 ELIGIBILITY

358
359 (1) A physician must meet the eligibility requirements as
360 defined in subsection (11) of section 2 to receive an expedited
361 license under the terms and provisions of the Compact.

362 (2) A physician who does not meet the requirements of
363 subsection (11) of section 2 may obtain a license to practice
364 medicine in a member state if the individual complies with all
365 laws and requirements, other than the Compact, relating to the
366 issuance of a license to practice medicine in that state.

367
368 SECTION 4

369 DESIGNATION OF STATE OF PRINCIPAL LICENSE

370
371 (1) A physician shall designate a member state as the
372 state of principal license for purposes of registration for
373 expedited licensure through the Compact if the physician
374 possesses a full and unrestricted license to practice medicine
375 in that state, and the state is:

376 (a) The state of primary residence for the physician, or

377 (b) The state where at least 25% of the practice of

378 medicine occurs, or

379 (c) The location of the physician's employer, or

380 (d) If no state qualifies under paragraph (a), paragraph

381 (b), or paragraph (c), the state designated as state of

382 residence for purpose of federal income tax.

383 (2) A physician may redesignate a member state as state of

384 principal license at any time, as long as the state meets the

385 requirements in subsection (1).

386 (3) The Interstate Commission is authorized to develop

387 rules to facilitate redesignation of another member state as the

388 state of principal license.

389

390 SECTION 5

391 APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

392

393 (1) A physician seeking licensure through the Compact

394 shall file an application for an expedited license with the

395 member board of the state selected by the physician as the state

396 of principal license.

397 (2) Upon receipt of an application for an expedited

398 license, the member board within the state selected as the state

399 of principal license shall evaluate whether the physician is

400 eligible for expedited licensure and issue a letter of

401 qualification, verifying or denying the physician's eligibility,
402 to the Interstate Commission.

403 (a) Static qualifications, which include verification of
404 medical education, graduate medical education, results of any
405 medical or licensing examination, and other qualifications as
406 determined by the Interstate Commission through rule, shall not
407 be subject to additional primary source verification where
408 already primary source verified by the state of principal
409 license.

410 (b) The member board within the state selected as the
411 state of principal license shall, in the course of verifying
412 eligibility, perform a criminal background check of an
413 applicant, including the use of the results of fingerprint or
414 other biometric data checks compliant with the requirements of
415 the Federal Bureau of Investigation, with the exception of
416 federal employees who have suitability determination in
417 accordance with U.S. 5 C.F.R. s. 731.202.

418 (c) Appeal on the determination of eligibility shall be
419 made to the member state where the application was filed and
420 shall be subject to the law of that state.

421 (3) Upon verification in subsection (2), physicians
422 eligible for an expedited license shall complete the
423 registration process established by the Interstate Commission to
424 receive a license in a member state selected pursuant to
425 subsection (1), including the payment of any applicable fees.

426 (4) After receiving verification of eligibility under
 427 subsection (2) and any fees under subsection (3), a member board
 428 shall issue an expedited license to the physician. This license
 429 shall authorize the physician to practice medicine in the
 430 issuing state consistent with the Medical Practice Act and all
 431 applicable laws and regulations of the issuing member board and
 432 member state.

433 (5) An expedited license shall be valid for a period
 434 consistent with the licensure period in the member state and in
 435 the same manner as required for other physicians holding a full
 436 and unrestricted license within the member state.

437 (6) An expedited license obtained through the Compact
 438 shall be terminated if a physician fails to maintain a license
 439 in the state of principal licensure for a non-disciplinary
 440 reason, without redesignation of a new state of principal
 441 licensure.

442 (7) The Interstate Commission is authorized to develop
 443 rules regarding the application process, including payment of
 444 any applicable fees, and the issuance of an expedited license.

446 SECTION 6

447 FEEES FOR EXPEDITED LICENSURE

448
 449 (1) A member state issuing an expedited license
 450 authorizing the practice of medicine in that state, or the

451 regulating authority of the member state, may impose a fee for a
452 license issued or renewed through the Compact.

453 (2) The Interstate Commission is authorized to develop
454 rules regarding fees for expedited licenses. However, those
455 rules shall not limit the authority of a member state, or the
456 regulating authority of the member state, to impose and
457 determine the amount of a fee under subsection (1).

458
459 SECTION 7

460 RENEWAL AND CONTINUED PARTICIPATION

461
462 (1) A physician seeking to renew an expedited license
463 granted in a member state shall complete a renewal process with
464 the Interstate Commission if the physician:

465 (a) Maintains a full and unrestricted license in a state
466 of principal license;

467 (b) Has not been convicted, received adjudication,
468 deferred adjudication, community supervision, or deferred
469 disposition for any offense by a court of appropriate
470 jurisdiction;

471 (c) Has not had a license authorizing the practice of
472 medicine subject to discipline by a licensing agency in any
473 state, federal, or foreign jurisdiction, excluding any action
474 related to non-payment of fees related to a license; and

475 (d) Has not had a controlled substance license or permit

476 suspended or revoked by a state or the United States Drug
477 Enforcement Administration.

478 (2) Physicians shall comply with all continuing
479 professional development or continuing medical education
480 requirements for renewal of a license issued by a member state.

481 (3) The Interstate Commission shall collect any renewal
482 fees charged for the renewal of a license and distribute the
483 fees to the applicable member board.

484 (4) Upon receipt of any renewal fees collected in
485 subsection (3), a member board shall renew the physician's
486 license.

487 (5) Physician information collected by the Interstate
488 Commission during the renewal process will be distributed to all
489 member boards.

490 (6) The Interstate Commission is authorized to develop
491 rules to address renewal of licenses obtained through the
492 Compact.

493

494 SECTION 8

495 COORDINATED INFORMATION SYSTEM

496

497 (1) The Interstate Commission shall establish a database
498 of all physicians licensed, or who have applied for licensure,
499 under section 5.

500 (2) Notwithstanding any other provision of law, member

501 boards shall report to the Interstate Commission any public
502 action or complaints against a licensed physician who has
503 applied or received an expedited license through the Compact.

504 (3) Member boards shall report disciplinary or
505 investigatory information determined as necessary and proper by
506 rule of the Interstate Commission.

507 (4) Member boards may report any non-public complaint,
508 disciplinary, or investigatory information not required by
509 subsection (3) to the Interstate Commission.

510 (5) Member boards shall share complaint or disciplinary
511 information about a physician upon request of another member
512 board.

513 (6) All information provided to the Interstate Commission
514 or distributed by member boards shall be confidential, filed
515 under seal, and used only for investigatory or disciplinary
516 matters.

517 (7) The Interstate Commission is authorized to develop
518 rules for mandated or discretionary sharing of information by
519 member boards.

520
521 SECTION 9

522 JOINT INVESTIGATIONS

523
524 (1) Licensure and disciplinary records of physicians are
525 deemed investigative.

526 (2) In addition to the authority granted to a member board
527 by its respective Medical Practice Act or other applicable state
528 law, a member board may participate with other member boards in
529 joint investigations of physicians licensed by the member
530 boards.

531 (3) A subpoena issued by a member state shall be
532 enforceable in other member states.

533 (4) Member boards may share any investigative, litigation,
534 or compliance materials in furtherance of any joint or
535 individual investigation initiated under the Compact.

536 (5) Any member state may investigate actual or alleged
537 violations of the statutes authorizing the practice of medicine
538 in any other member state in which a physician holds a license
539 to practice medicine.

540
541 SECTION 10

542 DISCIPLINARY ACTIONS

543
544 (1) Any disciplinary action taken by any member board
545 against a physician licensed through the Compact shall be deemed
546 unprofessional conduct which may be subject to discipline by
547 other member boards, in addition to any violation of the Medical
548 Practice Act or regulations in that state.

549 (2) If a license granted to a physician by the member
550 board in the state of principal license is revoked, surrendered

551 or relinquished in lieu of discipline, or suspended, then all
552 licenses issued to the physician by member boards shall
553 automatically be placed, without further action necessary by any
554 member board, on the same status. If the member board in the
555 state of principal license subsequently reinstates the
556 physician's license, a license issued to the physician by any
557 other member board shall remain encumbered until that respective
558 member board takes action to reinstate the license in a manner
559 consistent with the Medical Practice Act of that state.

560 (3) If disciplinary action is taken against a physician by
561 a member board not in the state of principal license, any other
562 member board may deem the action conclusive as to matter of law
563 and fact decided, and:

564 (a) Impose the same or lesser sanction(s) against the
565 physician so long as such sanctions are consistent with the
566 Medical Practice Act of that state; or

567 (b) Pursue separate disciplinary action against the
568 physician under its respective Medical Practice Act, regardless
569 of the action taken in other member states.

570 (4) If a license granted to a physician by a member board
571 is revoked, surrendered or relinquished in lieu of discipline,
572 or suspended, then any license(s) issued to the physician by any
573 other member board(s) shall be suspended, automatically and
574 immediately without further action necessary by the other member
575 board(s), for ninety (90) days upon entry of the order by the

576 disciplining board, to permit the member board(s) to investigate
 577 the basis for the action under the Medical Practice Act of that
 578 state. A member board may terminate the automatic suspension of
 579 the license it issued prior to the completion of the ninety (90)
 580 day suspension period in a manner consistent with the Medical
 581 Practice Act of that state.

582
 583 SECTION 11

584 INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

585
 586 (1) The member states hereby create the "Interstate
 587 Medical Licensure Compact Commission."

588 (2) The purpose of the Interstate Commission is the
 589 administration of the Interstate Medical Licensure Compact,
 590 which is a discretionary state function.

591 (3) The Interstate Commission shall be a body corporate
 592 and joint agency of the member states and shall have all the
 593 responsibilities, powers, and duties set forth in the Compact,
 594 and such additional powers as may be conferred upon it by a
 595 subsequent concurrent action of the respective legislatures of
 596 the member states in accordance with the terms of the Compact.

597 (4) The Interstate Commission shall consist of two voting
 598 representatives appointed by each member state who shall serve
 599 as Commissioners. In states where allopathic and osteopathic
 600 physicians are regulated by separate member boards, or if the

601 licensing and disciplinary authority is split between multiple
602 member boards within a member state, the member state shall
603 appoint one representative from each member board. A
604 Commissioner shall be a(n):

605 (a) Allopathic or osteopathic physician appointed to a
606 member board;

607 (b) Executive director, executive secretary, or similar
608 executive of a member board; or

609 (c) Member of the public appointed to a member board.

610 (5) The Interstate Commission shall meet at least once
611 each calendar year. A portion of this meeting shall be a
612 business meeting to address such matters as may properly come
613 before the Commission, including the election of officers. The
614 chairperson may call additional meetings and shall call for a
615 meeting upon the request of a majority of the member states.

616 (6) The bylaws may provide for meetings of the Interstate
617 Commission to be conducted by telecommunication or electronic
618 communication.

619 (7) Each Commissioner participating at a meeting of the
620 Interstate Commission is entitled to one vote. A majority of
621 Commissioners shall constitute a quorum for the transaction of
622 business, unless a larger quorum is required by the bylaws of
623 the Interstate Commission. A Commissioner shall not delegate a
624 vote to another Commissioner. In the absence of its
625 Commissioner, a member state may delegate voting authority for a

626 specified meeting to another person from that state who shall
627 meet the requirements of subsection (4).

628 (8) The Interstate Commission shall provide public notice
629 of all meetings and all meetings shall be open to the public.
630 The Interstate Commission may close a meeting, in full or in
631 portion, where it determines by a two-thirds vote of the
632 Commissioners present that an open meeting would be likely to:

633 (a) Relate solely to the internal personnel practices and
634 procedures of the Interstate Commission;

635 (b) Discuss matters specifically exempted from disclosure
636 by federal statute;

637 (c) Discuss trade secrets, commercial, or financial
638 information that is privileged or confidential;

639 (d) Involve accusing a person of a crime, or formally
640 censuring a person;

641 (e) Discuss information of a personal nature where
642 disclosure would constitute a clearly unwarranted invasion of
643 personal privacy;

644 (f) Discuss investigative records compiled for law
645 enforcement purposes; or

646 (g) Specifically relate to the participation in a civil
647 action or other legal proceeding.

648 (9) The Interstate Commission shall keep minutes which
649 shall fully describe all matters discussed in a meeting and
650 shall provide a full and accurate summary of actions taken,

651 including record of any roll call votes.

652 (10) The Interstate Commission shall make its information
653 and official records, to the extent not otherwise designated in
654 the Compact or by its rules, available to the public for
655 inspection.

656 (11) The Interstate Commission shall establish an
657 executive committee, which shall include officers, members, and
658 others as determined by the bylaws. The executive committee
659 shall have the power to act on behalf of the Interstate
660 Commission, with the exception of rulemaking, during periods
661 when the Interstate Commission is not in session. When acting on
662 behalf of the Interstate Commission, the executive committee
663 shall oversee the administration of the Compact including
664 enforcement and compliance with the provisions of the Compact,
665 its bylaws and rules, and other such duties as necessary.

666 (12) The Interstate Commission may establish other
667 committees for governance and administration of the Compact.

668
669 SECTION 12

670 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

671
672 The Interstate Commission shall have the duty and power to:

673 (1) Oversee and maintain the administration of the

674 Compact;

675 (2) Promulgate rules which shall be binding to the extent

676 and in the manner provided for in the Compact;

677 (3) Issue, upon the request of a member state or member
678 board, advisory opinions concerning the meaning or
679 interpretation of the Compact, its bylaws, rules, and actions;

680 (4) Enforce compliance with Compact provisions, the rules
681 promulgated by the Interstate Commission, and the bylaws, using
682 all necessary and proper means, including but not limited to the
683 use of judicial process;

684 (5) Establish and appoint committees including, but not
685 limited to, an executive committee as required by section 11,
686 which shall have the power to act on behalf of the Interstate
687 Commission in carrying out its powers and duties;

688 (6) Pay, or provide for the payment of the expenses
689 related to the establishment, organization, and ongoing
690 activities of the Interstate Commission;

691 (7) Establish and maintain one or more offices;

692 (8) Borrow, accept, hire, or contract for services of
693 personnel;

694 (9) Purchase and maintain insurance and bonds;

695 (10) Employ an executive director who shall have such
696 powers to employ, select or appoint employees, agents, or
697 consultants, and to determine their qualifications, define their
698 duties, and fix their compensation;

699 (11) Establish personnel policies and programs relating to
700 conflicts of interest, rates of compensation, and qualifications

701 of personnel;

702 (12) Accept donations and grants of money, equipment,

703 supplies, materials and services, and to receive, utilize, and

704 dispose of it in a manner consistent with the conflict of

705 interest policies established by the Interstate Commission;

706 (13) Lease, purchase, accept contributions or donations

707 of, or otherwise to own, hold, improve or use, any property,

708 real, personal, or mixed;

709 (14) Sell, convey, mortgage, pledge, lease, exchange,

710 abandon, or otherwise dispose of any property, real, personal,

711 or mixed;

712 (15) Establish a budget and make expenditures;

713 (16) Adopt a seal and bylaws governing the management and

714 operation of the Interstate Commission;

715 (17) Report annually to the legislatures and governors of

716 the member states concerning the activities of the Interstate

717 Commission during the preceding year. Such reports shall also

718 include reports of financial audits and any recommendations that

719 may have been adopted by the Interstate Commission;

720 (18) Coordinate education, training, and public awareness

721 regarding the Compact, its implementation, and its operation;

722 (19) Maintain records in accordance with the bylaws;

723 (20) Seek and obtain trademarks, copyrights, and patents;

724 and

725 (21) Perform such functions as may be necessary or

726 appropriate to achieve the purposes of the Compact.

727
728 SECTION 13

729 FINANCE POWERS

730
731 (1) The Interstate Commission may levy on and collect an
732 annual assessment from each member state to cover the cost of
733 the operations and activities of the Interstate Commission and
734 its staff. The total assessment, subject to appropriation, must
735 be sufficient to cover the annual budget approved each year for
736 which revenue is not provided by other sources. The aggregate
737 annual assessment amount shall be allocated upon a formula to be
738 determined by the Interstate Commission, which shall promulgate
739 a rule binding upon all member states.

740 (2) The Interstate Commission shall not incur obligations
741 of any kind prior to securing the funds adequate to meet the
742 same.

743 (3) The Interstate Commission shall not pledge the credit
744 of any of the member states, except by, and with the authority
745 of, the member state.

746 (4) The Interstate Commission shall be subject to a yearly
747 financial audit conducted by a certified or licensed public
748 accountant and the report of the audit shall be included in the
749 annual report of the Interstate Commission.

SECTION 14

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

(1) The Interstate Commission shall, by a majority of Commissioners present and voting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the Compact within twelve (12) months of the first Interstate Commission meeting.

(2) The Interstate Commission shall elect or appoint annually from among its Commissioners a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson, or in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission.

(3) Officers selected in subsection (2) shall serve without remuneration from the Interstate Commission.

(4) The officers and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of, or relating to, an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties, or

776 responsibilities; provided that such person shall not be
777 protected from suit or liability for damage, loss, injury, or
778 liability caused by the intentional or willful and wanton
779 misconduct of such person.

780 (a) The liability of the executive director and employees
781 of the Interstate Commission or representatives of the
782 Interstate Commission, acting within the scope of such person's
783 employment or duties for acts, errors, or omissions occurring
784 within such person's state, may not exceed the limits of
785 liability set forth under the constitution and laws of that
786 state for state officials, employees, and agents. The Interstate
787 Commission is considered to be an instrumentality of the states
788 for the purposes of any such action. Nothing in this subsection
789 shall be construed to protect such person from suit or liability
790 for damage, loss, injury, or liability caused by the intentional
791 or willful and wanton misconduct of such person.

792 (b) The Interstate Commission shall defend the executive
793 director, its employees, and subject to the approval of the
794 attorney general or other appropriate legal counsel of the
795 member state represented by an Interstate Commission
796 representative, shall defend such Interstate Commission
797 representative in any civil action seeking to impose liability
798 arising out of an actual or alleged act, error or omission that
799 occurred within the scope of Interstate Commission employment,
800 duties or responsibilities, or that the defendant had a

801 reasonable basis for believing occurred within the scope of
802 Interstate Commission employment, duties, or responsibilities,
803 provided that the actual or alleged act, error, or omission did
804 not result from intentional or willful and wanton misconduct on
805 the part of such person.

806 (c) To the extent not covered by the state involved,
807 member state, or the Interstate Commission, the representatives
808 or employees of the Interstate Commission shall be held harmless
809 in the amount of a settlement or judgment, including attorney's
810 fees and costs, obtained against such persons arising out of an
811 actual or alleged act, error, or omission that occurred within
812 the scope of Interstate Commission employment, duties, or
813 responsibilities, or that such persons had a reasonable basis
814 for believing occurred within the scope of Interstate Commission
815 employment, duties, or responsibilities, provided that the
816 actual or alleged act, error, or omission did not result from
817 intentional or willful and wanton misconduct on the part of such
818 persons.

819
820 SECTION 15

821 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

822
823 (1) The Interstate Commission shall promulgate reasonable
824 rules in order to effectively and efficiently achieve the
825 purposes of the Compact. Notwithstanding the foregoing, in the

826 event the Interstate Commission exercises its rulemaking
827 authority in a manner that is beyond the scope of the purposes
828 of the Compact, or the powers granted hereunder, then such an
829 action by the Interstate Commission shall be invalid and have no
830 force or effect.

831 (2) Rules deemed appropriate for the operations of the
832 Interstate Commission shall be made pursuant to a rulemaking
833 process that substantially conforms to the "Model State
834 Administrative Procedure Act" of 2010, and subsequent amendments
835 thereto.

836 (3) Not later than thirty (30) days after a rule is
837 promulgated, any person may file a petition for judicial review
838 of the rule in the United States District Court for the District
839 of Columbia or the federal district where the Interstate
840 Commission has its principal offices, provided that the filing
841 of such a petition shall not stay or otherwise prevent the rule
842 from becoming effective unless the court finds that the
843 petitioner has a substantial likelihood of success. The court
844 shall give deference to the actions of the Interstate Commission
845 consistent with applicable law and shall not find the rule to be
846 unlawful if the rule represents a reasonable exercise of the
847 authority granted to the Interstate Commission.

848
849 SECTION 16

850 OVERSIGHT OF INTERSTATE COMPACT

851
852 (1) The executive, legislative, and judicial branches of
853 state government in each member state shall enforce the Compact
854 and shall take all actions necessary and appropriate to
855 effectuate the Compact's purposes and intent. The provisions of
856 the Compact and the rules promulgated hereunder shall have
857 standing as statutory law but shall not override existing state
858 authority to regulate the practice of medicine.

859 (2) All courts shall take judicial notice of the Compact
860 and the rules in any judicial or administrative proceeding in a
861 member state pertaining to the subject matter of the Compact
862 which may affect the powers, responsibilities or actions of the
863 Interstate Commission.

864 (3) The Interstate Commission shall be entitled to receive
865 all service of process in any such proceeding, and shall have
866 standing to intervene in the proceeding for all purposes.
867 Failure to provide service of process to the Interstate
868 Commission shall render a judgment or order void as to the
869 Interstate Commission, the Compact, or promulgated rules.

870
871 SECTION 17

872 ENFORCEMENT OF INTERSTATE COMPACT

873
874 (1) The Interstate Commission, in the reasonable exercise
875 of its discretion, shall enforce the provisions and rules of the

876 Compact.

877 (2) The Interstate Commission may, by majority vote of the
 878 Commissioners, initiate legal action in the United States
 879 District Court for the District of Columbia, or, at the
 880 discretion of the Interstate Commission, in the federal district
 881 where the Interstate Commission has its principal offices, to
 882 enforce compliance with the provisions of the Compact, and its
 883 promulgated rules and bylaws, against a member state in default.
 884 The relief sought may include both injunctive relief and
 885 damages. In the event judicial enforcement is necessary, the
 886 prevailing party shall be awarded all costs of such litigation
 887 including reasonable attorney's fees.

888 (3) The remedies herein shall not be the exclusive
 889 remedies of the Interstate Commission. The Interstate Commission
 890 may avail itself of any other remedies available under state law
 891 or the regulation of a profession.

892
 893 SECTION 18

894 DEFAULT PROCEDURES

895
 896 (1) The grounds for default include, but are not limited
 897 to, failure of a member state to perform such obligations or
 898 responsibilities imposed upon it by the Compact, or the rules
 899 and bylaws of the Interstate Commission promulgated under the
 900 Compact.

901 (2) If the Interstate Commission determines that a member
902 state has defaulted in the performance of its obligations or
903 responsibilities under the Compact, or the bylaws or promulgated
904 rules, the Interstate Commission shall:

905 (a) Provide written notice to the defaulting state and
906 other member states, of the nature of the default, the means of
907 curing the default, and any action taken by the Interstate
908 Commission. The Interstate Commission shall specify the
909 conditions by which the defaulting state must cure its default;
910 and

911 (b) Provide remedial training and specific technical
912 assistance regarding the default.

913 (3) If the defaulting state fails to cure the default, the
914 defaulting state shall be terminated from the Compact upon an
915 affirmative vote of a majority of the Commissioners and all
916 rights, privileges, and benefits conferred by the Compact shall
917 terminate on the effective date of termination. A cure of the
918 default does not relieve the offending state of obligations or
919 liabilities incurred during the period of the default.

920 (4) Termination of membership in the Compact shall be
921 imposed only after all other means of securing compliance have
922 been exhausted. Notice of intent to terminate shall be given by
923 the Interstate Commission to the governor, the majority and
924 minority leaders of the defaulting state's legislature, and each
925 of the member states.

926 (5) The Interstate Commission shall establish rules and
 927 procedures to address licenses and physicians that are
 928 materially impacted by the termination of a member state, or the
 929 withdrawal of a member state.

930 (6) The member state which has been terminated is
 931 responsible for all dues, obligations, and liabilities incurred
 932 through the effective date of termination including obligations,
 933 the performance of which extends beyond the effective date of
 934 termination.

935 (7) The Interstate Commission shall not bear any costs
 936 relating to any state that has been found to be in default or
 937 which has been terminated from the Compact, unless otherwise
 938 mutually agreed upon in writing between the Interstate
 939 Commission and the defaulting state.

940 (8) The defaulting state may appeal the action of the
 941 Interstate Commission by petitioning the United States District
 942 Court for the District of Columbia or the federal district where
 943 the Interstate Commission has its principal offices. The
 944 prevailing party shall be awarded all costs of such litigation
 945 including reasonable attorney's fees.

946
 947 SECTION 19

948 DISPUTE RESOLUTION

949
 950 (1) The Interstate Commission shall attempt, upon the

951 request of a member state, to resolve disputes which are subject
952 to the Compact and which may arise among member states or member
953 boards.

954 (2) The Interstate Commission shall promulgate rules
955 providing for both mediation and binding dispute resolution as
956 appropriate.

957
958 SECTION 20

959 MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

960
961 (1) Any state is eligible to become a member state of the
962 Compact.

963 (2) The Compact shall become effective and binding upon
964 legislative enactment of the Compact into law by no less than
965 seven (7) states. Thereafter, it shall become effective and
966 binding on a state upon enactment of the Compact into law by
967 that state.

968 (3) The governors of non-member states, or their
969 designees, shall be invited to participate in the activities of
970 the Interstate Commission on a non-voting basis prior to
971 adoption of the Compact by all states.

972 (4) The Interstate Commission may propose amendments to
973 the Compact for enactment by the member states. No amendment
974 shall become effective and binding upon the Interstate
975 Commission and the member states unless and until it is enacted

976 into law by unanimous consent of the member states.

977
978 SECTION 21

979 WITHDRAWAL

980
981 (1) Once effective, the Compact shall continue in force
982 and remain binding upon each and every member state; provided
983 that a member state may withdraw from the Compact by
984 specifically repealing the statute which enacted the Compact
985 into law.

986 (2) Withdrawal from the Compact shall be by the enactment
987 of a statute repealing the same, but shall not take effect until
988 one (1) year after the effective date of such statute and until
989 written notice of the withdrawal has been given by the
990 withdrawing state to the governor of each other member state.

991 (3) The withdrawing state shall immediately notify the
992 chairperson of the Interstate Commission in writing upon the
993 introduction of legislation repealing the Compact in the
994 withdrawing state.

995 (4) The Interstate Commission shall notify the other
996 member states of the withdrawing state's intent to withdraw
997 within sixty (60) days of its receipt of notice provided under
998 subsection (3).

999 (5) The withdrawing state is responsible for all dues,
1000 obligations and liabilities incurred through the effective date

1001 of withdrawal, including obligations, the performance of which
 1002 extend beyond the effective date of withdrawal.

1003 (6) Reinstatement following withdrawal of a member state
 1004 shall occur upon the withdrawing state reenacting the Compact or
 1005 upon such later date as determined by the Interstate Commission.

1006 (7) The Interstate Commission is authorized to develop
 1007 rules to address the impact of the withdrawal of a member state
 1008 on licenses granted in other member states to physicians who
 1009 designated the withdrawing member state as the state of
 1010 principal license.

1012 SECTION 22

1013 DISSOLUTION

1014
 1015 (1) The Compact shall dissolve effective upon the date of
 1016 the withdrawal or default of the member state which reduces the
 1017 membership in the Compact to one (1) member state.

1018 (2) Upon the dissolution of the Compact, the Compact
 1019 becomes null and void and shall be of no further force or
 1020 effect, and the business and affairs of the Interstate
 1021 Commission shall be concluded and surplus funds shall be
 1022 distributed in accordance with the bylaws.

1024 SECTION 23

1025 SEVERABILITY AND CONSTRUCTION

1026
1027
1028
1029
1030
1031
1032
1033
1034
1035
1036
1037
1038
1039
1040
1041
1042
1043
1044
1045
1046
1047
1048
1049
1050

(1) The provisions of the Compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.

(2) The provisions of the Compact shall be liberally construed to effectuate its purposes.

(3) Nothing in the Compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

SECTION 24

BINDING EFFECT OF COMPACT AND OTHER LAWS

(1) Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the Compact.

(2) All laws in a member state in conflict with the Compact are superseded to the extent of the conflict.

(3) All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Commission, are binding upon the member states.

(4) All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

(5) In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any member

1051 state, such provision shall be ineffective to the extent of the
1052 conflict with the constitutional provision in question in that
1053 member state.

1054 Section 6. Effective July 1, 2021, section 456.4502,
1055 Florida Statutes, is created to read:

1056 456.4502 Interstate Medical Licensure Compact;
1057 disciplinary proceedings.—A physician licensed pursuant to
1058 chapter 458, chapter 459, or s. 456.4501 whose license is
1059 suspended or revoked by this state pursuant to the Interstate
1060 Medical Licensure Compact as a result of disciplinary action
1061 taken against the physician's license in another state shall be
1062 granted a formal hearing before an administrative law judge from
1063 the Division of Administrative Hearings held pursuant to chapter
1064 120 if there are any disputed issues of material fact. In such
1065 proceedings:

1066 (1) Notwithstanding s. 120.569(2), the department shall
1067 notify the division within 45 days after receipt of a petition
1068 or request for a formal hearing.

1069 (2) The determination of whether the physician has
1070 violated the laws and rules regulating the practice of medicine
1071 or osteopathic medicine, as applicable, including a
1072 determination of the reasonable standard of care, is a
1073 conclusion of law that is to be determined by appropriate board,
1074 and is not a finding of fact to be determined by an
1075 administrative law judge.

1076 (3) The administrative law judge shall issue a recommended
1077 order pursuant to chapter 120.

1078 (4) The Board of Medicine or the Board of Osteopathic
1079 Medicine, as applicable, shall determine and issue the final
1080 order in each disciplinary case. Such order shall constitute
1081 final agency action.

1082 (5) Any consent order or agreed-upon settlement is subject
1083 to the approval of the department.

1084 (6) The department shall have standing to seek judicial
1085 review of any final order of the board, pursuant to s. 120.68.

1086 Section 7. Effective July 1, 2021, section 456.4503,
1087 Florida Statutes, is created to read:

1088 456.4503 Interstate Medical Licensure Compact
1089 Commissioners.—The duly appointed commissioners to the
1090 Interstate Medical Licensure Compact Commission under s.
1091 456.4501 shall ensure that the Interstate Medical Licensure
1092 Compact Commission complies with the requirements of chapter 119
1093 and s. 24, Art. I of the State Constitution.

1094 Section 8. Effective July 1, 2021, section 456.4504,
1095 Florida Statutes, is created to read:

1096 456.4504 Interstate Medical Licensure Compact Rules.—The
1097 department may adopt rules to implement the Interstate Medical
1098 Licensure Compact.

1099 Section 9. Effective July 1, 2021, section 458.3129,
1100 Florida Statutes, is created to read:

1101 458.3129 Interstate Medical Licensure Compact.—A physician
 1102 licensed to practice medicine under s. 456.4501 is deemed to be
 1103 licensed as a physician under this chapter.

1104 Section 10. Paragraph (i) of subsection (1) of section
 1105 458.3145, Florida Statutes, is amended to read:

1106 458.3145 Medical faculty certificate.—

1107 (1) A medical faculty certificate may be issued without
 1108 examination to an individual who:

1109 (i) Has been offered and has accepted a full-time faculty
 1110 appointment to teach in a program of medicine at:

- 1111 1. The University of Florida;
- 1112 2. The University of Miami;
- 1113 3. The University of South Florida;
- 1114 4. The Florida State University;
- 1115 5. The Florida International University;
- 1116 6. The University of Central Florida;
- 1117 7. The Mayo Clinic College of Medicine and Science in
 1118 Jacksonville, Florida;
- 1119 8. The Florida Atlantic University; ~~or~~
- 1120 9. The Johns Hopkins All Children's Hospital in St.
 1121 Petersburg, Florida;
- 1122 10. Nova Southeastern University; or
- 1123 11. The Lake Erie College of Osteopathic Medicine.

1124 Section 11. Effective July 1, 2021, section 459.074,
 1125 Florida Statutes, is created to read:

1126 459.074 Interstate Medical Licensure Compact.—A physician
1127 licensed to practice osteopathic medicine under s. 456.4501 is
1128 deemed to be licensed as an osteopathic physician under this
1129 chapter.

1130 Section 12. Effective upon this act becoming a law,
1131 subsection (8) of section 464.019, Florida Statutes, is amended,
1132 and paragraph (f) is added to subsection (11) of that section,
1133 to read:

1134 464.019 Approval of nursing education programs.—

1135 (8) RULEMAKING.—The board does not have rulemaking
1136 authority to administer this section, except that the board
1137 shall adopt rules that prescribe the format for submitting
1138 program applications under subsection (1) and annual reports
1139 under subsection (3), and to administer the documentation of the
1140 accreditation of nursing education programs under subsection
1141 (11). The board may adopt rules relating to the nursing
1142 curriculum, including rules relating to the uses and limitations
1143 of simulation technology, and rules relating to the criteria to
1144 qualify for an extension of time to meet the accreditation
1145 requirements under paragraph (11)(f). The board may not impose
1146 any condition or requirement on an educational institution
1147 submitting a program application, an approved program, or an
1148 accredited program, except as expressly provided in this
1149 section.

1150 (11) ACCREDITATION REQUIRED.—

1151 (f) An approved nursing education program may, no sooner
1152 than 90 days before the deadline for meeting the accreditation
1153 requirements of this subsection, apply to the board for an
1154 extension of the accreditation deadline for a period which does
1155 not exceed 2 years. An additional extension may not be granted.
1156 In order to be eligible for the extension, the approved program
1157 must establish that it has a graduate passage rate of 60 percent
1158 or higher on the National Council of State Boards of Nursing
1159 Licensing Examination for the most recent calendar year and must
1160 meet a majority of the board's additional criteria, including,
1161 but not limited to, all of the following:

1162 1. A student retention rate of 60 percent or higher for
1163 the most recent calendar year.

1164 2. A graduate work placement rate of 70 percent or higher
1165 for the most recent calendar year.

1166 3. The program has applied for approval or has been
1167 approved by an institutional or programmatic accreditor
1168 recognized by the United States Department of Education.

1169 4. The program is in full compliance with subsections (1)
1170 and (3) and paragraph (5) (b).

1171 5. The program is not currently in its second year of
1172 probationary status under subsection (5).

1173
1174 The applicable deadline under this paragraph is tolled from the
1175 date on which an approved program applies for an extension until

1176 | the date on which the board issues a decision on the requested
1177 | extension.

1178 | Section 13. Subsection (13) of section 465.003, Florida
1179 | Statutes, is amended to read:

1180 | 465.003 Definitions.—As used in this chapter, the term:

1181 | (13) "Practice of the profession of pharmacy" includes
1182 | compounding, dispensing, and consulting concerning contents,
1183 | therapeutic values, and uses of any medicinal drug; consulting
1184 | concerning therapeutic values and interactions of patent or
1185 | proprietary preparations, whether pursuant to prescriptions or
1186 | in the absence and entirely independent of such prescriptions or
1187 | orders; and conducting other pharmaceutical services. For
1188 | purposes of this subsection, "other pharmaceutical services"
1189 | means the monitoring of the patient's drug therapy and assisting
1190 | the patient in the management of his or her drug therapy, and
1191 | includes review of the patient's drug therapy and communication
1192 | with the patient's prescribing health care provider as licensed
1193 | under chapter 458, chapter 459, chapter 461, or chapter 466, or
1194 | similar statutory provision in another jurisdiction, or such
1195 | provider's agent or such other persons as specifically
1196 | authorized by the patient, regarding the drug therapy. However,
1197 | nothing in this subsection may be interpreted to permit an
1198 | alteration of a prescriber's directions, the diagnosis or
1199 | treatment of any disease, the initiation of any drug therapy,
1200 | the practice of medicine, or the practice of osteopathic

1201 medicine, unless otherwise permitted by law. "Practice of the
1202 profession of pharmacy" also includes any other act, service,
1203 operation, research, or transaction incidental to, or forming a
1204 part of, any of the foregoing acts, requiring, involving, or
1205 employing the science or art of any branch of the pharmaceutical
1206 profession, study, or training, and shall expressly permit a
1207 pharmacist to transmit information from persons authorized to
1208 prescribe medicinal drugs to their patients. The practice of the
1209 profession of pharmacy also includes the administration of
1210 vaccines to adults pursuant to s. 465.189, the administration of
1211 long-acting medications pursuant to s. 465.1893, and the
1212 preparation of prepackaged drug products in facilities holding
1213 Class III institutional pharmacy permits.

1214 Section 14. Paragraph (a) of subsection (1) and paragraph
1215 (a) of subsection (2) of section 465.1893, Florida Statutes, are
1216 amended to read:

1217 465.1893 Administration of long-acting ~~antipsychotic~~
1218 medication by injection.—

1219 (1) (a) A pharmacist, at the direction of a physician
1220 licensed under chapter 458 or chapter 459, may administer a
1221 long-acting antipsychotic medication and extended-release
1222 medications, including controlled substances, to treat substance
1223 abuse disorders or dependency that have been approved by the
1224 United States Food and Drug Administration by injection to a
1225 patient if the pharmacist:

1226 | 1. Is authorized by and acting within the framework of an
 1227 | established protocol with the prescribing physician.

1228 | 2. Practices at a facility that accommodates privacy for
 1229 | nondeltoid injections and conforms with state rules and
 1230 | regulations regarding the appropriate and safe disposal of
 1231 | medication and medical waste.

1232 | 3. Has completed the course required under subsection (2).

1233 | (2) (a) A pharmacist seeking to administer a ~~long-acting~~
 1234 | ~~antipsychotic~~ medication as described in paragraph (1) (a) by
 1235 | injection must complete an 8-hour continuing education course
 1236 | offered by:

1237 | 1. A statewide professional association of physicians in
 1238 | this state accredited to provide educational activities
 1239 | designated for the American Medical Association Physician's
 1240 | Recognition Award (AMA PRA) Category 1 Credit or the American
 1241 | Osteopathic Association (AOA) Category 1-A continuing medical
 1242 | education (CME) credit; and

1243 | 2. A statewide association of pharmacists.

1244 | Section 15. Subsection (9) is added to section 466.017,
 1245 | Florida Statutes, to read:

1246 | 466.017 Prescription of drugs; anesthesia.—

1247 | (9) A dentist may order physical impression materials for
 1248 | self-administration by a patient for the purpose of fabricating
 1249 | an orthodontic appliance.

1250 | Section 16. Section 466.031, Florida Statutes, is amended

1251 to read:

1252 466.031 "Dental laboratories ~~laboratory~~" defined.—

1253 (1) As used in this chapter, the term "dental laboratory"
1254 ~~as used in this chapter:~~

1255 ~~(1)~~ includes any person, firm, or corporation that ~~who~~
1256 performs for a fee of any kind, gratuitously, or otherwise,
1257 directly or through an agent or an employee, by any means or
1258 method, or ~~who in any way~~ supplies or manufactures artificial
1259 substitutes for the natural teeth; ~~or who~~ furnishes, supplies,
1260 constructs, or reproduces or repairs any prosthetic denture,
1261 bridge, or appliance to be worn in the human mouth; or ~~who~~ in
1262 any way represents ~~holds~~ itself ~~out~~ as a dental laboratory.

1263 ~~(2)~~ The term does not include a ~~Excludes any~~ dental
1264 laboratory technician who constructs or repairs dental
1265 prosthetic appliances in the office of a licensed dentist
1266 exclusively for that ~~such~~ dentist ~~only and~~ under her or his
1267 supervision and work order.

1268 (2) An employee or independent contractor of a dental
1269 laboratory, acting as an agent of that dental laboratory, may
1270 engage in onsite consultation with a licensed dentist during a
1271 dental procedure.

1272 Section 17. Section 466.036, Florida Statutes, is amended
1273 to read:

1274 466.036 Information; periodic inspections; equipment and
1275 supplies.—The department may require from the applicant for a

1276 registration certificate to operate a dental laboratory any
1277 information necessary to carry out the purpose of this chapter,
1278 including proof that the applicant has the equipment and
1279 supplies necessary to operate as determined by rule of the
1280 department, and shall require periodic inspection of all dental
1281 laboratories operating in this state at least once each biennial
1282 registration period. Such inspections must ~~shall~~ include, but
1283 need not be limited to, inspection of sanitary conditions,
1284 equipment, supplies, and facilities on the premises. The
1285 department shall specify dental equipment and supplies that are
1286 not allowed ~~permitted~~ in a registered dental laboratory.

1287 Section 18. Chapter 480, Florida Statutes, entitled
1288 "Massage Practice," is renamed "Massage Therapy Practice."

1289 Section 19. Section 480.031, Florida Statutes, is amended
1290 to read:

1291 480.031 Short title.—This act ~~shall be known and~~ may be
1292 cited as the "Massage Therapy Practice Act."

1293 Section 20. Section 480.032, Florida Statutes, is amended
1294 to read:

1295 480.032 Purpose.—The Legislature recognizes that the
1296 practice of massage therapy is potentially dangerous to the
1297 public in that massage therapists must have a knowledge of
1298 anatomy and physiology and an understanding of the relationship
1299 between the structure and the function of the tissues being
1300 treated and the total function of the body. Massage therapy is a

1301 therapeutic health care practice, and regulations are necessary
 1302 to protect the public from unqualified practitioners. It is
 1303 therefore deemed necessary in the interest of public health,
 1304 safety, and welfare to regulate the practice of massage therapy
 1305 in this state; however, restrictions shall be imposed to the
 1306 extent necessary to protect the public from significant and
 1307 discernible danger to health and yet not in such a manner which
 1308 will unreasonably affect the competitive market. Further,
 1309 consumer protection for both health and economic matters shall
 1310 be afforded the public through legal remedies provided for in
 1311 this act.

1312 Section 21. Section 480.033, Florida Statutes, is amended
 1313 to read:

1314 480.033 Definitions.—As used in this act:

1315 (1)~~(5)~~ "Apprentice" means a person approved by the board
 1316 to study colon hydrotherapy ~~massage~~ under the instruction of a
 1317 licensed massage therapist practicing colon hydrotherapy.

1318 (2)~~(1)~~ "Board" means the Board of Massage Therapy.

1319 (3)~~(9)~~ "Board-approved massage therapy school" means a
 1320 facility that meets minimum standards for training and
 1321 curriculum as determined by rule of the board and that is
 1322 licensed by the Department of Education pursuant to chapter 1005
 1323 or the equivalent licensing authority of another state or is
 1324 within the public school system of this state or a college or
 1325 university that is eligible to participate in the William L.

1326 Boyd, IV, Effective Access to Student Education Grant Program.
 1327 ~~(4)-(6)~~ "Colon hydrotherapy" ~~"Colonic irrigation"~~ means a
 1328 method of hydrotherapy used to cleanse the colon with the aid of
 1329 a mechanical device and water.
 1330 ~~(5)-(2)~~ "Department" means the Department of Health.
 1331 ~~(6)-(11)~~ "Designated establishment manager" means a massage
 1332 therapist who holds a clear and active license without
 1333 restriction, who is responsible for the operation of a massage
 1334 establishment in accordance with ~~the provisions of~~ this chapter,
 1335 and who is designated the manager by the rules or practices at
 1336 the establishment.
 1337 (7) "Establishment" or "massage establishment" means a
 1338 site or premises, or portion thereof, wherein a massage
 1339 therapist practices massage therapy.
 1340 ~~(8)-(10)~~ "Establishment owner" means a person who has
 1341 ownership interest in a massage establishment. The term includes
 1342 an individual who holds a massage establishment license, a
 1343 general partner of a partnership, an owner or officer of a
 1344 corporation, and a member of a limited liability company and its
 1345 subsidiaries who holds a massage establishment license.
 1346 ~~(9)-(8)~~ "Licensure" means the procedure by which a person,
 1347 hereinafter referred to as a "practitioner," applies to the
 1348 board for approval to practice massage therapy or to operate an
 1349 establishment.
 1350 ~~(10)-(4)~~ "Massage therapist" means a person licensed as

1351 required by this act, who performs ~~administers~~ massage therapy,
1352 including massage therapy assessment, for compensation.

1353 (11)-(3) "Massage therapy" means the manipulation of the
1354 soft tissues of the human body with the hand, foot, knee, arm,
1355 or elbow, regardless of whether ~~or not~~ such manipulation is
1356 aided by hydrotherapy, including colon hydrotherapy ~~colonic~~
1357 ~~irrigation,~~ or thermal therapy; any electrical or mechanical
1358 device; or the application to the human body of a chemical or
1359 herbal preparation.

1360 (12) "Massage therapy assessment" means the determination
1361 of the course of massage therapy treatment.

1362 Section 22. Subsections (1), (2), and (4) and paragraph
1363 (b) of subsection (5) of section 480.041, Florida Statutes, are
1364 amended, and subsection (8) is added to that section, to read:

1365 480.041 Massage therapists; qualifications; licensure;
1366 endorsement.—

1367 (1) Any person is qualified for licensure as a massage
1368 therapist under this act who:

1369 (a) Is at least 18 years of age or has received a high
1370 school diploma or high school equivalency diploma;

1371 (b) Has completed a course of study at a board-approved
1372 massage therapy school ~~or has completed an apprenticeship~~
1373 ~~program that meets standards adopted by the board;~~ and

1374 (c) Has received a passing grade on a national ~~an~~
1375 examination designated ~~administered~~ by the board ~~department~~.

1376 (2) Every person desiring to be examined for licensure as
1377 a massage therapist must ~~shall~~ apply to the department in
1378 writing upon forms prepared by the board and furnished by the
1379 department. Such applicants are ~~shall be~~ subject to the
1380 ~~provisions of s. 480.046(1). Applicants may take an examination~~
1381 ~~administered by the department only upon meeting the~~
1382 ~~requirements of this section as determined by the board.~~

1383 (4) Upon an applicant's passing the examination and paying
1384 the initial licensure fee, the department shall issue to the
1385 applicant a license, valid until the next scheduled renewal
1386 date, to practice massage therapy.

1387 (5) The board shall adopt rules:

1388 (b) Providing for educational standards, examination, and
1389 certification for the practice of colon hydrotherapy eelonic
1390 irrigation, as defined in s. 480.033 ~~s. 480.033(6)~~, by massage
1391 therapists.

1392 (8) A person issued a license as an apprentice before July
1393 1, 2020, may continue that apprenticeship and perform massage
1394 therapy as authorized under that license until it expires. Upon
1395 completion of the apprenticeship, which must occur before July
1396 1, 2023, an apprentice may apply to the board for full licensure
1397 and be granted a license if all other applicable licensure
1398 requirements are met.

1399 Section 23. Section 480.042, Florida Statutes, is
1400 repealed.

1401 Section 24. Subsections (2) through (7) of section
1402 491.003, Florida Statutes, are renumbered as subsections (3)
1403 through (8), respectively, present subsections (8) through (17)
1404 are renumbered as subsections (10) through (19), respectively,
1405 and new subsections (2) and (9) are added to that section to
1406 read:

1407 491.003 Definitions.—As used in this chapter:

1408 (2) "Certified master social worker" means a person
1409 licensed under this chapter to practice generalist social work.

1410 (9) "Practice of generalist social work" means the
1411 application of social work theory, knowledge, methods, and
1412 ethics, and the professional use of self to restore or enhance
1413 social, psychosocial, or biopsychosocial functioning of
1414 individuals, couples, families, groups, organizations, and
1415 communities. The term includes the application of specialized
1416 knowledge and advanced practice skills in nondiagnostic
1417 assessment, treatment planning, implementation and evaluation,
1418 case management, information and referral, supervision,
1419 consultation, education, research, advocacy, and community
1420 organization, and the development, implementation, and
1421 administration of policies, programs, and activities.

1422 Section 25. Subsections (4) through (7) of section
1423 491.004, Florida Statutes, are renumbered as subsections (3)
1424 through (6), respectively, and present subsections (3) and (4)
1425 of that section are amended to read:

1426 491.004 Board of Clinical Social Work, Marriage and Family
 1427 Therapy, and Mental Health Counseling.—

1428 ~~(3) No later than January 1, 1988, the Governor shall~~
 1429 ~~appoint nine members of the board as follows:~~

1430 ~~(a) Three members for terms of 2 years each.~~

1431 ~~(b) Three members for terms of 3 years each.~~

1432 ~~(c) Three members for terms of 4 years each.~~

1433 (3)(4) As the terms of the ~~initial~~ members expire, the
 1434 Governor shall appoint successors for terms of 4 years; and
 1435 those members shall serve until their successors are appointed.

1436 Section 26. Subsection (6) of section 491.0045, Florida
 1437 Statutes, is amended to read:

1438 491.0045 Intern registration; requirements.—

1439 (6) A registration issued on or before March 31, 2017,
 1440 expires March 31, 2022, and may not be renewed or reissued. Any
 1441 registration issued after March 31, 2017, expires 60 months
 1442 after the date it is issued. The board may make a one-time
 1443 exception from the requirements of this section in emergency or
 1444 hardship cases, as defined by board rule, if ~~A subsequent intern~~
 1445 ~~registration may not be issued unless~~ the candidate has passed
 1446 the theory and practice examination described in s.

1447 491.005 (1) (d), (3) (d), and (4) (d).

1448 Section 27. Subsection (1), paragraph (b) of subsection
 1449 (2), and subsections (3) and (4) of section 491.005, Florida
 1450 Statutes, are amended to read:

1451 491.005 Licensure by examination.—

1452 (1) CLINICAL SOCIAL WORK.—Upon verification of

1453 documentation and payment of a fee not to exceed \$200, as set by

1454 board rule, plus the actual per applicant cost ~~to the department~~

1455 for purchase of the examination from the ~~American~~ Association of

1456 State Social Work Worker's Boards or its successor ~~a similar~~

1457 ~~national organization~~, the department shall issue a license as a

1458 clinical social worker to an applicant who the board certifies:

1459 (a) Has submitted an application and paid the appropriate

1460 fee.

1461 (b)1. Has received a doctoral degree in social work from a

1462 graduate school of social work which at the time the applicant

1463 graduated was accredited by an accrediting agency recognized by

1464 the United States Department of Education or has received a

1465 master's degree in social work from a graduate school of social

1466 work which at the time the applicant graduated:

1467 a. Was accredited by the Council on Social Work Education;

1468 b. Was accredited by the Canadian Association of Schools

1469 of Social Work; or

1470 c. Has been determined to have been a program equivalent

1471 to programs approved by the Council on Social Work Education by

1472 the Foreign Equivalency Determination Service of the Council on

1473 Social Work Education. An applicant who graduated from a program

1474 at a university or college outside of the United States or

1475 Canada must present documentation of the equivalency

1476 determination from the council in order to qualify.

1477 2. The applicant's graduate program must have emphasized
1478 direct clinical patient or client health care services,
1479 including, but not limited to, coursework in clinical social
1480 work, psychiatric social work, medical social work, social
1481 casework, psychotherapy, or group therapy. The applicant's
1482 graduate program must have included all of the following
1483 coursework:

1484 a. A supervised field placement which was part of the
1485 applicant's advanced concentration in direct practice, during
1486 which the applicant provided clinical services directly to
1487 clients.

1488 b. Completion of 24 semester hours or 32 quarter hours in
1489 courses approved by board rule ~~theory of human behavior and~~
1490 ~~practice methods as courses in clinically oriented services,~~
1491 ~~including a minimum of one course in psychopathology, and no~~
1492 ~~more than one course in research, taken in a school of social~~
1493 ~~work accredited or approved pursuant to subparagraph 1.~~

1494 ~~3. If the course title which appears on the applicant's~~
1495 ~~transcript does not clearly identify the content of the~~
1496 ~~coursework, the applicant shall be required to provide~~
1497 ~~additional documentation, including, but not limited to, a~~
1498 ~~syllabus or catalog description published for the course.~~

1499 (c) Has had at least 2 years of clinical social work
1500 experience, which took place subsequent to completion of a

1501 graduate degree in social work at an institution meeting the
 1502 accreditation requirements of this section, under the
 1503 supervision of a licensed clinical social worker or the
 1504 equivalent who is a qualified supervisor as determined by the
 1505 board. An individual who intends to practice in Florida to
 1506 satisfy clinical experience requirements must register pursuant
 1507 to s. 491.0045 before commencing practice. If the applicant's
 1508 graduate program was not a program which emphasized direct
 1509 clinical patient or client health care services as described in
 1510 subparagraph (b)2., the supervised experience requirement must
 1511 take place after the applicant has completed a minimum of 15
 1512 semester hours or 22 quarter hours of the coursework required. A
 1513 doctoral internship may be applied toward the clinical social
 1514 work 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
 1518 designated ~~provided~~ by the board ~~department~~ ~~for this purpose~~.

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

1523 (2) CLINICAL SOCIAL WORK.—

1524 (b) An applicant from a master's or doctoral program in
 1525 social work which did not emphasize direct patient or client

1526 services may complete the clinical curriculum content
 1527 requirement by returning to a graduate program accredited by the
 1528 Council on Social Work Education or the Canadian Association for
 1529 Social Work Education ~~of Schools of Social Work~~, or to a
 1530 clinical social work graduate program with comparable standards,
 1531 in order to complete the education requirements for examination.
 1532 However, a maximum of 6 semester or 9 quarter hours of the
 1533 clinical curriculum content requirement may be completed by
 1534 credit awarded for independent study coursework as defined by
 1535 board rule.

1536 (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of
 1537 documentation and payment of a fee not to exceed \$200, as set by
 1538 board rule, plus the actual cost ~~to the department~~ for the
 1539 purchase of the examination from the Association of Marital and
 1540 Family Therapy Regulatory Boards ~~Board~~, or its successor ~~similar~~
 1541 ~~national~~ organization, the department shall issue a license as a
 1542 marriage and family therapist to an applicant who the board
 1543 certifies:

1544 (a) Has submitted an application and paid the appropriate
 1545 fee.

1546 (b) ~~1.~~ Has a minimum of a master's degree with major
 1547 emphasis in marriage and family therapy from a program
 1548 accredited by the Commission on Accreditation for Marriage and
 1549 Family Therapy Education or from a state university program
 1550 accredited by the Council for Accreditation of Counseling and

1551 Related Educational Programs, or a closely related field, and
1552 graduate courses approved by the Board of Clinical Social Work,
1553 Marriage and Family Therapy, and Mental Health Counseling. ~~has~~
1554 ~~completed all of the following requirements:~~

1555 ~~a. Thirty six semester hours or 48 quarter hours of~~
1556 ~~graduate coursework, which must include a minimum of 3 semester~~
1557 ~~hours or 4 quarter hours of graduate-level course credits in~~
1558 ~~each of the following nine areas: dynamics of marriage and~~
1559 ~~family systems; marriage therapy and counseling theory and~~
1560 ~~techniques; family therapy and counseling theory and techniques;~~
1561 ~~individual human development theories throughout the life cycle;~~
1562 ~~personality theory or general counseling theory and techniques;~~
1563 ~~psychopathology; human sexuality theory and counseling~~
1564 ~~techniques; psychosocial theory; and substance abuse theory and~~
1565 ~~counseling techniques. Courses in research, evaluation,~~
1566 ~~appraisal, assessment, or testing theories and procedures;~~
1567 ~~thesis or dissertation work; or practicums, internships, or~~
1568 ~~fieldwork may not be applied toward this requirement.~~

1569 ~~b. A minimum of one graduate-level course of 3 semester~~
1570 ~~hours or 4 quarter hours in legal, ethical, and professional~~
1571 ~~standards issues in the practice of marriage and family therapy~~
1572 ~~or a course determined by the board to be equivalent.~~

1573 ~~e. A minimum of one graduate-level course of 3 semester~~
1574 ~~hours or 4 quarter hours in diagnosis, appraisal, assessment,~~
1575 ~~and testing for individual or interpersonal disorder or~~

1576 ~~dysfunction; and a minimum of one 3-semester-hour or 4-quarter-~~
1577 ~~hour graduate-level course in behavioral research which focuses~~
1578 ~~on the interpretation and application of research data as it~~
1579 ~~applies to clinical practice. Credit for thesis or dissertation~~
1580 ~~work, practicums, internships, or fieldwork may not be applied~~
1581 ~~toward this requirement.~~

1582 ~~d. A minimum of one supervised clinical practicum,~~
1583 ~~internship, or field experience in a marriage and family~~
1584 ~~counseling setting, during which the student provided 180 direct~~
1585 ~~client contact hours of marriage and family therapy services~~
1586 ~~under the supervision of an individual who met the requirements~~
1587 ~~for supervision under paragraph (c). This requirement may be met~~
1588 ~~by a supervised practice experience which took place outside the~~
1589 ~~academic arena, but which is certified as equivalent to a~~
1590 ~~graduate-level practicum or internship program which required a~~
1591 ~~minimum of 180 direct client contact hours of marriage and~~
1592 ~~family therapy services currently offered within an academic~~
1593 ~~program of a college or university accredited by an accrediting~~
1594 ~~agency approved by the United States Department of Education, or~~
1595 ~~an institution which is publicly recognized as a member in good~~
1596 ~~standing with the Association of Universities and Colleges of~~
1597 ~~Canada or a training institution accredited by the Commission on~~
1598 ~~Accreditation for Marriage and Family Therapy Education~~
1599 ~~recognized by the United States Department of Education.~~
1600 ~~Certification shall be required from an official of such~~

1601 ~~college, university, or training institution.~~

1602 ~~2. If the course title which appears on the applicant's~~
1603 ~~transcript does not clearly identify the content of the~~
1604 ~~coursework, the applicant shall be required to provide~~
1605 ~~additional documentation, including, but not limited to, a~~
1606 ~~syllabus or catalog description published for the course.~~

1607
1608 The required master's degree must have been received in an
1609 institution of higher education which at the time the applicant
1610 graduated was: fully accredited by a regional accrediting body
1611 recognized by the Council for Higher Education Accreditation
1612 ~~Commission on Recognition of Postsecondary Accreditation;~~
1613 publicly recognized as a member in good standing with ~~the~~
1614 ~~Association of Universities and Colleges of Canada;~~ or an
1615 institution of higher education located outside the United
1616 States and Canada, which at the time the applicant was enrolled
1617 and at the time the applicant graduated maintained a standard of
1618 training substantially equivalent to the standards of training
1619 of those institutions in the United States which are accredited
1620 by a regional accrediting body recognized by the Council for
1621 Higher Education Accreditation ~~Commission on Recognition of~~
1622 ~~Postsecondary Accreditation.~~ Such foreign education and training
1623 must have been received in an institution or program of higher
1624 education officially recognized by the government of the country
1625 in which it is located as an institution or program to train

1626 students to practice as professional marriage and family
1627 therapists or psychotherapists. The burden of establishing that
1628 the requirements of this provision have been met shall be upon
1629 the applicant, and the board shall require documentation, such
1630 as, but not limited to, an evaluation by a foreign equivalency
1631 determination service, as evidence that the applicant's graduate
1632 degree program and education were equivalent to an accredited
1633 program in this country. An applicant with a master's degree
1634 from a program which did not emphasize marriage and family
1635 therapy may complete the coursework requirement in a training
1636 institution fully accredited by the Commission on Accreditation
1637 for Marriage and Family Therapy Education recognized by the
1638 United States Department of Education.

1639 (c) Has had at least 2 years of clinical experience during
1640 which 50 percent of the applicant's clients were receiving
1641 marriage and family therapy services, which must be at the post-
1642 master's level under the supervision of a licensed marriage and
1643 family therapist with at least 5 years of experience, or the
1644 equivalent, who is a qualified supervisor as determined by the
1645 board. An individual who intends to practice in Florida to
1646 satisfy the clinical experience requirements must register
1647 pursuant to s. 491.0045 before commencing practice. If a
1648 graduate has a master's degree with a major emphasis in marriage
1649 and family therapy or a closely related field that did not
1650 include all the coursework required under paragraph (b) ~~sub-~~

1651 ~~subparagraphs (b)1.a.-c.~~, credit for the post-master's level
1652 clinical experience shall not commence until the applicant has
1653 completed a minimum of 10 of the courses required under
1654 paragraph (b) ~~sub-subparagraphs (b)1.a.-c.~~, as determined by the
1655 board, and at least 6 semester hours or 9 quarter hours of the
1656 course credits must have been completed in the area of marriage
1657 and family systems, theories, or techniques. Within the 2 ~~3~~
1658 years of required experience, the applicant shall provide direct
1659 individual, group, or family therapy and counseling, to include
1660 the following categories of cases: unmarried dyads, married
1661 couples, separating and divorcing couples, and family groups
1662 including children. A doctoral internship may be applied toward
1663 the clinical experience requirement. A licensed mental health
1664 professional must be on the premises when clinical services are
1665 provided by a registered intern in a private practice setting.

1666 (d) Has passed a theory and practice examination
1667 designated ~~provided~~ by the board ~~department~~ for this purpose.

1668 (e) Has demonstrated, in a manner designated by board rule
1669 ~~of the board~~, knowledge of the laws and rules governing the
1670 practice of clinical social work, marriage and family therapy,
1671 and mental health counseling.

1672 (f) For the purposes of dual licensure, the department
1673 shall license as a marriage and family therapist any person who
1674 meets the requirements of s. 491.0057. Fees for dual licensure
1675 shall not exceed those stated in this subsection.

1676 (4) MENTAL HEALTH COUNSELING.—Upon verification of
1677 documentation and payment of a fee not to exceed \$200, as set by
1678 board rule, plus the actual per applicant cost ~~to the department~~
1679 for purchase of the examination from the National Board for
1680 Certified Counselors or its successor ~~Professional Examination~~
1681 ~~Service for the National Academy of Certified Clinical Mental~~
1682 ~~Health Counselors or a similar national organization,~~ the
1683 department shall issue a license as a mental health counselor to
1684 an applicant who the board certifies:

1685 (a) Has submitted an application and paid the appropriate
1686 fee.

1687 (b)1. Has a minimum of an earned master's degree from a
1688 mental health counseling program accredited by the Council for
1689 the Accreditation of Counseling and Related Educational Programs
1690 that consists of at least 60 semester hours or 80 quarter hours
1691 of clinical and didactic instruction, ~~including a course in~~
1692 ~~human sexuality and a course in substance abuse.~~ If the master's
1693 degree is earned from a program related to the practice of
1694 mental health counseling that is not accredited by the Council
1695 for the Accreditation of Counseling and Related Educational
1696 Programs, then the coursework and practicum, internship, or
1697 fieldwork must consist of at least 60 semester hours or 80
1698 quarter hours and meet the following requirements:

1699 a. Thirty-three semester hours or 44 quarter hours of
1700 graduate coursework, which must include a minimum of 3 semester

1701 hours or 4 quarter hours of graduate-level coursework in each of
1702 the following 11 content areas: counseling theories and
1703 practice; human growth and development; diagnosis and treatment
1704 of psychopathology; human sexuality; group theories and
1705 practice; individual evaluation and assessment; career and
1706 lifestyle assessment; research and program evaluation; social
1707 and cultural foundations; substance abuse; and legal, ethical,
1708 and professional standards issues in the practice of mental
1709 health counseling in community settings; and substance abuse.
1710 Courses in research, thesis or dissertation work, practicums,
1711 internships, or fieldwork may not be applied toward this
1712 requirement.

1713 b. A minimum of 3 semester hours or 4 quarter hours of
1714 graduate-level coursework addressing diagnostic processes,
1715 including differential diagnosis and the use of the current
1716 diagnostic tools, such as the current edition of the American
1717 Psychiatric Association's Diagnostic and Statistical Manual of
1718 Mental Disorders. The graduate program must have emphasized the
1719 common core curricular experience ~~in legal, ethical, and~~
1720 ~~professional standards issues in the practice of mental health~~
1721 ~~counseling, which includes goals, objectives, and practices of~~
1722 ~~professional counseling organizations, codes of ethics, legal~~
1723 ~~considerations, standards of preparation, certifications and~~
1724 ~~licensing, and the role identity and professional obligations of~~
1725 ~~mental health counselors. Courses in research, thesis or~~

1726 ~~dissertation work, practicums, internships, or fieldwork may not~~
1727 ~~be applied toward this requirement.~~

1728 c. The equivalent, as determined by the board, of at least
1729 700 ~~1,000~~ hours of university-sponsored supervised clinical
1730 practicum, internship, or field experience that includes at
1731 least 280 hours of direct client services, as required in the
1732 accrediting standards of the Council for Accreditation of
1733 Counseling and Related Educational Programs for mental health
1734 counseling programs. This experience may not be used to satisfy
1735 the post-master's clinical experience requirement.

1736 2. If the course title which appears on the applicant's
1737 transcript does not clearly identify the content of the
1738 coursework, the applicant shall be required to provide
1739 additional documentation, including, but not limited to, a
1740 syllabus or catalog description published for the course.

1741
1742 Education and training in mental health counseling must have
1743 been received in an institution of higher education which at the
1744 time the applicant graduated was: fully accredited by a regional
1745 accrediting body recognized by the Council for Higher Education
1746 Accreditation or its successor ~~Commission on Recognition of~~
1747 ~~Postsecondary Accreditation;~~ publicly recognized as a member in
1748 good standing with ~~the Association of Universities and Colleges~~
1749 ~~of~~ Canada; or an institution of higher education located outside
1750 the United States and Canada, which at the time the applicant

1751 was enrolled and at the time the applicant graduated maintained
1752 a standard of training substantially equivalent to the standards
1753 of training of those institutions in the United States which are
1754 accredited by a regional accrediting body recognized by the
1755 Council for Higher Education Accreditation or its successor
1756 ~~Commission on Recognition of Postsecondary Accreditation~~. Such
1757 foreign education and training must have been received in an
1758 institution or program of higher education officially recognized
1759 by the government of the country in which it is located as an
1760 institution or program to train students to practice as mental
1761 health counselors. The burden of establishing that the
1762 requirements of this provision have been met shall be upon the
1763 applicant, and the board shall require documentation, such as,
1764 but not limited to, an evaluation by a foreign equivalency
1765 determination service, as evidence that the applicant's graduate
1766 degree program and education were equivalent to an accredited
1767 program in this country. Beginning July 1, 2026, an applicant
1768 must have a master's degree in a program that is accredited by
1769 the Council for Accreditation of Counseling and Related
1770 Educational Programs which consists of at least 60 semester
1771 hours or 80 quarter hours to apply for licensure under this
1772 paragraph.

1773 (c) Has had at least 2 years of clinical experience in
1774 mental health counseling, which must be at the post-master's
1775 level under the supervision of a licensed mental health

1776 counselor or the equivalent who is a qualified supervisor as
1777 determined by the board. An individual who intends to practice
1778 in Florida to satisfy the clinical experience requirements must
1779 register pursuant to s. 491.0045 before commencing practice. If
1780 a graduate has a master's degree with a major related to the
1781 practice of mental health counseling that did not include all
1782 the coursework required under sub-subparagraphs (b)1.a.-b.,
1783 credit for the post-master's level clinical experience shall not
1784 commence until the applicant has completed a minimum of seven of
1785 the courses required under sub-subparagraphs (b)1.a.-b., as
1786 determined by the board, one of which must be a course in
1787 psychopathology or abnormal psychology. A doctoral internship
1788 may be applied toward the clinical experience requirement. A
1789 licensed mental health professional must be on the premises when
1790 clinical services are provided by a registered intern in a
1791 private practice setting.

1792 (d) Has passed a theory and practice examination
1793 designated ~~provided~~ by the board ~~department~~ for this purpose.

1794 (e) Has demonstrated, in a manner designated by board rule
1795 ~~of the board~~, knowledge of the laws and rules governing the
1796 practice of clinical social work, marriage and family therapy,
1797 and mental health counseling.

1798 Section 28. Subsection (3) of section 491.0057, Florida
1799 Statutes, is amended to read:

1800 491.0057 Dual licensure as a marriage and family

1801 therapist.—The department shall license as a marriage and family
 1802 therapist any person who demonstrates to the board that he or
 1803 she:

1804 (3) Has passed the examination designated ~~provided~~ by the
 1805 board ~~department~~ for marriage and family therapy.

1806 Section 29. Paragraph (b) of subsection (1) of section
 1807 491.006, Florida Statutes, is amended to read:

1808 491.006 Licensure or certification by endorsement.—

1809 (1) The department shall license or grant a certificate to
 1810 a person in a profession regulated by this chapter who, upon
 1811 applying to the department and remitting the appropriate fee,
 1812 demonstrates to the board that he or she:

1813 (b)1. Holds an active valid license to practice and has
 1814 actively practiced the profession for which licensure is applied
 1815 in another state for 3 of the last 5 years immediately preceding
 1816 licensure.

1817 ~~2. Meets the education requirements of this chapter for~~
 1818 ~~the profession for which licensure is applied.~~

1819 ~~2.3.~~ Has passed a substantially equivalent licensing
 1820 examination in another state or has passed the licensure
 1821 examination in this state in the profession for which the
 1822 applicant seeks licensure.

1823 ~~3.4.~~ Holds a license in good standing, is not under
 1824 investigation for an act that would constitute a violation of
 1825 this chapter, and has not been found to have committed any act

1826 that would constitute a violation of this chapter. ~~The fees paid~~
 1827 ~~by any applicant for certification as a master social worker~~
 1828 ~~under this section are nonrefundable.~~

1829 Section 30. Subsections (2) and (3) of section 491.007,
 1830 Florida Statutes, are amended to read:

1831 491.007 Renewal of license, registration, or certificate.—

1832 (2) Each applicant for renewal shall present satisfactory
 1833 evidence that, in the period since the license or certificate
 1834 was issued, the applicant has completed continuing education
 1835 requirements set by rule of the board or department. Not more
 1836 than 25 classroom hours of continuing education per year shall
 1837 be required. ~~A certified master social worker is exempt from the~~
 1838 ~~continuing education requirements for the first renewal of the~~
 1839 ~~certificate.~~

1840 ~~(3) The board or department shall prescribe by rule a~~
 1841 ~~method for the biennial renewal of an intern registration at a~~
 1842 ~~fee set by rule, not to exceed \$100.~~

1843 Section 31. Subsection (2) of section 491.009, Florida
 1844 Statutes, is amended to read:

1845 491.009 Discipline.—

1846 (2) ~~The department, or, in the case of psychologists, the~~
 1847 ~~board,~~ may enter an order denying licensure or imposing any of
 1848 the penalties in s. 456.072(2) against any applicant for
 1849 licensure or licensee who is found guilty of violating any
 1850 provision of subsection (1) of this section or who is found

1851 guilty of violating any provision of s. 456.072(1).

1852 Section 32. Paragraph (a) of subsection (1) of section
1853 491.012, Florida Statutes, is amended to read:

1854 491.012 Violations; penalty; injunction.—

1855 (1) It is unlawful and a violation of this chapter for any
1856 person to:

1857 (a) Use the following titles or any combination thereof,
1858 unless she or he holds a valid, active license as a clinical
1859 social worker issued pursuant to this chapter:

- 1860 1. "Licensed clinical social worker."
- 1861 2. "Clinical social worker."
- 1862 3. "Licensed social worker."
- 1863 4. "Psychiatric social worker."
- 1864 5. "Psychosocial worker."
- 1865 6. "Certified master social worker."

1866 Section 33. Section 491.0145, Florida Statutes, is amended
1867 to read:

1868 491.0145 Certified master social worker.—

1869 (1) The department shall license ~~may certify~~ an applicant
1870 for a designation as a certified master social worker who, upon
1871 applying to the department and remitting the appropriate fee,
1872 demonstrates to the board that he or she has met the following
1873 conditions:

1874 (a) (1) The applicant has submitted ~~completes~~ an
1875 application and has paid ~~to be provided by the department and~~

1876 ~~pays~~ a nonrefundable fee not to exceed \$250 to be established by
1877 rule of the board ~~department~~. ~~The completed application must be~~
1878 ~~received by the department at least 60 days before the date of~~
1879 ~~the examination in order for the applicant to qualify to take~~
1880 ~~the scheduled exam.~~

1881 (b)(2) The applicant submits proof satisfactory to the
1882 board ~~department~~ that the applicant has received a doctoral
1883 degree in social work, or a master's degree in social work with
1884 a major emphasis or specialty in ~~clinical practice or~~
1885 ~~administration, including, but not limited to, agency~~
1886 ~~administration and supervision, program planning and evaluation,~~
1887 ~~staff development, research, community organization, community~~
1888 ~~services, social planning, and human service advocacy. Doctoral~~
1889 ~~degrees must have been received from a graduate school of social~~
1890 ~~work which at the time the applicant was enrolled and graduated~~
1891 ~~was accredited by an accrediting agency approved by the United~~
1892 ~~States Department of Education. Master's degrees must have been~~
1893 ~~received from a graduate school of social work which at the time~~
1894 ~~the applicant was enrolled and graduated was accredited by the~~
1895 ~~Council on Social Work Education or the Canadian Association of~~
1896 ~~Schools for~~ of Social Work Education or by one that meets
1897 comparable standards.

1898 (c)(3) The applicant has had at least 2 ~~3~~ years'
1899 experience, as defined by rule of the board, including, but not
1900 limited to, ~~clinical services or~~ administrative activities as

1901 described in paragraph (b) ~~defined in subsection (2)~~, 2 years of
1902 which must be at the post-master's level under the supervision
1903 of a person who meets the education and experience requirements
1904 for certification as a certified master social worker, as
1905 defined by rule of the board, or licensure as a clinical social
1906 worker under this chapter. A doctoral internship may be applied
1907 toward the supervision requirement.

1908 (d)(4) Any person who holds a master's degree in social
1909 work from institutions outside the United States may apply to
1910 the board ~~department~~ for certification if the academic training
1911 in social work has been evaluated as equivalent to a degree from
1912 a school accredited by the Council on Social Work Education. Any
1913 such person shall submit a copy of the academic training from
1914 the Foreign Equivalency Determination Service of the Council on
1915 Social Work Education.

1916 (e)(5) The applicant has passed an examination required by
1917 the board ~~department~~ for this purpose. ~~The nonrefundable fee for~~
1918 ~~such examination may not exceed \$250 as set by department rule.~~

1919 (2)(6) Nothing in this chapter shall be construed to
1920 authorize a certified master social worker to provide clinical
1921 social work services.

1922 (3) The board may adopt rules to implement this section.

1923 Section 34. Section 491.0149, Florida Statutes, is amended
1924 to read:

1925 491.0149 Display of license; use of professional title on

1926 promotional materials.-

1927 (1) (a) A person licensed under this chapter as a clinical
 1928 social worker, marriage and family therapist, or mental health
 1929 counselor, or certified as a master social worker shall
 1930 conspicuously display the valid license issued by the department
 1931 or a true copy thereof at each location at which the licensee
 1932 practices his or her profession.

1933 (b)1. A licensed clinical social worker shall include the
 1934 words "licensed clinical social worker" or the letters "LCSW" on
 1935 all promotional materials, including cards, brochures,
 1936 stationery, advertisements, social media, and signs, naming the
 1937 licensee.

1938 2. A licensed marriage and family therapist shall include
 1939 the words "licensed marriage and family therapist" or the
 1940 letters "LMFT" on all promotional materials, including cards,
 1941 brochures, stationery, advertisements, social media, and signs,
 1942 naming the licensee.

1943 3. A licensed mental health counselor shall include the
 1944 words "licensed mental health counselor" or the letters "LMHC"
 1945 on all promotional materials, including cards, brochures,
 1946 stationery, advertisements, social media, and signs, naming the
 1947 licensee.

1948 (c) A generalist social worker shall include the words
 1949 "certified master social worker" or the letters "CMSW" on all
 1950 promotional materials, including cards, brochures, stationery,

1951 advertisements, social media, and signs, naming the licensee.

1952 (2) (a) A person registered under this chapter as a
1953 clinical social worker intern, marriage and family therapist
1954 intern, or mental health counselor intern shall conspicuously
1955 display the valid registration issued by the department or a
1956 true copy thereof at each location at which the registered
1957 intern is completing the experience requirements.

1958 (b) A registered clinical social worker intern shall
1959 include the words "registered clinical social worker intern," a
1960 registered marriage and family therapist intern shall include
1961 the words "registered marriage and family therapist intern," and
1962 a registered mental health counselor intern shall include the
1963 words "registered mental health counselor intern" on all
1964 promotional materials, including cards, brochures, stationery,
1965 advertisements, social media, and signs, naming the registered
1966 intern.

1967 (3) (a) A person provisionally licensed under this chapter
1968 as a provisional clinical social worker licensee, provisional
1969 marriage and family therapist licensee, or provisional mental
1970 health counselor licensee shall conspicuously display the valid
1971 provisional license issued by the department or a true copy
1972 thereof at each location at which the provisional licensee is
1973 providing services.

1974 (b) A provisional clinical social worker licensee shall
1975 include the words "provisional clinical social worker licensee,"

1976 a provisional marriage and family therapist licensee shall
1977 include the words "provisional marriage and family therapist
1978 licensee," and a provisional mental health counselor licensee
1979 shall include the words "provisional mental health counselor
1980 licensee" on all promotional materials, including cards,
1981 brochures, stationery, advertisements, social media, and signs,
1982 naming the provisional licensee.

1983 Section 35. Section 491.015, Florida Statutes, is
1984 repealed.

1985 Section 36. Subsection (7) of section 514.0115, Florida
1986 Statutes, is renumbered as subsection (8), and a new subsection
1987 (7) is added to that section to read:

1988 514.0115 Exemptions from supervision or regulation;
1989 variances.—

1990 (7) Until such time as the department adopts rules for the
1991 supervision and regulation of surf pools, a surf pool that is
1992 larger than 4 acres is exempt from supervision under this
1993 chapter, provided that it is permitted by a local government
1994 pursuant to a special use permit process in which the local
1995 government asserts regulatory authority over the construction of
1996 the surf pool and, in consultation with the department,
1997 establishes through the local government's special use permit
1998 process the conditions for the surf pool's operation, water
1999 quality, and necessary lifesaving equipment. This subsection
2000 does not affect the department's or a county health department's

2001 right of entry pursuant to s. 514.04 or its authority to seek an
2002 injunction pursuant to s. 514.06 to restrain the operation of a
2003 surf pool permitted and operated under this subsection if it
2004 presents significant risks to public health. For purposes of
2005 this subsection, the term "surf pool" means a pool designed to
2006 generate waves dedicated to the activity of surfing on a
2007 surfboard or an analogous surfing device commonly used in the
2008 ocean and intended for sport, as opposed to general play intent
2009 for wave pools, other large-scale public swimming pools, or
2010 other public bathing places.

2011 Section 37. Effective July 1, 2021, paragraph (h) is added
2012 to subsection (10) of section 768.28, Florida Statutes, to read:

2013 768.28 Waiver of sovereign immunity in tort actions;
2014 recovery limits; limitation on attorney fees; statute of
2015 limitations; exclusions; indemnification; risk management
2016 programs.—

2017 (10)

2018 (h) For the purposes of this section, the representative
2019 appointed from the Board of Medicine and the representative
2020 appointed from the Board of Osteopathic Medicine, when serving
2021 as commissioners of the Interstate Medical Licensure Compact
2022 Commission pursuant to s. 456.4501, and any administrator,
2023 officer, executive director, employee, or representative of the
2024 Interstate Medical Licensure Compact Commission, when acting
2025 within the scope of their employment, duties, or

2026 responsibilities in this state, are considered agents of the
2027 state. The commission shall pay any claims or judgments pursuant
2028 to this section and may maintain insurance coverage to pay any
2029 such claims or judgments.

2030 Section 38. Paragraph (c) of subsection (4) of section
2031 414.065, Florida Statutes, is amended to read:

2032 414.065 Noncompliance with work requirements.—

2033 (4) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.—Unless
2034 otherwise provided, the situations listed in this subsection
2035 shall constitute exceptions to the penalties for noncompliance
2036 with participation requirements, except that these situations do
2037 not constitute exceptions to the applicable time limit for
2038 receipt of temporary cash assistance:

2039 (c) Noncompliance related to treatment or remediation of
2040 past effects of domestic violence.—An individual who is
2041 determined to be unable to comply with the work requirements
2042 under this section due to mental or physical impairment related
2043 to past incidents of domestic violence may be exempt from work
2044 requirements, except that such individual shall comply with a
2045 plan that specifies alternative requirements that prepare the
2046 individual for self-sufficiency while providing for the safety
2047 of the individual and the individual's dependents. A participant
2048 who is determined to be out of compliance with the alternative
2049 requirement plan shall be subject to the penalties under
2050 subsection (1). The plan must include counseling or a course of

2051 treatment necessary for the individual to resume participation.
2052 The need for treatment and the expected duration of such
2053 treatment must be verified by a physician licensed under chapter
2054 458 or chapter 459; a psychologist licensed under s. 490.005(1),
2055 s. 490.006, or the provision identified as s. 490.013(2) in s.
2056 1, chapter 81-235, Laws of Florida; a therapist as defined in s.
2057 491.003 ~~s. 491.003(2) or (6)~~; or a treatment professional who is
2058 registered under s. 39.905(1)(g), is authorized to maintain
2059 confidentiality under s. 90.5036(1)(d), and has a minimum of 2
2060 years' ~~years~~ experience at a certified domestic violence center.
2061 An exception granted under this paragraph does not automatically
2062 constitute an exception from the time limitations on benefits
2063 specified under s. 414.105.

2064 Section 39. Subsection (13) of section 477.013, Florida
2065 Statutes, is amended to read:

2066 477.013 Definitions.—As used in this chapter:

2067 (13) "Skin care services" means the treatment of the skin
2068 of the body, other than the head, face, and scalp, by the use of
2069 a sponge, brush, cloth, or similar device to apply or remove a
2070 chemical preparation or other substance, except that chemical
2071 peels may be removed by peeling an applied preparation from the
2072 skin by hand. Skin care services must be performed by a licensed
2073 cosmetologist or facial specialist within a licensed cosmetology
2074 or specialty salon, and such services may not involve massage
2075 therapy, as defined in s. 480.033 ~~s. 480.033(3)~~, through

2076 manipulation of the superficial tissue.

2077 Section 40. Paragraph (a) of subsection (1) of section
2078 477.0135, Florida Statutes, is amended to read:

2079 477.0135 Exemptions.—

2080 (1) This chapter does not apply to the following persons
2081 when practicing pursuant to their professional or occupational
2082 responsibilities and duties:

2083 (a) Persons authorized under the laws of this state to
2084 practice medicine, surgery, osteopathic medicine, chiropractic
2085 medicine, massage therapy, naturopathy, or podiatric medicine.

2086 Section 41. Paragraph (f) of subsection (1) of section
2087 477.0265, Florida Statutes, is amended to read:

2088 477.0265 Prohibited acts.—

2089 (1) It is unlawful for any person to:

2090 (f) Advertise or imply that skin care services or body
2091 wrapping, as performed under this chapter, have any relationship
2092 to the practice of massage therapy as defined in s. 480.033 ~~s.~~
2093 ~~480.033(3)~~, except those practices or activities defined in s.
2094 477.013.

2095 Section 42. Subsection (4) of section 480.034, Florida
2096 Statutes, is amended to read:

2097 480.034 Exemptions.—

2098 (4) An exemption granted is effective to the extent that
2099 an exempted person's practice or profession overlaps with the
2100 practice of massage therapy.

2101 Section 43. Subsection (2) of section 480.035, Florida
2102 Statutes, is amended to read:

2103 480.035 Board of Massage Therapy.—

2104 (2) Five members of the board shall be licensed massage
2105 therapists and shall have been engaged in the practice of
2106 massage therapy for not less than 5 consecutive years before
2107 ~~prior to~~ the date of appointment to the board. The Governor
2108 shall appoint each member for a term of 4 years. Two members of
2109 the board shall be laypersons. Each board member shall be a high
2110 school graduate or shall have received a high school equivalency
2111 diploma. Each board member shall be a citizen of the United
2112 States and a resident of this state for not less than 5 years.
2113 The appointments are ~~will be~~ subject to confirmation by the
2114 Senate.

2115 Section 44. Subsection (14) of section 480.043, Florida
2116 Statutes, is amended to read:

2117 480.043 Massage establishments; requisites; licensure;
2118 inspection; human trafficking awareness training and policies.—

2119 (14) Except for the requirements of subsection (13), this
2120 section does not apply to a physician licensed under chapter
2121 457, chapter 458, chapter 459, or chapter 460 who employs a
2122 licensed massage therapist to perform massage therapy on the
2123 physician's patients at the physician's place of practice. This
2124 subsection does not restrict investigations by the department
2125 for violations of chapter 456 or this chapter.

2126 Section 45. Paragraphs (a), (b), (c), (f), (g), (h), (i),
 2127 and (o) of subsection (1) of section 480.046, Florida Statutes,
 2128 are amended to read:

2129 480.046 Grounds for disciplinary action by the board.—

2130 (1) The following acts constitute grounds for denial of a
 2131 license or disciplinary action, as specified in s. 456.072(2):

2132 (a) Attempting to procure a license to practice massage
 2133 therapy by bribery or fraudulent misrepresentation.

2134 (b) Having a license to practice massage therapy revoked,
 2135 suspended, or otherwise acted against, including the denial of
 2136 licensure, by the licensing authority of another state,
 2137 territory, or country.

2138 (c) Being convicted or found guilty, regardless of
 2139 adjudication, of a crime in any jurisdiction which directly
 2140 relates to the practice of massage therapy or to the ability to
 2141 practice massage therapy. Any plea of nolo contendere shall be
 2142 considered a conviction for purposes of this chapter.

2143 (f) Aiding, assisting, procuring, or advising any
 2144 unlicensed person to practice massage therapy contrary to ~~the~~
 2145 ~~provisions of this chapter or to~~ department or board a rule ~~of~~
 2146 ~~the department or the board~~.

2147 (g) Making deceptive, untrue, or fraudulent
 2148 representations in the practice of massage therapy.

2149 (h) Being unable to practice massage therapy with
 2150 reasonable skill and safety by reason of illness or use of

2151 alcohol, drugs, narcotics, chemicals, or any other type of
2152 material or as a result of any mental or physical condition. In
2153 enforcing this paragraph, the department ~~shall have~~, upon
2154 probable cause, may ~~authority to~~ compel a massage therapist to
2155 submit to a mental or physical examination by physicians
2156 designated by the department. Failure of a massage therapist to
2157 submit to such examination when so directed, unless the failure
2158 was due to circumstances beyond her or his control, constitutes
2159 ~~shall constitute~~ an admission of the allegations against her or
2160 him, consequent upon which a default and final order may be
2161 entered without the taking of testimony or presentation of
2162 evidence. A massage therapist affected under this paragraph
2163 shall at reasonable intervals be afforded an opportunity to
2164 demonstrate that she or he can resume the competent practice of
2165 massage therapy with reasonable skill and safety to clients.

2166 (i) Gross or repeated malpractice or the failure to
2167 practice massage therapy with that level of care, skill, and
2168 treatment which is recognized by a reasonably prudent massage
2169 therapist as being acceptable under similar conditions and
2170 circumstances.

2171 (o) Practicing massage therapy at a site, location, or
2172 place which is not duly licensed as a massage establishment,
2173 except that a massage therapist, as provided by ~~rules adopted by~~
2174 the board rule, may provide massage therapy services, excluding
2175 colon hydrotherapy ~~colonic irrigation~~, at the residence of a

2176 client, at the office of the client, at a sports event, at a
2177 convention, or at a trade show.

2178 Section 46. Section 480.0465, Florida Statutes, is amended
2179 to read:

2180 480.0465 Advertisement.—Each massage therapist or massage
2181 establishment licensed under ~~the provisions of~~ this act shall
2182 include the number of the license in any advertisement of
2183 massage therapy services appearing in a newspaper, airwave
2184 transmission, telephone directory, or other advertising medium.
2185 Pending licensure of a new massage establishment pursuant to ~~the~~
2186 ~~provisions of~~ s. 480.043(7), the license number of a licensed
2187 massage therapist who is an owner or principal officer of the
2188 establishment may be used in lieu of the license number for the
2189 establishment.

2190 Section 47. Paragraphs (a), (b), and (c) of subsection (1)
2191 of section 480.047, Florida Statutes, are amended to read:

2192 480.047 Penalties.—

2193 (1) It is unlawful for any person to:

2194 (a) Hold himself or herself out as a massage therapist or
2195 to practice massage therapy unless duly licensed under this
2196 chapter or unless otherwise specifically exempted from licensure
2197 under this chapter.

2198 (b) Operate any massage establishment unless it has been
2199 duly licensed as provided herein, except that nothing herein
2200 shall be construed to prevent the teaching of massage therapy in

2201 | this state at a board-approved massage therapy school.

2202 | (c) Permit an employed person to practice massage therapy
2203 | unless duly licensed as provided herein.

2204 | Section 48. Section 480.052, Florida Statutes, is amended
2205 | to read:

2206 | 480.052 Power of county or municipality to regulate
2207 | massage therapy.—A county or municipality, within its
2208 | jurisdiction, may regulate persons and establishments licensed
2209 | under this chapter. Such regulation shall not exceed the powers
2210 | of the state under this act or be inconsistent with this act.
2211 | This section shall not be construed to prohibit a county or
2212 | municipality from enacting any regulation of persons or
2213 | establishments not licensed pursuant to this act.

2214 | Section 49. Subsections (1) and (2) of section 480.0535,
2215 | Florida Statutes, are amended to read:

2216 | 480.0535 Documents required while working in a massage
2217 | establishment.—

2218 | (1) In order to provide the department and law enforcement
2219 | agencies the means to more effectively identify, investigate,
2220 | and arrest persons engaging in human trafficking, a person
2221 | employed by a massage establishment and any person performing
2222 | massage therapy therein must immediately present, upon the
2223 | request of an investigator of the department or a law
2224 | enforcement officer, valid government identification while in
2225 | the establishment. A valid government identification for the

2226 | purposes of this section is:

2227 | (a) A valid, unexpired driver license issued by any state,

2228 | territory, or district of the United States;

2229 | (b) A valid, unexpired identification card issued by any

2230 | state, territory, or district of the United States;

2231 | (c) A valid, unexpired United States passport;

2232 | (d) A naturalization certificate issued by the United

2233 | States Department of Homeland Security;

2234 | (e) A valid, unexpired alien registration receipt card

2235 | (green card); or

2236 | (f) A valid, unexpired employment authorization card

2237 | issued by the United States Department of Homeland Security.

2238 | (2) A person operating a massage establishment must:

2239 | (a) Immediately present, upon the request of an

2240 | investigator of the department or a law enforcement officer:

2241 | 1. Valid government identification while in the

2242 | establishment.

2243 | 2. A copy of the documentation specified in paragraph

2244 | (1)(a) for each employee and any person performing massage

2245 | therapy in the establishment.

2246 | (b) Ensure that each employee and any person performing

2247 | massage therapy in the massage establishment is able to

2248 | immediately present, upon the request of an investigator of the

2249 | department or a law enforcement officer, valid government

2250 | identification while in the establishment.

2251 Section 50. Subsection (7) of section 553.77, Florida
 2252 Statutes, is amended to read:

2253 553.77 Specific powers of the commission.—

2254 (7) Building officials shall recognize and enforce
 2255 variance orders issued by the Department of Health pursuant to
 2256 s. 514.0115(8) ~~s. 514.0115(7)~~, including any conditions attached
 2257 to the granting of the variance.

2258 Section 51. Section 627.6407, Florida Statutes, is amended
 2259 to read:

2260 627.6407 Massage.—Any policy of health insurance that
 2261 provides coverage for massage shall also cover the services of
 2262 persons licensed to practice massage therapy pursuant to chapter
 2263 480, where the massage therapy, as defined in chapter 480, has
 2264 been prescribed by a physician licensed under chapter 458,
 2265 chapter 459, chapter 460, or chapter 461, as being medically
 2266 necessary and the prescription specifies the number of
 2267 treatments.

2268 Section 52. Section 627.6619, Florida Statutes, is amended
 2269 to read:

2270 627.6619 Massage.—Any policy of health insurance that
 2271 provides coverage for massage shall also cover the services of
 2272 persons licensed to practice massage therapy pursuant to chapter
 2273 480, where the massage therapy, as defined in chapter 480, has
 2274 been prescribed by a physician licensed under chapter 458,
 2275 chapter 459, chapter 460, or chapter 461, as being medically

2276 necessary and the prescription specifies the number of
 2277 treatments.

2278 Section 53. Paragraph (a) of subsection (1) of section
 2279 627.736, Florida Statutes, is amended to read:

2280 627.736 Required personal injury protection benefits;
 2281 exclusions; priority; claims.—

2282 (1) REQUIRED BENEFITS.—An insurance policy complying with
 2283 the security requirements of s. 627.733 must provide personal
 2284 injury protection to the named insured, relatives residing in
 2285 the same household, persons operating the insured motor vehicle,
 2286 passengers in the motor vehicle, and other persons struck by the
 2287 motor vehicle and suffering bodily injury while not an occupant
 2288 of a self-propelled vehicle, subject to subsection (2) and
 2289 paragraph (4) (e), to a limit of \$10,000 in medical and
 2290 disability benefits and \$5,000 in death benefits resulting from
 2291 bodily injury, sickness, disease, or death arising out of the
 2292 ownership, maintenance, or use of a motor vehicle as follows:

2293 (a) Medical benefits.—Eighty percent of all reasonable
 2294 expenses for medically necessary medical, surgical, X-ray,
 2295 dental, and rehabilitative services, including prosthetic
 2296 devices and medically necessary ambulance, hospital, and nursing
 2297 services if the individual receives initial services and care
 2298 pursuant to subparagraph 1. within 14 days after the motor
 2299 vehicle accident. The medical benefits provide reimbursement
 2300 only for:

2301 1. Initial services and care that are lawfully provided,
2302 supervised, ordered, or prescribed by a physician licensed under
2303 chapter 458 or chapter 459, a dentist licensed under chapter
2304 466, or a chiropractic physician licensed under chapter 460 or
2305 that are provided in a hospital or in a facility that owns, or
2306 is wholly owned by, a hospital. Initial services and care may
2307 also be provided by a person or entity licensed under part III
2308 of chapter 401 which provides emergency transportation and
2309 treatment.

2310 2. Upon referral by a provider described in subparagraph
2311 1., followup services and care consistent with the underlying
2312 medical diagnosis rendered pursuant to subparagraph 1. which may
2313 be provided, supervised, ordered, or prescribed only by a
2314 physician licensed under chapter 458 or chapter 459, a
2315 chiropractic physician licensed under chapter 460, a dentist
2316 licensed under chapter 466, or, to the extent permitted by
2317 applicable law and under the supervision of such physician,
2318 osteopathic physician, chiropractic physician, or dentist, by a
2319 physician assistant licensed under chapter 458 or chapter 459 or
2320 an advanced practice registered nurse licensed under chapter
2321 464. Followup services and care may also be provided by the
2322 following persons or entities:

2323 a. A hospital or ambulatory surgical center licensed under
2324 chapter 395.

2325 b. An entity wholly owned by one or more physicians

2326 licensed under chapter 458 or chapter 459, chiropractic
 2327 physicians licensed under chapter 460, or dentists licensed
 2328 under chapter 466 or by such practitioners and the spouse,
 2329 parent, child, or sibling of such practitioners.

2330 c. An entity that owns or is wholly owned, directly or
 2331 indirectly, by a hospital or hospitals.

2332 d. A physical therapist licensed under chapter 486, based
 2333 upon a referral by a provider described in this subparagraph.

2334 e. A health care clinic licensed under part X of chapter
 2335 400 which is accredited by an accrediting organization whose
 2336 standards incorporate comparable regulations required by this
 2337 state, or

2338 (I) Has a medical director licensed under chapter 458,
 2339 chapter 459, or chapter 460;

2340 (II) Has been continuously licensed for more than 3 years
 2341 or is a publicly traded corporation that issues securities
 2342 traded on an exchange registered with the United States
 2343 Securities and Exchange Commission as a national securities
 2344 exchange; and

2345 (III) Provides at least four of the following medical
 2346 specialties:

2347 (A) General medicine.

2348 (B) Radiography.

2349 (C) Orthopedic medicine.

2350 (D) Physical medicine.

2351 (E) Physical therapy.

2352 (F) Physical rehabilitation.

2353 (G) Prescribing or dispensing outpatient prescription
2354 medication.

2355 (H) Laboratory services.

2356 3. Reimbursement for services and care provided in
2357 subparagraph 1. or subparagraph 2. up to \$10,000 if a physician
2358 licensed under chapter 458 or chapter 459, a dentist licensed
2359 under chapter 466, a physician assistant licensed under chapter
2360 458 or chapter 459, or an advanced practice registered nurse
2361 licensed under chapter 464 has determined that the injured
2362 person had an emergency medical condition.

2363 4. Reimbursement for services and care provided in
2364 subparagraph 1. or subparagraph 2. is limited to \$2,500 if a
2365 provider listed in subparagraph 1. or subparagraph 2. determines
2366 that the injured person did not have an emergency medical
2367 condition.

2368 5. Medical benefits do not include massage therapy as
2369 defined in s. 480.033 or acupuncture as defined in s. 457.102,
2370 regardless of the person, entity, or licensee providing massage
2371 therapy or acupuncture, and a licensed massage therapist or
2372 licensed acupuncturist may not be reimbursed for medical
2373 benefits under this section.

2374 6. The Financial Services Commission shall adopt by rule
2375 the form that must be used by an insurer and a health care

2376 provider specified in sub-subparagraph 2.b., sub-subparagraph
2377 2.c., or sub-subparagraph 2.e. to document that the health care
2378 provider meets the criteria of this paragraph. Such rule must
2379 include a requirement for a sworn statement or affidavit.

2380

2381 Only insurers writing motor vehicle liability insurance in this
2382 state may provide the required benefits of this section, and
2383 such insurer may not require the purchase of any other motor
2384 vehicle coverage other than the purchase of property damage
2385 liability coverage as required by s. 627.7275 as a condition for
2386 providing such benefits. Insurers may not require that property
2387 damage liability insurance in an amount greater than \$10,000 be
2388 purchased in conjunction with personal injury protection. Such
2389 insurers shall make benefits and required property damage
2390 liability insurance coverage available through normal marketing
2391 channels. An insurer writing motor vehicle liability insurance
2392 in this state who fails to comply with such availability
2393 requirement as a general business practice violates part IX of
2394 chapter 626, and such violation constitutes an unfair method of
2395 competition or an unfair or deceptive act or practice involving
2396 the business of insurance. An insurer committing such violation
2397 is subject to the penalties provided under that part, as well as
2398 those provided elsewhere in the insurance code.

2399 Section 54. Subsection (37) of section 641.31, Florida
2400 Statutes, is amended to read:

2401 641.31 Health maintenance contracts.—

2402 (37) All health maintenance contracts that provide
2403 coverage for massage must also cover the services of persons
2404 licensed to practice massage therapy pursuant to chapter 480 if
2405 the massage is prescribed by a contracted physician licensed
2406 under chapter 458, chapter 459, chapter 460, or chapter 461 as
2407 medically necessary and the prescription specifies the number of
2408 treatments. Such massage services are subject to the same terms,
2409 conditions, and limitations as those of other covered services.

2410 Section 55. Except as otherwise provided in this act and
2411 except for this section, which shall take effect upon this act
2412 becoming a law, this act shall take effect July 1, 2020.