

Bill No. SB 2678

Barcode 313544

CHAMBER ACTION

Senate

House

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The Committee on Health Care (Fasano) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. This act may be cited as the "Dr. R. Wilson Geldner Naturopathic Medicine Act of 2006."

Section 2. Chapter 462, Florida Statutes, which is entitled "Naturopathy," is redesignated as "Naturopathic Medicine."

Section 3. Section 462.01, Florida Statutes, is amended to read:

462.01 Definitions.--As used in this chapter, the term:

(1) "Board" means the Board of Naturopathic Medicine.

(2) "Department" means the Department of Health.

(3) "Minor office procedures" means the methods for the repair and care incidental to superficial lacerations and abrasions, superficial lesions, and removal of foreign bodies

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1 located in the superficial tissues.

2           (4) "Naturopath," "doctor of naturopathic medicine  
3 (N.M.D.)," "naturopathic doctor (N.D.)," "Naturopathic medical  
4 doctor (N.M.D.)," or "naturopathic physician," hereinafter  
5 collectively referred to as "naturopathic physician," means a  
6 person licensed to practice naturopathic medicine under this  
7 chapter.

8           ~~(5)(1)~~ "Natureopathy," and "naturopathy," and  
9 "naturopathic medicine" shall be construed as synonymous terms  
10 and mean a system of primary health care for the prevention,  
11 diagnosis, and treatment of human health conditions, injuries,  
12 and disease; the promotion or restoration of health; and the  
13 support and stimulation of a patient's self-healing processes  
14 through patient education and use of naturopathic therapies  
15 and therapeutic substances. A naturopathic physician may  
16 perform minor office procedures and may order and perform  
17 physical and laboratory examinations consistent with  
18 naturopathic education and training for diagnostic purposes,  
19 including, but not limited to, phlebotomy, clinical laboratory  
20 tests, orificial examinations, and physiological function  
21 tests. A naturopathic physician may order diagnostic imaging  
22 studies consistent with naturopathic training. A naturopathic  
23 physician may dispense, administer, order, and prescribe food,  
24 extracts of foods, nutraceuticals, vitamins, amino acids,  
25 minerals, enzymes, botanicals and their extracts, botanical  
26 medicines, homeopathic medicines, all dietary supplements, and  
27 nonprescription drugs as defined by the Federal Food, Drug,  
28 and Cosmetic Act. This chapter does not authorize a  
29 naturopathic physician to:

30           (a) Prescribe, dispense, or administer any controlled  
31 substance or device identified in the Federal Controlled

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1 Substance Act, 21 U.S.C. ss. 801-971 (1988), as amended,  
2 except as authorized by this chapter;

3 (b) Perform surgical procedures except those minor  
4 office procedures authorized by this chapter; or

5 (c) Practice or claim to practice as a medical doctor,  
6 osteopath, dentist (the examination, diagnosis, and treatment  
7 of teeth and gums), podiatrist, optometrist, psychologist,  
8 advanced practice professional nurse, physician assistant,  
9 chiropractor, physical therapist, acupuncturist, midwife, or  
10 any other health care professional not authorized in this  
11 chapter unless licensed by the board governing that health  
12 care profession.

13  
14 It is recognized that many of the therapies used by  
15 naturopathic physicians, including, but not limited to,  
16 homeopathic remedies, nutritional and dietary supplements,  
17 herbs, and such physical forces as heat, cold, water, touch,  
18 and light, are not the exclusive privilege of naturopathic  
19 physicians. Consistent with the requirements of s. 11.62, the  
20 Sunrise Act, it is not the intent of this act to prohibit or  
21 restrict to naturopathic physicians the use of the modalities  
22 identified in this chapter. ~~the use and practice of~~  
23 ~~psychological, mechanical, and material health sciences to aid~~  
24 ~~in purifying, cleansing, and normalizing human tissues for the~~  
25 ~~preservation or restoration of health, according to the~~  
26 ~~fundamental principles of anatomy, physiology, and applied~~  
27 ~~psychology, as may be required. Naturopathic practice employs,~~  
28 ~~among other agencies, phytotherapy, dietetics, psychotherapy,~~  
29 ~~suggestotherapy, hydrotherapy, zone therapy, biochemistry,~~  
30 ~~external applications, electrotherapy, mechanotherapy,~~  
31 ~~mechanical and electrical appliances, hygiene, first aid,~~

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1 ~~sanitation, and heliotherapy; provided, however, nothing in~~  
 2 ~~this chapter shall be held or construed to authorize any~~  
 3 ~~naturopathic physician licensed hereunder to practice materia~~  
 4 ~~medica or surgery or chiropractic medicine, nor shall the~~  
 5 ~~provisions of this law in any manner apply to or affect the~~  
 6 ~~practice of osteopathic medicine, chiropractic medicine,~~  
 7 ~~Christian Science, or any other treatment authorized and~~  
 8 ~~provided for by law for the cure or prevention of disease and~~  
 9 ~~ailments.~~

10       (6) "Approved naturopathic medical program" means:

11       (a) A naturopathic medical education program in the  
 12 United States providing the degree of Doctor of Naturopathy or  
 13 Doctor of Naturopathic Medicine. Such a program must offer  
 14 graduate-level, full-time didactic and supervised clinical  
 15 training and must be accredited, or have achieved candidacy  
 16 status for accreditation, by the Council on Naturopathic  
 17 Medical Education (CNME) or an equivalent accrediting body  
 18 recognized by the United States Department of Education for  
 19 naturopathic medical programs and has been approved by the  
 20 board. Additionally, the program must be an institution, or  
 21 part of an institution, of higher education which is either  
 22 accredited or is a candidate for accreditation by an  
 23 institutional accrediting agency recognized by the United  
 24 States Department of Education; or

25       (b) A degree-granting college or university that,  
 26 prior to the existence of the CNME, offered a full-time  
 27 structured curriculum in basic sciences and supervised patient  
 28 care comprising a doctoral naturopathic medical education.  
 29 Such a course, as a prerequisite to graduation therefrom, must  
 30 have been not less than 132 weeks in duration (4 academic  
 31 years) and must have required completion within a period of

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1 not less than 35 months. Such a college of naturopathic  
2 medicine must have been reputable and in good standing in the  
3 judgement of the board; or

4 (c) A diploma-granting, degree-equivalent college or  
5 university that, if in Canada and prior to accreditation by  
6 the CNME, had provincial approval for participation in  
7 government-funded, student-aid programs and that offered a  
8 full-time structured curriculum in basic sciences and  
9 supervised patient care comprising a doctoral naturopathic  
10 medical education. Such a course, as a prerequisite to  
11 graduation therefrom, must have been not less than 132 weeks  
12 in duration (4 academic years) and must have required  
13 completion within a period of not less than 35 months. Such a  
14 college of liberal arts and naturopathic medicine must have  
15 been reputable and in good standing in the judgment of the  
16 board.

17 Section 4. Section 462.0215, Florida Statutes, is  
18 created to read:

19 462.0215 Board of Naturopathic Medicine.--

20 (1) There is created within the department the Board  
21 of Naturopathic Medicine, composed of seven members appointed  
22 by the Governor and confirmed by the Senate. All members must  
23 be residents of the state.

24 (2)(a) Five members of the board must be naturopathic  
25 physicians who are:

26 1. In good standing in this state and have been  
27 licensed to practice naturopathic medicine for at least 3  
28 years; or

29 2. Graduates of CNME-accredited naturopathic medical  
30 programs, and each of whom is currently licensed and has been  
31 licensed for at least 3 years as a naturopathic physician in

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1 one or more of the states that require successful passage of  
2 the Naturopathic Physicians Licensing Examination (NPLEX) to  
3 practice naturopathic medicine.

4 (b) The remaining two members of the board must not be  
5 and must never have been licensed health care practitioners.

6 (c) At least one member of the board must be 60 years  
7 of age or older.

8 (3) For the purpose of staggering terms, the Governor  
9 shall initially appoint to the board three members for terms  
10 of 4 years each, two members for terms of 3 years each, and  
11 two members for terms of 2 years each. As the terms of board  
12 members expire, the Governor shall appoint successors for  
13 terms of 4 years, and such members shall serve until their  
14 successors are appointed.

15 (4) The board, in conjunction with the department,  
16 shall establish a disciplinary training program for members of  
17 the board. The program shall provide for initial and periodic  
18 training in the grounds for disciplinary action, the actions  
19 that may be taken by the board and the department, changes in  
20 relevant statutes and rules, and any relevant judicial and  
21 administrative decisions. A member of the board may not  
22 participate on a probable cause panel or in a disciplinary  
23 decision of the board unless she or he has completed the  
24 disciplinary training program.

25 (5) During the time members of the board are appointed  
26 to a probable cause panel, they shall attempt to complete  
27 their work on every case presented to them. If consideration  
28 of a case is begun but is not completed during the term of the  
29 board members on the panel, they may reconvene as a probable  
30 cause panel for the purpose of completing their deliberations  
31 on that case.

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1       (6) All provisions of chapter 456 relating to  
2 activities of the board are applicable.

3           Section 5. Section 462.023, Florida Statutes, is  
4 amended to read:

5           462.023 Powers and duties of the board and the  
6 department.--The board and the department may adopt such rules  
7 as are necessary to carry out the purposes of this chapter,  
8 may initiate disciplinary action as provided by this chapter,  
9 and shall establish fees as provided by this chapter based on  
10 their ~~its~~ estimates of the revenue required to administer this  
11 chapter provided the fees do ~~but shall~~ not exceed the fee  
12 amounts provided in this chapter. ~~The department shall not~~  
13 ~~adopt any rules which would cause any person who was not~~  
14 ~~licensed in accordance with this chapter on July 1, 1959, and~~  
15 ~~had not been a resident of the state for 2 years prior to such~~  
16 ~~date, to become licensed.~~

17           Section 6. Section 462.08, Florida Statutes, is  
18 amended to read:

19           462.08 Renewal of license to practice naturopathic  
20 medicine naturopathy.--Each licensee ~~licenseholder~~ shall  
21 biennially renew her or his license to practice naturopathic  
22 medicine naturopathy. The applicant must furnish to the board  
23 ~~department~~ such evidence as it requires of the applicant's  
24 compliance with s. 462.18, relating to educational  
25 requirements. The biennial renewal fee, the amount of which  
26 shall be determined by the board ~~department~~ but which may not  
27 exceed \$1,000, must be paid at the time the application for  
28 renewal of the license is filed.

29           Section 7. Section 462.11, Florida Statutes, is  
30 amended to read:

31           462.11 Naturopathic physicians ~~Naturopaths~~ to observe

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1 regulations.--Naturopathic physicians ~~Doctors of naturopathy~~  
 2 shall observe and be subject to all state, county, and  
 3 municipal regulations in regard to the control of contagious  
 4 and infectious diseases, the reporting of births and deaths,  
 5 and to any and all other matters pertaining to the public  
 6 health in the same manner as is required of other  
 7 practitioners of the healing arts ~~art~~.

8 Section 8. Section 462.13, Florida Statutes, is  
 9 amended to read:

10 462.13 Additional powers and duties of the board and  
 11 the department.--The board and the department may administer  
 12 oaths, summon witnesses, and take testimony in all matters  
 13 relating to their ~~its~~ duties pursuant to this chapter. Every  
 14 unrevoked license shall be presumptive evidence in all courts  
 15 and places that the person therein named is legally licensed  
 16 to practice naturopathic medicine ~~naturopathy~~. The board and  
 17 the department shall aid the prosecuting attorneys of the  
 18 state in the enforcement of this chapter.

19 Section 9. Section 462.14, Florida Statutes, is  
 20 amended to read:

21 462.14 Grounds for disciplinary action; action by the  
 22 board and the department.--

23 (1) The following acts constitute grounds for denial  
 24 of a license or disciplinary action, as specified in s.  
 25 456.072(2):

26 (a) Attempting to obtain, obtaining, or renewing a  
 27 license to practice naturopathic medicine by bribery, by  
 28 fraudulent misrepresentation, or through an error of the board  
 29 or the department.

30 (b) Having a license to practice naturopathic medicine  
 31 revoked, suspended, or otherwise acted against, including the



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1 denial of licensure, by the licensing authority of another  
2 state, territory, or country.

3 (c) Being convicted or found guilty, regardless of  
4 adjudication, of a crime in any jurisdiction which directly  
5 relates to the practice of naturopathic medicine or to the  
6 ability to practice naturopathic medicine. Any plea of nolo  
7 contendere shall be considered a conviction for purposes of  
8 this chapter.

9 (d) False, deceptive, or misleading advertising.

10 (e) Advertising, practicing, or attempting to practice  
11 under a name other than one's own.

12 (f) Failing to report to the department any person who  
13 the licensee knows is in violation of this chapter or of the  
14 rules of the board or the department.

15 (g) Aiding, assisting, procuring, or advising any  
16 unlicensed person to practice naturopathic medicine contrary  
17 to this chapter or to a rule of the board or the department.

18 (h) Failing to perform any statutory or legal  
19 obligation placed upon a licensed naturopathic physician.

20 (i) Making or filing a report which the licensee knows  
21 to be false, intentionally or negligently failing to file a  
22 report or record required by state or federal law, willfully  
23 impeding or obstructing such filing or inducing another person  
24 to do so. Such reports or records shall include only those  
25 which are signed in the capacity as a licensed naturopathic  
26 physician.

27 (j) Paying or receiving any commission, bonus,  
28 kickback, or rebate, or engaging in any split-fee arrangement  
29 in any form whatsoever with a physician, organization, agency,  
30 or person, either directly or indirectly, for patients  
31 referred to providers of health care goods and services,

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1 including, but not limited to, hospitals, nursing homes,  
 2 clinical laboratories, ambulatory surgical centers, or  
 3 pharmacies. The provisions of this paragraph shall not be  
 4 construed to prevent a naturopathic physician from receiving a  
 5 fee for professional consultation services.

6 (k) Exercising influence within a patient-physician  
 7 relationship for purposes of engaging a patient in sexual  
 8 activity. A patient shall be presumed to be incapable of  
 9 giving free, full, and informed consent to sexual activity  
 10 with her or his physician.

11 (l) Making deceptive, untrue, or fraudulent  
 12 representations in the practice of naturopathic medicine or  
 13 employing a trick or scheme in the practice of naturopathic  
 14 medicine when such scheme or trick fails to conform to the  
 15 generally prevailing standards of treatment in the medical  
 16 community.

17 (m) Soliciting patients, either personally or through  
 18 an agent, through the use of fraud, intimidation, undue  
 19 influence, or a form of overreaching or vexatious conduct. A  
 20 "solicitation" is any communication which directly or  
 21 implicitly requests an immediate oral response from the  
 22 recipient.

23 (n) Failing to keep written medical records justifying  
 24 the course of treatment of the patient, including, but not  
 25 limited to, patient histories, examination results, test  
 26 results, X rays, and records of the prescribing, dispensing,  
 27 and administering of drugs.

28 (o) Exercising influence on the patient or client in  
 29 such a manner as to exploit the patient or client for the  
 30 financial gain of the licensee or of a third party, which  
 31 shall include, but not be limited to, the promoting or selling

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1 of services, goods, appliances, or drugs and the promoting or  
2 advertising on any prescription form of a community pharmacy  
3 unless the form also states "This prescription may be filled  
4 at any pharmacy of your choice."

5 (p) Performing professional services which have not  
6 been duly authorized by the patient or client, or her or his  
7 legal representative, except as provided in s. 743.064, s.  
8 766.103, or s. 768.13.

9 (q) Prescribing, dispensing, administering, mixing, or  
10 otherwise preparing a legend drug, ~~including any controlled~~  
11 ~~substance~~, other than in the course of the naturopathic  
12 physician's professional practice. For the purposes of this  
13 paragraph, it shall be legally presumed that prescribing,  
14 dispensing, administering, mixing, or otherwise preparing  
15 legend drugs, ~~including all controlled substances~~,  
16 inappropriately or in excessive or inappropriate quantities is  
17 not in the best interest of the patient and is not in the  
18 course of the naturopathic physician's professional practice,  
19 without regard to her or his intent.

20 (r) Prescribing, dispensing, or administering any  
21 medicinal drug appearing on any schedule set forth in chapter  
22 893 by the naturopathic physician to herself or himself,  
23 except one prescribed, dispensed, or administered to the  
24 naturopathic physician by another practitioner authorized to  
25 prescribe, dispense, or administer medicinal drugs.

26 (s) Being unable to practice naturopathic medicine  
27 with reasonable skill and safety to patients by reason of  
28 illness or use of alcohol, drugs, narcotics, chemicals, or any  
29 other type of material or as a result of any mental or  
30 physical condition. In enforcing this paragraph, the  
31 department shall have, upon probable cause, authority to

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1 compel a naturopathic physician to submit to a mental or  
 2 physical examination by physicians designated by the  
 3 department. The failure of a naturopathic physician to submit  
 4 to such an examination when so directed shall constitute an  
 5 admission of the allegations against her or him upon which a  
 6 default and final order may be entered without the taking of  
 7 testimony or presentation of evidence, unless the failure was  
 8 due to circumstances beyond the naturopathic physician's  
 9 control. A naturopathic physician affected under this  
 10 paragraph shall at reasonable intervals be afforded an  
 11 opportunity to demonstrate that she or he can resume the  
 12 competent practice of naturopathic medicine with reasonable  
 13 skill and safety to patients. In any proceeding under this  
 14 paragraph, neither the record of proceedings nor the orders  
 15 entered by the department may be used against a naturopathic  
 16 physician in any other proceeding.

17 (t) Gross or repeated malpractice or the failure to  
 18 practice naturopathic medicine with that level of care, skill,  
 19 and treatment which is recognized by a reasonably prudent  
 20 similar physician as being acceptable under similar conditions  
 21 and circumstances. The board ~~department~~ shall give great  
 22 weight to the provisions of s. 766.102 when enforcing this  
 23 paragraph.

24 (u) Performing any procedure or prescribing any  
 25 therapy which, by the prevailing standards of medical practice  
 26 in the community, constitutes experimentation on a human  
 27 subject, without first obtaining full, informed, and written  
 28 consent.

29 (v) Practicing or offering to practice beyond the  
 30 scope permitted by law or accepting and performing  
 31 professional responsibilities which the licensee knows or has

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1 reason to know that she or he is not competent to perform.

2 (w) Delegating professional responsibilities to a  
3 person when the licensee delegating such responsibilities  
4 knows or has reason to know that such person is not qualified  
5 by training, experience, or licensure to perform them.

6 (x) Violating a lawful order of the board or the  
7 department previously entered in a disciplinary hearing or  
8 failing to comply with a lawfully issued subpoena of the  
9 department.

10 (y) Conspiring with another licensee or with any other  
11 person to commit an act, or committing an act, which would  
12 tend to coerce, intimidate, or preclude another licensee from  
13 lawfully advertising her or his services.

14 (z) Procuring, or aiding or abetting in the procuring  
15 of, an unlawful termination of pregnancy.

16 (aa) Presigning blank prescription forms.

17 (bb) Prescribing by the naturopathic physician ~~for~~  
18 ~~office use~~ any controlled substance ~~medicinal drug~~ appearing  
19 ~~on Schedule II~~ in chapter 893.

20 (cc) Prescribing, ordering, dispensing, administering,  
21 supplying, selling, or giving any drug which is an amphetamine  
22 or sympathomimetic amine drug, or a compound designated  
23 pursuant to chapter 893 as a Schedule II controlled substance  
24 to or for any person except for:

25 1. The treatment of narcolepsy; hyperkinesis;  
26 behavioral syndrome in children characterized by the  
27 developmentally inappropriate symptoms of moderate to severe  
28 distractability, short attention span, hyperactivity,  
29 emotional lability, and impulsivity; or drug-induced brain  
30 dysfunction.

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1 of depression or the treatment of depression shown to be  
2 refractory to other therapeutic modalities.

3           3. The clinical investigation of the effects of such  
4 drugs or compounds when an investigative protocol therefor is  
5 submitted to, reviewed, and approved by the board ~~department~~  
6 before such investigation is begun.

7           (dd) Prescribing, ordering, dispensing, administering,  
8 supplying, selling, or giving growth hormones, testosterone or  
9 its analogs, human chorionic gonadotropin (HCG), or other  
10 hormones for the purpose of muscle building or to enhance  
11 athletic performance. For the purposes of this subsection, the  
12 term "muscle building" does not include the treatment of  
13 injured muscle. A prescription written for the drug products  
14 listed above may be dispensed by the pharmacist with the  
15 presumption that the prescription is for legitimate medical  
16 use.

17           (ee) Violating any provision of this chapter or  
18 chapter 456, or any rules adopted pursuant thereto.

19           (2) The board ~~department~~ may enter an order denying  
20 licensure or imposing any of the penalties in s. 456.072(2)  
21 against any applicant for licensure or licensee who is found  
22 guilty of violating any provision of subsection (1) of this  
23 section or who is found guilty of violating any provision of  
24 s. 456.072(1).

25           (3) The board ~~department~~ shall not reinstate the  
26 license of a naturopathic physician until such time as the  
27 board ~~department~~ is satisfied that such person has complied  
28 with all the terms and conditions set forth in the final order  
29 and that such person is capable of safely engaging in the  
30 practice of naturopathic medicine.

31           (4) The board ~~department~~ shall by rule establish

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1 guidelines for the disposition of disciplinary cases involving  
2 specific types of violations. Such guidelines may include  
3 minimum and maximum fines, periods of supervision or  
4 probation, or conditions of probation or reissuance of a  
5 license.

6 Section 10. Section 462.16, Florida Statutes, is  
7 amended to read:

8 462.16 Reissue of license.--Any person who practices  
9 naturopathic medicine ~~shall practice naturopathy~~ after her or  
10 his license has been revoked ~~and registration annulled~~ shall  
11 be deemed to have practiced naturopathic medicine ~~naturopathy~~  
12 without a license; ~~provided~~, however, at any time after 6  
13 months after the date of said conviction, the department may  
14 grant a license to the person affected, restoring to her or  
15 him all the rights and privileges of and pertaining to the  
16 practice of naturopathic medicine ~~naturopathy~~ as defined and  
17 regulated by this chapter. The fee therefor shall be set by  
18 the board not to exceed \$250.

19 Section 11. Section 462.17, Florida Statutes, is  
20 amended to read:

21 462.17 Penalty for offenses relating to naturopathic  
22 medicine ~~naturopathy~~.--Any person who shall:

23 (1) Sell, fraudulently obtain, or furnish any  
24 naturopathic diploma, license, record, or registration or aid  
25 or abet in the same;

26 (2) Practice naturopathic medicine ~~naturopathy~~ under  
27 the cover of any diploma, license, record, or registration  
28 illegally or fraudulently obtained or secured or issued  
29 unlawfully or upon fraudulent representations;

30 (3) Advertise to practice naturopathic medicine  
31 ~~naturopathy~~ under a name other than her or his own or under an

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1 assumed name;

2 (4) Falsely impersonate another practitioner of a like  
3 or different name;

4 (5) Practice or advertise to practice naturopathic  
5 medicine ~~naturopathy~~ or use in connection with her or his name  
6 any designation tending to imply or to designate the person as  
7 a practitioner of naturopathic medicine ~~naturopathy~~ without  
8 then being lawfully licensed and authorized to practice  
9 naturopathic medicine ~~naturopathy~~ in this state; or

10 (6) Practice naturopathic medicine ~~naturopathy~~ during  
11 the time her or his license is suspended or revoked

12  
13 commits ~~shall be guilty of~~ a felony of the third degree,  
14 punishable as provided in s. 775.082, s. 775.083, or s.  
15 775.084.

16 Section 12. Section 462.18, Florida Statutes, is  
17 amended to read:

18 462.18 Educational requirements.--

19 (1) At the time each licensee renews ~~shall renew~~ her  
20 or his license as otherwise provided in this chapter, each  
21 licensee, ~~beginning with the license renewal due May 1, 1944,~~  
22 in addition to the payment of the regular renewal fee, shall  
23 furnish to the board ~~department~~ satisfactory evidence that, in  
24 the year preceding each such application for renewal, the  
25 licensee has attended the 2-day educational program as  
26 promulgated and conducted by the Florida Naturopathic  
27 Physicians Association, Inc., or, as a substitute therefor,  
28 the equivalent of that program as approved by the board  
29 ~~department~~. The board shall require each licensee to receive  
30 at least 40 hours of continuing education every 2 years,  
31 including courses on the prevention of medical errors. The



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1 licensee shall establish that the continuing education was  
 2 consistent with the requirements of chapter 456. The  
 3 department shall send a written notice to this effect to every  
 4 person holding a valid license to practice naturopathic  
 5 medicine ~~naturopathy~~ within this state at least 30 days prior  
 6 to May 1 in each biennial year, directed to the last known  
 7 address of such licensee, and shall enclose with the notice  
 8 proper blank forms for application for ~~annual~~ license renewal.  
 9 All of the details and requirements of the ~~aforesaid~~  
 10 educational program shall be adopted and prescribed by the  
 11 board ~~department~~. In the event of national emergencies, or for  
 12 sufficient reason, the board may ~~department shall have the~~  
 13 ~~power to~~ excuse ~~the~~ naturopathic physicians as a group or as  
 14 individuals from taking this postgraduate course.

15 (2) The determination of whether a substitute ~~annual~~  
 16 educational program is necessary shall be solely within the  
 17 discretion of the board ~~department~~.

18 Section 13. Subsection (3) of section 462.19, Florida  
 19 Statutes, is amended to read:

20 462.19 Renewal of license; inactive status.--

21 (3) A licensee may request that her or his license be  
 22 placed in an inactive status by making application to the  
 23 department and paying a fee in an amount set by the department  
 24 not to exceed \$100 ~~\$50~~.

25 Section 14. Section 462.193, Florida Statutes, is  
 26 created to read:

27 462.193 Licensure by examination; requirements;  
 28 fees.--

29 (1) Any person desiring to be licensed as a  
 30 naturopathic physician shall apply to the department on forms  
 31 furnished by the department. The department shall license each

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1 applicant who the board certifies:

2 (a) Has completed the application form and remitted a  
3 nonrefundable application fee set by the board not to exceed  
4 \$500.

5 (b) Is at least 21 years of age.

6 (c) Is of good moral character.

7 (d) Has not committed any act or offense in this or  
8 any other jurisdiction which would constitute the basis for  
9 disciplining a naturopathic physician pursuant to s. 462.14.

10 (e) Has been awarded a bachelor's degree from an  
11 institution accredited by an accrediting body recognized by  
12 the United States Department of Education and completed a  
13 program of study that included, at a minimum and as determined  
14 by rule of the board, courses in such fields as anatomy,  
15 biology, and chemistry .

16 (f) Meets one of the following naturopathic medical  
17 education and postgraduate training requirements:

18 1. Is a graduate of an approved naturopathic medical  
19 program as defined herein;

20 2. Is a graduate of an approved school of naturopathic  
21 medicine which was licensed by the Florida Commission for  
22 Independent Education to grant the degree of Doctor of  
23 Naturopathic Medicine prior to July 1, 2004, and who has  
24 demonstrated to the board successful passage of their  
25 respective basic science and clinical medical examinations and  
26 evidence that they are in good standing in their respective  
27 professions; or

28 3. Is a graduate of an international medical school  
29 recognized by the Educational Commission for Foreign Medical  
30 Graduates (ECFMG) to be examined in the basic and clinical  
31 medical sciences, or a graduate of an accredited United States

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1 allopathic, chiropractic, or osteopathic medical school, and  
 2 has completed at least a 2-year course in naturopathic  
 3 medicine from a CNME-accredited and board-approved  
 4 naturopathic medical program.

5 (g) Has submitted to the department a set of  
 6 fingerprints on a form and in accordance with s. 456.039(4)(c)  
 7 and with procedures specified by the department, along with  
 8 payment in an amount equal to the costs incurred by the  
 9 department for the criminal background check of the applicant.

10 (h) Except for those graduates specified in  
 11 subparagraph (f)2., has obtained a passing score on a  
 12 competency-based national naturopathic licensing examination  
 13 administered by the North American Board of Naturopathic  
 14 Examiners (NABNE) or equivalent or successor agency that has  
 15 been nationally recognized to administer a naturopathic  
 16 examination that represents federal standards of education and  
 17 training as approved by the board. For graduates of an  
 18 approved naturopathic medical program as defined in s.  
 19 462.01(6)(b), eligibility for licensure may be granted upon  
 20 submission of evidence of successful passage of a  
 21 board-approved state competency examination and, for graduates  
 22 of an approved naturopathic medical program as defined in s.  
 23 462.01(6)(c), eligibility for licensure may be granted upon  
 24 submission of evidence of successful passage of a Canadian  
 25 provincial examination. For graduates of international medical  
 26 schools or allopathic, osteopathic, or chiropractic medical  
 27 schools who have completed at least a 2-year course in  
 28 naturopathic medicine from a CNME-appredited and  
 29 board-approved naturopathic medical program, eligibility for  
 30 licensure may be granted upon submission of evidence of  
 31 successful passage of their respective medical examinations,

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1 part one, in basic medical sciences, and part two, in clinical  
2 medical sciences, and successful passage of part two in  
3 clinical sciences examinations of the Naturopathic Physicians  
4 Licensing Examination administered by the North American Board  
5 of Naturopathic Examiners or successor agency that has been  
6 nationally recognized to administer a naturopathic examination  
7 that represents federal standards of education and training as  
8 approved by the board.

9       (i) Has completed an approved internship or residency  
10 of at least 1 year. The residency requirement may be waived  
11 upon board approval for an applicant who has been actively  
12 engaged in the practice of naturopathic medicine as a  
13 naturopathic physician for not less than 6,000 hours during  
14 the 5 years immediately preceding the date of application for  
15 licensure in this state.

16       (j) Is physically and mentally fit to practice as a  
17 naturopathic physician.

18       (k) Has not had her or his license to practice any  
19 profession refused, revoked, or suspended by any other state,  
20 district, or territory of the United States or another country  
21 for reasons that relate to her or his ability to skillfully  
22 and safely practice as a naturopathic physician in this state.

23       (1) Has not been found guilty of a felony.

24       (2) As prescribed by board rule, the board may require  
25 an applicant who does not pass the licensing examination after  
26 five attempts to complete additional remedial education or  
27 training. The board shall prescribe the additional  
28 requirements in a manner that permits the applicant to  
29 complete the requirements and be reexamined within 2 years  
30 after the date the applicant petitions the board to retake the  
31 examination a sixth or subsequent time. The board has the

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1 authority to limit the number of times that a person may take  
2 the examination.

3 (3) The department and the board shall ensure that  
4 applicants for licensure meet the criteria in subsection (1)  
5 through an investigative process. When the investigation is  
6 not completed within the time set out in s. 120.60(1) and the  
7 board or the department has reason to believe that the  
8 applicant does not meet the criteria, the secretary or the  
9 secretary's designee may issue a 90-day licensure delay, which  
10 must be in writing and sufficient to notify the applicant of  
11 the reason for the delay. This subsection controls over any  
12 conflicting provisions of s. 120.60(1).

13 (4) The board may not certify to the department for  
14 licensure any applicant who is under investigation in another  
15 jurisdiction for an offense that would constitute a violation  
16 of this chapter until the investigation has been completed.  
17 Upon completion of the investigation, s. 462.14 applies.  
18 Furthermore, the department may not issue an unrestricted  
19 license to any individual who has committed an act or offense  
20 in any jurisdiction which would constitute the basis for  
21 disciplining a naturopathic physician under s. 462.14. If the  
22 board finds that an individual has committed an act or offense  
23 in any jurisdiction which would constitute the basis for  
24 disciplining a naturopathic physician under s. 462.14, the  
25 board may enter an order imposing one or more of the sanctions  
26 set forth in ss. 462.14 and 456.072(2).

27 (5) Each applicant who meets the requirements of this  
28 chapter shall be licensed as a naturopathic physician, with  
29 rights as defined by law.

30 (6) Upon certification by the board, the department  
31 shall impose conditions, limitations, or restrictions on a

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1 license if the applicant is on probation in another  
2 jurisdiction for an act that would constitute a violation of  
3 this chapter.

4 (7) If the board determines that an applicant for  
5 licensure has failed to meet, to the board's satisfaction, any  
6 of the applicable requirements set forth in this section, it  
7 may enter an order that imposes one or more of the following  
8 sanctions:

9 (a) Refusal to certify to the department an  
10 application for licensure.

11 (b) Certification to the department of an application  
12 for licensure with restrictions on the scope of practice of  
13 the naturopathic physician.

14 (c) Certification to the department of an application  
15 for licensure with placement of the naturopathic physician on  
16 probation for a period of time and subject to such conditions  
17 as the board specifies, including, but not limited to,  
18 requiring the naturopathic physician to submit to treatment,  
19 attend continuing education courses, submit to reexamination,  
20 or work under the supervision of another naturopathic  
21 physician.

22 (8) A person may not promote, identify, or describe  
23 herself or himself as a naturopath, doctor of naturopathic  
24 medicine or naturopathic medical doctor (N.M.D.), naturopathic  
25 doctor (N.D.), or naturopathic physician without being  
26 licensed pursuant to this chapter.

27 Section 15. Section 462.195, Florida Statutes, is  
28 created to read:

29 462.195 Exemptions from naturopathic licensure  
30 requirements.--Licensure requirements for practitioners of  
31 naturopathic medicine under this chapter are inapplicable to:

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1           (1) Any individual who is engaged in selling,  
 2 marketing, distributing, using, or recommending, or furnishing  
 3 information or counseling about, the use of vitamins, health  
 4 foods, dietary supplements, herbs, homeopathic remedies, or  
 5 other products of nature the sale of which is not otherwise  
 6 prohibited under state or federal law. This exemption does  
 7 not:

8           (a) Allow a person to diagnose any human disease,  
 9 ailment, injury, infirmity, deformity, pain, or other  
 10 condition; or

11           (b) Prohibit providing information regarding any of  
 12 the products listed in this subsection, which information is  
 13 truthful and is not misleading.

14           (2) Any individual who is:

15           (a) Engaged in good faith in the practice of the  
 16 religious tenets of any church or religious belief, without  
 17 the use of prescription drugs; or

18           (b) Acting in good faith for religious reasons as a  
 19 matter of conscience or on the basis of a personal belief when  
 20 obtaining or providing information regarding health care and  
 21 the use of any product.

22           (3) Any individual who is administering a domestic or  
 23 family remedy.

24           (4) Any individual licensed in this state who is  
 25 engaging in the lawful practice of her or his profession under  
 26 the statutes applicable to the profession of chiropractic  
 27 physician, podiatric physician, doctor of medicine, massage  
 28 therapist, nurse, osteopathic physician or surgeon,  
 29 optometrist, occupational therapist, physical therapist,  
 30 psychologist, or psychotherapist.

31           Section 16. Section 462.2001, Florida Statutes, is

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1 amended to read:

2 462.2001 Saving clause.--All licenses to practice  
3 naturopathic medicine ~~naturopathy~~ issued pursuant to this  
4 chapter and valid on July 1, 2006 ~~October 1, 1985~~, shall  
5 remain in full force and effect.

6 Section 17. Licensed naturopathic physicians who hold  
7 a license on January 1, 2007, shall retain the same rights and  
8 privileges as they had before implementation of the amendments  
9 to chapter 462, Florida Statutes, by this act.

10 Section 18. Paragraph (g) of subsection (3) of section  
11 20.43, Florida Statutes, is amended to read:

12 20.43 Department of Health.--There is created a  
13 Department of Health.

14 (3) The following divisions of the Department of  
15 Health are established:

16 (g) Division of Medical Quality Assurance, which is  
17 responsible for the following boards and professions  
18 established within the division:

19 1. The Board of Acupuncture, created under chapter  
20 457.

21 2. The Board of Medicine, created under chapter 458.

22 3. The Board of Osteopathic Medicine, created under  
23 chapter 459.

24 4. The Board of Chiropractic Medicine, created under  
25 chapter 460.

26 5. The Board of Podiatric Medicine, created under  
27 chapter 461.

28 6. The Board of Naturopathic Medicine ~~Naturopathy~~,  
29 created ~~as provided~~ under chapter 462.

30 7. The Board of Optometry, created under chapter 463.

31 8. The Board of Nursing, created under part I of



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1 chapter 464.

2 9. Nursing assistants, as provided under part II of  
3 chapter 464.

4 10. The Board of Pharmacy, created under chapter 465.

5 11. The Board of Dentistry, created under chapter 466.

6 12. Midwifery, as provided under chapter 467.

7 13. The Board of Speech-Language Pathology and

8 Audiology, created under part I of chapter 468.

9 14. The Board of Nursing Home Administrators, created  
10 under part II of chapter 468.

11 15. The Board of Occupational Therapy, created under  
12 part III of chapter 468.

13 16. Respiratory therapy, as provided under part V of  
14 chapter 468.

15 17. Dietetics and nutrition practice, as provided  
16 under part X of chapter 468.

17 18. The Board of Athletic Training, created under part  
18 XIII of chapter 468.

19 19. The Board of Orthotists and Prosthetists, created  
20 under part XIV of chapter 468.

21 20. Electrolysis, as provided under chapter 478.

22 21. The Board of Massage Therapy, created under  
23 chapter 480.

24 22. The Board of Clinical Laboratory Personnel,  
25 created under part III of chapter 483.

26 23. Medical physicists, as provided under part IV of  
27 chapter 483.

28 24. The Board of Opticianry, created under part I of  
29 chapter 484.

30 25. The Board of Hearing Aid Specialists, created  
31 under part II of chapter 484.

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1           26. The Board of Physical Therapy Practice, created  
2 under chapter 486.

3           27. The Board of Psychology, created under chapter  
4 490.

5           28. School psychologists, as provided under chapter  
6 490.

7           29. The Board of Clinical Social Work, Marriage and  
8 Family Therapy, and Mental Health Counseling, created under  
9 chapter 491.

10           Section 19. Subsection (1) of section 381.0031,  
11 Florida Statutes, is amended to read:

12           381.0031 Report of diseases of public health  
13 significance to department.--

14           (1) Any practitioner licensed in this state to  
15 practice medicine, osteopathic medicine, chiropractic  
16 medicine, naturopathic medicine ~~naturopathy~~, or veterinary  
17 medicine; any hospital licensed under part I of chapter 395;  
18 or any laboratory licensed under chapter 483 that diagnoses or  
19 suspects the existence of a disease of public health  
20 significance shall immediately report the fact to the  
21 Department of Health.

22  
23 This section does not affect s. 384.25.

24           Section 20. Subsection (10) of section 468.301,  
25 Florida Statutes, is amended to read:

26           468.301 Definitions.--As used in this part, the term:

27           (10) "Licensed practitioner" means a person who is  
28 licensed or otherwise authorized by law to practice medicine,  
29 podiatric medicine, chiropody, osteopathic medicine,  
30 naturopathic medicine ~~naturopathy~~, or chiropractic medicine in  
31 this state.

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1 Section 21. Section 476.044, Florida Statutes, is  
2 amended to read:

3 476.044 Exemptions.--This chapter does not apply to  
4 the following persons when practicing pursuant to their  
5 professional responsibilities and duties:

6 (1) Persons authorized under the laws of this state to  
7 practice medicine, surgery, osteopathic medicine, chiropractic  
8 medicine, naturopathic medicine ~~naturopathy~~, or podiatric  
9 medicine;

10 (2) Commissioned medical or surgical officers of the  
11 United States Armed Forces hospital service;

12 (3) Licensed nurses under the laws of this state;

13 (4) Persons practicing cosmetology under the laws of  
14 this state;

15 (5) Persons employed in federal, state, or local  
16 institutions, hospitals, or military bases as barbers whose  
17 practice is limited to the inmates, patients, or authorized  
18 military personnel of such institutions, hospitals, or bases;

19 (6) Persons who practice only shampooing as defined in  
20 s. 477.013 and whose practice is limited to the acts described  
21 therein; or

22 (7) Persons whose occupation or practice is confined  
23 solely to cutting, trimming, polishing, or cleansing the  
24 fingernails of any person when said cutting, trimming,  
25 polishing, or cleansing is done in a barbershop licensed  
26 pursuant to this chapter which is carrying on a regular and  
27 customary business of barbering, and such individual has been  
28 practicing the activities set forth in this subsection prior  
29 to October 1, 1985.

30 Section 22. Paragraph (a) of subsection (1) of section  
31 477.0135, Florida Statutes, is amended to read:

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1 477.0135 Exemptions.--

2 (1) This chapter does not apply to the following  
3 persons when practicing pursuant to their professional or  
4 occupational responsibilities and duties:

5 (a) Persons authorized under the laws of this state to  
6 practice medicine, surgery, osteopathic medicine, chiropractic  
7 medicine, massage, naturopathic medicine ~~naturopathy~~, or  
8 podiatric medicine.

9 Section 23. Subsections (2) and (3) of section  
10 485.003, Florida Statutes, are amended to read:

11 485.003 Definitions.--In construing this chapter, the  
12 words, phrases, or terms, unless the context otherwise  
13 indicates, shall have the following meanings:

14 (2) "Healing arts" shall mean the practice of  
15 medicine, surgery, psychiatry, dentistry, osteopathic  
16 medicine, chiropractic medicine, naturopathic medicine  
17 ~~naturopathy~~, podiatric medicine, chiropody, psychology,  
18 clinical social work, marriage and family therapy, mental  
19 health counseling, and optometry.

20 (3) "Practitioner of the healing arts" shall mean a  
21 person licensed under the laws of the state to practice  
22 medicine, surgery, psychiatry, dentistry, osteopathic  
23 medicine, chiropractic medicine, naturopathic medicine  
24 ~~naturopathy~~, podiatric medicine, chiropody, psychology,  
25 clinical social work, marriage and family therapy, mental  
26 health counseling, or optometry within the scope of his or her  
27 professional training and competence and within the purview of  
28 the statutes applicable to his or her respective profession,  
29 and who may refer a patient for treatment by a qualified  
30 person, who shall employ hypnotic techniques under the  
31 supervision, direction, prescription, and responsibility of

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1 such referring practitioner.

2 Section 24. Subsection (1) of section 486.161, Florida  
3 Statutes, is amended to read:

4 486.161 Exemptions.--

5 (1) No provision of this chapter shall be construed to  
6 prohibit any person licensed in this state from using any  
7 physical agent as a part of, or incidental to, the lawful  
8 practice of her or his profession under the statutes  
9 applicable to the profession of chiropractic physician,  
10 podiatric physician, doctor of medicine, massage therapist,  
11 nurse, osteopathic physician or surgeon, occupational  
12 therapist, or naturopathic physician ~~naturopath~~.

13 Section 25. Paragraph (h) of subsection (4) of section  
14 627.351, Florida Statutes, is amended to read:

15 627.351 Insurance risk apportionment plans.--

16 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.--

17 (h) As used in this subsection:

18 1. "Health care provider" means hospitals licensed  
19 under chapter 395; physicians licensed under chapter 458;  
20 osteopathic physicians licensed under chapter 459; podiatric  
21 physicians licensed under chapter 461; dentists licensed under  
22 chapter 466; chiropractic physicians licensed under chapter  
23 460; naturopathic physicians ~~naturopaths~~ licensed under  
24 chapter 462; nurses licensed under part I of chapter 464;  
25 midwives licensed under chapter 467; clinical laboratories  
26 registered under chapter 483; physician assistants licensed  
27 under chapter 458 or chapter 459; physical therapists and  
28 physical therapist assistants licensed under chapter 486;  
29 health maintenance organizations certificated under part I of  
30 chapter 641; ambulatory surgical centers licensed under  
31 chapter 395; other medical facilities as defined in

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1 subparagraph 2.; blood banks, plasma centers, industrial  
 2 clinics, and renal dialysis facilities; or professional  
 3 associations, partnerships, corporations, joint ventures, or  
 4 other associations for professional activity by health care  
 5 providers.

6         2. "Other medical facility" means a facility the  
 7 primary purpose of which is to provide human medical  
 8 diagnostic services or a facility providing nonsurgical human  
 9 medical treatment, to which facility the patient is admitted  
 10 and from which facility the patient is discharged within the  
 11 same working day, and which facility is not part of a  
 12 hospital. However, a facility existing for the primary purpose  
 13 of performing terminations of pregnancy or an office  
 14 maintained by a physician or dentist for the practice of  
 15 medicine shall not be construed to be an "other medical  
 16 facility."

17         3. "Health care facility" means any hospital licensed  
 18 under chapter 395, health maintenance organization  
 19 certificated under part I of chapter 641, ambulatory surgical  
 20 center licensed under chapter 395, or other medical facility  
 21 as defined in subparagraph 2.

22         Section 26. Subsection (19) of section 893.02, Florida  
 23 Statutes, is amended to read:

24         893.02 Definitions.--The following words and phrases  
 25 as used in this chapter shall have the following meanings,  
 26 unless the context otherwise requires:

27         (19) "Practitioner" means a physician licensed  
 28 pursuant to chapter 458, a dentist licensed pursuant to  
 29 chapter 466, a veterinarian licensed pursuant to chapter 474,  
 30 an osteopathic physician licensed pursuant to chapter 459, a  
 31 naturopathic physician ~~naturopath~~ licensed pursuant to chapter

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1 462, or a podiatric physician licensed pursuant to chapter  
 2 461, provided such practitioner holds a valid federal  
 3 controlled substance registry number.

4 Section 27. Paragraph (g) of subsection (3) of section  
 5 921.0022, Florida Statutes, is amended to read:

6 921.0022 Criminal Punishment Code; offense severity  
 7 ranking chart.--

8 (3) OFFENSE SEVERITY RANKING CHART

9 Florida Statute	Felony Degree	Description
		(g) LEVEL 7
12 316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
14 316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
16 316.1935(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.
24 327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
26 402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
31 409.920(2)	3rd	Medicaid provider fraud.

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- 1 456.065(2) 3rd Practicing a health care
- 2 profession without a license.
- 3 456.065(2) 2nd Practicing a health care
- 4 profession without a license
- 5 which results in serious bodily
- 6 injury.
- 7 458.327(1) 3rd Practicing medicine without a
- 8 license.
- 9 459.013(1) 3rd Practicing osteopathic medicine
- 10 without a license.
- 11 460.411(1) 3rd Practicing chiropractic medicine
- 12 without a license.
- 13 461.012(1) 3rd Practicing podiatric medicine
- 14 without a license.
- 15 462.17 3rd Practicing naturopathic medicine
- 16 ~~naturopathy~~ without a license.
- 17 463.015(1) 3rd Practicing optometry without a
- 18 license.
- 19 464.016(1) 3rd Practicing nursing without a
- 20 license.
- 21 465.015(2) 3rd Practicing pharmacy without a
- 22 license.
- 23 466.026(1) 3rd Practicing dentistry or dental
- 24 hygiene without a license.
- 25 467.201 3rd Practicing midwifery without a
- 26 license.
- 27 468.366 3rd Delivering respiratory care
- 28 services without a license.
- 29 483.828(1) 3rd Practicing as clinical laboratory
- 30 personnel without a license.

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1	483.901(9)	3rd	Practicing medical physics
2			without a license.
3	484.013(1)(c)	3rd	Preparing or dispensing optical
4			devices without a prescription.
5	484.053	3rd	Dispensing hearing aids without a
6			license.
7	494.0018(2)	1st	Conviction of any violation of
8			ss. 494.001-494.0077 in which the
9			total money and property
10			unlawfully obtained exceeded
11			\$50,000 and there were five or
12			more victims.
13	560.123(8)(b)1.	3rd	Failure to report currency or
14			payment instruments exceeding
15			\$300 but less than \$20,000 by
16			money transmitter.
17	560.125(5)(a)	3rd	Money transmitter business by
18			unauthorized person, currency or
19			payment instruments exceeding
20			\$300 but less than \$20,000.
21	655.50(10)(b)1.	3rd	Failure to report financial
22			transactions exceeding \$300 but
23			less than \$20,000 by financial
24			institution.
25	775.21(10)(a)	3rd	Sexual predator; failure to
26			register; failure to renew
27			driver's license or
28			identification card; other
29			registration violations.
30	775.21(10)(b)	3rd	Sexual predator working where
31			children regularly congregate.

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1	775.21(10)(g)	3rd	Failure to report or providing
2			false information about a sexual
3			predator; harbor or conceal a
4			sexual predator.
5	782.051(3)	2nd	Attempted felony murder of a
6			person by a person other than the
7			perpetrator or the perpetrator of
8			an attempted felony.
9	782.07(1)	2nd	Killing of a human being by the
10			act, procurement, or culpable
11			negligence of another
12			(manslaughter).
13	782.071	2nd	Killing of human being or viable
14			fetus by the operation of a motor
15			vehicle in a reckless manner
16			(vehicular homicide).
17	782.072	2nd	Killing of a human being by the
18			operation of a vessel in a
19			reckless manner (vessel
20			homicide).
21	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
22			causing great bodily harm or
23			disfigurement.
24	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
25			weapon.
26	784.045(1)(b)	2nd	Aggravated battery; perpetrator
27			aware victim pregnant.
28	784.048(4)	3rd	Aggravated stalking; violation of
29			injunction or court order.
30	784.048(7)	3rd	Aggravated stalking; violation of
31			court order.

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1	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
2			
3	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
4			
5	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
6			
7	784.081(1)	1st	Aggravated battery on specified official or employee.
8			
9	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
10			
11			
12	784.083(1)	1st	Aggravated battery on code inspector.
13			
14	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
15			
16			
17	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
18			
19	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
20			
21	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
22			
23			
24			
25	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
26			
27			
28	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to
29			
30			
31			

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1			commit a felony.
2	796.03	2nd	Procuring any person under 16
3			years for prostitution.
4	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
5			victim less than 12 years of age;
6			offender less than 18 years.
7	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
8			victim 12 years of age or older
9			but less than 16 years; offender
10			18 years or older.
11	806.01(2)	2nd	Maliciously damage structure by
12			fire or explosive.
13	810.02(3)(a)	2nd	Burglary of occupied dwelling;
14			unarmed; no assault or battery.
15	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
16			unarmed; no assault or battery.
17	810.02(3)(d)	2nd	Burglary of occupied conveyance;
18			unarmed; no assault or battery.
19	812.014(2)(a)1.	1st	Property stolen, valued at
20			\$100,000 or more; property stolen
21			while causing other property
22			damage; 1st degree grand theft.
23	812.014(2)(b)2.	2nd	Property stolen, cargo valued at
24			less than \$50,000, grand theft in
25			2nd degree.
26	812.014(2)(b)3.	2nd	Property stolen, emergency
27			medical equipment; 2nd degree
28			grand theft.
29	812.0145(2)(a)	1st	Theft from person 65 years of age
30			or older; \$50,000 or more.
31			

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1	812.019(2)	1st	Stolen property; initiates,
2			organizes, plans, etc., the theft
3			of property and traffics in
4			stolen property.
5	812.131(2)(a)	2nd	Robbery by sudden snatching.
6	812.133(2)(b)	1st	Carjacking; no firearm, deadly
7			weapon, or other weapon.
8	817.234(8)(a)	2nd	Solicitation of motor vehicle
9			accident victims with intent to
10			defraud.
11	817.234(9)	2nd	Organizing, planning, or
12			participating in an intentional
13			motor vehicle collision.
14	817.234(11)(c)	1st	Insurance fraud; property value
15			\$100,000 or more.
16	817.2341(2)(b) & (3)(b)	1st	Making false entries of material
17			fact or false statements
18			regarding property values
19			relating to the solvency of an
20			insuring entity which are a
21			significant cause of the
22			insolvency of that entity.
23	825.102(3)(b)	2nd	Neglecting an elderly person or
24			disabled adult causing great
25			bodily harm, disability, or
26			disfigurement.
27	825.103(2)(b)	2nd	Exploiting an elderly person or
28			disabled adult and property is
29			valued at \$20,000 or more, but
30			less than \$100,000.

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1	827.03(3)(b)	2nd	Neglect of a child causing great
2			bodily harm, disability, or
3			disfigurement.
4	827.04(3)	3rd	Impregnation of a child under 16
5			years of age by person 21 years
6			of age or older.
7	837.05(2)	3rd	Giving false information about
8			alleged capital felony to a law
9			enforcement officer.
10	838.015	2nd	Bribery.
11	838.016	2nd	Unlawful compensation or reward
12			for official behavior.
13	838.021(3)(a)	2nd	Unlawful harm to a public
14			servant.
15	838.22	2nd	Bid tampering.
16	847.0135(3)	3rd	Solicitation of a child, via a
17			computer service, to commit an
18			unlawful sex act.
19	872.06	2nd	Abuse of a dead human body.
20	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
21			cocaine (or other drug prohibited
22			under s. 893.03(1)(a), (1)(b),
23			(1)(d), (2)(a), (2)(b), or
24			(2)(c)4.) within 1,000 feet of a
25			child care facility, school, or
26			state, county, or municipal park
27			or publicly owned recreational
28			facility or community center.
29	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
30			cocaine or other drug prohibited
31			under s. 893.03(1)(a), (1)(b),

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1			(1)(d), (2)(a), (2)(b), or
2			(2)(c)4., within 1,000 feet of
3			property used for religious
4			services or a specified business
5			site.
6	893.13(4)(a)	1st	Deliver to minor cocaine (or
7			other s. 893.03(1)(a), (1)(b),
8			(1)(d), (2)(a), (2)(b), or
9			(2)(c)4. drugs).
10	893.135(1)(a)1.	1st	Trafficking in cannabis, more
11			than 25 lbs., less than 2,000
12			lbs.
13	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than
14			28 grams, less than 200 grams.
15	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs,
16			more than 4 grams, less than 14
17			grams.
18	893.135(1)(d)1.	1st	Trafficking in phencyclidine,
19			more than 28 grams, less than 200
20			grams.
21	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
22			than 200 grams, less than 5
23			kilograms.
24	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
25			than 14 grams, less than 28
26			grams.
27	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
28			grams or more, less than 14
29			grams.
30	893.135(1)(h)1.a.	1st	Trafficking in
31			gamma-hydroxybutyric acid (GHB),
			39
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1			1 kilogram or more, less than 5
2			kilograms.
3	893.135(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
4			kilogram or more, less than 5
5			kilograms.
6	893.135(1)(k)2.a.	1st	Trafficking in Phenethylamines,
7			10 grams or more, less than 200
8			grams.
9	896.101(5)(a)	3rd	Money laundering, financial
10			transactions exceeding \$300 but
11			less than \$20,000.
12	896.104(4)(a)1.	3rd	Structuring transactions to evade
13			reporting or registration
14			requirements, financial
15			transactions exceeding \$300 but
16			less than \$20,000.
17	943.0435(4)(c)	2nd	Sexual offender vacating
18			permanent residence; failure to
19			comply with reporting
20			requirements.
21	943.0435(8)	2nd	Sexual offender; remains in state
22			after indicating intent to leave;
23			failure to comply with reporting
24			requirements.
25	943.0435(9)(a)	3rd	Sexual offender; failure to
26			comply with reporting
27			requirements.
28	943.0435(13)	3rd	Failure to report or providing
29			false information about a sexual
30			offender; harbor or conceal a
31			sexual offender.



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- 1 943.0435(14) 3rd Sexual offender; failure to
- 2 report and reregister; failure to
- 3 respond to address verification.
- 4 944.607(9) 3rd Sexual offender; failure to
- 5 comply with reporting
- 6 requirements.
- 7 944.607(10)(a) 3rd Sexual offender; failure to
- 8 submit to the taking of a
- 9 digitized photograph.
- 10 944.607(12) 3rd Failure to report or providing
- 11 false information about a sexual
- 12 offender; harbor or conceal a
- 13 sexual offender.
- 14 944.607(13) 3rd Sexual offender; failure to
- 15 report and reregister; failure to
- 16 respond to address verification.

17 Section 28. Section 462.30, Florida Statutes, is  
18 created to read:

19 462.30 Licensure of current practitioners of  
 20 naturopathic medicine.--Any physician or medical doctor  
 21 licensed pursuant to chapter 458, or osteopathic physician  
 22 licensed pursuant to chapter 459, who is currently licensed  
 23 and in good standing on January 1, 2007, is eligible to apply  
 24 for a waiver of the educational and examination requirements  
 25 for licensure as a naturopathic physician set forth in s.  
 26 462.193(1)(f), (h), and (i), if the applicant:

27 1. Has completed the application form and remitted a  
 28 nonrefundable application fee set by the board not to exceed  
 29 \$500;

30 2. Establishes to the satisfaction of the board that  
 31 she or he has had substantial education, training, and

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1 clinical experience in naturopathic therapies and modalities.  
 2 Demonstration to the board must include evidence that the  
 3 medical doctor or osteopathic physician has been actively  
 4 engaged in the practice of naturopathic medicine for not less  
 5 than 6,000 hours during the 5 years immediately preceding the  
 6 date of application for waiver of the educational and  
 7 examination requirements for licensure in this state.

8 3. Otherwise meets all the requirements for licensure  
 9 as a naturopathic physician established in this chapter.

10

11 The board shall establish by rule the specific criteria for  
 12 meeting the qualification for licensure under this section,  
 13 including, but not limited to, requiring the applicant to  
 14 demonstrate that his or her education and training was  
 15 conducted through accredited programs, and to submit actual  
 16 case studies of his or her treatment of patients.

17 Applications under this section must be received by the board  
 18 by April 1, 2007. If an application is not received by that  
 19 date, a medical doctor or an osteopathic physician must meet  
 20 all the requirements of this chapter to be licensed as a  
 21 naturopathic physician.

22 Section 29. Section 462.40, Florida Statutes, is  
 23 created to read:

24 462.40 Disclosure of medications by  
 25 patients.--Patients who are provided prescriptions for  
 26 medications, nutrients, or other natural medicine substances  
 27 by their treating naturopathic physician shall have the  
 28 responsibility to advise their primary care physician or other  
 29 treating health care provider of the medications or substances  
 30 that have been prescribed or recommended by their naturopathic  
 31 physician. Naturopathic physicians shall have the

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1 responsibility to advise their patients of this requirement in  
 2 writing, maintain a signed copy of the disclosure in the  
 3 medical records of that patient, and provide a copy of the  
 4 disclosure to their patients upon request. Failure of any  
 5 patient to disclose medication prescribed by a naturopathic  
 6 physician as required by this section shall establish a  
 7 presumption that subsequent injuries sustained by such patient  
 8 were caused by the failure to disclose medication prescribed  
 9 by a naturopathic physician. This presumption may be rebutted  
 10 by clear and convincing evidence that such patient's injuries  
 11 were caused by the negligence of the primary care physician.

12 Section 30. Section 462.401, Florida Statutes, is  
 13 created to read:

14 462.401 Licensure by endorsement.--The board shall  
 15 waive the examination requirements of s. 462.193(1)(h) for a  
 16 naturopathic physician by endorsement applicant who  
 17 demonstrates proof of equivalent education and training and  
 18 proof acceptable to the board of current naturopathic medicine  
 19 licensure in good standing in another state, the District of  
 20 Columbia, or a territory of the United States, whose standards  
 21 for licensure are at least equivalent to those in this state.  
 22 Any applicant seeking a license by endorsement pursuant to  
 23 this section must provide proof of licensure in good standing  
 24 in all states in which he or she is or has been licensed and  
 25 must pay the appropriate fee.

26 Section 31. Section 462.402, Florida Statutes, is  
 27 created to read:

28 462.402 Rulemaking authority.--The board may adopt  
 29 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
 30 provisions of this chapter which confer duties upon the board.

31 Section 32. This act shall take effect January 1,

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1 2007.

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3

4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 Delete everything before the enacting clause

7

8 and insert:

9 A bill to be entitled

10 An act relating to naturopathic medicine;  
 11 providing a short title; changing the title of  
 12 ch. 462, F.S., from "Naturopathy" to  
 13 "Naturopathic Medicine"; amending s. 462.01,  
 14 F.S.; revising and providing definitions;  
 15 creating s. 462.0215, F.S.; creating the Board  
 16 of Naturopathic Medicine; providing membership  
 17 and duties of the board; providing guidelines  
 18 for probable cause panels and disciplinary  
 19 decisions; providing applicability of ch. 456,  
 20 F.S.; amending s. 462.023, F.S.; providing  
 21 powers and duties of the board under ch. 462,  
 22 F.S., including rulemaking authority; deleting  
 23 obsolete language; amending s. 462.08, F.S.;  
 24 conforming terminology; amending s. 462.11,  
 25 F.S.; conforming and correcting terminology;  
 26 amending s. 462.13, F.S.; providing additional  
 27 powers and duties of the board; amending s.  
 28 462.14, F.S.; specifying authority of the board  
 29 and the department with respect to disciplinary  
 30 action and revising grounds for disciplinary  
 31 action with respect to such authority;

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1 conforming terminology; amending s. 462.16,  
2 F.S.; specifying authority for setting the fee  
3 for the reissuance of license under certain  
4 circumstances; conforming terminology; amending  
5 s. 462.17, F.S.; conforming terminology;  
6 amending s. 462.18, F.S.; revising educational  
7 requirements; conforming terminology; amending  
8 s. 462.19, F.S.; increasing the maximum amount  
9 at which the inactive status fee may be set;  
10 creating s. 462.193, F.S.; providing  
11 requirements for licensure as a doctor of  
12 naturopathic medicine, naturopathic doctor, or  
13 naturopathic physician; providing fees;  
14 providing grounds for denying or restricting  
15 licenses; providing for the applicability of  
16 certain rights to doctors of naturopathic  
17 medicine, naturopathic doctors, or naturopathic  
18 physicians who have certain qualifications;  
19 creating s. 462.195, F.S.; providing exemptions  
20 from licensure requirements; amending s.  
21 462.2001, F.S.; updating the saving clause;  
22 conforming terminology; providing that certain  
23 rights and privileges of active licensees are  
24 retained; amending ss. 20.43, 381.0031,  
25 468.301, 476.044, 477.0135, 485.003, 486.161,  
26 627.351, 893.02, and 921.0022, F.S.; conforming  
27 terminology; creating s. 462.30, F.S.;  
28 providing for the licensure of current  
29 practitioners of naturopathic medicine;  
30 providing an application deadline; creating s.  
31 462.40, F.S.; providing responsibility of

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1 patients to disclose to their primary care  
2 physicians medications prescribed or  
3 recommended by naturopathic physicians;  
4 providing related responsibilities of  
5 naturopathic physicians; providing a rebuttable  
6 presumption; creating s. 462.401, F.S.;  
7 providing for licensure by endorsement;  
8 creating s. 462.402, F.S.; providing for  
9 rulemaking; providing an effective date.

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