

CHAPTER 2016-230

Committee Substitute for Committee Substitute for House Bill No. 941

An act relating to the Department of Health; amending s. 20.43, F.S.; renaming the Office of Minority Health within the department; specifying that the office shall be headed by a Senior Health Equity Officer and prescribing his or her duties; amending s. 215.5602, F.S.; revising the reporting requirements for the Biomedical Research Advisory Council under the James and Esther King Biomedical Research program; revising the reporting requirements for certain entities that perform or are associated with cancer research or care; amending s. 381.0034, F.S.; deleting the requirement that applicants making initial application for certain licensure complete certain courses; amending s. 381.7355, F.S.; revising the review criteria for Closing the Gap grant proposals; amending s. 381.82, F.S.; revising the reporting requirements for the Alzheimer's Disease Research Grant Advisory Board under the Ed and Ethel Moore Alzheimer's Disease Research Program; providing for the carryforward for a limited period of any unexpended balance of an appropriation for the program; amending s. 381.922, F.S.; providing reporting requirements for the Biomedical Research Advisory Council under the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program; amending s. 384.23, F.S.; revising the factors to be considered in designating a condition as a sexually transmissible disease; amending s. 384.27, F.S.; authorizing certain health care practitioners to provide partner therapy under certain conditions; authorizing the department to adopt rules; amending s. 401.27, F.S.; increasing the length of time that an emergency medical technician or paramedic certificate may remain in an inactive status; revising the requirements for reactivating and renewing such a certificate; revising eligibility for certification; deleting a requirement that applicants successfully complete a certification examination within a specified timeframe; amending s. 456.013, F.S.; revising course requirements for renewing a certain license; amending s. 456.024, F.S.; revising the eligibility criteria for a member of the United States Armed Forces, the United States Reserve Forces, or the National Guard and the spouse of an active duty military member to be issued a license to practice as a health care practitioner in this state; creating s. 456.0241, F.S.; providing definitions; providing for issuance of a temporary certificate under certain conditions for certain military health care practitioners; providing for the automatic expiration of the temporary certificate unless renewed; providing for application and renewal fees; requiring the department to adopt rules; creating s. 456.0361, F.S.; requiring the department to establish an electronic continuing education tracking system; prohibiting the department from renewing a license unless the licensee has complied with all continuing education requirements; authorizing the department to adopt rules; amending s. 456.057, F.S.; requiring a person or entity appointed by the board as a custodian of medical records to be approved by

the department; authorizing the department to contract with a third party to provide custodial services; amending s. 456.0635, F.S.; deleting a provision on applicability relating to the issuance of licenses; amending s. 457.107, F.S.; deleting a provision authorizing the Board of Acupuncture to request certain documentation from applicants; amending s. 458.347, F.S.; deleting a requirement that a physician assistant file a signed affidavit with the department; amending s. 459.022, F.S.; deleting a requirement that a physician assistant file a signed affidavit with the department; amending s. 460.402, F.S.; providing an additional exception to licensure requirements for chiropractic physicians; amending s. 463.007, F.S.; making technical changes; amending s. 464.203, F.S.; revising inservice training requirements for certified nursing assistants; repealing s. 464.2085, F.S., relating to the Council on Certified Nursing Assistants; amending s. 465.027, F.S.; providing an additional exception to pharmacy regulations for manufacturers of dialysis drugs or supplies; amending s. 465.0275, F.S.; revising the amount of emergency prescription refill authorized to be dispensed by a pharmacist; amending s. 465.0276, F.S.; deleting a requirement that the department inspect certain facilities; amending s. 466.0135, F.S.; deleting a requirement that a dentist file a signed affidavit with the department; deleting a provision authorizing the Board of Dentistry to request certain documentation from applicants; amending s. 466.014, F.S.; deleting a requirement that a dental hygienist file a signed affidavit with the department; deleting a provision authorizing the board to request certain documentation from applicants; amending s. 466.032, F.S.; deleting a requirement that a dental laboratory file a signed affidavit with the department; deleting a provision authorizing the department to request certain documentation from applicants; repealing s. 468.1201, F.S., relating to a requirement for instruction on human immunodeficiency virus and acquired immune deficiency syndrome; amending s. 483.901, F.S.; deleting provisions relating to the Advisory Council of Medical Physicists; authorizing the department to issue temporary licenses in certain circumstances; authorizing the department to adopt rules; amending s. 484.047, F.S.; deleting a requirement for a written statement from an applicant in certain circumstances; amending s. 486.102, F.S.; revising accrediting agencies that may approve physical therapy assistant programs for purposes of licensing; amending s. 486.109, F.S.; deleting a provision authorizing the department to conduct a random audit of certain information; amending ss. 499.028, 893.04, and 921.0022, F.S.; conforming provisions and cross-references; providing an effective date.

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

Section 1. Subsection (9) of section 20.43, Florida Statutes, is amended to read:

20.43 Department of Health.—There is created a Department of Health.

(9) There is established within the Department of Health the Office of Minority Health and Health Equity, which shall be headed by a Senior Health Equity Officer. The Senior Health Equity Officer shall administer the Closing the Gap grant program established under ss. 381.7351-381.7356 in a manner that maximizes the impact of the grants in achieving health equity. The Senior Health Equity Officer shall evaluate the awarded grants to assess the effectiveness and efficiency of the use of funds and to determine best practices. The Senior Health Equity Officer shall disseminate information on best practices to stakeholders and shall ensure that the assessments inform future grant award decisions.

Section 2. Subsections (10) and (12) of section 215.5602, Florida Statutes, are amended to read:

215.5602 James and Esther King Biomedical Research Program.—

(10) The council shall submit a fiscal-year progress report on the programs under its purview to the Governor, the State Surgeon General, the President of the Senate, and the Speaker of the House of Representatives by December 15. The report must include:

(a) ~~For each A list of research project projects supported by grants or fellowships awarded under the program;:-~~

1.(b) A summary list of the research project and results or expected results of the research recipients of program grants or fellowships.

2. The status of the research project, including whether it has concluded or the estimated date of completion.

3. The amount of the grant or fellowship awarded and the estimated or actual cost of the research project.

4.(c) A list of principal investigators under the research project.

5. The title, citation, and summary of findings of a publication publications in a peer-reviewed journal resulting from the peer-reviewed journals involving research supported by grants or fellowships awarded under the program.

6.(d) The source and amount of any federal, state, or local government grants or donations or private grants or donations generated as a result of the research project.

7. The status of a patent, if any, generated from the research project and an economic analysis of the impact of the resulting patent.

8. A list of postsecondary educational institutions involved in the research project, a description of each postsecondary educational institution's involvement in the research project, and the number of students receiving training or performing research under the research project.

(b) The state ranking and total amount of biomedical research funding currently flowing into the state from the National Institutes of Health.

~~(e) New grants for biomedical research which were funded based on research supported by grants or fellowships awarded under the program.~~

~~(c)(f)~~ Progress towards programmatic goals, particularly in the prevention, diagnosis, treatment, and cure of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease.

~~(d)(g)~~ Recommendations to further the mission of the programs.

(12)(a) ~~Each~~ Beginning in the 2011-2012 fiscal year and thereafter, \$25 million from the revenue deposited into the Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7) shall be reserved for research of tobacco-related or cancer-related illnesses. Of the revenue deposited in the Health Care Trust Fund pursuant to this section, \$25 million shall be transferred to the Biomedical Research Trust Fund within the Department of Health. Subject to annual appropriations in the General Appropriations Act, \$5 million shall be appropriated to the James and Esther King Biomedical Research Program, and \$5 million shall be appropriated to the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program created under s. 381.922.

~~(b) Beginning July 1, 2014,~~ An entity that ~~which~~ performs or is associated with cancer research or care that receives a specific appropriation for biomedical research, research-related functions, operations or other supportive functions, or expansion of operations in the General Appropriations Act without statutory reporting requirements for the receipt of those funds, must submit an annual fiscal-year progress report to the President of the Senate and the Speaker of the House of Representatives by December 15. The report must:

1. Describe the general use of the funds.
2. Summarize ~~Specify~~ the research, if any, funded by the appropriation and provide the:
 - a. Status of the research, including whether the research has concluded.
 - b. Results or expected results of the research.
 - c. Names of principal investigators performing the research.
 - d. Title, citation, and summary of findings of a publication in a peer-reviewed journal resulting from the research.
 - e. Status of a patent, if any, generated from the research and an economic analysis of the impact of the resulting patent.

f. List of postsecondary educational institutions involved in the research, a description of each postsecondary educational institution's involvement in the research, and the number of students receiving training or performing research.

3. Describe any fixed capital outlay project funded by the appropriation, the need for the project, how the project will be utilized, and the timeline for and status of the project, if applicable.

4. Identify any federal, state, or local government grants or donations or private grants or donations generated as a result of the appropriation or activities funded by the appropriation, if applicable and traceable.

Section 3. Subsection (3) of section 381.0034, Florida Statutes, is amended to read:

381.0034 Requirement for instruction on HIV and AIDS.—

(3) The department shall require, as a condition of granting a license under chapter 467 or part III of chapter 483 ~~the chapters specified in subsection (1)~~, that an applicant making initial application for licensure complete an educational course acceptable to the department on human immunodeficiency virus and acquired immune deficiency syndrome. Upon submission of an affidavit showing good cause, an applicant who has not taken a course at the time of licensure shall, ~~upon an affidavit showing good cause,~~ be allowed 6 months to complete this requirement.

Section 4. Paragraph (a) of subsection (2) of section 381.7355, Florida Statutes, is amended, and paragraph (i) is added to subsection (3) of that section, to read:

381.7355 Project requirements; review criteria.—

(2) A proposal must include each of the following elements:

(a) The purpose and objectives of the proposal, including identification of the particular racial or ethnic disparity the project will address. The proposal must address one or more of the following priority areas:

1. Decreasing racial and ethnic disparities in maternal and infant mortality rates.

2. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to cancer.

3. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to HIV/AIDS.

4. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to cardiovascular disease.

5. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to diabetes.

6. Increasing adult and child immunization rates in certain racial and ethnic populations.

7. Decreasing racial and ethnic disparities in oral health care.

8. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to sickle cell disease.

9. Improve neighborhood social determinants of health, such as transportation, safety, and food access, as outlined by the Centers for Disease Control and Prevention’s “Tools for Putting Social Determinants of Health into Action.”

(3) Priority shall be given to proposals that:

(i) Incorporate policy approaches to achieve sustainable long-term improvement.

Section 5. Subsection (4) of section 381.82, Florida Statutes, is amended, and subsection (8) is added to that section, to read:

381.82 Ed and Ethel Moore Alzheimer’s Disease Research Program.—

(4) The board shall submit a fiscal-year progress report on the programs under its purview annually to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the State Surgeon General by February 15. The report must include:

(a) ~~For each A list of research project projects~~ supported by grants or fellowships awarded under the program:-

1.(b) A summary list of the research project and results or expected results of the research recipients of program grants or fellowships.

2. The status of the research project, including whether it has concluded or the estimated date of completion.

3. The amount of the grant or fellowship awarded and the estimated or actual cost of the research project.

4.(e) A list of principal investigators under the research project.

~~5. The title, citation, and summary of findings of a publication publications in a peer-reviewed journal resulting from the journals involving research supported by grants or fellowships awarded under the program.~~

6. The source and amount of any federal, state, or local government grants or donations or private grants or donations generated as a result of the research project.

7. The status of a patent, if any, generated from the research project and an economic analysis of the impact of the resulting patent.

8. A list of postsecondary educational institutions involved in the research project, a description of each postsecondary educational institution's involvement in the research project, and the number of students receiving training or performing research under the research project.

~~(b)(d)~~ The state ranking and total amount of Alzheimer's disease research funding currently flowing into the state from the National Institutes of Health.

~~(e) New grants for Alzheimer's disease research which were funded based on research supported by grants or fellowships awarded under the program.~~

~~(c)(f)~~ Progress toward programmatic goals, particularly in the prevention, diagnosis, treatment, and cure of Alzheimer's disease.

~~(d)(g)~~ Recommendations to further the mission of the program.

(8) Notwithstanding s. 216.301 and pursuant to s. 216.351, the balance of any appropriation from the General Revenue Fund for the Ed and Ethel Moore Alzheimer's Disease Research Program which is not disbursed but which is obligated pursuant to contract or committed to be expended by June 30 of the fiscal year in which the funds are appropriated may be carried forward for up to 5 years after the effective date of the original appropriation.

Section 6. Subsection (6) is added to section 381.922, Florida Statutes, to read:

381.922 William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program.—

(6) The Biomedical Research Advisory Council shall submit a report relating to grants awarded under the program to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 15 each year. The report must include:

(a) For each research project supported by grants or fellowships awarded under the program:

1. A summary of the research project and results or expected results of the research.

2. The status of the research project, including whether it has concluded or the estimated date of completion.

3. The amount of the grant or fellowship awarded and the estimated or actual cost of the research project.

4. A list of principal investigators under the research project.

5. The title, citation, and summary of findings of a publication in a peer-reviewed journal resulting from the research.

6. The source and amount of any federal, state, or local government grants or donations or private grants or donations generated as a result of the research project.

7. The status of a patent, if any, generated from the research project and an economic analysis of the impact of the resulting patent.

8. A list of postsecondary educational institutions involved in the research project, a description of each postsecondary educational institution's involvement in the research project, and the number of students receiving training or performing research under the research project.

(b) The state ranking and total amount of cancer research funding currently flowing into the state from the National Institutes of Health.

(c) Progress toward programmatic goals, particularly in the prevention, diagnosis, treatment, and cure of cancer.

(d) Recommendations to further the mission of the program.

Section 7. Subsection (3) of section 384.23, Florida Statutes, is amended to read:

384.23 Definitions.—

(3) “Sexually transmissible disease” means a bacterial, viral, fungal, or parasitic disease; determined by rule of the department to be sexually transmissible, to be a threat to the public health and welfare, and to be a disease for which a legitimate public interest will be served by providing for prevention, elimination, control, regulation and treatment. The department must, by rule, determine ~~In considering which diseases are to be designated as sexually transmissible diseases, the department shall consider such diseases as chancroid, gonorrhea, granuloma inguinale, lymphogranuloma venereum, genital herpes simplex, chlamydia, nongonococcal urethritis (NGU), pelvic inflammatory disease (PID)/acute salpingitis, syphilis, and human immune deficiency virus infection for designation, and shall consider the recommendations and classifications of the Centers for Disease Control and Prevention and other nationally recognized medical authorities in that determination.~~ Not all diseases that are sexually transmissible need be designated for the purposes of this act.

Section 8. Subsection (7) is added to section 384.27, Florida Statutes, to read:

384.27 Physical examination and treatment.—

(7)(a) A health care practitioner licensed under chapter 458 or chapter 459 or certified under s. 464.012 may provide expedited partner therapy if the following requirements are met:

1. The patient has a laboratory-confirmed or suspected clinical diagnosis of a sexually transmissible disease.

2. The patient indicates that he or she has a partner with whom he or she engaged in sexual activity before the diagnosis of the sexually transmissible disease.

3. The patient indicates that his or her partner is unable or unlikely to seek clinical services in a timely manner.

(b) A pharmacist licensed under chapter 465 may dispense medication to a person diagnosed with a sexually transmissible disease pursuant to a prescription for the purpose of treating that person's partner, regardless of whether the person's partner has been personally examined by the prescribing health care practitioner.

(c) A pharmacist or health care practitioner must check for potential allergic reactions, in accordance with the prevailing professional standard of care, before dispensing a prescription or providing a medication under this subsection.

(d) The department may adopt rules to implement this subsection.

Section 9. Subsections (8) and (12) of section 401.27, Florida Statutes, are amended to read:

401.27 Personnel; standards and certification.—

(8) Each emergency medical technician certificate and each paramedic certificate will expire automatically and may be renewed if the holder meets the qualifications for renewal as established by the department. A certificate that is not renewed at the end of the 2-year period will automatically revert to an inactive status for a period not to exceed two renewal periods ~~180 days~~. Such certificate may be reactivated and renewed within the two renewal periods ~~180 days~~ if the certificateholder meets all other qualifications for renewal, including continuing education requirements, and pays a \$25 late fee. The certificateholder also must pass the certification examination to reactivate the certificate during the second of the two renewal periods. Reactivation shall be in a manner and on forms prescribed by department rule.

(12) An applicant for certification as an emergency medical technician or paramedic who is trained outside the state, or trained in the military, must provide proof of a current, nationally recognized emergency medical technician or paramedic certification or registration that is recognized by the department and based upon successful completion of a training program approved by the department as being equivalent to the most recent EMT-

Basic or EMT-Paramedic National Standard Curriculum or the National EMS Education Standards of the United States Department of Transportation and hold a current certificate of successful course completion in cardiopulmonary resuscitation (CPR) or advanced cardiac life support for emergency medical technicians or paramedics, respectively, to be eligible for the certification examination. ~~The applicant must successfully complete the certification examination within 2 years after the date of the receipt of his or her application by the department. After 2 years, the applicant must submit a new application, meet all eligibility requirements, and submit all fees to reestablish eligibility to take the certification examination.~~

Section 10. Subsection (7) of section 456.013, Florida Statutes, is amended to read:

456.013 Department; general licensing provisions.—

(7) The boards, or the department when there is no board, shall require the completion of a 2-hour course relating to prevention of medical errors as part of the biennial licensure and renewal process. The 2-hour course counts toward shall count towards the total number of continuing education hours required for the profession. The course ~~must~~ shall be approved by the board or department, as appropriate, and ~~must~~ shall include a study of root-cause analysis, error reduction and prevention, and patient safety. In addition, the course approved by the Board of Medicine and the Board of Osteopathic Medicine ~~must~~ shall include information relating to the five most misdiagnosed conditions during the previous biennium, as determined by the board. If the course is being offered by a facility licensed pursuant to chapter 395 for its employees, the board may approve up to 1 hour of the 2-hour course to be specifically related to error reduction and prevention methods used in that facility.

Section 11. Subsection (3) of section 456.024, Florida Statutes, is amended to read:

456.024 Members of Armed Forces in good standing with administrative boards or the department; spouses; licensure.—

(3)(a) A person is eligible for licensure as a health care practitioner in this state if he or she:

1. who Serves or has served as a health care practitioner in the United States Armed Forces, the United States Reserve Forces, or the National Guard;

2. or a person who Serves or has served on active duty with the United States Armed Forces as a health care practitioner in the United States Public Health Service; or

3. Is a health care practitioner, other than a dentist, in another state, the District of Columbia, or a possession or territory of the United States and is

the spouse of a person serving on active duty with the United States Armed Forces is eligible for licensure in this state.

The department shall develop an application form, and each board, or the department if there is no board, shall waive the application fee, licensure fee, and unlicensed activity fee for such applicants. For purposes of this subsection, “health care practitioner” means a health care practitioner as defined in s. 456.001 and a person licensed under part III of chapter 401 or part IV of chapter 468.

(b)(a) The board, or the department if there is no board, shall issue a license to practice in this state to a person who:

1. Submits a complete application.

2. If he or she is member of the United States Armed Forces, the United States Reserve Forces, or the National Guard, submits proof that he or she has received ~~Receives~~ an honorable discharge within 6 months before, or will receive an honorable discharge within 6 months after, the date of submission of the application.

3.a. Holds an active, unencumbered license issued by another state, the District of Columbia, or a possession or territory of the United States and who has not had disciplinary action taken against him or her in the 5 years preceding the date of submission of the application;

b. Is a military health care practitioner in a profession for which licensure in a state or jurisdiction is not required to practice in the United States Armed Forces, if he or she submits to the department evidence of military training or experience substantially equivalent to the requirements for licensure in this state in that profession and evidence that he or she has obtained a passing score on the appropriate examination of a national or regional standards organization if required for licensure in this state; or

c. Is the spouse of a person serving on active duty in the United States Armed Forces and is a health care practitioner in a profession, excluding dentistry, for which licensure in another state or jurisdiction is not required, if he or she submits to the department evidence of training or experience substantially equivalent to the requirements for licensure in this state in that profession and evidence that he or she has obtained a passing score on the appropriate examination of a national or regional standards organization if required for licensure in this state.

4. Attests that he or she is not, at the time of submission of the application, the subject of a disciplinary proceeding in a jurisdiction in which he or she holds a license or by the United States Department of Defense for reasons related to the practice of the profession for which he or she is applying.

5. Actively practiced the profession for which he or she is applying for the 3 years preceding the date of submission of the application.

6. Submits a set of fingerprints for a background screening pursuant to s. 456.0135, if required for the profession for which he or she is applying.

The department shall verify information submitted by the applicant under this subsection using the National Practitioner Data Bank.

~~(c)~~^(b) Each applicant who meets the requirements of this subsection shall be licensed with all rights and responsibilities as defined by law. The applicable board, or the department if there is no board, may deny an application if the applicant has been convicted of or pled guilty or nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession regulated by this state.

~~(d)~~^(e) An applicant for initial licensure under this subsection must submit the information required by ss. 456.039(1) and 456.0391(1) no later than 1 year after the license is issued.

Section 12. Section 456.0241, Florida Statutes, is created to read:

456.0241 Temporary certificate for active duty military health care practitioners.—

(1) As used in this section, the term:

(a) “Military health care practitioner” means:

1. A person practicing as a health care practitioner as defined in s. 456.001, as a person licensed under part III of chapter 401, or as a person licensed under part IV of chapter 468 who is serving on active duty in the United States Armed Forces, the United States Reserve Forces, or the National Guard; or

2. A person who is serving on active duty in the United States Armed Forces and serving in the United States Public Health Service.

(b) “Military platform” means a military training agreement with a nonmilitary health care provider that is designed to develop and support medical, surgical, or other health care treatment opportunities in a nonmilitary health care provider setting to authorize a military health care practitioner to develop and maintain the technical proficiency necessary to meet the present and future health care needs of the United States Armed Forces. Such agreements may include Training Affiliation Agreements and External Resource Sharing Agreements.

(2) The department may issue a temporary certificate to an active duty military health care practitioner to practice in a regulated profession in this state if the applicant:

(a) Submits proof that he or she will be practicing pursuant to a military platform.

(b) Submits a complete application and a nonrefundable application fee.

(c) Holds an active, unencumbered license to practice as a health care professional issued by another state, the District of Columbia, or a possession or territory of the United States or is a military health care practitioner in a profession for which licensure in a state or jurisdiction is not required for practice in the United States Armed Forces and provides evidence of military training and experience substantially equivalent to the requirements for licensure in this state in that profession.

(d) Attests that he or she is not, at the time of submission of the application, the subject of a disciplinary proceeding in a jurisdiction in which he or she holds a license or by the United States Department of Defense for reasons related to the practice of the profession for which he or she is applying.

(e) Has been determined to be competent in the profession for which he or she is applying.

(f) Submits a set of fingerprints for a background screening pursuant to s. 456.0135, if required for the profession for which he or she is applying.

The department shall verify information submitted by the applicant under this subsection using the National Practitioner Data Bank.

(3) A temporary certificate issued under this section expires 6 months after issuance but may be renewed upon proof of continuing military orders for active duty assignment in this state and evidence that the military health care practitioner continues to be a military platform participant.

(4) A military health care practitioner applying for a temporary certificate under this section is exempt from ss. 456.039-456.046. All other provisions of this chapter apply to such military health care practitioner.

(5) An applicant for a temporary certificate under this section is deemed ineligible if he or she:

(a) Has been convicted of or pled guilty or nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession;

(b) Has had a health care provider license revoked or suspended in another state, the District of Columbia, or a possession or territory of the United States;

(c) Has failed to obtain a passing score on the Florida examination required to receive a license to practice the profession for which he or she is applying; or

(d) Is under investigation in another jurisdiction for an act that would constitute a violation of the applicable licensing chapter or this chapter until the investigation is complete and all charges against him or her are disposed of by dismissal, nolle prosequi, or acquittal.

(6) The department shall, by rule, set an application fee not to exceed \$50 and a renewal fee not to exceed \$50.

(7) Application shall be made on a form prescribed and furnished by the department.

(8) The department shall adopt rules to implement this section.

Section 13. Section 456.0361, Florida Statutes, is created to read:

456.0361 Compliance with continuing education requirements.—

(1) The department shall establish an electronic continuing education tracking system to monitor licensee compliance with applicable continuing education requirements and to determine whether a licensee is in full compliance with the requirements at the time of his or her application for license renewal. The tracking system shall be integrated into the department's licensure and renewal process.

(2) The department may not renew a license until the licensee complies with all applicable continuing education requirements. This subsection does not prohibit the department or the boards from imposing additional penalties under the applicable professional practice act or applicable rules for failure to comply with continuing education requirements.

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

Section 14. Subsection (20) of section 456.057, Florida Statutes, is amended to read:

456.057 Ownership and control of patient records; report or copies of records to be furnished; disclosure of information.—

(20) The board with department approval, or the department when there is no board, may temporarily or permanently appoint a person or entity as a custodian of medical records in the event of the death of a practitioner, the mental or physical incapacitation of a the practitioner, or the abandonment of medical records by a practitioner. Such The custodian appointed shall comply with all provisions of this section. The department may contract with a third party to provide these services under the confidentiality and disclosure requirements of this section, including the release of patient records.

Section 15. Subsection (2) of section 456.0635, Florida Statutes, is amended to read:

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

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

(a) Has been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under chapter 409, chapter 817, or chapter 893, or a similar felony offense committed in another state or jurisdiction, unless the candidate or applicant has successfully completed a drug court program for that felony and provides proof that the plea has been withdrawn or the charges have been dismissed. Any such conviction or plea shall exclude the applicant or candidate from licensure, examination, certification, or registration unless the sentence and any subsequent period of probation for such conviction or plea ended:

1. For felonies of the first or second degree, more than 15 years before the date of application.

2. For felonies of the third degree, more than 10 years before the date of application, except for felonies of the third degree under s. 893.13(6)(a).

3. For felonies of the third degree under s. 893.13(6)(a), more than 5 years before the date of application;

(b) Has been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the sentence and any subsequent period of probation for such conviction or plea ended more than 15 years before the date of the application;

(c) Has been terminated for cause from the Florida Medicaid program pursuant to s. 409.913, unless the candidate or applicant has been in good standing with the Florida Medicaid program for the most recent 5 years;

(d) Has been terminated for cause, pursuant to the appeals procedures established by the state, from any other state Medicaid program, unless the candidate or applicant has been in good standing with a state Medicaid program for the most recent 5 years and the termination occurred at least 20 years before the date of the application; or

(e) Is currently listed on the United States Department of Health and Human Services Office of Inspector General's List of Excluded Individuals and Entities.

~~This subsection does not apply to candidates or applicants for initial licensure or certification who were enrolled in an educational or training program on or before July 1, 2009, which was recognized by a board or, if~~

~~there is no board, recognized by the department, and who applied for licensure after July 1, 2012.~~

Section 16. Subsection (3) of section 457.107, Florida Statutes, is amended to read:

457.107 Renewal of licenses; continuing education.—

(3) The board shall ~~by rule~~ prescribe by rule continuing education requirements ~~of up to, not to exceed~~ 30 hours biennially, as a condition for renewal of a license. All education programs that contribute to the advancement, extension, or enhancement of professional skills and knowledge related to the practice of acupuncture, whether conducted by a nonprofit or profitmaking entity, are eligible for approval. The continuing professional education requirements must be in acupuncture or oriental medicine subjects, including, but not limited to, anatomy, biological sciences, adjunctive therapies, sanitation and sterilization, emergency protocols, and diseases. The board ~~may shall have the authority to set a fee of up to, not to exceed~~ \$100, for each continuing education provider. The licensee shall retain in his or her records the certificates of completion of continuing professional education requirements ~~to prove compliance with this subsection. The board may request such documentation without cause from applicants who are selected at random.~~ All national and state acupuncture and oriental medicine organizations and acupuncture and oriental medicine schools are approved to provide continuing professional education in accordance with this subsection.

Section 17. Paragraph (e) of subsection (4) of section 458.347, Florida Statutes, is amended to read:

458.347 Physician assistants.—

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

(e) A supervisory physician may delegate to a fully licensed physician assistant the authority to prescribe or dispense any medication used in the supervisory physician's practice unless such medication is listed on the formulary created pursuant to paragraph (f). A fully licensed physician assistant may only prescribe or dispense such medication under the following circumstances:

1. A physician assistant must clearly identify to the patient that he or she is a physician assistant ~~and. Furthermore, the physician assistant must~~ inform the patient that the patient has the right to see the physician ~~before a~~ prior to any prescription ~~is being~~ prescribed or dispensed by the physician assistant.

2. The supervisory physician must notify the department of his or her intent to delegate, on a department-approved form, before delegating such authority and ~~notify the department~~ of any change in prescriptive privileges of the physician assistant. Authority to dispense may be delegated only by a

supervising physician who is registered as a dispensing practitioner in compliance with s. 465.0276.

3. The physician assistant must complete ~~file with the department a signed affidavit that he or she has completed~~ a minimum of 10 continuing medical education hours in the specialty practice in which the physician assistant has prescriptive privileges with each licensure renewal application.

4. The department may issue a prescriber number to the physician assistant granting authority for the prescribing of medicinal drugs authorized within this paragraph upon completion of the ~~foregoing~~ requirements of this paragraph. The physician assistant ~~is~~ shall not be required to independently register pursuant to s. 465.0276.

5. The prescription must be written in a form that complies with chapter 499 and, in addition to the supervisory physician's name, address, and telephone number, ~~must contain, in addition to the supervisory physician's name, address, and telephone number,~~ the physician assistant's prescriber number. Unless it is a drug or drug sample dispensed by the physician assistant, the prescription must be filled in a pharmacy permitted under chapter 465 and must be dispensed in that pharmacy by a pharmacist licensed under chapter 465. The inclusion ~~appearance~~ of the prescriber number creates a presumption that the physician assistant is authorized to prescribe the medicinal drug and the prescription is valid.

6. The physician assistant must note the prescription or dispensing of medication in the appropriate medical record.

Section 18. Paragraph (e) of subsection (4) of section 459.022, Florida Statutes, is amended to read:

459.022 Physician assistants.—

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

(e) A supervisory physician may delegate to a fully licensed physician assistant the authority to prescribe or dispense any medication used in the supervisory physician's practice unless such medication is listed on the formulary created pursuant to s. 458.347. A fully licensed physician assistant may only prescribe or dispense such medication under the following circumstances:

1. A physician assistant must clearly identify to the patient that she or he is a physician assistant and. ~~Furthermore, the physician assistant must inform the patient that the patient has the right to see the physician before a prior to any prescription is being prescribed or dispensed by the physician assistant.~~

2. The supervisory physician must notify the department of her or his intent to delegate, on a department-approved form, before delegating such

authority and ~~notify the department~~ of any change in prescriptive privileges of the physician assistant. Authority to dispense may be delegated only by a supervisory physician who is registered as a dispensing practitioner in compliance with s. 465.0276.

3. The physician assistant must complete ~~file with the department a signed affidavit that she or he has completed~~ a minimum of 10 continuing medical education hours in the specialty practice in which the physician assistant has prescriptive privileges with each licensure renewal ~~application~~.

4. The department may issue a prescriber number to the physician assistant granting authority for the prescribing of medicinal drugs authorized within this paragraph upon completion of the ~~foregoing~~ requirements of this paragraph. The physician assistant ~~is~~ shall not be required to independently register pursuant to s. 465.0276.

5. The prescription must be written in a form that complies with chapter 499 and, in addition to the supervisory physician's name, address, and telephone number, ~~in addition to the supervisory physician's name, address, and telephone number~~, the physician assistant's prescriber number. Unless it is a drug or drug sample dispensed by the physician assistant, the prescription must be filled in a pharmacy permitted under chapter 465, and must be dispensed in that pharmacy by a pharmacist licensed under chapter 465. The inclusion ~~appearance~~ of the prescriber number creates a presumption that the physician assistant is authorized to prescribe the medicinal drug and the prescription is valid.

6. The physician assistant must note the prescription or dispensing of medication in the appropriate medical record.

Section 19. Subsection (7) is added to section 460.402, Florida Statutes, to read:

460.402 Exceptions.—The provisions of this chapter shall not apply to:

(7) A chiropractic physician who holds an active license in another state, the District of Columbia, or a possession or territory of the United States and is performing chiropractic procedures or demonstrating equipment or supplies for educational purposes at a board-approved continuing education program.

Section 20. Subsection (3) of section 463.007, Florida Statutes, is amended to read:

463.007 Renewal of license; continuing education.—

(3) As a condition of license renewal, a licensee must ~~Unless otherwise provided by law, the board shall require licensees to periodically demonstrate his or her~~ their professional competence, ~~as a condition of renewal of a license, by completing up to 30 hours of continuing education during the 2-~~

year period preceding license renewal. For certified optometrists, the 30-hour continuing education requirement includes ~~shall include~~ 6 or more hours of approved transcript-quality coursework in ocular and systemic pharmacology and the diagnosis, treatment, and management of ocular and systemic conditions and diseases during the 2-year period preceding application for license renewal.

Section 21. Subsection (7) of section 464.203, Florida Statutes, is amended to read:

464.203 Certified nursing assistants; certification requirement.—

(7) A certified nursing assistant shall complete 24 ~~12~~ hours of inservice training during each biennium ~~calendar year~~. The certified nursing assistant shall maintain ~~be responsible for maintaining~~ documentation demonstrating compliance with these provisions. ~~The Council on Certified Nursing Assistants, in accordance with s. 464.2085(2)(b), shall propose rules to implement this subsection.~~

Section 22. Section 464.2085, Florida Statutes, is repealed.

Section 23. Section 465.027, Florida Statutes, is amended to read:

465.027 Exceptions.—

(1) This chapter shall not be construed to prohibit the sale of home remedies or preparations commonly known as patents or proprietary preparations, when ~~such are~~ sold only in original or unbroken packages, nor shall this chapter be construed to prevent businesses from engaging in the sale of sundries or patents or proprietary preparations.

(2) This chapter shall not apply to a manufacturer, or its agent, holding an active permit as a manufacturer under chapter 499 and engaged solely in the manufacture or distribution of dialysate, drugs, or devices necessary to perform home renal dialysis on patients with chronic kidney failure, if the dialysate, drugs, or devices are:

(a) Approved or cleared by the United States Food and Drug Administration; and

(b) Delivered in the original, sealed packaging after receipt of a physician’s order to dispense to:

1. A patient with chronic kidney failure, or the patient’s designee, for the patient’s self-administration of the dialysis therapy; or

2. A health care practitioner or an institution for administration or delivery of the dialysis therapy to a patient with chronic kidney failure.

Section 24. Section 465.0275, Florida Statutes, is amended to read:

465.0275 Emergency prescription refill.—

(1) In the event a pharmacist receives a request for a prescription refill and the pharmacist is unable to readily obtain refill authorization from the prescriber, the pharmacist may dispense:

(a) A one-time emergency refill of up to a 72-hour supply of the prescribed medication; or

(b) A one-time emergency refill of one vial of insulin to treat diabetes mellitus.

~~(2) If the Governor issues, with the exception of those areas or counties included in an emergency order or proclamation of a state of emergency declared by the Governor, in which the executive order may authorize the pharmacist may to dispense up to a 30-day supply in the areas or counties affected by the order or proclamation, provided providing that:~~

~~(a)(1)~~ The prescription is not for a medicinal drug listed in Schedule II appearing in chapter 893.

~~(b)(2)~~ The medication is essential to the maintenance of life or to the continuation of therapy in a chronic condition.

~~(c)(3)~~ In the pharmacist's professional judgment, the interruption of therapy might reasonably produce undesirable health consequences or may cause physical or mental discomfort.

~~(d)(4)~~ The dispensing pharmacist creates a written order containing all of the prescription information required by this chapter and chapters 499 and 893 and signs that order.

~~(e)(5)~~ The dispensing pharmacist notifies the prescriber of the emergency dispensing within a reasonable time after such dispensing.

Section 25. Paragraph (b) of subsection (1) and subsection (3) of section 465.0276, Florida Statutes, are amended to read:

465.0276 Dispensing practitioner.—

(1)

(b) A practitioner registered under this section may not dispense a controlled substance listed in Schedule II or Schedule III as provided in s. 893.03. This paragraph does not apply to:

1. The dispensing of complimentary packages of medicinal drugs which are labeled as a drug sample or complimentary drug as defined in s. 499.028 to the practitioner's own patients in the regular course of her or his practice without the payment of a fee or remuneration of any kind, whether direct or indirect, as provided in subsection (4) ~~(5)~~.

2. The dispensing of controlled substances in the health care system of the Department of Corrections.

3. The dispensing of a controlled substance listed in Schedule II or Schedule III in connection with the performance of a surgical procedure. The amount dispensed pursuant to the subparagraph may not exceed a 14-day supply. This exception does not allow for the dispensing of a controlled substance listed in Schedule II or Schedule III more than 14 days after the performance of the surgical procedure. For purposes of this subparagraph, the term “surgical procedure” means any procedure in any setting which involves, or reasonably should involve:

a. Perioperative medication and sedation that allows the patient to tolerate unpleasant procedures while maintaining adequate cardiorespiratory function and the ability to respond purposefully to verbal or tactile stimulation and makes intra- and postoperative monitoring necessary; or

b. The use of general anesthesia or major conduction anesthesia and preoperative sedation.

4. The dispensing of a controlled substance listed in Schedule II or Schedule III pursuant to an approved clinical trial. For purposes of this subparagraph, the term “approved clinical trial” means a clinical research study or clinical investigation that, in whole or in part, is state or federally funded or is conducted under an investigational new drug application that is reviewed by the United States Food and Drug Administration.

5. The dispensing of methadone in a facility licensed under s. 397.427 where medication-assisted treatment for opiate addiction is provided.

6. The dispensing of a controlled substance listed in Schedule II or Schedule III to a patient of a facility licensed under part IV of chapter 400.

~~(3) The department shall inspect any facility where a practitioner dispenses medicinal drugs pursuant to subsection (2) in the same manner and with the same frequency as it inspects pharmacies for the purpose of determining whether the practitioner is in compliance with all statutes and rules applicable to her or his dispensing practice.~~

Section 26. Subsection (3) of section 466.0135, Florida Statutes, is amended to read:

466.0135 Continuing education; dentists.—

(3) A ~~In applying for license renewal, the dentist shall complete submit a sworn affidavit, on a form acceptable to the department, attesting that she or he has completed the required continuing education as provided required in this section and in accordance with the guidelines and provisions of this section and listing the date, location, sponsor, subject matter, and hours of completed continuing education courses. The applicant shall retain in her or his records any such receipts, vouchers, or certificates as may be necessary to document completion of such the continuing education courses listed in accordance with this subsection. With cause, the board may request~~

~~such documentation by the applicant, and the board may request such documentation from applicants selected at random without cause.~~

Section 27. Section 466.014, Florida Statutes, is amended to read:

466.014 Continuing education; dental hygienists.—In addition to the other requirements for relicensure for dental hygienists set out in this ~~chapter~~ aet, the board shall require each licensed dental hygienist to complete at least ~~not less than~~ 24 hours but not ~~or~~ more than 36 hours of continuing professional education in dental subjects, biennially, in programs prescribed or approved by the board or in equivalent programs of continuing education. Programs of continuing education approved by the board shall be programs of learning which, in the opinion of the board, contribute directly to the dental education of the dental hygienist. The board shall adopt rules and guidelines to administer and enforce ~~the provisions of this section.~~ ~~In applying for license renewal,~~ The dental hygienist shall submit a sworn affidavit, on a form acceptable to the department, attesting that she or he has completed the continuing education required in this section in accordance with the guidelines and provisions of this section and listing the date, location, sponsor, subject matter, and hours of completed continuing education courses. The applicant shall retain in her or his records any ~~such~~ receipts, vouchers, or certificates as may be necessary to document completion of such ~~the~~ continuing education courses listed in accordance with this section. ~~With cause, the board may request such documentation by the applicant, and the board may request such documentation from applicants selected at random without cause.~~ Compliance with the continuing education requirements is ~~shall be~~ mandatory for issuance of the renewal certificate. The board may ~~shall have the authority to~~ excuse licensees, as a group or as individuals, from all or part of ~~the~~ continuing education ~~educational~~ requirements if, or any part thereof, in the event ~~an~~ unusual circumstance, emergency, or hardship has prevented compliance with this section.

Section 28. Subsection (5) of section 466.032, Florida Statutes, is amended to read:

466.032 Registration.—

(5) A ~~The~~ dental laboratory owner or at least one employee of any dental laboratory renewing registration on or after July 1, 2010, shall complete 18 hours of continuing education biennially. Programs of continuing education must ~~shall be~~ programs of learning that contribute directly to the education of the dental technician and may include, but are not limited to, attendance at lectures, study clubs, college courses, or scientific sessions of conventions and research.

(a) The aim of continuing education for dental technicians is to improve dental health care delivery to the public as such is impacted through the design, manufacture, and use of artificial human oral prosthetics and related restorative appliances.

(b) Continuing education courses shall address one or more of the following areas of professional development, including, but not limited to:

- 1. Laboratory and technological subjects, including, but not limited to, laboratory techniques and procedures, materials, and equipment; and
- 2. Subjects pertinent to oral health, infection control, and safety.

(c) Programs that meet meeting the general requirements of continuing education may be developed and offered to dental technicians by the Florida Dental Laboratory Association and the Florida Dental Association. Other organizations, schools, or agencies may also be approved to develop and offer continuing education in accordance with specific criteria established by the department.

~~(d) Any dental laboratory renewing a registration on or after July 1, 2010, shall submit a sworn affidavit, on a form approved by the department, attesting that either the dental laboratory owner or one dental technician employed by the registered dental laboratory has completed the continuing education required in this subsection in accordance with the guidelines and provisions of this subsection and listing the date, location, sponsor, subject matter, and hours of completed continuing education courses. The dental laboratory shall retain in its records such receipts, vouchers, or certificates as may be necessary to document completion of the continuing education courses listed in accordance with this subsection. With cause, the department may request that the documentation be provided by the applicant. The department may also request the documentation from applicants selected at random without cause.~~

~~(d)~~(e)1. This subsection does not apply to a dental laboratory that is physically located within a dental practice operated by a dentist licensed under this chapter.

2. A dental laboratory in another state or country which provides service to a dentist licensed under this chapter is not required to register with the state and may continue to provide services to such dentist with a proper prescription. However, a dental laboratory in another state or country; ~~however~~, may voluntarily comply with this subsection.

Section 29. Section 468.1201, Florida Statutes, is repealed.

Section 30. Paragraph (a) of subsection (3), subsections (4) and (5), paragraphs (a) and (e) of present subsection (6), and present subsection (7) of section 483.901, Florida Statutes, are amended, and paragraph (k) is added to present subsection (6) of that section, to read:

483.901 Medical physicists; definitions; licensure.—

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

~~(a) “Council” means the Advisory Council of Medical Physicists in the Department of Health.~~

~~(4) COUNCIL.— The Advisory Council of Medical Physicists is created in the Department of Health to advise the department in regulating the practice of medical physics in this state.~~

~~(a) The council shall be composed of nine members appointed by the State Surgeon General as follows:~~

~~1. A licensed medical physicist who specializes in diagnostic radiological physics.~~

~~2. A licensed medical physicist who specializes in therapeutic radiological physics.~~

~~3. A licensed medical physicist who specializes in medical nuclear radiological physics.~~

~~4. A physician who is board certified by the American Board of Radiology or its equivalent.~~

~~5. A physician who is board certified by the American Osteopathic Board of Radiology or its equivalent.~~

~~6. A chiropractic physician who practices radiology.~~

~~7. Three consumer members who are not, and have never been, licensed as a medical physicist or licensed in any closely related profession.~~

~~(b) The State Surgeon General shall appoint the medical physicist members of the council from a list of candidates who are licensed to practice medical physics.~~

~~(c) The State Surgeon General shall appoint the physician members of the council from a list of candidates who are licensed to practice medicine in this state and are board certified in diagnostic radiology, therapeutic radiology, or radiation oncology.~~

~~(d) The State Surgeon General shall appoint the public members of the council.~~

~~(e) As the term of each member expires, the State Surgeon General shall appoint the successor for a term of 4 years. A member shall serve until the member’s successor is appointed, unless physically unable to do so.~~

~~(f) An individual is ineligible to serve more than two full consecutive 4-year terms.~~

~~(g) If a vacancy on the council occurs, the State Surgeon General shall appoint a member to serve for a 4-year term.~~

~~(h) A council member must be a United States citizen and must have been a resident of this state for 2 consecutive years immediately before being appointed.~~

~~1. A member of the council who is a medical physicist must have practiced for at least 6 years before being appointed or be board certified for the specialty in which the member practices.~~

~~2. A member of the council who is a physician must be licensed to practice medicine in this state and must have practiced diagnostic radiology or radiation oncology in this state for at least 2 years before being appointed.~~

~~3. The public members of the council must not have a financial interest in any endeavor related to the practice of medical physics.~~

~~(i) A council member may be removed from the council if the member:~~

~~1. Did not have the required qualifications at the time of appointment;~~

~~2. Does not maintain the required qualifications while serving on the council; or~~

~~3. Fails to attend the regularly scheduled council meetings in a calendar year as required by s. 456.011.~~

~~(j) Members of the council may not receive compensation for their services; however, they are entitled to reimbursement, from funds deposited in the Medical Quality Assurance Trust Fund, for necessary travel expenses as specified in s. 112.061 for each day they engage in the business of the council.~~

~~(k) At the first regularly scheduled meeting of each calendar year, the council shall elect a presiding officer and an assistant presiding officer from among its members. The council shall meet at least once each year and at other times in accordance with department requirements.~~

~~(l) The department shall provide administrative support to the council for all licensing activities.~~

~~(m) The council may conduct its meetings electronically.~~

~~(5) POWERS OF COUNCIL. The council shall:~~

~~(a) Recommend rules to administer this section.~~

~~(b) Recommend practice standards for the practice of medical physics which are consistent with the Guidelines for Ethical Practice for Medical Physicists prepared by the American Association of Physicists in Medicine and disciplinary guidelines adopted under s. 456.079.~~

~~(c) Develop and recommend continuing education requirements for licensed medical physicists.~~

~~(4)~~(6) LICENSE REQUIRED.—An individual may not engage in the practice of medical physics, including the specialties of diagnostic radiological physics, therapeutic radiological physics, medical nuclear radiological physics, or medical health physics, without a license issued by the department for the appropriate specialty.

(a) The department shall adopt rules to administer this section which specify license application and renewal fees, continuing education requirements, and standards for practicing medical physics. ~~The council shall recommend to the department continuing education requirements that shall be a condition of license renewal.~~ The department shall require a minimum of 24 hours per biennium of continuing education offered by an organization recommended by the council and approved by the department. The department, upon recommendation of the council, may adopt rules to specify continuing education requirements for persons who hold a license in more than one specialty.

(e) ~~Upon~~ On receipt of an application and fee as specified in this section, the department may issue a license to practice medical physics in this state ~~on or after October 1, 1997,~~ to a person who is board certified in the medical physics specialty in which the applicant applies to practice by the American Board of Radiology for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; by the American Board of Medical Physics for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; or by the American Board of Health Physics or an equivalent certifying body approved by the department.

(k) Upon proof of a completed residency program and receipt of the fee set forth by rule, the department may issue a temporary license for no more than 1 year. The department may adopt by rule requirements for temporary licensure and renewal of temporary licenses.

~~(5)~~(7) FEES.—The fee for the initial license application shall be \$500 and is nonrefundable. The fee for license renewal may not be more than \$500. These fees may cover only the costs incurred by the department and the council to administer this section. By July 1 of each year, the department shall determine whether ~~advise the council~~ if the fees are insufficient to administer this section.

Section 31. Subsection (2) of section 484.047, Florida Statutes, is amended to read:

484.047 Renewal of license.—

(2) In addition to the other requirements for renewal provided in this section and by the board, the department shall renew a license upon receipt of the renewal application and, the renewal fee, ~~and a written statement affirming compliance with all other requirements set forth in this section and by the board.~~ A licensee must maintain, if applicable, a certificate from a

manufacturer or independent testing agent certifying that the testing room meets the requirements of s. 484.0501(6) and, if applicable, a certificate from a manufacturer or independent testing agent stating that all audiometric testing equipment used by the licensee has been calibrated acoustically to American National Standards Institute standards on an annual basis ~~acoustically to American National Standards Institute standard specifications~~. Possession of an applicable certificate is ~~the certificates shall be~~ a prerequisite to renewal.

Section 32. Paragraph (a) of subsection (3) of section 486.102, Florida Statutes, is amended to read:

486.102 Physical therapist assistant; licensing requirements.—To be eligible for licensing by the board as a physical therapist assistant, an applicant must:

(3)(a) Have been graduated from a school giving a course of not less than 2 years for physical therapist assistants, which has been approved for the educational preparation of physical therapist assistants by the appropriate accrediting agency recognized by the Commission on Recognition of Postsecondary Accreditation or the United States Department of Education, ~~which includes, but is not limited to, any regional or national institutional accrediting agencies recognized by the United States Department of Education or the Commission on Accreditation for Physical Therapy Education (CAPTE)~~, at the time of her or his graduation and have passed to the satisfaction of the board an examination to determine her or his fitness for practice as a physical therapist assistant as hereinafter provided;

Section 33. Subsections (1) and (4) of section 486.109, Florida Statutes, are amended to read:

486.109 Continuing education.—

(1) The board shall require licensees to ~~periodically~~ demonstrate their professional competence as a condition of renewal of a license by completing 24 hours of continuing education biennially.

(4) Each licensee shall maintain ~~be responsible for maintaining~~ sufficient records ~~in a format as determined by rule which shall be subject to a random audit by the department to demonstrate~~ assure compliance with this section.

Section 34. Paragraph (a) of subsection (15) of section 499.028, Florida Statutes, is amended to read:

499.028 Drug samples or complimentary drugs; starter packs; permits to distribute.—

(15) A person may not possess a prescription drug sample unless:

(a) The drug sample was prescribed to her or him as evidenced by the label required in s. ~~465.0276(4)~~ 465.0276(5).

Section 35. Subsection (3) of section 893.04, Florida Statutes, is amended to read:

893.04 Pharmacist and practitioner.—

(3) Notwithstanding subsection (1), a pharmacist may dispense a one-time emergency refill of up to a 72-hour supply of the prescribed medication for any medicinal drug other than a medicinal drug listed in Schedule II, or up to one vial of insulin to treat diabetes mellitus, in compliance with ~~the provisions of~~ s. 465.0275.

Section 36. Paragraph (g) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.

Florida Statute	Felony Degree	Description
456.065(2)	3rd	Practicing a health care profession without a license.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327(1)	3rd	Practicing medicine without a license.
459.013(1)	3rd	Practicing osteopathic medicine without a license.
460.411(1)	3rd	Practicing chiropractic medicine without a license.
461.012(1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015(1)	3rd	Practicing optometry without a license.
464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
<u>483.901(7)</u> 483.901(9)	3rd	Practicing medical physics without a license.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.
494.0018(2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

Florida Statute	Felony Degree	Description
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.

Florida Statute	Felony Degree	Description
784.048(7)	3rd	Aggravated stalking; violation of court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083(1)	1st	Aggravated battery on code inspector.
787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

Florida Statute	Felony Degree	Description
790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
800.04(5)(e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.

Florida Statute	Felony Degree	Description
812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.131(2)(a)	2nd	Robbery by sudden snatching.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
817.2341 (2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
817.535(2)(a)	3rd	Filing false lien or other unauthorized document.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.103(3)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.

Florida Statute	Felony Degree	Description
827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
838.015	2nd	Bribery.
838.016	2nd	Unlawful compensation or reward for official behavior.
838.021(3)(a)	2nd	Unlawful harm to a public servant.
838.22	2nd	Bid tampering.
843.0855(2)	3rd	Impersonation of a public officer or employee.
843.0855(3)	3rd	Unlawful simulation of legal process.
843.0855(4)	3rd	Intimidation of a public officer or employee.
847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
872.06	2nd	Abuse of a dead human body.
874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

Florida Statute	Felony Degree	Description
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
893.135 (1)(c)2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
893.135 (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
893.135 (1)(c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

Florida Statute	Felony Degree	Description
893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.

Florida Statute	Felony Degree	Description
985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

Section 37. This act shall take effect July 1, 2016.

Approved by the Governor April 14, 2016.

Filed in Office Secretary of State April 14, 2016.