

1  
2 An act relating to regulation of professions;  
3 amending ss. 455.209, 455.213, 455.218, F.S.;  
4 conforming provisions to a previous  
5 administrative reorganization; amending s.  
6 455.225, F.S.; revising probable-cause  
7 provisions; prescribing authority of the  
8 department or a board in cases of failure to  
9 comply with continuing-education requirements;  
10 conforming provisions to a previous  
11 administrative reorganization; amending s.  
12 455.2285, F.S.; conforming provisions to a  
13 previous administrative reorganization;  
14 amending s. 455.667, F.S.; revising provisions  
15 relating to ownership and control of patient  
16 records; amending s. 455.564, F.S.; authorizing  
17 the Department of Health and regulatory boards  
18 under the department to refuse to issue an  
19 initial license under circumstances relating to  
20 ongoing investigations or prosecutions of  
21 certain applicants; amending s. 455.565, F.S.;  
22 requiring certain applicants for restricted  
23 licensure as a physician to submit a set of  
24 fingerprints; amending ss. 458.320 and  
25 459.0085, F.S.; revising notice requirements of  
26 financial responsibility for physicians and  
27 osteopathic physicians; repealing s. 455.661,  
28 F.S., relating to licensure of designated  
29 health services; amending s. 458.337, F.S.;  
30 requiring the Department of Health to notify  
31 health maintenance organizations of specified

1 disciplinary action against physicians;  
2 amending s. 459.016, F.S.; requiring the  
3 Department of Health to notify health  
4 maintenance organizations of specified  
5 disciplinary action against osteopathic  
6 physicians; amending ss. 20.43, 120.80, 212.08,  
7 215.37, 240.215, 310.102, 337.162, 381.0039,  
8 383.32, 395.0193, 395.0197, 395.3025, 400.211,  
9 400.491, 400.518, 408.061, 408.704, 409.2598,  
10 415.1055, 415.5055, 415.51, 440.13, 455.565,  
11 455.5651, 455.641, 455.651, 455.698, 455.717,  
12 457.103, 458.307, 458.311, 458.3115, 458.3124,  
13 458.319, 458.331, 458.343, 458.347, 459.004,  
14 459.008, 459.015, 459.019, 459.022, 460.404,  
15 460.4061, 460.407, 461.004, 461.007, 461.013,  
16 462.01, 463.002, 463.003, 463.016, 464.004,  
17 465.004, 465.006, 466.004, 466.007, 466.018,  
18 466.022, 466.028, 467.003, 468.1135, 468.1145,  
19 468.1185, 468.1295, 468.1665, 468.1755,  
20 468.1756, 468.205, 468.219, 468.364, 468.365,  
21 468.402, 468.4315, 468.453, 468.456, 468.4571,  
22 468.506, 468.507, 468.513, 468.518, 468.523,  
23 468.526, 468.532, 468.535, 468.701, 468.703,  
24 468.707, 468.711, 468.719, 468.801, 468.811,  
25 469.009, 470.003, 470.036, 471.008, 471.015,  
26 471.033, 471.038, 472.015, 473.3035, 473.308,  
27 473.311, 473.323, 474.204, 474.214, 474.2145,  
28 475.021, 475.181, 475.25, 475.624, 476.204,  
29 477.029, 480.044, 481.2055, 481.213, 481.225,  
30 481.2251, 481.306, 481.311, 481.325, 483.805,  
31 483.807, 483.901, 484.002, 484.003, 484.014,

1 484.042, 484.056, 486.023, 486.115, 486.172,  
2 489.129, 489.533, 490.004, 490.00515, 490.009,  
3 490.015, 491.004, 491.0047, 491.009, 491.015,  
4 492.103, 492.113, 627.668, 627.912, 636.039,  
5 641.27, 641.316, 641.55, 766.106, 766.305,  
6 766.308, 766.314, 817.505, and 937.031, F.S.;  
7 correcting references, cross-references,  
8 definitions, and terminology relating to  
9 authority and jurisdiction of the Department of  
10 Health; authorizing the department to issue a  
11 physicist-in-training certificate; authorizing  
12 the Board of Medicine to adopt by rule practice  
13 standards; authorizing the Board of Osteopathic  
14 Medicine to adopt by rule practice standards;  
15 amending ss. 215.20, 391.208, 391.217,  
16 400.5575, 408.20, 641.60, F.S.; correcting  
17 cross-references relating to the Health Care  
18 Trust Fund; amending ss. 39.01, 320.0848,  
19 381.026, 381.0261, 381.0302, 395.0191,  
20 395.1041, 395.301, 404.22, 409.906, 415.503,  
21 440.106, 440.13, 440.134, 440.15, 455.684,  
22 455.691, 455.697, 455.698, 456.31, 456.32,  
23 461.001, 461.002, 461.003, 461.004, 461.006,  
24 461.009, 461.012, 461.013, 461.0134, 461.014,  
25 461.015, 461.018, 464.003, 468.301, 468.302,  
26 468.304, 468.307, 468.314, 476.044, 477.0135,  
27 483.901, 486.161, 621.03, 627.351, 627.357,  
28 627.419, 627.6482, 627.912, 641.425, 725.01,  
29 766.101, 766.102, 766.103, 766.105, 766.110,  
30 766.1115, 893.02, 984.03, F.S.; revising  
31 terminology relating to podiatry and

1           podiatrists; authorizing dentists and dental  
2           hygienists to be governmental contractors;  
3           amending s. 409.908, F.S., relating to  
4           reimbursement of Medicaid providers; requiring  
5           the Department of Health to adopt rules  
6           governing insurance coverage for midwives;  
7           amending s. 455.564, F.S.; requiring that the  
8           Department of Health issue certain  
9           identification cards and certificates;  
10          requiring that the Department of Health or a  
11          regulatory board adopt rules governing  
12          alternative methods by which licensees may  
13          obtain continuing education credits in risk  
14          management; amending s. 455.574, F.S.;  
15          requiring the Department of Health to adopt  
16          rules governing licensure examinations;  
17          amending s. 468.705, F.S.; requiring that the  
18          Department of Health adopt rules governing a  
19          protocol between athletic trainers and  
20          supervising physicians; amending s. 865.09,  
21          F.S., relating to fictitious name registration;  
22          providing certain exemptions for persons  
23          licensed by the Department of Health; amending  
24          ss. 627.6407, 627.6619, F.S.; providing  
25          conditions for health insurance coverage of  
26          massage; amending s. 458.317, F.S.; providing  
27          requirements for a physician who practices  
28          under a limited license; amending s. 465.019,  
29          F.S.; providing emergency room physician  
30          authority to dispense up to a 24-hour drug  
31          supply to a patient under certain

1 circumstances; amending s. 468.703, F.S.;  
2 revising requirements for members of the  
3 Council of Athletic Training; amending s.  
4 766.204, F.S.; revising procedures for the  
5 availability of medical records; amending s.  
6 483.901, F.S.; revising a deadline for issuance  
7 of certain licenses to practice medical  
8 physics; amending ss. 458.345, 459.021, F.S.;  
9 revising the requirements for a hospital's  
10 submission of reports on resident physicians,  
11 interns, and fellows; amending ss. 20.43,  
12 322.125, 381.0031, 381.0302, 382.002, 395.0195,  
13 415.1034, 415.504, 440.106, 440.13, 440.134,  
14 440.15, 455.564, 455.654, 455.684, 455.691,  
15 455.694, 456.31, 456.32, 459.002, 460.403,  
16 460.404, 460.405, 460.406, 460.408, 460.411,  
17 460.412, 460.413, 460.4166, 462.01, 468.301,  
18 468.302, 468.314, 476.044, 477.0135, 483.901,  
19 486.021, 486.161, 621.03, 627.351, 627.357,  
20 627.6482, 641.316, 725.01, 766.101, 766.102,  
21 766.103, 817.234, and 945.047, F.S.; revising  
22 terminology relating to chiropractic medicine;  
23 retitling chapter 460, F.S., to conform;  
24 providing form of professional licenses;  
25 providing an appropriation to the Department of  
26 Health to develop the examination required for  
27 foreign-licensed physicians; providing  
28 examination fees; providing an expiration date;  
29 amending s. 490.005, F.S.; revising  
30 requirements for licensure as a psychologist by  
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1 examination to grandfather in certain  
2 applicants; providing an effective date.

3  
4 Be It Enacted by the Legislature of the State of Florida:

5  
6 Section 1. Subsection (2) of section 455.209, Florida  
7 Statutes, is amended to read:

8 455.209 Accountability and liability of board  
9 members.--

10 (2) Each board member and each former board member  
11 serving on a probable cause panel shall be exempt from civil  
12 liability for any act or omission when acting in the member's  
13 official capacity, and the department, or the Department of  
14 Legal Affairs shall defend any such member in any action  
15 against any board or member of a board arising from any such  
16 act or omission. In addition, the department or the Department  
17 of Legal Affairs may defend the member's company or business  
18 in any action against the company or business if the  
19 department or the Department of Legal Affairs determines that  
20 the actions from which the suit arises are actions taken by  
21 the member in the member's official capacity and were not  
22 beyond the member's statutory authority. In providing such  
23 defense, the department, ~~the agency,~~ or the Department of  
24 Legal Affairs may employ or utilize the legal services of  
25 outside counsel.

26 Section 2. Subsection (1) of section 455.213, Florida  
27 Statutes, is amended to read:

28 455.213 General licensing provisions.--

29 (1) Any person desiring to be licensed shall apply to  
30 the department in writing. The application for licensure shall  
31 be made on a form prepared and furnished by the department and

1 include the applicant's social security number. The  
2 application shall be supplemented as needed to reflect any  
3 material change in any circumstance or condition stated in the  
4 application which takes place between the initial filing of  
5 the application and the final grant or denial of the license  
6 and which might affect the decision of the department ~~agency~~.  
7 In order to further the economic development goals of the  
8 state, and notwithstanding any law to the contrary, the  
9 department may enter into an agreement with the county tax  
10 collector for the purpose of appointing the county tax  
11 collector as the department's agent to accept applications for  
12 licenses and applications for renewals of licenses. The  
13 agreement must specify the time within which the tax collector  
14 must forward any applications and accompanying application  
15 fees to the department. In cases where a person applies or  
16 schedules directly with a national examination organization or  
17 examination vendor to take an examination required for  
18 licensure, any organization- or vendor-related fees associated  
19 with the examination may be paid directly to the organization  
20 or vendor.

21 Section 3. Subsection (6) of section 455.218, Florida  
22 Statutes, is amended to read:

23 455.218 Foreign-trained professionals; special  
24 examination and license provisions.--

25 (6) The department, for its boards, shall not issue an  
26 initial license to, or renew a license of, any applicant or  
27 licensee who is under investigation or prosecution in any  
28 jurisdiction for an action which would constitute a violation  
29 of this part or the professional practice acts administered by  
30 the department ~~or agency~~ and the boards until such time as the  
31

1 investigation or prosecution is complete, at which time the  
2 provisions of the professional practice acts shall apply.

3 Section 4. Subsections (2), (4), and (9) of section  
4 455.225, Florida Statutes, are amended to read:

5 455.225 Disciplinary proceedings.--Disciplinary  
6 proceedings for each board shall be within the jurisdiction of  
7 the department.

8 (2) The department shall allocate sufficient and  
9 adequately trained staff to expeditiously and thoroughly  
10 determine legal sufficiency and investigate all legally  
11 sufficient complaints. ~~For purposes of this section, it is the~~  
12 ~~intent of the Legislature that the term "expeditiously" means~~  
13 ~~that the agency, for disciplinary cases under its~~  
14 ~~jurisdiction, shall complete the report of its initial~~  
15 ~~investigative findings and recommendations concerning the~~  
16 ~~existence of probable cause within 6 months after its receipt~~  
17 ~~of the complaint. The failure of the agency, for disciplinary~~  
18 ~~cases under its jurisdiction, to comply with the time limits~~  
19 ~~of this section while investigating a complaint against a~~  
20 ~~licensee constitutes harmless error in any subsequent~~  
21 ~~disciplinary action unless a court finds that either the~~  
22 ~~fairness of the proceeding or the correctness of the action~~  
23 ~~may have been impaired by a material error in procedure or a~~  
24 ~~failure to follow prescribed procedure.~~When its investigation  
25 is complete and legally sufficient, the department shall  
26 prepare and submit to the probable cause panel of the  
27 appropriate regulatory board the investigative report of the  
28 department. The report shall contain the investigative  
29 findings and the recommendations of the department concerning  
30 the existence of probable cause. At any time after legal  
31 sufficiency is found, the department may dismiss any case, or



1 any part thereof, if the department determines that there is  
2 insufficient evidence to support the prosecution of  
3 allegations contained therein. The department shall provide a  
4 detailed report to the appropriate probable cause panel prior  
5 to dismissal of any case or part thereof, and to the subject  
6 of the complaint after dismissal of any case or part thereof,  
7 under this section. For cases dismissed prior to a finding of  
8 probable cause, such report is confidential and exempt from s.  
9 119.07(1). The probable cause panel shall have access, upon  
10 request, to the investigative files pertaining to a case prior  
11 to dismissal of such case. If the department dismisses a case,  
12 the probable cause panel may retain independent legal counsel,  
13 employ investigators, and continue the investigation and  
14 prosecution of the case as it deems necessary.

15 (4) The determination as to whether probable cause  
16 exists shall be made by majority vote of a probable cause  
17 panel of the board, or by the department, as appropriate. Each  
18 regulatory board shall provide by rule that the determination  
19 of probable cause shall be made by a panel of its members or  
20 by the department. Each board may provide by rule for multiple  
21 probable cause panels composed of at least two members. Each  
22 board may provide by rule that one or more members of the  
23 panel or panels may be a former board member. The length of  
24 term or repetition of service of any such former board member  
25 on a probable cause panel may vary according to the direction  
26 of the board when authorized by board rule. Any probable cause  
27 panel must include one of the board's former or present  
28 consumer members, if one is available, willing to serve, and  
29 is authorized to do so by the board chair. Any probable cause  
30 panel must include a present board member. Any probable cause  
31 panel must include a former or present professional board

1 member. However, any former professional board member serving  
2 on the probable cause panel must hold an active valid license  
3 for that profession. All proceedings of the panel are exempt  
4 from s. 286.011 until 10 days after probable cause has been  
5 found to exist by the panel or until the subject of the  
6 investigation waives his or her privilege of confidentiality.  
7 The probable cause panel may make a reasonable request, and  
8 upon such request the department shall provide such additional  
9 investigative information as is necessary to the determination  
10 of probable cause. A request for additional investigative  
11 information shall be made within 15 days from the date of  
12 receipt by the probable cause panel of the investigative  
13 report of the department. The probable cause panel or the  
14 department, as may be appropriate, shall make its  
15 determination of probable cause within 30 days after receipt  
16 by it of the final investigative report of the department. The  
17 secretary may grant extensions of the 15-day and the 30-day  
18 time limits. In lieu of a finding of probable cause, the  
19 probable cause panel, or the department when there is no  
20 board, may issue a letter of guidance to the subject. If,  
21 within the 30-day time limit, as may be extended, the probable  
22 cause panel does not make a determination regarding the  
23 existence of probable cause or does not issue a letter of  
24 guidance in lieu of a finding of probable cause, the  
25 department ~~agency~~, for disciplinary cases under its  
26 jurisdiction, must make a determination regarding the  
27 existence of probable cause within 10 days after the  
28 expiration of the time limit. If the probable cause panel  
29 finds that probable cause exists, it shall direct the  
30 department to file a formal complaint against the licensee.  
31 The department shall follow the directions of the probable

1 cause panel regarding the filing of a formal complaint. If  
2 directed to do so, the department shall file a formal  
3 complaint against the subject of the investigation and  
4 prosecute that complaint pursuant to chapter 120. However, the  
5 department may decide not to prosecute the complaint if it  
6 finds that probable cause had been improvidently found by the  
7 panel. In such cases, the department shall refer the matter to  
8 the board. The board may then file a formal complaint and  
9 prosecute the complaint pursuant to chapter 120. The  
10 department shall also refer to the board any investigation or  
11 disciplinary proceeding not before the Division of  
12 Administrative Hearings pursuant to chapter 120 or otherwise  
13 completed by the department within 1 year after the filing of  
14 a complaint. The department ~~agency~~, for disciplinary cases  
15 under its jurisdiction, must establish a uniform reporting  
16 system to quarterly refer to each board the status of any  
17 investigation or disciplinary proceeding that is not before  
18 the Division of Administrative Hearings or otherwise completed  
19 by the department ~~or agency~~ within 1 year after the filing of  
20 the complaint. ~~Annually, the agency, for disciplinary cases~~  
21 ~~under its jurisdiction if there is no board, or each board~~  
22 ~~must establish a plan to reduce or otherwise close any~~  
23 ~~investigation or disciplinary proceeding that is not before~~  
24 ~~the Division of Administrative Hearings or otherwise completed~~  
25 ~~by the agency within 1 year after the filing of the complaint.~~  
26 A probable cause panel or a board may retain independent legal  
27 counsel, employ investigators, and continue the investigation  
28 as it deems necessary; all costs thereof shall be paid from  
29 the Professional Regulation Trust Fund. All proceedings of the  
30 probable cause panel are exempt from s. 120.525.  
31

1           (9)(a) The department shall periodically notify the  
2 person who filed the complaint of the status of the  
3 investigation, whether probable cause has been found, and the  
4 status of any civil action or administrative proceeding or  
5 appeal.

6           ~~(b) In any disciplinary case under the jurisdiction of  
7 the Agency for Health Care Administration for which probable  
8 cause has been found, the Agency for Health Care  
9 Administration shall provide to the person who filed the  
10 complaint a copy of the administrative complaint, including:~~

11           ~~1. A written explanation of how an administrative  
12 complaint is resolved by the disciplinary process.~~

13           ~~2. A written explanation of how and when the person  
14 may participate in the disciplinary process.~~

15           ~~3. A written notice of any hearing before the Division  
16 of Administrative Hearings or the regulatory board at which  
17 final agency action is taken.~~

18           ~~(c) In any disciplinary case for which probable cause  
19 is not found, the Agency for Health Care Administration shall  
20 so inform the person who filed the complaint and notify that  
21 person that he or she may, within 60 days, provide any  
22 additional information to the probable cause panel which may  
23 be relevant to the decision. In any administrative proceeding  
24 under s. 120.57, the person who filed the disciplinary  
25 complaint shall have the right to present oral or written  
26 communication relating to the alleged disciplinary violations  
27 or to the appropriate penalty.~~

28           Section 5. Section 455.2285, Florida Statutes, is  
29 amended to read:

30           455.2285 Annual report concerning finances,  
31 administrative complaints, disciplinary actions, and

1 recommendations.--The department is directed to prepare and  
2 submit a report to the President of the Senate and Speaker of  
3 the House of Representatives by November 1 of each year. In  
4 addition to finances and any other information the Legislature  
5 may require, the report shall include statistics and relevant  
6 information, profession by profession, detailing:

7 (1) The revenues, expenditures, and cash balances for  
8 the prior year, and a review of the adequacy of existing fees.

9 (2) The number of complaints received and  
10 investigated.

11 (3) The number of findings of probable cause made.

12 (4) The number of findings of no probable cause made.

13 (5) The number of administrative complaints filed.

14 (6) The disposition of all administrative complaints.

15 (7) A description of disciplinary actions taken.

16 (8) A description of any effort by the department  
17 ~~agency~~, for any disciplinary cases under its jurisdiction, to  
18 reduce or otherwise close any investigation or disciplinary  
19 proceeding not before the Division of Administrative Hearings  
20 under chapter 120 or otherwise not completed within 1 year  
21 after the initial filing of a complaint under this chapter.

22 (9) The status of the development and implementation  
23 of rules providing for disciplinary guidelines pursuant to s.  
24 455.2273.

25 (10) Such recommendations for administrative and  
26 statutory changes necessary to facilitate efficient and  
27 cost-effective operation of the department and the various  
28 boards.

29 Section 6. Subsection (2) of section 455.667, Florida  
30 Statutes, is amended to read:

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1           455.667 Ownership and control of patient records;  
2 report or copies of records to be furnished.--  
3           (2) As used in this section, the terms "records  
4 owner," "health care practitioner," and "health care  
5 practitioner's employer" do not include any of the following  
6 persons or entities; furthermore, the following persons or  
7 entities are not authorized to acquire or own medical records,  
8 but are authorized under the confidentiality and disclosure  
9 requirements of this section to maintain those documents  
10 required by the part or chapter under which they are licensed  
11 or regulated:  
12           (a) Certified nursing assistants regulated under s.  
13 400.211.  
14           (b) Pharmacists and pharmacies licensed under chapter  
15 465.  
16           (c) Dental hygienists licensed under s. 466.023.  
17           (d) Nursing home administrators licensed under part II  
18 of chapter 468.  
19           (e) Respiratory therapists regulated under part V of  
20 chapter 468.  
21           (f) Athletic trainers licensed under part XIV of  
22 chapter 468.  
23           (g) Electrologists licensed under chapter 478.  
24           (h) Clinical laboratory personnel licensed under part  
25 III of chapter 483.  
26           (i) Medical physicists licensed under part IV of  
27 chapter 483.  
28           (j) Opticians and optical establishments licensed or  
29 permitted under part I of chapter 484.  
30           (k) Persons or entities practicing under s.  
31 627.736(7).

1           Section 7. Subsection (1) of section 455.564, Florida  
2 Statutes, is amended, present subsections (3) through (10) are  
3 renumbered as subsections (4) through (11), respectively, and  
4 a new subsection (3) is added to that section, to read:

5           455.564 Department; general licensing provisions.--

6           (1) Any person desiring to be licensed in a profession  
7 within the jurisdiction of the department shall apply to the  
8 department in writing to take the licensure examination. The  
9 application shall be made on a form prepared and furnished by  
10 the department and shall require the social security number of  
11 the applicant. The form shall be supplemented as needed to  
12 reflect any material change in any circumstance or condition  
13 stated in the application which takes place between the  
14 initial filing of the application and the final grant or  
15 denial of the license and which might affect the decision of  
16 the department. In order to further the economic development  
17 goals of the state, and notwithstanding any law to the  
18 contrary, the department ~~agency~~ may enter into an agreement  
19 with the county tax collector for the purpose of appointing  
20 the county tax collector as the department's ~~agency's~~ agent to  
21 accept applications for licenses and applications for renewals  
22 of licenses. The agreement must specify the time within which  
23 the tax collector must forward any applications and  
24 accompanying application fees to the department ~~agency~~.

25           (3) The board, or the department when there is no  
26 board, may refuse to issue an initial license to any applicant  
27 who is under investigation or prosecution in any jurisdiction  
28 for an action that would constitute a violation of this part  
29 or the professional practice acts administered by the  
30 department and the boards, until such time as the  
31 investigation or prosecution is complete.

1           Section 8. Paragraph (a) of subsection (4) of section  
2 455.565, Florida Statutes, is amended to read:

3           455.565 Designated healthcare professionals;  
4 information required for licensure.--

5           (4)(a) An applicant for initial licensure must submit  
6 a set of fingerprints to the Department of Health in  
7 accordance with s. 458.311, s. 458.3115, s. 458.3124, s.  
8 458.313, s. 459.0055, s. 460.406, or s. 461.006.

9           Section 9. Paragraph (g) of subsection (5) of section  
10 458.320, Florida Statutes, is amended to read:

11           458.320 Financial responsibility.--

12           (5) The requirements of subsections (1), (2), and (3)  
13 shall not apply to:

14           (g) Any person holding an active license under this  
15 chapter who agrees to meet all of the following criteria:

16           1. Upon the entry of an adverse final judgment arising  
17 from a medical malpractice arbitration award, from a claim of  
18 medical malpractice either in contract or tort, or from  
19 noncompliance with the terms of a settlement agreement arising  
20 from a claim of medical malpractice either in contract or  
21 tort, the licensee shall pay the judgment creditor the lesser  
22 of the entire amount of the judgment with all accrued interest  
23 or either \$100,000, if the physician is licensed pursuant to  
24 this chapter but does not maintain hospital staff privileges,  
25 or \$250,000, if the physician is licensed pursuant to this  
26 chapter and maintains hospital staff privileges, within 60  
27 days after the date such judgment became final and subject to  
28 execution, unless otherwise mutually agreed to in writing by  
29 the parties. Such adverse final judgment shall include any  
30 cross-claim, counterclaim, or claim for indemnity or  
31 contribution arising from the claim of medical malpractice.



1 Upon notification of the existence of an unsatisfied judgment  
2 or payment pursuant to this subparagraph, the department shall  
3 notify the licensee by certified mail that he or she shall be  
4 subject to disciplinary action unless, within 30 days from the  
5 date of mailing, he or she either:

6 a. Shows proof that the unsatisfied judgment has been  
7 paid in the amount specified in this subparagraph; or

8 b. Furnishes the department with a copy of a timely  
9 filed notice of appeal and either:

10 (I) A copy of a supersedeas bond properly posted in  
11 the amount required by law; or

12 (II) An order from a court of competent jurisdiction  
13 staying execution on the final judgment pending disposition of  
14 the appeal.

15 2. The Department of Health shall issue an emergency  
16 order suspending the license of any licensee who, after 30  
17 days following receipt of a notice from the Department of  
18 Health, has failed to: satisfy a medical malpractice claim  
19 against him or her; furnish the Department of Health a copy of  
20 a timely filed notice of appeal; furnish the Department of  
21 Health a copy of a supersedeas bond properly posted in the  
22 amount required by law; or furnish the Department of Health an  
23 order from a court of competent jurisdiction staying execution  
24 on the final judgment pending disposition of the appeal.

25 3. Upon the next meeting of the probable cause panel  
26 of the board following 30 days after the date of mailing the  
27 notice of disciplinary action to the licensee, the panel shall  
28 make a determination of whether probable cause exists to take  
29 disciplinary action against the licensee pursuant to  
30 subparagraph 1.

31

1           4. If the board determines that the factual  
2 requirements of subparagraph 1. are met, it shall take  
3 disciplinary action as it deems appropriate against the  
4 licensee. Such disciplinary action shall include, at a  
5 minimum, probation of the license with the restriction that  
6 the licensee must make payments to the judgment creditor on a  
7 schedule determined by the board to be reasonable and within  
8 the financial capability of the physician. Notwithstanding any  
9 other disciplinary penalty imposed, the disciplinary penalty  
10 may include suspension of the license for a period not to  
11 exceed 5 years. In the event that an agreement to satisfy a  
12 judgment has been met, the board shall remove any restriction  
13 on the license.

14           5. The licensee has completed a form supplying  
15 necessary information as required by the department.

16  
17 A licensee who meets the requirements of this paragraph shall  
18 be required either to post notice in the form of a sign  
19 prominently displayed in the reception area and clearly  
20 noticeable by all patients or to ~~and~~ provide a written  
21 statement to any person to whom medical services are being  
22 provided. ~~A copy of the written statement shall be given to~~  
23 ~~each patient to sign, acknowledging receipt thereof, and the~~  
24 ~~signed copy shall be maintained in the patient's file. If the~~  
25 ~~patient refuses to sign or is unable to sign the written~~  
26 ~~statement, the licensee shall so note it on the form. Such~~  
27 sign or ~~and~~ statement shall state: "Under Florida law,  
28 physicians are generally required to carry medical malpractice  
29 insurance or otherwise demonstrate financial responsibility to  
30 cover potential claims for medical malpractice. YOUR DOCTOR  
31 HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This

1 is permitted under Florida law subject to certain conditions.  
2 Florida law imposes penalties against noninsured physicians  
3 who fail to satisfy adverse judgments arising from claims of  
4 medical malpractice. This notice is provided pursuant to  
5 Florida law."

6 Section 10. Paragraph (g) of section (5) of section  
7 459.0085, Florida Statutes, is amended to read:

8 459.0085 Financial responsibility.--

9 (5) The requirements of subsections (1), (2), and (3)  
10 shall not apply to:

11 (g) Any person holding an active license under this  
12 chapter who agrees to meet all of the following criteria:

13 1. Upon the entry of an adverse final judgment arising  
14 from a medical malpractice arbitration award, from a claim of  
15 medical malpractice either in contract or tort, or from  
16 noncompliance with the terms of a settlement agreement arising  
17 from a claim of medical malpractice either in contract or  
18 tort, the licensee shall pay the judgment creditor the lesser  
19 of the entire amount of the judgment with all accrued interest  
20 or either \$100,000, if the osteopathic physician is licensed  
21 pursuant to this chapter but does not maintain hospital staff  
22 privileges, or \$250,000, if the osteopathic physician is  
23 licensed pursuant to this chapter and maintains hospital staff  
24 privileges, within 60 days after the date such judgment became  
25 final and subject to execution, unless otherwise mutually  
26 agreed to in writing by the parties. Such adverse final  
27 judgment shall include any cross-claim, counterclaim, or claim  
28 for indemnity or contribution arising from the claim of  
29 medical malpractice. Upon notification of the existence of an  
30 unsatisfied judgment or payment pursuant to this subparagraph,  
31 the department shall notify the licensee by certified mail

- 1 that he or she shall be subject to disciplinary action unless,  
2 within 30 days from the date of mailing, the licensee either:
- 3 a. Shows proof that the unsatisfied judgment has been  
4 paid in the amount specified in this subparagraph; or
- 5 b. Furnishes the department with a copy of a timely  
6 filed notice of appeal and either:
- 7 (I) A copy of a supersedeas bond properly posted in  
8 the amount required by law; or
- 9 (II) An order from a court of competent jurisdiction  
10 staying execution on the final judgment, pending disposition  
11 of the appeal.
- 12 2. The Department of Health shall issue an emergency  
13 order suspending the license of any licensee who, after 30  
14 days following receipt of a notice from the Department of  
15 Health, has failed to: satisfy a medical malpractice claim  
16 against him or her; furnish the Department of Health a copy of  
17 a timely filed notice of appeal; furnish the Department of  
18 Health a copy of a supersedeas bond properly posted in the  
19 amount required by law; or furnish the Department of Health an  
20 order from a court of competent jurisdiction staying execution  
21 on the final judgment pending disposition of the appeal.
- 22 3. Upon the next meeting of the probable cause panel  
23 of the board following 30 days after the date of mailing the  
24 notice of disciplinary action to the licensee, the panel shall  
25 make a determination of whether probable cause exists to take  
26 disciplinary action against the licensee pursuant to  
27 subparagraph 1.
- 28 4. If the board determines that the factual  
29 requirements of subparagraph 1. are met, it shall take  
30 disciplinary action as it deems appropriate against the  
31 licensee. Such disciplinary action shall include, at a

1 minimum, probation of the license with the restriction that  
2 the licensee must make payments to the judgment creditor on a  
3 schedule determined by the board to be reasonable and within  
4 the financial capability of the osteopathic physician.  
5 Notwithstanding any other disciplinary penalty imposed, the  
6 disciplinary penalty may include suspension of the license for  
7 a period not to exceed 5 years. In the event that an  
8 agreement to satisfy a judgment has been met, the board shall  
9 remove any restriction on the license.

10           5. The licensee has completed a form supplying  
11 necessary information as required by the department.

12

13 A licensee who meets the requirements of this paragraph shall  
14 be required either to post notice in the form of a sign  
15 prominently displayed in the reception area and clearly  
16 noticeable by all patients or to ~~and~~ provide a written  
17 statement to any person to whom medical services are being  
18 provided. ~~A copy of the written statement shall be given to~~  
19 ~~each patient to sign, acknowledging receipt thereof, and the~~  
20 ~~signed copy shall be maintained in the patient's file. If the~~  
21 ~~patient refuses to sign or is unable to sign the written~~  
22 ~~statement, the licensee shall so note it on the form. Such~~  
23 sign or ~~and~~ statement shall state: "Under Florida law,  
24 osteopathic physicians are generally required to carry medical  
25 malpractice insurance or otherwise demonstrate financial  
26 responsibility to cover potential claims for medical  
27 malpractice. YOUR OSTEOPATHIC PHYSICIAN HAS DECIDED NOT TO  
28 CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under  
29 Florida law subject to certain conditions. Florida law  
30 imposes strict penalties against noninsured osteopathic  
31 physicians who fail to satisfy adverse judgments arising from

1 claims of medical malpractice. This notice is provided  
2 pursuant to Florida law."

3 Section 11. Section 455.661, Florida Statutes, is  
4 repealed.

5 Section 12. Paragraph (g) of subsection (3) of section  
6 20.43, Florida Statutes, is amended to read:

7 20.43 Department of Health.--There is created a  
8 Department of Health.

9 (3) The following divisions of the Department of  
10 Health are established:

11 (g) Division of Medical Quality Assurance, which is  
12 responsible for the following boards and professions  
13 established within the division:

14 1. Nursing assistants, as provided under s. 400.211.

15 2. Health care services pools, as provided under s.  
16 402.48.

17 3. The Board of Acupuncture, created under chapter  
18 457.

19 4. The Board of Medicine, created under chapter 458.

20 5. The Board of Osteopathic Medicine, created under  
21 chapter 459.

22 6. The Board of Chiropractic, created under chapter  
23 460.

24 7. The Board of Podiatric Medicine, created under  
25 chapter 461.

26 8. Naturopathy, as provided under chapter 462.

27 9. The Board of Optometry, created under chapter 463.

28 10. The Board of Nursing, created under chapter 464.

29 11. The Board of Pharmacy, created under chapter 465.

30 12. The Board of Dentistry, created under chapter 466.

31 13. Midwifery, as provided under chapter 467.

- 1           14. The Board of Speech-Language Pathology and  
2 Audiology, created under part I of chapter 468.
- 3           15. The Board of Nursing Home Administrators, created  
4 under part II of chapter 468.
- 5           16. The Board of Occupational Therapy, created as  
6 ~~provided~~ under part III of chapter 468.
- 7           17. Respiratory therapy, as provided under part V of  
8 chapter 468.
- 9           18. Dietetics and nutrition practice, as provided  
10 under part X of chapter 468.
- 11           19. Athletic trainers, as provided under part XIII ~~XIV~~  
12 of chapter 468.
- 13           20. The Board of Orthotists and Prosthetists, created  
14 under part XIV of chapter 468.
- 15           ~~21.20-~~ Electrolysis, as provided under chapter 478.
- 16           ~~22.21-~~ The Board of Massage Therapy, created under  
17 chapter 480.
- 18           ~~23.22-~~ The Board of Clinical Laboratory Personnel,  
19 created under part III of chapter 483.
- 20           ~~24.23-~~ Medical physicists, as provided under part IV  
21 of chapter 483.
- 22           ~~25.24-~~ The Board of Opticianry, created under part I  
23 of chapter 484.
- 24           ~~26.25-~~ The Board of Hearing Aid Specialists, created  
25 under part II of chapter 484.
- 26           ~~27.26-~~ The Board of Physical Therapy Practice, created  
27 under chapter 486.
- 28           ~~28.27-~~ The Board of Psychology, created under chapter  
29 490.
- 30           29. School psychologists, as provided under chapter  
31 490.

1           ~~30.28.~~ The Board of Clinical Social Work, Marriage and  
2 Family Therapy, and Mental Health Counseling, created under  
3 chapter 491.

4  
5 The department may contract with the Agency for Health Care  
6 Administration who shall provide consumer complaint,  
7 investigative, and prosecutorial services required by the  
8 Division of Medical Quality Assurance, councils, or boards, as  
9 appropriate.

10           Section 13. Paragraph (b) of subsection (4) of section  
11 120.80, Florida Statutes, is amended, and subsection (15) is  
12 added to that section, to read:

13           120.80 Exceptions and special requirements;  
14 agencies.--

15           (4) DEPARTMENT OF BUSINESS AND PROFESSIONAL  
16 REGULATION.--

17           (b) Professional regulation.--Notwithstanding s.  
18 120.57(1)(a), formal hearings may not be conducted by the  
19 Secretary of Business and Professional Regulation,~~the~~  
20 ~~director of the Agency for Health Care Administration,~~ or a  
21 board or member of a board within the Department of Business  
22 and Professional Regulation ~~or the Agency for Health Care~~  
23 ~~Administration~~ for matters relating to the regulation of  
24 professions, as defined by part I of chapter 455.

25           (15) DEPARTMENT OF HEALTH.--Notwithstanding s.  
26 120.57(1)(a), formal hearings may not be conducted by the  
27 Secretary of Health, the director of the Agency for Health  
28 Care Administration, or a board or member of a board within  
29 the Department of Health or the Agency for Health Care  
30 Administration for matters relating to the regulation of  
31 professions, as defined by part II of chapter 455.



1           Section 14. Paragraph (o) of subsection (7) of section  
2 212.08, Florida Statutes, is amended to read:

3           212.08 Sales, rental, use, consumption, distribution,  
4 and storage tax; specified exemptions.--The sale at retail,  
5 the rental, the use, the consumption, the distribution, and  
6 the storage to be used or consumed in this state of the  
7 following are hereby specifically exempt from the tax imposed  
8 by this chapter.

9           (7) MISCELLANEOUS EXEMPTIONS.--

10          (o) Religious, charitable, scientific, educational,  
11 and veterans' institutions and organizations.--

12          1. There are exempt from the tax imposed by this  
13 chapter transactions involving:

14           a. Sales or leases directly to churches or sales or  
15 leases of tangible personal property by churches;

16           b. Sales or leases to nonprofit religious, nonprofit  
17 charitable, nonprofit scientific, or nonprofit educational  
18 institutions when used in carrying on their customary  
19 nonprofit religious, nonprofit charitable, nonprofit  
20 scientific, or nonprofit educational activities, including  
21 church cemeteries; and

22           c. Sales or leases to the state headquarters of  
23 qualified veterans' organizations and the state headquarters  
24 of their auxiliaries when used in carrying on their customary  
25 veterans' organization activities. If a qualified veterans'  
26 organization or its auxiliary does not maintain a permanent  
27 state headquarters, then transactions involving sales or  
28 leases to such organization and used to maintain the office of  
29 the highest ranking state official are exempt from the tax  
30 imposed by this chapter.

31

1           2. The provisions of this section authorizing  
2 exemptions from tax shall be strictly defined, limited, and  
3 applied in each category as follows:

4           a. "Religious institutions" means churches,  
5 synagogues, and established physical places for worship at  
6 which nonprofit religious services and activities are  
7 regularly conducted and carried on. The term "religious  
8 institutions" includes nonprofit corporations the sole purpose  
9 of which is to provide free transportation services to church  
10 members, their families, and other church attendees. The term  
11 "religious institutions" also includes state, district, or  
12 other governing or administrative offices the function of  
13 which is to assist or regulate the customary activities of  
14 religious organizations or members. The term "religious  
15 institutions" also includes any nonprofit corporation which is  
16 qualified as nonprofit pursuant to s. 501(c)(3), Internal  
17 Revenue Code of 1986, as amended, which owns and operates a  
18 Florida television station, at least 90 percent of the  
19 programming of which station consists of programs of a  
20 religious nature, and the financial support for which,  
21 exclusive of receipts for broadcasting from other nonprofit  
22 organizations, is predominantly from contributions from the  
23 general public. The term "religious institutions" also  
24 includes any nonprofit corporation which is qualified as  
25 nonprofit pursuant to s. 501(c)(3), Internal Revenue Code of  
26 1986, as amended, which provides regular religious services to  
27 Florida state prisoners and which from its own established  
28 physical place of worship, operates a ministry providing  
29 worship and services of a charitable nature to the community  
30 on a weekly basis.

31

1           b. "Charitable institutions" means only nonprofit  
2 corporations qualified as nonprofit pursuant to s. 501(c)(3),  
3 Internal Revenue Code of 1954, as amended, and other nonprofit  
4 entities, the sole or primary function of which is to provide,  
5 or to raise funds for organizations which provide, one or more  
6 of the following services if a reasonable percentage of such  
7 service is provided free of charge, or at a substantially  
8 reduced cost, to persons, animals, or organizations that are  
9 unable to pay for such service:

10           (I) Medical aid for the relief of disease, injury, or  
11 disability;

12           (II) Regular provision of physical necessities such as  
13 food, clothing, or shelter;

14           (III) Services for the prevention of or rehabilitation  
15 of persons from alcoholism or drug abuse; the prevention of  
16 suicide; or the alleviation of mental, physical, or sensory  
17 health problems;

18           (IV) Social welfare services including adoption  
19 placement, child care, community care for the elderly, and  
20 other social welfare services which clearly and substantially  
21 benefit a client population which is disadvantaged or suffers  
22 a hardship;

23           (V) Medical research for the relief of disease,  
24 injury, or disability;

25           (VI) Legal services; or

26           (VII) Food, shelter, or medical care for animals or  
27 adoption services, cruelty investigations, or education  
28 programs concerning animals;

29  
30 and the term includes groups providing volunteer staff to  
31 organizations designated as charitable institutions under this

1 sub-subparagraph; nonprofit organizations the sole or primary  
2 purpose of which is to coordinate, network, or link other  
3 institutions designated as charitable institutions under this  
4 sub-subparagraph with those persons, animals, or organizations  
5 in need of their services; and nonprofit national, state,  
6 district, or other governing, coordinating, or administrative  
7 organizations the sole or primary purpose of which is to  
8 represent or regulate the customary activities of other  
9 institutions designated as charitable institutions under this  
10 sub-subparagraph. Notwithstanding any other requirement of  
11 this section, any blood bank that relies solely upon volunteer  
12 donations of blood and tissue, that is licensed under chapter  
13 483, and that qualifies as tax exempt under s. 501(c)(3) of  
14 the Internal Revenue Code constitutes a charitable institution  
15 and is exempt from the tax imposed by this chapter. Sales to a  
16 health system, qualified as nonprofit pursuant to s.  
17 501(c)(3), Internal Revenue Code of 1986, as amended, which  
18 filed an application for exemption with the department prior  
19 to April 5, 1997, and which application is subsequently  
20 approved, shall be exempt as to any unpaid taxes on purchases  
21 made from January 1, 1994, to June 1, 1997.

22 c. "Scientific organizations" means scientific  
23 organizations which hold current exemptions from federal  
24 income tax under s. 501(c)(3) of the Internal Revenue Code and  
25 also means organizations the purpose of which is to protect  
26 air and water quality or the purpose of which is to protect  
27 wildlife and which hold current exemptions from the federal  
28 income tax under s. 501(c)(3) of the Internal Revenue Code.

29 d. "Educational institutions" means state  
30 tax-supported or parochial, church and nonprofit private  
31 schools, colleges, or universities which conduct regular

1 classes and courses of study required for accreditation by, or  
2 membership in, the Southern Association of Colleges and  
3 Schools, the Department of Education, the Florida Council of  
4 Independent Schools, or the Florida Association of Christian  
5 Colleges and Schools, Inc., or nonprofit private schools which  
6 conduct regular classes and courses of study accepted for  
7 continuing education credit by a Board of the Division of  
8 Medical Quality Assurance of the Department of Health Business  
9 ~~and Professional Regulation~~ or which conduct regular classes  
10 and courses of study accepted for continuing education credit  
11 by the American Medical Association. Nonprofit libraries, art  
12 galleries, performing arts centers that provide educational  
13 programs to school children, which programs involve  
14 performances or other educational activities at the performing  
15 arts center and serve a minimum of 50,000 school children a  
16 year, and museums open to the public are defined as  
17 educational institutions and are eligible for exemption. The  
18 term "educational institutions" includes private nonprofit  
19 organizations the purpose of which is to raise funds for  
20 schools teaching grades kindergarten through high school,  
21 colleges, and universities. The term "educational  
22 institutions" includes any nonprofit newspaper of free or paid  
23 circulation primarily on university or college campuses which  
24 holds a current exemption from federal income tax under s.  
25 501(c)(3) of the Internal Revenue Code, and any educational  
26 television or radio network or system established pursuant to  
27 s. 229.805 or s. 229.8051 and any nonprofit television or  
28 radio station which is a part of such network or system and  
29 which holds a current exemption from federal income tax under  
30 s. 501(c)(3) of the Internal Revenue Code. The term  
31 "educational institutions" also includes state, district, or

1 other governing or administrative offices the function of  
2 which is to assist or regulate the customary activities of  
3 educational organizations or members. The term "educational  
4 institutions" also includes a nonprofit educational cable  
5 consortium which holds a current exemption from federal income  
6 tax under s. 501(c)(3) of the Internal Revenue Code of 1986,  
7 as amended, whose primary purpose is the delivery of  
8 educational and instructional cable television programming and  
9 whose members are composed exclusively of educational  
10 organizations which hold a valid consumer certificate of  
11 exemption and which are either an educational institution as  
12 defined in this sub-subparagraph, or qualified as a nonprofit  
13 organization pursuant to s. 501(c)(3) of the Internal Revenue  
14 Code of 1986, as amended.

15 e. "Veterans' organizations" means nationally  
16 chartered or recognized veterans' organizations, including,  
17 but not limited to, Florida chapters of the Paralyzed Veterans  
18 of America, Catholic War Veterans of the U.S.A., Jewish War  
19 Veterans of the U.S.A., and the Disabled American Veterans,  
20 Department of Florida, Inc., which hold current exemptions  
21 from federal income tax under s. 501(c)(4) or (19) of the  
22 Internal Revenue Code.

23 Section 15. Subsections (1), (2), and (4) of section  
24 215.37, Florida Statutes, are amended to read:

25 215.37 Department of Business and Professional  
26 Regulation and the boards to be financed from fees collected;  
27 moneys deposited in trust fund; service charge imposed and  
28 deposited into the General Revenue Fund; appropriation.--

29 (1) All fees, licenses, and other charges assessed to  
30 practitioners of professions, as defined in part I of chapter  
31 455, by the Department of Business and Professional Regulation

1 or a board within the department shall be collected by the  
2 department and shall be deposited in the State Treasury into  
3 the Professional Regulation Trust Fund to the credit of the  
4 department.

5 (2) The regulation by the department of professions,  
6 as defined in part I of chapter 455, shall be financed solely  
7 from revenue collected by it from fees and other charges and  
8 deposited in the Professional Regulation Trust Fund, and all  
9 such revenue is hereby appropriated to the department.  
10 However, it is legislative intent that each profession shall  
11 operate within its anticipated fees.

12 (4) The department shall submit a balanced legislative  
13 budget for its regulation of professions, as defined in part I  
14 of chapter 455, by division and operating budgets as required  
15 of all governmental subdivisions in chapters 215 and 216, to  
16 be based upon anticipated revenues. Prior to development of  
17 the department's budget request to the Legislature, the  
18 department shall request that each board submit its proposed  
19 budget for the operation of the board, the board's office, and  
20 other activities or expanded programs of the board for  
21 possible inclusion in the department's budget request. Prior  
22 to submission of the department's budget request to the  
23 Legislature, each board, at a regularly scheduled board  
24 meeting, shall review the proposed request related to its  
25 regulation of a profession, as defined in part I of chapter  
26 455, and either approve the proposed request or submit to the  
27 secretary written exceptions to the department's proposed  
28 budget. Any board making such exceptions must specify its  
29 objections, the reasons for such exceptions, and proposed  
30 alternatives to the department's request. The secretary shall  
31 consider all exceptions. When a majority of boards agree on an

1 exception, the secretary shall make adjustments to the  
2 department's budget request related to its regulation of  
3 professions, as defined in part I of chapter 455, to reflect  
4 the majority position. If appropriate, the secretary shall  
5 file an exception on behalf of the department. The secretary  
6 shall submit to the Legislature the department's amended  
7 budget request along with any unresolved exceptions.

8 Section 16. Subsection (3) of section 240.215, Florida  
9 Statutes, is amended to read:

10 240.215 Payment of costs of civil action against  
11 employees or members of the Board of Regents.--

12 (3) All faculty physicians employed by the Board of  
13 Regents who are subject to the requirements of s. 455.564  
14 ~~455.2141~~ shall complete their risk management continuing  
15 education on issues specific to academic medicine. Such  
16 continuing education shall include instruction for the  
17 supervision of resident physicians as required by the  
18 Accreditation Council for Graduate Medical Education. The  
19 boards described in s. 455.564 ~~455.2141~~ shall adopt rules to  
20 implement the provisions of this subsection.

21 Section 17. Subsections (1) and (2) and paragraphs (a)  
22 and (c) of subsection (3) of section 310.102, Florida  
23 Statutes, are amended to read:

24 310.102 Treatment programs for impaired pilots and  
25 deputy pilots.--

26 (1) The department shall, by rule, designate approved  
27 treatment programs for pilots and deputy pilots under this  
28 section. The department may adopt rules setting forth  
29 appropriate criteria for approval of treatment providers based  
30 on the policies and guidelines established by the Impaired  
31 Practitioners Committee under s. 455.704.



1           (2) The department shall retain one or more impaired  
2 practitioner consultants as recommended by the committee. A  
3 consultant shall be a licensee under the jurisdiction of the  
4 Division of Medical Quality Assurance within the Department of  
5 Health, and at least one consultant must be a practitioner  
6 licensed under chapter 458, chapter 459, or chapter 464. The  
7 consultant shall assist the probable cause panel and  
8 department in carrying out the responsibilities of this  
9 section. This shall include working with department  
10 investigators to determine whether a pilot or deputy pilot is,  
11 in fact, impaired.

12           (3)(a) Whenever the department receives a written or  
13 oral legally sufficient complaint alleging that a pilot or  
14 deputy pilot licensed or certificated by the department is  
15 impaired as a result of the misuse or abuse of alcohol or  
16 drugs, or both, or due to a mental or physical condition which  
17 could affect the pilot's or deputy pilot's ability to practice  
18 with skill and safety, and no complaint against the pilot or  
19 deputy pilot other than impairment exists, the reporting of  
20 such information shall not constitute a complaint within the  
21 meaning of s. 455.225 ~~455.255~~ if the probable cause panel  
22 finds:

23           1. The pilot or deputy pilot has acknowledged the  
24 impairment problem.

25           2. The pilot or deputy pilot has voluntarily enrolled  
26 in an appropriate, approved treatment program.

27           3. The pilot or deputy pilot has voluntarily withdrawn  
28 from piloting or limited the scope of piloting as determined  
29 by the panel, in each case, until such time as the panel is  
30 satisfied the pilot or deputy pilot has successfully completed  
31 an approved treatment program.

1           4. The pilot or deputy pilot has executed releases for  
2 medical records, authorizing the release of all records of  
3 evaluations, diagnoses, and treatment of the pilot or deputy  
4 pilot, including records of treatment for emotional or mental  
5 conditions, to the consultant. The consultant shall make no  
6 copies or reports of records that do not regard the issue of  
7 the pilot's or deputy pilot's impairment and his or her  
8 participation in a treatment program.

9           (c) Inquiries related to impairment treatment programs  
10 designed to provide information to the pilot or deputy pilot  
11 and others and which do not indicate that the pilot or deputy  
12 pilot presents a danger to the public shall not constitute a  
13 complaint within the meaning of s. 455.225 ~~455.255~~ and shall  
14 be exempt from the provisions of this subsection.

15           Section 18. Subsections (2) and (3) of section  
16 337.162, Florida Statutes, are amended to read:

17           337.162 Professional services.--Professional services  
18 provided to the department that fall below acceptable  
19 professional standards may result in transportation project  
20 delays, overruns, and reduced facility life. To minimize these  
21 effects and ensure that quality services are received, the  
22 Legislature hereby declares that licensed professionals shall  
23 be held accountable for the quality of the services they  
24 provide to the department.

25           (2) Any person who is employed by the department and  
26 who is licensed by the Department of Business and Professional  
27 Regulation and who, through the course of his or her  
28 employment, has knowledge or reason to believe that any person  
29 has violated the provisions of state professional licensing  
30 laws or rules shall submit a complaint about the violations to  
31 the Department of Business and Professional Regulation.

1 Failure to submit a complaint about the violations may be  
2 grounds for disciplinary action pursuant to part I of chapter  
3 455 and the state licensing law applicable to that licensee.  
4 The complaint submitted to the Department of Business and  
5 Professional Regulation and maintained by the department is  
6 confidential and exempt from s. 119.07(1).

7 (3) Any complaints submitted to the Department of  
8 Business and Professional Regulation pursuant to subsections  
9 (1) and (2) are confidential and exempt from s. 119.07(1)  
10 pursuant to part I of chapter 455 and applicable state law.

11 Section 19. Section 381.0039, Florida Statutes, is  
12 amended to read:

13 381.0039 Oversight of acquired immune deficiency  
14 syndrome education programs.--The Department of Education, the  
15 Department of Health, and the Department of Business and  
16 Professional Regulation are directed to establish an  
17 interagency agreement to oversee the quality and cost  
18 efficiency of acquired immune deficiency syndrome education  
19 programs being administered in the state pursuant to chapters  
20 381, ~~455,943~~, and 945 and part II of chapter 455. The  
21 interagency agreement shall also include development, where  
22 appropriate, of methods for coordinating educational programs  
23 for various professional groups.

24 Section 20. Subsection (3) of section 383.32, Florida  
25 Statutes, is amended to read:

26 383.32 Clinical records.--

27 (3) Clinical records shall be kept confidential in  
28 accordance with s. 455.667 ~~455.241~~ and exempt from the  
29 provisions of s. 119.07(1). A client's clinical records shall  
30 be open to inspection only under the following conditions:

31

1 (a) A consent to release information has been signed  
2 by the client; or

3 (b) The review is made by the department for a  
4 licensure survey or complaint investigation.

5 Section 21. Subsections (1) and (4) of section  
6 395.0193, Florida Statutes, are amended to read:

7 395.0193 Licensed facilities; peer review;  
8 disciplinary powers; agency or partnership with physicians.--

9 (1) It is the intent of the Legislature that good  
10 faith participants in the process of investigating and  
11 disciplining physicians pursuant to the state-mandated peer  
12 review process shall, in addition to receiving immunity from  
13 retaliatory tort suits pursuant to s. 455.621(12)~~s.~~  
14 ~~455.225(12)~~, be protected from federal antitrust suits filed  
15 under the Sherman Anti-Trust Act, 15 U.S.C.A. ss. 1 et seq.  
16 Such intent is within the public policy of the state to secure  
17 the provision of quality medical services to the public.

18 (4) All final disciplinary actions taken under  
19 subsection (3) shall be reported within 10 working days to the  
20 Division of Health Quality Assurance of the agency in writing  
21 and shall specify the disciplinary action taken and the  
22 specific grounds therefor. The division shall review each  
23 report and determine whether it potentially involved conduct  
24 by the licensee that is subject to disciplinary action, in  
25 which case s. 455.621 ~~455.225~~ shall apply. The report shall  
26 not be subject to inspection under s. 119.07(1) even if the  
27 division's investigation results in a finding of probable  
28 cause.

29 Section 22. Paragraph (b) of subsection (5) and  
30 subsections (6) and (11) of section 395.0197, Florida  
31 Statutes, are amended to read:

1           395.0197 Internal risk management program.--

2           (5)

3           (b) The information reported to the agency pursuant to  
4 paragraph (a) which relates to persons licensed under chapter  
5 458, chapter 459, chapter 461, or chapter 466 shall be  
6 reviewed by the agency. The agency shall determine whether  
7 any of the incidents potentially involved conduct by a health  
8 care professional who is subject to disciplinary action, in  
9 which case the provisions of s. 455.621 ~~455.225~~ shall apply.

10          (6) If an adverse or untoward incident, whether  
11 occurring in the licensed facility or arising from health care  
12 prior to admission in the licensed facility, results in:

13           (a) The death of a patient;

14           (b) Brain or spinal damage to a patient;

15           (c) The performance of a surgical procedure on the  
16 wrong patient; or

17           (d) A surgical procedure unrelated to the patient's  
18 diagnosis or medical needs being performed on any patient,  
19 including the surgical repair of injuries or damage resulting  
20 from the planned surgical procedure, wrong site or wrong  
21 procedure surgeries, and procedures to remove foreign objects  
22 remaining from surgical procedures,

23  
24 the licensed facility shall report this incident to the agency  
25 within 15 calendar days after its occurrence. The agency may  
26 require an additional, final report. These reports shall not  
27 be available to the public pursuant to s. 119.07(1) or any  
28 other law providing access to public records, nor be  
29 discoverable or admissible in any civil or administrative  
30 action, except in disciplinary proceedings by the agency or  
31 the appropriate regulatory board, nor shall they be available

1 to the public as part of the record of investigation for and  
2 prosecution in disciplinary proceedings made available to the  
3 public by the agency or the appropriate regulatory board.  
4 However, the agency or the appropriate regulatory board shall  
5 make available, upon written request by a health care  
6 professional against whom probable cause has been found, any  
7 such records which form the basis of the determination of  
8 probable cause. The agency may investigate, as it deems  
9 appropriate, any such incident and prescribe measures that  
10 must or may be taken in response to the incident. The agency  
11 shall review each incident and determine whether it  
12 potentially involved conduct by the health care professional  
13 who is subject to disciplinary action, in which case the  
14 provisions of s. 455.621 ~~455.225~~ shall apply.

15 (11) The agency shall have access to all licensed  
16 facility records necessary to carry out the provisions of this  
17 section. The records obtained are not available to the public  
18 under s. 119.07(1), nor shall they be discoverable or  
19 admissible in any civil or administrative action, except in  
20 disciplinary proceedings by the agency or the appropriate  
21 regulatory board, nor shall records obtained pursuant to s.  
22 455.611 ~~455.223~~ be available to the public as part of the  
23 record of investigation for and prosecution in disciplinary  
24 proceedings made available to the public by the agency or the  
25 appropriate regulatory board. However, the agency or the  
26 appropriate regulatory board shall make available, upon  
27 written request by a health care professional against whom  
28 probable cause has been found, any such records which form the  
29 basis of the determination of probable cause, except that,  
30 with respect to medical review committee records, s. 766.101  
31 controls.

1           Section 23. Paragraph (e) of subsection (4) of section  
2 395.3025, Florida Statutes, is amended to read:

3           395.3025 Patient and personnel records; copies;  
4 examination.--

5           (4) Patient records are confidential and must not be  
6 disclosed without the consent of the person to whom they  
7 pertain, but appropriate disclosure may be made without such  
8 consent to:

9           (e) The agency upon subpoena issued pursuant to s.  
10 455.611 ~~455.223~~, but the records obtained thereby must be used  
11 solely for the purpose of the agency and the appropriate  
12 professional board in its investigation, prosecution, and  
13 appeal of disciplinary proceedings. If the agency requests  
14 copies of the records, the facility shall charge no more than  
15 its actual copying costs, including reasonable staff time. The  
16 records must be sealed and must not be available to the public  
17 pursuant to s. 119.07(1) or any other statute providing access  
18 to records, nor may they be available to the public as part of  
19 the record of investigation for and prosecution in  
20 disciplinary proceedings made available to the public by the  
21 agency or the appropriate regulatory board. However, the  
22 agency must make available, upon written request by a  
23 practitioner against whom probable cause has been found, any  
24 such records that form the basis of the determination of  
25 probable cause.

26           Section 24. Subsections (1) and (8) of section  
27 400.211, Florida Statutes, are amended to read:

28           400.211 Persons employed as nursing assistants;  
29 certification requirement.--

30           (1) A person must be certified pursuant to this  
31 section, except a registered nurse or practical nurse licensed

1 in accordance with the provisions of chapter 464 or an  
2 applicant for such licensure who is permitted to practice  
3 nursing in accordance with rules promulgated by the Board of  
4 Nursing pursuant to chapter 464, to serve as a nursing  
5 assistant in any nursing home. The Department of Health  
6 ~~Business and Professional Regulation~~ shall issue a certificate  
7 to any person who:

8 (a) Has successfully completed a nursing assistant  
9 program in a state-approved school and has achieved a minimum  
10 score of 75 percent on the written portion of the Florida  
11 Nursing Assistant Certification Test approved by the  
12 Department of Health ~~Business and Professional Regulation~~ and  
13 administered by state-approved test site personnel;

14 (b) Has achieved a minimum score of 75 percent on the  
15 written and performance portions of the Florida Nursing  
16 Assistant Certification Test approved by the Department of  
17 Health ~~Business and Professional Regulation~~ and administered  
18 by state-approved test site personnel; or

19 (c) Is currently certified in another state, is on  
20 that state's registry, has no findings of abuse, and has  
21 achieved a minimum score of 75 percent on the written portion  
22 of the Florida Nursing Assistant Certification Test approved  
23 by the Department of Health ~~Business and Professional~~  
24 ~~Regulation~~ and administered by state-approved test site  
25 personnel.

26  
27 An oral examination shall be administered upon request.

28 (8) The Department of Health ~~Business and Professional~~  
29 ~~Regulation~~ may adopt such rules as are necessary to carry out  
30 this section.

31



1           Section 25. Section 400.491, Florida Statutes, is  
2 amended to read:

3           400.491 Clinical records.--The home health agency must  
4 maintain for each patient a clinical record that includes the  
5 services the home health agency provides directly and those  
6 provided through arrangement with another health care  
7 provider, except for those services provided by persons  
8 referred under s. 400.509. Such records must contain  
9 pertinent past and current medical, nursing, social and other  
10 therapeutic information, the plan of treatment, and other such  
11 information as is necessary for the safe and adequate care of  
12 the patient. When home health services are terminated, the  
13 record must show the date and reason for termination. Such  
14 records are considered patient records under s. 455.667  
15 ~~400.241~~, and must be maintained by the home health agency for  
16 5 years following termination of services. If a patient  
17 transfers to another home health agency, a copy of his or her  
18 record must be provided to the other home health agency upon  
19 request.

20           Section 26. Subsection (1) of section 400.518, Florida  
21 Statutes, is amended to read:

22           400.518 Prohibited referrals to home health  
23 agencies.--

24           (1) A physician licensed under chapter 458 or chapter  
25 459 must comply with s. 455.654 ~~455.236~~.

26           Section 27. Subsection (9) of section 408.061, Florida  
27 Statutes, is amended to read:

28           408.061 Data collection; uniform systems of financial  
29 reporting; information relating to physician charges;  
30 confidentiality of patient records; immunity.--

31

1           (9) The identity of any health care provider, health  
2 care facility, or health insurer who submits any data which is  
3 proprietary business information to the agency pursuant to the  
4 provisions of this section shall remain confidential and  
5 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.  
6 I of the State Constitution. As used in this section,  
7 "proprietary business information" shall include, but not be  
8 limited to, information relating to specific provider contract  
9 reimbursement information; information relating to security  
10 measures, systems, or procedures; and information concerning  
11 bids or other contractual data, the disclosure of which would  
12 impair efforts to contract for goods or services on favorable  
13 terms or would injure the affected entity's ability to compete  
14 in the marketplace. Notwithstanding the provisions of this  
15 subsection, any information obtained or generated pursuant to  
16 the provisions of s. 407.61, either by the Health Care Cost  
17 Containment Board or by the Agency for Health Care  
18 Administration upon transfer to that agency of the duties and  
19 functions of the Health Care Cost Containment Board, is not  
20 confidential and exempt from the provisions of s. 119.07(1)  
21 and s. 24(a), Art. I of the State Constitution. Such  
22 proprietary business information may be used in published  
23 analyses and reports or otherwise made available for public  
24 disclosure in such manner as to preserve the confidentiality  
25 of the identity of the provider. This exemption shall not  
26 limit the use of any information used in conjunction with  
27 investigation or enforcement purposes under the provisions of  
28 s. 455.621 ~~455.225~~.

29           Section 28. Paragraph (b) of subsection (5) of section  
30 408.704, Florida Statutes, is amended to read:

31

1           408.704 Agency duties and responsibilities related to  
2 community health purchasing alliances.--The agency shall  
3 assist in developing a statewide system of community health  
4 purchasing alliances. To this end, the agency is responsible  
5 for:

6           (5) Establishing a data system for accountable health  
7 partnerships.

8           (b) The advisory data committee shall issue a report  
9 and recommendations on each of the following subjects as each  
10 is completed. A final report covering all subjects must be  
11 included in the final Florida Health Plan to be submitted to  
12 the Legislature on December 31, 1993. The report shall  
13 include recommendations regarding:

14           1. Types of data to be collected. Careful  
15 consideration shall be given to other data collection projects  
16 and standards for electronic data interchanges already in  
17 process in this state and nationally, to evaluating and  
18 recommending the feasibility and cost-effectiveness of various  
19 data collection activities, and to ensuring that data  
20 reporting is necessary to support the evaluation of providers  
21 with respect to cost containment, access, quality, control of  
22 expensive technologies, and customer satisfaction analysis.  
23 Data elements to be collected from providers include prices,  
24 utilization, patient outcomes, quality, and patient  
25 satisfaction. The completion of this task is the first  
26 priority of the advisory data committee. The agency shall  
27 begin implementing these data collection activities  
28 immediately upon receipt of the recommendations, but no later  
29 than January 1, 1994. The data shall be submitted by  
30 hospitals, other licensed health care facilities, pharmacists,  
31

1 and group practices as defined in s. 455.654(3)(f)  
2 ~~455.236(3)(g)~~.

3           2. A standard data set, a standard cost-effective  
4 format for collecting the data, and a standard methodology for  
5 reporting the data to the agency, or its designee, and to the  
6 alliances. The reporting mechanisms must be designed to  
7 minimize the administrative burden and cost to health care  
8 providers and carriers. A methodology shall be developed for  
9 aggregating data in a standardized format for making  
10 comparisons between accountable health partnerships which  
11 takes advantage of national models and activities.

12           3. Methods by which the agency should collect,  
13 process, analyze, and distribute the data.

14           4. Standards for data interpretation. The advisory  
15 data committee shall actively solicit broad input from the  
16 provider community, carriers, the business community, and the  
17 general public.

18           5. Structuring the data collection process to:

19           a. Incorporate safeguards to ensure that the health  
20 care services utilization data collected is reviewed by  
21 experienced, practicing physicians licensed to practice  
22 medicine in this state;

23           b. Require that carrier customer satisfaction data  
24 conclusions are validated by the agency;

25           c. Protect the confidentiality of medical information  
26 to protect the patient's identity and to protect the privacy  
27 of individual physicians and patients. Proprietary data  
28 submitted by insurers, providers, and purchasers are  
29 confidential pursuant to s. 408.061; and

30  
31

1 d. Afford all interested professional medical and  
2 hospital associations and carriers a minimum of 60 days to  
3 review and comment before data is released to the public.

4 6. Developing a data collection implementation  
5 schedule, based on the data collection capabilities of  
6 carriers and providers.

7 Section 29. Subsections (1) and (2) of section  
8 409.2598, Florida Statutes, are amended to read:

9 409.2598 Suspension or denial of new or renewal  
10 licenses; registrations; certifications.--

11 (1) The Title IV-D agency may petition the court that  
12 entered the support order or the court that is enforcing the  
13 support order to deny or suspend the license, registration, or  
14 certificate issued under chapter 231, chapter 370, chapter  
15 372, chapter 409, part II of chapter 455, or chapter 559 or s.  
16 327.031 of any obligor with a delinquent child support  
17 obligation or who fails, after receiving appropriate notice,  
18 to comply with subpoenas, orders to appear, orders to show  
19 cause, or similar orders relating to paternity or child  
20 support proceedings. However, a petition may not be filed  
21 until the Title IV-D agency has exhausted all other available  
22 remedies. The purpose of this section is to promote the public  
23 policy of the state as established in s. 409.2551.

24 (2) The Title IV-D agency is authorized to screen all  
25 applicants for new or renewal licenses, registrations, or  
26 certificates and current licenses, registrations, or  
27 certificates and current licensees, registration holders, and  
28 certificate holders of all licenses, registrations, and  
29 certificates issued under chapter 231, chapter 370, chapter  
30 372, chapter 409, part II of chapter 455, or chapter 559 or s.  
31 327.031 to ensure compliance with any child support obligation

1 and any subpoenas, orders to appear, orders to show cause, or  
2 similar orders relating to paternity or child support  
3 proceedings. If the Title IV-D agency determines that an  
4 applicant, licensee, registration holder, or certificateholder  
5 is an obligor who is delinquent on a support obligation or who  
6 is not in compliance with a subpoena, order to appear, order  
7 to show cause, or similar order relating to paternity or child  
8 support proceedings, the Title IV-D agency shall certify the  
9 delinquency pursuant to s. 61.14.

10 Section 30. Paragraph (g) of subsection (1) of section  
11 415.1055, Florida Statutes, is amended to read:

12 415.1055 Notification to administrative entities,  
13 subjects, and reporters; notification to law enforcement and  
14 state attorneys.--

15 (1) NOTIFICATION TO ADMINISTRATIVE ENTITIES.--

16 (g) If at any time during a protective investigation  
17 the department has reasonable cause to believe that  
18 professional licensure violations have occurred, the  
19 department shall notify the Division of Medical Quality  
20 Assurance within the Department of Health ~~Agency for Health~~  
21 ~~Care Administration~~. This notification must be in writing.

22 Section 31. Subsection (3) of section 415.5055,  
23 Florida Statutes, is amended to read:

24 415.5055 Child protection teams; services; eligible  
25 cases.--The department shall develop, maintain, and coordinate  
26 the services of one or more multidisciplinary child protection  
27 teams in each of the service districts of the department.  
28 Such teams may be composed of representatives of appropriate  
29 health, mental health, social service, legal service, and law  
30 enforcement agencies. The Legislature finds that optimal  
31 coordination of child protection teams and sexual abuse

1 treatment programs requires collaboration between the  
2 Department of Health and the Department of Children and Family  
3 Services. The two departments shall maintain an interagency  
4 agreement that establishes protocols for oversight and  
5 operations of child protection teams and sexual abuse  
6 treatment programs. The Secretary of Health and the Director  
7 of the Division of Children's Medical Services, in  
8 consultation with the Secretary of Children and Family  
9 Services, shall maintain the responsibility for the screening,  
10 employment, and, if necessary, the termination of child  
11 protection team medical directors, at headquarters and in the  
12 15 districts. Child protection team medical directors shall be  
13 responsible for oversight of the teams in the districts.

14 (3) All records and reports of the child protection  
15 team are confidential and exempt from the provisions of ss.  
16 119.07(1) and 455.667 ~~455.241~~, and shall not be disclosed,  
17 except, upon request, to the state attorney, law enforcement,  
18 the department, and necessary professionals, in furtherance of  
19 the treatment or additional evaluative needs of the child or  
20 by order of the court.

21  
22 In all instances in which a child protection team is providing  
23 certain services to abused or neglected children, other  
24 offices and units of the department shall avoid duplicating  
25 the provision of those services.

26 Section 32. Subsection (5) of section 415.51, Florida  
27 Statutes, is amended to read:

28 415.51 Confidentiality of reports and records in cases  
29 of child abuse or neglect.--

30 (5) All records and reports of the child protection  
31 team are confidential and exempt from the provisions of ss.

1 119.07(1) and 455.667 ~~455.241~~, and shall not be disclosed,  
2 except, upon request, to the state attorney, law enforcement,  
3 the department, and necessary professionals, in furtherance of  
4 the treatment or additional evaluative needs of the child or  
5 by order of the court.

6 Section 33. Paragraph (h) of subsection (3) and  
7 paragraph (c) of subsection (4) of section 440.13, Florida  
8 Statutes, are amended to read:

9 440.13 Medical services and supplies; penalty for  
10 violations; limitations.--

11 (3) PROVIDER ELIGIBILITY; AUTHORIZATION.--

12 (h) The provisions of s. 455.654 ~~455.236~~ are  
13 applicable to referrals among health care providers, as  
14 defined in subsection (1), treating injured workers.

15 (4) NOTICE OF TREATMENT TO CARRIER; FILING WITH  
16 DIVISION.--

17 (c) It is the policy for the administration of the  
18 workers' compensation system that there be reasonable access  
19 to medical information by all parties to facilitate the  
20 self-executing features of the law. Notwithstanding the  
21 limitations in s. 455.667 ~~455.241~~ and subject to the  
22 limitations in s. 381.004, upon the request of the employer,  
23 the carrier, or the attorney for either of them, the medical  
24 records of an injured employee must be furnished to those  
25 persons and the medical condition of the injured employee must  
26 be discussed with those persons, if the records and the  
27 discussions are restricted to conditions relating to the  
28 workplace injury. Any such discussions may be held before or  
29 after the filing of a claim without the knowledge, consent, or  
30 presence of any other party or his or her agent or  
31 representative. A health care provider who willfully refuses



1 to provide medical records or to discuss the medical condition  
2 of the injured employee, after a reasonable request is made  
3 for such information pursuant to this subsection, shall be  
4 subject by the division to one or more of the penalties set  
5 forth in paragraph (8)(b).

6 Section 34. Paragraph (b) of subsection (1) and  
7 subsections (2) and (3) of section 455.565, Florida Statutes,  
8 are amended to read:

9 455.565 Designated healthcare professionals;  
10 information required for licensure.--

11 (1) Each person who applies for initial licensure as a  
12 physician under chapter 458, chapter 459, chapter 460, or  
13 chapter 461 must, at the time of application, and each  
14 physician who applies for license renewal under chapter 458,  
15 chapter 459, chapter 460, or chapter 461 must, in conjunction  
16 with the renewal of such license and under procedures adopted  
17 by the Department of Health, and in addition to any other  
18 information that may be required from the applicant, furnish  
19 the following information to the Department of Health:

20 (b) In addition to the information required under  
21 paragraph (a), each applicant who seeks licensure under  
22 chapter 458, chapter 459, or chapter 461, and who has  
23 practiced previously in this state or in another jurisdiction  
24 or a foreign country must provide the information required of  
25 licensees under those chapters pursuant to s. 455.697 ~~455.247~~.  
26 An applicant for licensure under chapter 460 who has practiced  
27 previously in this state or in another jurisdiction or a  
28 foreign country must provide the same information as is  
29 required of licensees under chapter 458, pursuant to s.  
30 455.697 ~~455.247~~.

31

1           (2) Before the issuance of the licensure renewal  
2 notice required by s. 455.714 ~~455.273~~, the Department of  
3 Health shall send a notice to each person licensed under  
4 chapter 458, chapter 459, chapter 460, or chapter 461, at the  
5 licensee's last known address of record with the department,  
6 regarding the requirements for information to be submitted by  
7 those practitioners pursuant to this section in conjunction  
8 with the renewal of such license and under procedures adopted  
9 by the department.

10           (3) Each person who has submitted information pursuant  
11 to subsection (1) must update that information in writing by  
12 notifying the Department of Health within 45 days after the  
13 occurrence of an event or the attainment of a status that is  
14 required to be reported by subsection (1). Failure to comply  
15 with the requirements of this subsection to update and submit  
16 information constitutes a ground for disciplinary action under  
17 each respective licensing chapter and s. 455.624(1)(k) ~~s.~~  
18 ~~455.227(1)(k)~~. For failure to comply with the requirements of  
19 this subsection to update and submit information, the  
20 department or board, as appropriate, may:

21           (a) Refuse to issue a license to any person applying  
22 for initial licensure who fails to submit and update the  
23 required information.

24           (b) Issue a citation to any licensee who fails to  
25 submit and update the required information and may fine the  
26 licensee up to \$50 for each day that the licensee is not in  
27 compliance with this subsection. The citation must clearly  
28 state that the licensee may choose, in lieu of accepting the  
29 citation, to follow the procedure under s. 455.621 ~~455.225~~. If  
30 the licensee disputes the matter in the citation, the  
31 procedures set forth in s. 455.621 ~~455.225~~ must be followed.

1 However, if the licensee does not dispute the matter in the  
2 citation with the department within 30 days after the citation  
3 is served, the citation becomes a final order and constitutes  
4 discipline. Service of a citation may be made by personal  
5 service or certified mail, restricted delivery, to the subject  
6 at the licensee's last known address.

7 Section 35. Subsection (4) of section 455.5651,  
8 Florida Statutes, is amended to read:

9 455.5651 Practitioner profile; creation.--  
10 (4) The Department of Health shall include, with  
11 respect to a practitioner licensed under chapter 458 or  
12 chapter 459, a statement of how the practitioner has elected  
13 to comply with the financial responsibility requirements of s.  
14 458.320 or s. 459.0085. The department shall include, with  
15 respect to practitioners licensed under chapter 458, chapter  
16 459, or chapter 461, information relating to liability actions  
17 which has been reported under s. 455.697 ~~455.247~~ or s. 627.912  
18 within the previous 10 years for any paid claim that exceeds  
19 \$5,000. Such claims information shall be reported in the  
20 context of comparing an individual practitioner's claims to  
21 the experience of other physicians within the same specialty  
22 to the extent such information is available to the Department  
23 of Health. If information relating to a liability action is  
24 included in a practitioner's practitioner profile, the profile  
25 must also include the following statement: "Settlement of a  
26 claim may occur for a variety of reasons that do not  
27 necessarily reflect negatively on the professional competence  
28 or conduct of the physician. A payment in settlement of a  
29 medical malpractice action or claim should not be construed as  
30 creating a presumption that medical malpractice has occurred."  
31

1           Section 36. Section 455.641, Florida Statutes, is  
2 amended to read:

3           455.641 Unlicensed activities; fees; disposition.--In  
4 order to protect the public and to ensure a consumer-oriented  
5 department, it is the intent of the Legislature that vigorous  
6 enforcement of regulation for all professional activities is a  
7 state priority. All enforcement costs should be covered by  
8 professions regulated by the department. Therefore, the  
9 department shall impose, upon initial licensure and each  
10 renewal thereof, a special fee of \$5 per licensee. Such fee  
11 shall be in addition to all other fees collected from each  
12 licensee and shall fund efforts to combat unlicensed activity.  
13 The board with concurrence of the department, or the  
14 department when there is no board, may earmark \$5 of the  
15 current licensure fee for this purpose, if such board, or  
16 profession regulated by the department, is not in a deficit  
17 and has a reasonable cash balance. The department shall make  
18 direct charges to this fund by profession and shall not  
19 allocate indirect overhead. The department shall seek board  
20 advice regarding enforcement methods and strategies prior to  
21 expenditure of funds. The department shall directly credit, by  
22 profession, revenues received from the department's efforts to  
23 enforce licensure provisions. The department shall include all  
24 financial and statistical data resulting from unlicensed  
25 activity enforcement as a separate category in the quarterly  
26 management report provided for in s. 455.587 ~~455.219~~. The  
27 department shall not charge the account of any profession for  
28 the costs incurred on behalf of any other profession. For an  
29 unlicensed activity account, a balance which remains at the  
30 end of a renewal cycle may, with concurrence of the applicable  
31

1 board and the department, be transferred to the operating fund  
2 account of that profession.

3 Section 37. Subsection (2) of section 455.651, Florida  
4 Statutes, is amended to read:

5 455.651 Disclosure of confidential information.--

6 (2) Any person who willfully violates any provision of  
7 this section is guilty of a misdemeanor of the first degree,  
8 punishable as provided in s. 775.082 or s. 775.083, and may be  
9 subject to discipline pursuant to s. 455.624 ~~455.227~~, and, if  
10 applicable, shall be removed from office, employment, or the  
11 contractual relationship.

12 Section 38. Subsection (1) of section 455.698, Florida  
13 Statutes, is amended to read:

14 455.698 Reports of professional liability actions;  
15 bankruptcies; Department of Health's responsibility to  
16 provide.--

17 (1) The report of a claim or action for damages for  
18 personal injury which is required to be provided to the  
19 Department of Health under s. 455.697 ~~455.247~~ or s. 627.912 is  
20 public information except for the name of the claimant or  
21 injured person, which remains confidential as provided in ss.  
22 455.697(2)(d) ~~455.247(2)(d)~~ and 627.912(2)(e). The Department  
23 of Health shall, upon request, make such report available to  
24 any person.

25 Section 39. Subsection (2) of section 455.717, Florida  
26 Statutes, is amended to read:

27 455.717 Address of record.--

28 (2) Notwithstanding any other law, service by regular  
29 mail to a licensee's last known address of record with the  
30 department constitutes adequate and sufficient notice to the  
31 licensee for any official communication to the licensee by the

1 board or the department except when other service is required  
2 under s. 455.707 ~~455.261~~.

3 Section 40. Subsection (2) of section 457.103, Florida  
4 Statutes, is amended to read:

5 457.103 Board of Acupuncture; membership; appointment  
6 and terms.--

7 (2) All provisions of part II of chapter 455 relating  
8 to the board shall apply.

9 Section 41. Subsection (6) of section 458.307, Florida  
10 Statutes, is amended to read:

11 458.307 Board of Medicine.--

12 (6) All provisions of part II of chapter 455 relating  
13 to activities of the board shall apply.

14 Section 42. Paragraph (a) of subsection (9) of section  
15 458.311, Florida Statutes, is amended to read:

16 458.311 Licensure by examination; requirements;  
17 fees.--

18 (9)(a) Notwithstanding any of the provisions of this  
19 section, an applicant who, at the time of his or her medical  
20 education, was a citizen of the country of Nicaragua and, at  
21 the time of application for licensure under this subsection,  
22 is either a citizen of the country of Nicaragua or a citizen  
23 of the United States may make initial application to the  
24 department on or before July 1, 1992, for licensure subject to  
25 this subsection and may reapply pursuant to board rule. Upon  
26 receipt of such application, the department shall issue a  
27 2-year restricted license to any applicant therefor upon the  
28 applicant's successful completion of the licensure examination  
29 as described in paragraph (1)(a) and who the board certifies  
30 has met the following requirements:

31

1           1. Is a graduate of a World Health Organization  
2 recognized foreign medical institution located in a country in  
3 the Western Hemisphere.

4           2. Received a medical education which has been  
5 determined by the board to be substantially similar, at the  
6 time of the applicant's graduation, to approved United States  
7 medical programs.

8           3. Practiced medicine in the country of Nicaragua for  
9 a period of 1 year prior to residing in the United States and  
10 has lawful employment authority in the United States.

11           4. Has had his or her medical education verified by  
12 the Florida Board of Medicine.

13           5. Successfully completed the Educational Commission  
14 for Foreign Medical Graduates Examination or Foreign Medical  
15 Graduate Examination in the Medical Sciences or successfully  
16 completed a course developed for the University of Miami for  
17 physician training equivalent to the course developed for such  
18 purposes pursuant to chapter 74-105, Laws of Florida. No  
19 person shall be permitted to enroll in the physician training  
20 course until he or she has been certified by the board as  
21 having met the requirements of this paragraph or conditionally  
22 certified by the board as having substantially complied with  
23 the requirements of this paragraph. Any person conditionally  
24 certified by the board shall be required to establish, to the  
25 board's satisfaction, full compliance with all the  
26 requirements of this paragraph prior to completion of the  
27 physician training course and shall not be permitted to sit  
28 for the licensure examination unless the board certifies that  
29 all of the requirements of this paragraph have been met.

30  
31

1 However, applicants eligible for licensure under s. 455.581  
2 ~~455.218~~ or subsection (9), 1988 Supplement to the Florida  
3 Statutes 1987, as amended by s. 18, chapter 89-162, Laws of  
4 Florida, and ss. 5 and 42, chapter 89-374, Laws of Florida,  
5 and renumbered as subsection (8) by s. 5, chapter 89-374, Laws  
6 of Florida, shall not be eligible to apply under this  
7 subsection.

8 Section 43. Paragraph (c) of subsection (1) and  
9 paragraph (a) of subsection (3) of section 458.3115, Florida  
10 Statutes, are amended to read:

11 458.3115 Restricted license; certain foreign-licensed  
12 physicians; United States Medical Licensing Examination  
13 (USMLE) or agency-developed examination; restrictions on  
14 practice; full licensure.--

15 (1)

16 (c) A person shall be eligible to take such  
17 examination for restricted licensure if the person:

18 1. Has taken, upon approval by the board, and  
19 completed, in November 1990 or November 1992, one of the  
20 special preparatory medical update courses authorized by the  
21 board and the University of Miami Medical School and  
22 subsequently passed the final course examination; upon  
23 approval by the board to take the course completed in 1990 or  
24 in 1992, has a certificate of successful completion of that  
25 course from the University of Miami or the Stanley H. Kaplan  
26 course; or can document to the department that he or she was  
27 one of the persons who took and successfully completed the  
28 Stanley H. Kaplan course that was approved by the Board of  
29 Medicine and supervised by the University of Miami. At a  
30 minimum, the documentation must include class attendance  
31 records and the test score on the final course examination;



1           2. Applies to the agency and submits an application  
2 fee that is nonrefundable and equivalent to the fee required  
3 for full licensure;

4           3. Documents no less than 2 years of the active  
5 practice of medicine in another jurisdiction;

6           4. Submits an examination fee that is nonrefundable  
7 and equivalent to the fee required for full licensure plus the  
8 actual per-applicant cost to the agency to provide either  
9 examination described in this section;

10          5. Has not committed any act or offense in this or any  
11 other jurisdiction that would constitute a substantial basis  
12 for disciplining a physician under this chapter or part II of  
13 chapter 455; and

14          6. Is not under discipline, investigation, or  
15 prosecution in this or any other jurisdiction for an act that  
16 would constitute a violation of this chapter or part II of  
17 chapter 455 and that substantially threatened or threatens the  
18 public health, safety, or welfare.

19          (3)(a) A restricted license issued by the agency under  
20 this section is valid for 2 years unless sooner revoked or  
21 suspended, and a restricted licensee is subject to the  
22 requirements of this chapter, part II of chapter 455, and any  
23 other provision of law not in conflict with this section.  
24 Upon expiration of such restricted license, a restricted  
25 licensee shall become a full licensee if the restricted  
26 licensee:

27           1. Is not under discipline, investigation, or  
28 prosecution for a violation which poses a substantial threat  
29 to the public health, safety, or welfare; and

30           2. Pays all renewal fees required of a full licensee.

31

1           Section 44. Subsection (1) of section 458.3124,  
2 Florida Statutes, is amended to read:

3           458.3124 Restricted license; certain experienced  
4 foreign-trained physicians.--

5           (1) A person who was trained in a medical school that  
6 is listed in the World Directory of Medical Schools published  
7 by the World Health Organization and is located in a country  
8 other than the United States, Canada, or Puerto Rico may apply  
9 to take Step III of the United States Medical Licensing  
10 Examination, if the person:

11           (a) Legally practiced medicine for at least 5 years in  
12 the country in which the school is located;

13           (b) Has passed Steps I and II of the United States  
14 Medical Licensing Examination;

15           (c) Is certified by the Educational Commission for  
16 Foreign Medical Graduates as qualified for a restricted  
17 license to practice medicine;

18           (d) Is not subject to discipline, investigation, or  
19 prosecution in any jurisdiction for acts that threaten the  
20 public health, safety, or welfare or violate part II of  
21 chapter 455 or this chapter; and

22           (e) Has been a resident of this state since July 1,  
23 1996.

24           Section 45. Subsection (1) of section 458.319, Florida  
25 Statutes, is amended to read:

26           458.319 Renewal of license.--

27           (1) The department shall renew a license upon receipt  
28 of the renewal application, evidence that the applicant has  
29 actively practiced medicine or has been on the active teaching  
30 faculty of an accredited medical school for at least 2 years  
31 of the immediately preceding 4 years, and a fee not to exceed

1 \$500; provided, however, that if the licensee is either a  
2 resident physician, assistant resident physician, fellow,  
3 house physician, or intern in an approved postgraduate  
4 training program, as defined by the board by rule, the fee  
5 shall not exceed \$100 per annum. If the licensee has not  
6 actively practiced medicine for at least 2 years of the  
7 immediately preceding 4 years, the board shall require that  
8 the licensee successfully complete a board-approved clinical  
9 competency examination prior to renewal of the license.  
10 "Actively practiced medicine" means that practice of medicine  
11 by physicians, including those employed by any governmental  
12 entity in community or public health, as defined by this  
13 chapter, including physicians practicing administrative  
14 medicine. An applicant for a renewed license must also submit  
15 the information required under s. 455.565 to the department on  
16 a form and under procedures specified by the department, along  
17 with payment in an amount equal to the costs incurred by the  
18 Department of Health for the statewide criminal background  
19 check of the applicant. The applicant must submit a set of  
20 fingerprints to the Department of Health on a form and under  
21 procedures specified by the department, along with payment in  
22 an amount equal to the costs incurred by the department for a  
23 national criminal background check of the applicant for the  
24 initial renewal of his or her license after January 1, 2000.  
25 If the applicant fails to submit either the information  
26 required under s. 455.565 or a set of fingerprints to the  
27 department as required by this section, the department shall  
28 issue a notice of noncompliance, and the applicant will be  
29 given 30 additional days to comply. If the applicant fails to  
30 comply within 30 days after the notice of noncompliance is  
31 issued, the department or board, as appropriate, may issue a

1 citation to the applicant and may fine the applicant up to \$50  
2 for each day that the applicant is not in compliance with the  
3 requirements of s. 455.565. The citation must clearly state  
4 that the applicant may choose, in lieu of accepting the  
5 citation, to follow the procedure under s. 455.621 ~~455.225~~. If  
6 the applicant disputes the matter in the citation, the  
7 procedures set forth in s. 455.621 ~~455.225~~ must be followed.  
8 However, if the applicant does not dispute the matter in the  
9 citation with the department within 30 days after the citation  
10 is served, the citation becomes a final order and constitutes  
11 discipline. Service of a citation may be made by personal  
12 service or certified mail, restricted delivery, to the subject  
13 at the applicant's last known address. If an applicant has  
14 submitted fingerprints to the department for a national  
15 criminal history check upon initial licensure and is renewing  
16 his or her license for the first time, then the applicant need  
17 only submit the information and fee required for a statewide  
18 criminal history check.

19 Section 46. Paragraphs (e) and (v) of subsection (1)  
20 and subsection (6) of section 458.331, Florida Statutes, are  
21 amended to read:

22 458.331 Grounds for disciplinary action; action by the  
23 board and department.--

24 (1) The following acts shall constitute grounds for  
25 which the disciplinary actions specified in subsection (2) may  
26 be taken:

27 (e) Failing to report to the department any person who  
28 the licensee knows is in violation of this chapter or of the  
29 rules of the department or the board. A treatment provider  
30 approved pursuant to s. 455.707 ~~455.261~~ shall provide the  
31 department or consultant with information in accordance with

1 the requirements of s. 455.707(3)~~455.261(3)~~, (4), (5), and  
2 (6).

3 (v) Practicing or offering to practice beyond the  
4 scope permitted by law or accepting and performing  
5 professional responsibilities which the licensee knows or has  
6 reason to know that he or she is not competent to perform. The  
7 board may establish by rule standards of practice and  
8 standards of care for particular practice settings, including,  
9 but not limited to, education and training, equipment and  
10 supplies, medications including anesthetics, assistance of and  
11 delegation to other personnel, transfer agreements,  
12 sterilization, records, performance of complex or multiple  
13 procedures, informed consent, and policy and procedure  
14 manuals.

15 (6) Upon the department's receipt from an insurer or  
16 self-insurer of a report of a closed claim against a physician  
17 pursuant to s. 627.912 or from a health care practitioner of a  
18 report pursuant to s. 455.697 ~~455.247~~, or upon the receipt  
19 from a claimant of a presuit notice against a physician  
20 pursuant to s. 766.106, the department shall review each  
21 report and determine whether it potentially involved conduct  
22 by a licensee that is subject to disciplinary action, in which  
23 case the provisions of s. 455.621 ~~455.225~~ shall apply.

24 However, if it is reported that a physician has had three or  
25 more claims with indemnities exceeding \$25,000 each within the  
26 previous 5-year period, the department shall investigate the  
27 occurrences upon which the claims were based and determine if  
28 action by the department against the physician is warranted.

29 Section 47. Subsection (1) of section 458.337, Florida  
30 Statutes, is amended to read:

31

1           458.337 Reports of disciplinary actions by medical  
2 organizations and hospitals.--

3           (1)(a) The department shall be notified when any  
4 physician:

5           1. Has been removed or suspended or has had any other  
6 disciplinary action taken by his or her peers within any  
7 professional medical association, society, body, or  
8 professional standards review organization established  
9 pursuant to Pub. L. No. 92-603, s. 249F, or similarly

10 constituted professional organization, whether or not such  
11 association, society, body, or organization is local,  
12 regional, state, national, or international in scope; or

13           2. Has been disciplined by a licensed hospital, health  
14 maintenance organization, prepaid health clinic, ambulatory  
15 surgical center, or nursing home or the medical staff of such  
16 a hospital, health maintenance organization, prepaid health  
17 clinic, ambulatory surgical center, or nursing home, including  
18 allowing the physician to resign, for any act that constitutes  
19 a violation of this chapter. If a physician resigns or  
20 withdraws from privileges when such facility notifies the  
21 physician that it is conducting an investigation or inquiry  
22 regarding an act which is potentially a violation of this  
23 chapter, the facility shall complete its investigation or  
24 inquiry and shall notify the department of the physician's  
25 resignation or withdrawal from privileges if the completed  
26 investigation or inquiry results in a finding that such act  
27 constitutes a violation of this chapter for which the facility  
28 would have disciplined the physician or allowed the physician  
29 to resign or withdraw from privileges.

30           (b) Within 20 days of receipt of such notification,  
31 the department shall notify all hospitals and health

1 maintenance organizations in the state of any disciplinary  
2 action which is severe enough for expulsion or resignation  
3 reported pursuant to subparagraph (a)2., identifying the  
4 disciplined physician, the action taken, and the reason for  
5 such action.

6 Section 48. Section 458.343, Florida Statutes, is  
7 amended to read:

8 458.343 Subpoena of certain records.--Notwithstanding  
9 the provisions of s. 455.667 ~~455.241~~, the department may issue  
10 subpoenas duces tecum requiring the names and addresses of  
11 some or all of the patients of a physician against whom a  
12 complaint has been filed pursuant to s. 455.621 ~~455.225~~.

13 Section 49. Paragraph (g) of subsection (7) and  
14 subsections (10) and (16) of section 458.347, Florida  
15 Statutes, are amended to read:

16 458.347 Physician assistants.--

17 (7) PHYSICIAN ASSISTANT CERTIFICATION.--

18 (g) The Board of Medicine may impose any of the  
19 penalties specified in ss. 455.624 ~~455.227~~ and 458.331(2) upon  
20 a physician assistant if the physician assistant or the  
21 supervising physician has been found guilty of or is being  
22 investigated for any act that constitutes a violation of this  
23 chapter or part II of chapter 455.

24 (10) INACTIVE AND DELINQUENT STATUS.--A certificate on  
25 inactive or delinquent status may be reactivated only as  
26 provided in s. 455.711 ~~455.271~~.

27 (16) LEGAL SERVICES.--The Department of Legal Affairs  
28 shall provide legal services to the council as authorized in  
29 s. 455.594(1) ~~455.221(1)~~.

30 Section 50. Subsection (4) of section 459.004, Florida  
31 Statutes, is amended to read:

1           459.004 Board of Osteopathic Medicine.--

2           (4) All provisions of part II of chapter 455 relating  
3 to activities of the board shall apply.

4           Section 51. Subsection (1) of section 459.008, Florida  
5 Statutes, is amended to read:

6           459.008 Renewal of licenses and certificates.--

7           (1) The department shall renew a license or  
8 certificate upon receipt of the renewal application and fee.  
9 An applicant for a renewed license must also submit the  
10 information required under s. 455.565 to the department on a  
11 form and under procedures specified by the department, along  
12 with payment in an amount equal to the costs incurred by the  
13 Department of Health for the statewide criminal background  
14 check of the applicant. The applicant must submit a set of  
15 fingerprints to the Department of Health on a form and under  
16 procedures specified by the department, along with payment in  
17 an amount equal to the costs incurred by the department for a  
18 national criminal background check of the applicant for the  
19 initial renewal of his or her license after January 1, 2000.  
20 If the applicant fails to submit either the information  
21 required under s. 455.565 or a set of fingerprints to the  
22 department as required by this section, the department shall  
23 issue a notice of noncompliance, and the applicant will be  
24 given 30 additional days to comply. If the applicant fails to  
25 comply within 30 days after the notice of noncompliance is  
26 issued, the department or board, as appropriate, may issue a  
27 citation to the applicant and may fine the applicant up to \$50  
28 for each day that the applicant is not in compliance with the  
29 requirements of s. 455.565. The citation must clearly state  
30 that the applicant may choose, in lieu of accepting the  
31 citation, to follow the procedure under s. 455.621 ~~455.225~~. If



1 the applicant disputes the matter in the citation, the  
2 procedures set forth in s. 455.621 ~~455.225~~ must be followed.  
3 However, if the applicant does not dispute the matter in the  
4 citation with the department within 30 days after the citation  
5 is served, the citation becomes a final order and constitutes  
6 discipline. Service of a citation may be made by personal  
7 service or certified mail, restricted delivery, to the subject  
8 at the applicant's last known address. If an applicant has  
9 submitted fingerprints to the department for a national  
10 criminal history check upon initial licensure and is renewing  
11 his or her license for the first time, then the applicant need  
12 only submit the information and fee required for a statewide  
13 criminal history check.

14 Section 52. Paragraphs (e) and (z) of subsection (1)  
15 and subsection (6) of section 459.015, Florida Statutes, are  
16 amended to read:

17 459.015 Grounds for disciplinary action by the  
18 board.--

19 (1) The following acts shall constitute grounds for  
20 which the disciplinary actions specified in subsection (2) may  
21 be taken:

22 (e) Failing to report to the department or the  
23 department's impaired professional consultant any person who  
24 the licensee or certificateholder knows is in violation of  
25 this chapter or of the rules of the department or the board.  
26 A treatment provider, approved pursuant to s. 455.707 ~~455.261~~,  
27 shall provide the department or consultant with information in  
28 accordance with the requirements of s. 455.707(3) ~~455.261(3)~~,  
29 (4), (5), and (6).

30 (z) Practicing or offering to practice beyond the  
31 scope permitted by law or accepting and performing

1 professional responsibilities which the licensee knows or has  
2 reason to know that he or she is not competent to perform. The  
3 board may establish by rule standards of practice and  
4 standards of care for particular practice settings, including,  
5 but not limited to, education and training, equipment and  
6 supplies, medications including anesthetics, assistance of and  
7 delegation to other personnel, transfer agreements,  
8 sterilization, records, performance of complex or multiple  
9 procedures, informed consent, and policy and procedure  
10 manuals.

11 (6) Upon the department's receipt from an insurer or  
12 self-insurer of a report of a closed claim against an  
13 osteopathic physician pursuant to s. 627.912 or from a health  
14 care practitioner of a report pursuant to s. 455.697 ~~455.247~~,  
15 or upon the receipt from a claimant of a presuit notice  
16 against an osteopathic physician pursuant to s. 766.106, the  
17 department shall review each report and determine whether it  
18 potentially involved conduct by a licensee that is subject to  
19 disciplinary action, in which case the provisions of s.  
20 455.621 ~~455.225~~ shall apply. However, if it is reported that  
21 an osteopathic physician has had three or more claims with  
22 indemnities exceeding \$25,000 each within the previous 5-year  
23 period, the department shall investigate the occurrences upon  
24 which the claims were based and determine if action by the  
25 department against the osteopathic physician is warranted.

26 Section 53. Subsection (1) of section 459.016, Florida  
27 Statutes, is amended to read:

28 459.016 Reports of disciplinary actions by medical  
29 organizations.--

30 (1) The department shall be notified when any  
31 osteopathic physician:

1 (a) Has been removed or suspended or has had any other  
2 disciplinary action taken by her or his peers within any  
3 professional medical association, society, body, or  
4 professional standards review organization established  
5 pursuant to Pub. L. No. 92-603, s. 249F, or similarly  
6 constituted professional organization, whether or not such  
7 association, society, body, or organization is local,  
8 regional, state, national, or international in scope; or

9 (b) Has been disciplined, which shall include allowing  
10 an osteopathic physician to resign, by a licensed hospital or  
11 medical staff of said hospital for any act that constitutes a  
12 violation of this chapter. If a physician resigns or  
13 withdraws from privileges when such facility notifies the  
14 physician that it is conducting an investigation or inquiry  
15 regarding an act which is potentially a violation of this  
16 chapter, the facility shall complete its investigation or  
17 inquiry and shall notify the department of the physician's  
18 resignation or withdrawal from privileges if the completed  
19 investigation or inquiry results in a finding that such act  
20 constitutes a violation of this chapter for which the facility  
21 would have disciplined the physician or allowed her or him to  
22 resign or withdraw from privileges.

23  
24 Within 20 days of receipt of such notification, upon board  
25 approval, the department shall notify all hospitals and health  
26 maintenance organizations in the state of any disciplinary  
27 action which is severe enough for expulsion or resignation  
28 reported pursuant to this subsection, identifying the  
29 disciplined physician, the action taken, and the reason for  
30 such action.

31

1           Section 54. Section 459.019, Florida Statutes, is  
2 amended to read:

3           459.019 Subpoena of certain records.--Notwithstanding  
4 the provisions of s. 455.667 ~~455.241~~, the department may issue  
5 subpoenas duces tecum requiring the names and addresses of  
6 some or all of the patients of an osteopathic physician  
7 against whom a complaint has been filed pursuant to s. 455.621  
8 ~~455.225~~.

9           Section 55. Paragraph (f) of subsection (7) and  
10 subsections (10) and (16) of section 459.022, Florida  
11 Statutes, are amended to read:

12           459.022 Physician assistants.--

13           (7) PHYSICIAN ASSISTANT CERTIFICATION.--

14           (f) The Board of Osteopathic Medicine may impose any  
15 of the penalties specified in ss. 455.624 ~~455.227~~ and  
16 459.015(2) upon a physician assistant if the physician  
17 assistant or the supervising physician has been found guilty  
18 of or is being investigated for any act that constitutes a  
19 violation of this chapter or part II of chapter 455.

20           (10) INACTIVE AND DELINQUENT STATUS.--A certificate on  
21 inactive or delinquent status may be reactivated only as  
22 provided in s. 455.711 ~~455.271~~.

23           (16) LEGAL SERVICES.--The Department of Legal Affairs  
24 shall provide legal services to the council as authorized in  
25 s. 455.594(1) ~~455.221(1)~~.

26           Section 56. Subsection (4) of section 460.404, Florida  
27 Statutes, is amended to read:

28           460.404 Board of Chiropractic; membership;  
29 appointment; terms.--

30           (4) All provisions of part II of chapter 455 relating  
31 to the board shall apply.

1           Section 57. Paragraph (c) of subsection (1) of section  
2 460.4061, Florida Statutes, is amended to read:

3           460.4061 Restricted license.--

4           (1) An applicant for licensure as a chiropractic  
5 physician may apply to the department for a restricted license  
6 without undergoing a state or national written or clinical  
7 competency examination for licensure if the applicant  
8 initially applies not later than October 31, 1994, for the  
9 restricted license and:

10           (c) Has never been disciplined for an offense that  
11 would be a violation under this chapter or part II of chapter  
12 455, imposed by another jurisdiction on the applicant's  
13 license to practice as a chiropractic physician.

14           Section 58. Subsection (1) of section 460.407, Florida  
15 Statutes, is amended to read:

16           460.407 Renewal of license.--

17           (1) The department shall renew a license upon receipt  
18 of the renewal application and the fee set by the board not to  
19 exceed \$500. An applicant for a renewed license must also  
20 submit the information required under s. 455.565 to the  
21 department on a form and under procedures specified by the  
22 department, along with payment in an amount equal to the costs  
23 incurred by the Department of Health for the statewide  
24 criminal background check of the applicant. The applicant must  
25 submit a set of fingerprints to the Department of Health on a  
26 form and under procedures specified by the department, along  
27 with payment in an amount equal to the costs incurred by the  
28 department for a national criminal background check of the  
29 applicant for the initial renewal of his or her license after  
30 January 1, 2000. If the applicant fails to submit either the  
31 information required under s. 455.565 or a set of fingerprints

1 to the department as required by this section, the department  
2 shall issue a notice of noncompliance, and the applicant will  
3 be given 30 additional days to comply. If the applicant fails  
4 to comply within 30 days after the notice of noncompliance is  
5 issued, the department or board, as appropriate, may issue a  
6 citation to the applicant and may fine the applicant up to \$50  
7 for each day that the applicant is not in compliance with the  
8 requirements of s. 455.565. The citation must clearly state  
9 that the applicant may choose, in lieu of accepting the  
10 citation, to follow the procedure under s. 455.621 ~~455.225~~. If  
11 the applicant disputes the matter in the citation, the  
12 procedures set forth in s. 455.621 ~~455.225~~ must be followed.  
13 However, if the applicant does not dispute the matter in the  
14 citation with the department within 30 days after the citation  
15 is served, the citation becomes a final order and constitutes  
16 discipline. Service of a citation may be made by personal  
17 service or certified mail, restricted delivery, to the subject  
18 at the applicant's last known address. If an applicant has  
19 submitted fingerprints to the department for a national  
20 criminal history check upon initial licensure and is renewing  
21 his or her license for the first time, then the applicant need  
22 only submit the information and fee required for a statewide  
23 criminal history check.

24 Section 59. Subsection (4) of section 461.004, Florida  
25 Statutes, is amended to read:

26 461.004 Board of Podiatric Medicine; membership;  
27 appointment; terms.--

28 (4) All provisions of part II of chapter 455 relating  
29 to the board shall apply. However, notwithstanding the  
30 requirement of s. 455.621(4) ~~455.225(4)~~ that the board provide  
31 by rule for the determination of probable cause by a panel

1 composed of its members or by the department, the board may  
2 provide by rule that its probable cause panel may be composed  
3 of one current member of the board and one past member of the  
4 board, as long as the past member is a licensed podiatrist in  
5 good standing. The past board member must be appointed to the  
6 panel by the chair of the board with the approval of the  
7 secretary for a maximum of 2 years.

8 Section 60. Subsection (1) of section 461.007, Florida  
9 Statutes, is amended to read:

10 461.007 Renewal of license.--

11 (1) The department shall renew a license upon receipt  
12 of the renewal application and a fee not to exceed \$350 set by  
13 the board. An applicant for a renewed license must also submit  
14 the information required under s. 455.565 to the department on  
15 a form and under procedures specified by the department, along  
16 with payment in an amount equal to the costs incurred by the  
17 Department of Health for the statewide criminal background  
18 check of the applicant. The applicant must submit a set of  
19 fingerprints to the Department of Health on a form and under  
20 procedures specified by the department, along with payment in  
21 an amount equal to the costs incurred by the department for a  
22 national criminal background check of the applicant for the  
23 initial renewal of his or her license after January 1, 2000.  
24 If the applicant fails to submit either the information  
25 required under s. 455.565 or a set of fingerprints to the  
26 department as required by this section, the department shall  
27 issue a notice of noncompliance, and the applicant will be  
28 given 30 additional days to comply. If the applicant fails to  
29 comply within 30 days after the notice of noncompliance is  
30 issued, the department or board, as appropriate, may issue a  
31 citation to the applicant and may fine the applicant up to \$50

1 for each day that the applicant is not in compliance with the  
2 requirements of s. 455.565. The citation must clearly state  
3 that the applicant may choose, in lieu of accepting the  
4 citation, to follow the procedure under s. 455.621 ~~455.225~~. If  
5 the applicant disputes the matter in the citation, the  
6 procedures set forth in s. 455.621 ~~455.225~~ must be followed.  
7 However, if the applicant does not dispute the matter in the  
8 citation with the department within 30 days after the citation  
9 is served, the citation becomes a final order and constitutes  
10 discipline. Service of a citation may be made by personal  
11 service or certified mail, restricted delivery, to the subject  
12 at the applicant's last known address. If an applicant has  
13 submitted fingerprints to the department for a national  
14 criminal history check upon initial licensure and is renewing  
15 his or her license for the first time, then the applicant need  
16 only submit the information and fee required for a statewide  
17 criminal history check.

18 Section 61. Paragraph (w) of subsection (1) and  
19 paragraph (a) of subsection (5) of section 461.013, Florida  
20 Statutes, are amended to read:

21 461.013 Grounds for disciplinary action; action by the  
22 board; investigations by department.--

23 (1) The following acts shall constitute grounds for  
24 which the disciplinary actions specified in subsection (2) may  
25 be taken:

26 (w) Violating any provision of this chapter or part II  
27 of chapter 455, any rule of the board or department, or a  
28 lawful order of the board or department previously entered in  
29 a disciplinary hearing or failing to comply with a lawfully  
30 issued subpoena of the board or department.

31



1           (5)(a) Upon the department's receipt from an insurer  
2 or self-insurer of a report of a closed claim against a  
3 podiatrist pursuant to s. 627.912, or upon the receipt from a  
4 claimant of a presuit notice against a podiatrist pursuant to  
5 s. 766.106, the department shall review each report and  
6 determine whether it potentially involved conduct by a  
7 licensee that is subject to disciplinary action, in which case  
8 the provisions of s. 455.621 ~~455.225~~ shall apply. However, if  
9 it is reported that a podiatrist has had three or more claims  
10 with indemnities exceeding \$25,000 each within the previous  
11 5-year period, the department shall investigate the  
12 occurrences upon which the claims were based and determine if  
13 action by the department against the podiatrist is warranted.

14           Section 62. Subsection (2) of section 462.01, Florida  
15 Statutes, is amended to read:

16           462.01 Definitions.--As used in this chapter:

17           (2) "Department" means the Department of Health  
18 ~~Business and Professional Regulation~~.

19           Section 63. Subsection (2) of section 463.002, Florida  
20 Statutes, is amended to read:

21           463.002 Definitions.--As used in this chapter, the  
22 term:

23           (2) "Department" means the Department of Health  
24 ~~Business and Professional Regulation~~.

25           Section 64. Subsection (4) of section 463.003, Florida  
26 Statutes, is amended to read:

27           463.003 Board of Optometry.--

28           (4) All applicable provisions of part II of chapter  
29 455 relating to activities of regulatory boards shall apply.

30           Section 65. Paragraph (h) of subsection (1) of section  
31 463.016, Florida Statutes, is amended to read:

1           463.016 Grounds for disciplinary action; action by the  
2 board.--

3           (1) The following acts shall constitute grounds for  
4 which the disciplinary actions specified in subsection (2) may  
5 be taken:

6           (h) A violation or repeated violations of provisions  
7 of this chapter, or of part II of chapter 455, and any rules  
8 promulgated pursuant thereto.

9           Section 66. Subsection (4) of section 464.004, Florida  
10 Statutes, is amended to read:

11           464.004 Board of Nursing; membership; appointment;  
12 terms.--

13           (4) All provisions of part II of chapter 455 relating  
14 to activities of the board shall apply.

15           Section 67. Subsection (4) of section 465.004, Florida  
16 Statutes, is amended to read:

17           465.004 Board of Pharmacy.--

18           (4) All provisions of part II of chapter 455 relating  
19 to activities of the board shall apply.

20           Section 68. Section 465.006, Florida Statutes, is  
21 amended to read:

22           465.006 Disposition of fees; expenditures.--All moneys  
23 received under this chapter shall be deposited and expended  
24 pursuant to the provisions of s. 455.587 ~~215.37~~. All  
25 expenditures for duties of the board authorized by this  
26 chapter shall be paid upon presentation of vouchers approved  
27 by the executive director of the board.

28           Section 69. Subsections (4) and (6) of section  
29 466.004, Florida Statutes, are amended to read:

30           466.004 Board of Dentistry.--

31

1           (4) The board is authorized to adopt all rules  
2 necessary to carry out the provisions of this chapter and part  
3 II of chapter 455, including the establishment of a fee to  
4 defray the cost of duplicating any license certification or  
5 permit, not to exceed \$10 per duplication.

6           (6) All provisions of part II of chapter 455 relating  
7 to the board shall apply.

8           Section 70. Paragraph (b) of subsection (4) of section  
9 466.007, Florida Statutes, is amended to read:

10           466.007 Examination of dental hygienists.--

11           (4) To be licensed as a dental hygienist in this  
12 state, an applicant must successfully complete the following:

13           (b) A practical or clinical examination. The  
14 practical or clinical examination shall test competency in  
15 areas to be established by rule of the board which shall  
16 include testing the ability to adequately perform a  
17 prophylaxis. On or after October 1, 1986, every applicant who  
18 is otherwise qualified shall be eligible to take the  
19 examination a total of three times, notwithstanding the number  
20 of times the applicant has previously failed. If an applicant  
21 fails the examination three times, the applicant shall no  
22 longer be eligible to take the examination unless he or she  
23 obtains additional educational requirements established by the  
24 board. The department shall require a mandatory  
25 standardization exercise pursuant to s. 455.574(1)(b)  
26 ~~455.217(1)(b)~~ for all examiners prior to each practical or  
27 clinical examination and shall retain for employment only  
28 those dentists and dental hygienists who have substantially  
29 adhered to the standard of grading established at such  
30 exercise. It is the intent of the Legislature that the

31

1 examinations relate to those procedures which are actually  
2 performed by a dental hygienist in general practice.

3 Section 71. Subsection (1) of section 466.018, Florida  
4 Statutes, is amended to read:

5 466.018 Dentist of record; patient records.--

6 (1) Each patient shall have a dentist of record. The  
7 dentist of record shall remain primarily responsible for all  
8 dental treatment on such patient regardless of whether the  
9 treatment is rendered by the dentist or by another dentist,  
10 dental hygienist, or dental assistant rendering such treatment  
11 in conjunction with, at the direction or request of, or under  
12 the supervision of such dentist of record. The dentist of  
13 record shall be identified in the record of the patient. If  
14 treatment is rendered by a dentist other than the dentist of  
15 record or by a dental hygienist or assistant, the name or  
16 initials of such person shall be placed in the record of the  
17 patient. In any disciplinary proceeding brought pursuant to  
18 this chapter or part II of chapter 455, it shall be presumed  
19 as a matter of law that treatment was rendered by the dentist  
20 of record unless otherwise noted on the patient record  
21 pursuant to this section. The dentist of record and any other  
22 treating dentist are subject to discipline pursuant to this  
23 chapter or part II of chapter 455 for treatment rendered the  
24 patient and performed in violation of such chapter. One of the  
25 purposes of this section is to ensure that the responsibility  
26 for each patient is assigned to one dentist in a multidentist  
27 practice of any nature and to assign primary responsibility to  
28 the dentist for treatment rendered by a dental hygienist or  
29 assistant under her or his supervision. This section shall not  
30 be construed to assign any responsibility to a dentist of  
31 record for treatment rendered pursuant to a proper referral to

1 another dentist not in practice with the dentist of record or  
2 to prohibit a patient from voluntarily selecting a new dentist  
3 without permission of the dentist of record.

4 Section 72. Subsection (1) of section 466.022, Florida  
5 Statutes, is amended to read:

6 466.022 Peer review; records; immunity.--

7 (1) The Legislature finds that effective peer review  
8 of consumer complaints by professional associations of  
9 dentists is a valuable service to the public. In performing  
10 such service, any member of a peer review organization or  
11 committee shall, pursuant to s. 466.028(1)(f), report to the  
12 department the name of any licensee who he or she believes has  
13 violated this chapter. Any such peer review committee member  
14 shall be afforded the privileges and immunities of any other  
15 complainant or witness which are provided by s. 455.621(11)  
16 ~~455.225(11)~~. Furthermore, a professional organization or  
17 association of dentists which sponsors, sanctions, or  
18 otherwise operates or participates in peer review activities  
19 is hereby afforded the same privileges and immunities afforded  
20 to any member of a duly constituted medical review committee  
21 by s. 766.101(3).

22 Section 73. Paragraph (aa) of subsection (1) and  
23 subsections (6) and (7) of section 466.028, Florida Statutes,  
24 are amended to read:

25 466.028 Grounds for disciplinary action; action by the  
26 board.--

27 (1) The following acts shall constitute grounds for  
28 which the disciplinary actions specified in subsection (2) may  
29 be taken:

30 (aa) The violation or the repeated violation of this  
31 chapter, part II of chapter 455, or any rule promulgated

1 pursuant to part II of chapter 455 or this chapter; the  
2 violation of a lawful order of the board or department  
3 previously entered in a disciplinary hearing; or failure to  
4 comply with a lawfully issued subpoena of the board or  
5 department.

6 (6) Upon the department's receipt from an insurer or  
7 self-insurer of a report of a closed claim against a dentist  
8 pursuant to s. 627.912 or upon the receipt from a claimant of  
9 a presuit notice against a dentist pursuant to s. 766.106 the  
10 department shall review each report and determine whether it  
11 potentially involved conduct by a licensee that is subject to  
12 disciplinary action, in which case the provisions of s.  
13 455.621 ~~455.225~~ shall apply. However, if it is reported that  
14 a dentist has had any indemnity paid in excess of \$25,000 in a  
15 judgment or settlement or has had three or more claims for  
16 dental malpractice within the previous 5-year period which  
17 resulted in indemnity being paid, the department shall  
18 investigate the occurrence upon which the claims were based  
19 and determine if action by the department against the dentist  
20 is warranted.

21 (7) Subject to the authority and conditions  
22 established in s. 455.621 ~~455.225~~, the probable cause panel of  
23 the board may recommend that the department seek a specified  
24 penalty in cases in which probable cause has been found and  
25 the panel has directed that an administrative complaint be  
26 filed. If the department seeks a penalty other than that  
27 recommended by the probable cause panel, the department shall  
28 provide the board with a written statement which sets forth  
29 the reasons therefor. Nothing in this subsection shall  
30 preclude a probable cause panel of any other board under the  
31

1 jurisdiction of the department from making similar  
2 recommendations as penalties.

3 Section 74. Subsections (4) and (14) of section  
4 467.003, Florida Statutes, are amended to read:

5 467.003 Definitions.--As used in this chapter, unless  
6 the context otherwise requires:

7 (4) "Department" means the Department of Health  
8 ~~Business and Professional Regulation~~.

9 (14) "Secretary" means the Secretary of Health  
10 ~~Business and Professional Regulation~~.

11 Section 75. Subsection (5) of section 468.1135,  
12 Florida Statutes, is amended to read:

13 468.1135 Board of Speech-Language Pathology and  
14 Audiology.--

15 (5) All provisions of part II of chapter 455 relating  
16 to activities of regulatory boards shall apply to the board.

17 Section 76. Subsection (10) of section 468.1145,  
18 Florida Statutes, is amended to read:

19 468.1145 Fees; establishment; disposition.--

20 (10) All moneys derived from fees and fines imposed  
21 pursuant to this part shall be deposited as required by s.  
22 455.587 ~~215.37~~.

23 Section 77. Subsection (4) of section 468.1185,  
24 Florida Statutes, is amended to read:

25 468.1185 Licensure.--

26 (4) The board may refuse to certify any applicant who  
27 is under investigation in any jurisdiction for an act which  
28 would constitute a violation of this part or part II of  
29 chapter 455 until the investigation is complete and  
30 disciplinary proceedings have been terminated.

31

1           Section 78. Subsection (1) of section 468.1295,  
2 Florida Statutes, is amended to read:

3           468.1295 Disciplinary proceedings.--

4           (1) The following acts constitute grounds for both  
5 disciplinary actions as set forth in subsection (2) and cease  
6 and desist or other related actions by the department as set  
7 forth in s. 455.637 ~~455.228~~:

8           (a) Procuring or attempting to procure a license by  
9 bribery, by fraudulent misrepresentation, or through an error  
10 of the department or the board.

11           (b) Having a license revoked, suspended, or otherwise  
12 acted against, including denial of licensure, by the licensing  
13 authority of another state, territory, or country.

14           (c) Being convicted or found guilty of, or entering a  
15 plea of nolo contendere to, regardless of adjudication, a  
16 crime in any jurisdiction which directly relates to the  
17 practice of speech-language pathology or audiology.

18           (d) Making or filing a report or record which the  
19 licensee knows to be false, intentionally or negligently  
20 failing to file a report or records required by state or  
21 federal law, willfully impeding or obstructing such filing, or  
22 inducing another person to impede or obstruct such filing.  
23 Such report or record shall include only those reports or  
24 records which are signed in one's capacity as a licensed  
25 speech-language pathologist or audiologist.

26           (e) Advertising goods or services in a manner which is  
27 fraudulent, false, deceptive, or misleading in form or  
28 content.

29           (f) Being proven guilty of fraud or deceit or of  
30 negligence, incompetency, or misconduct in the practice of  
31 speech-language pathology or audiology.



1 (g) Violating a lawful order of the board or  
2 department previously entered in a disciplinary hearing, or  
3 failing to comply with a lawfully issued subpoena of the board  
4 or department.

5 (h) Practicing with a revoked, suspended, inactive, or  
6 delinquent license.

7 (i) Using, or causing or promoting the use of, any  
8 advertising matter, promotional literature, testimonial,  
9 guarantee, warranty, label, brand, insignia, or other  
10 representation, however disseminated or published, which is  
11 misleading, deceiving, or untruthful.

12 (j) Showing or demonstrating or, in the event of sale,  
13 delivery of a product unusable or impractical for the purpose  
14 represented or implied by such action.

15 (k) Failing to submit to the board on an annual basis,  
16 or such other basis as may be provided by rule, certification  
17 of testing and calibration of such equipment as designated by  
18 the board and on the form approved by the board.

19 (l) Aiding, assisting, procuring, employing, or  
20 advising any licensee or business entity to practice  
21 speech-language pathology or audiology contrary to this part,  
22 part II of chapter 455, or any rule adopted pursuant thereto.

23 (m) Violating any provision of this part or part II of  
24 chapter 455 or any rule adopted pursuant thereto.

25 (n) Misrepresenting the professional services  
26 available in the fitting, sale, adjustment, service, or repair  
27 of a hearing aid, or using any other term or title which might  
28 connote the availability of professional services when such  
29 use is not accurate.

30 (o) Representing, advertising, or implying that a  
31 hearing aid or its repair is guaranteed without providing full

1 disclosure of the identity of the guarantor; the nature,  
2 extent, and duration of the guarantee; and the existence of  
3 conditions or limitations imposed upon the guarantee.

4 (p) Representing, directly or by implication, that a  
5 hearing aid utilizing bone conduction has certain specified  
6 features, such as the absence of anything in the ear or  
7 leading to the ear, or the like, without disclosing clearly  
8 and conspicuously that the instrument operates on the bone  
9 conduction principle and that in many cases of hearing loss  
10 this type of instrument may not be suitable.

11 (q) Stating or implying that the use of any hearing  
12 aid will improve or preserve hearing or prevent or retard the  
13 progression of a hearing impairment or that it will have any  
14 similar or opposite effect.

15 (r) Making any statement regarding the cure of the  
16 cause of a hearing impairment by the use of a hearing aid.

17 (s) Representing or implying that a hearing aid is or  
18 will be "custom-made," "made to order," or  
19 "prescription-made," or in any other sense specially  
20 fabricated for an individual, when such is not the case.

21 (t) Canvassing from house to house or by telephone,  
22 either in person or by an agent, for the purpose of selling a  
23 hearing aid, except that contacting persons who have evidenced  
24 an interest in hearing aids, or have been referred as in need  
25 of hearing aids, shall not be considered canvassing.

26 (u) Failing to notify the department in writing of a  
27 change in current mailing and place-of-practice address within  
28 30 days after such change.

29 (v) Failing to provide all information as described in  
30 ss. 468.1225(5)(b), 468.1245(1), and 468.1246.

31

1           (w) Exercising influence on a client in such a manner  
2 as to exploit the client for financial gain of the licensee or  
3 of a third party.

4           (x) Practicing or offering to practice beyond the  
5 scope permitted by law or accepting and performing  
6 professional responsibilities the licensee or  
7 certificateholder knows, or has reason to know, the licensee  
8 or certificateholder is not competent to perform.

9           (y) Aiding, assisting, procuring, or employing any  
10 unlicensed person to practice speech-language pathology or  
11 audiology.

12           (z) Delegating or contracting for the performance of  
13 professional responsibilities by a person when the licensee  
14 delegating or contracting for performance of such  
15 responsibilities knows, or has reason to know, such person is  
16 not qualified by training, experience, and authorization to  
17 perform them.

18           (aa) Committing any act upon a patient or client which  
19 would constitute sexual battery or which would constitute  
20 sexual misconduct as defined pursuant to s. 468.1296.

21           (bb) Being unable to practice the profession for which  
22 he or she is licensed or certified under this chapter with  
23 reasonable skill or competence as a result of any mental or  
24 physical condition or by reason of illness, drunkenness, or  
25 use of drugs, narcotics, chemicals, or any other substance. In  
26 enforcing this paragraph, upon a finding by the secretary, his  
27 or her designee, or the board that probable cause exists to  
28 believe that the licensee or certificateholder is unable to  
29 practice the profession because of the reasons stated in this  
30 paragraph, the department shall have the authority to compel a  
31 licensee or certificateholder to submit to a mental or

1 physical examination by a physician, psychologist, clinical  
2 social worker, marriage and family therapist, or mental health  
3 counselor designated by the department or board. If the  
4 licensee or certificateholder refuses to comply with the  
5 department's order directing the examination, such order may  
6 be enforced by filing a petition for enforcement in the  
7 circuit court in the circuit in which the licensee or  
8 certificateholder resides or does business. The department  
9 shall be entitled to the summary procedure provided in s.  
10 51.011. A licensee or certificateholder affected under this  
11 paragraph shall at reasonable intervals be afforded an  
12 opportunity to demonstrate that he or she can resume the  
13 competent practice for which he or she is licensed or  
14 certified with reasonable skill and safety to patients.

15 Section 79. Subsection (4) of section 468.1665,  
16 Florida Statutes, is amended to read:

17 468.1665 Board of Nursing Home Administrators;  
18 membership; appointment; terms.--

19 (4) All provisions of part II of chapter 455 relating  
20 to activities of regulatory boards shall apply.

21 Section 80. Paragraphs (a) and (h) of subsection (1)  
22 of section 468.1755, Florida Statutes, are amended to read:

23 468.1755 Disciplinary proceedings.--

24 (1) The following acts shall constitute grounds for  
25 which the disciplinary actions in subsection (2) may be taken:

26 (a) Violation of any provision of s. 455.624(1)  
27 ~~455.227(1)~~ or s. 468.1745(1).

28 (h) A violation or repeated violations of this part,  
29 part II of chapter 455, or any rules promulgated pursuant  
30 thereto.

31

1           Section 81. Section 468.1756, Florida Statutes, is  
2 amended to read:

3           468.1756 Statute of limitations.--An administrative  
4 complaint may only be filed pursuant to s. 455.621 ~~455.225~~ for  
5 an act listed in paragraphs (1)(c)-(p) of s. 468.1755 within 4  
6 years from the time of the incident giving rise to the  
7 complaint, or within 4 years from the time the incident is  
8 discovered or should have been discovered.

9           Section 82. Subsection (5) of section 468.205, Florida  
10 Statutes, is amended to read:

11           468.205 Board of Occupational Therapy Practice.--  
12           (5) All provisions of part II of chapter 455 relating  
13 to activities of the board shall apply.

14           Section 83. Subsection (1) of section 468.219, Florida  
15 Statutes, is amended to read:

16           468.219 Renewal of license; continuing education.--  
17           (1) Licenses issued under this part are subject to  
18 biennial renewal as provided in s. 455.521 ~~455.203~~.

19           Section 84. Subsection (3) of section 468.364, Florida  
20 Statutes, is amended to read:

21           468.364 Fees; establishment; disposition.--  
22           (3) All moneys collected by the department under this  
23 part shall be deposited as required by s. 455.587 ~~215.37~~.

24           Section 85. Paragraph (j) of subsection (1) of section  
25 468.365, Florida Statutes, is amended to read:

26           468.365 Disciplinary grounds and actions.--  
27           (1) The following acts constitute grounds for which  
28 the disciplinary actions in subsection (2) may be taken:

29           (j) Violation of any rule adopted pursuant to this  
30 part or part II of chapter 455.

31

1           Section 86. Paragraph (b) of subsection (1) of section  
2 468.402, Florida Statutes, is amended to read:

3           468.402 Duties of the department; authority to issue  
4 and revoke license; adoption of rules.--

5           (1) The department may take any one or more of the  
6 actions specified in subsection (5) against any person who  
7 has:

8           (b) Violated any provision of this part, part I of  
9 chapter 455, any lawful disciplinary order of the department,  
10 or any rule of the department.

11           Section 87. Subsection (3) of section 468.4315,  
12 Florida Statutes, is amended to read:

13           468.4315 Regulatory Council of Community Association  
14 Managers.--

15           (3) To the extent the council is authorized to  
16 exercise functions otherwise exercised by a board pursuant to  
17 part I of chapter 455, the provisions of part I of chapter 455  
18 and s. 20.165 relating to regulatory boards shall apply,  
19 including, but not limited to, provisions relating to board  
20 rules and the accountability and liability of board members.  
21 All proceedings and actions of the council are subject to the  
22 provisions of chapter 120. In addition, the provisions of  
23 part I of chapter 455 and s. 20.165 shall apply to the  
24 department in carrying out the duties and authorities  
25 conferred upon the department by this part.

26           Section 88. Paragraphs (c) and (d) of subsection (2)  
27 of section 468.453, Florida Statutes, are amended to read:

28           468.453 Licensure required; qualifications;  
29 examination; bond.--

30           (2) A person shall be licensed as an athlete agent if  
31 the applicant:

1 (c) Passes an examination provided by the department  
2 which tests the applicant's proficiency to practice as an  
3 athlete agent, including, but not limited to, knowledge of the  
4 laws and rules of this state relating to athlete agents, this  
5 part, and part I of chapter 455.

6 (d) Has completed the application form and remitted an  
7 application fee not to exceed \$500, an examination fee not to  
8 exceed the actual cost for the examination plus \$500, an  
9 active licensure fee not to exceed \$2,000, and all other  
10 applicable fees provided for in this part or in part I of  
11 chapter 455.

12 Section 89. Paragraph (a) of subsection (1) of section  
13 468.456, Florida Statutes, is amended to read:

14 468.456 Prohibited acts.--

15 (1) The following acts shall be grounds for the  
16 disciplinary actions provided for in subsection (3):

17 (a) A violation of any law relating to the practice as  
18 an athlete agent including, but not limited to, violations of  
19 this part and part I of chapter 455 and any rules promulgated  
20 thereunder.

21 Section 90. Subsection (1) of section 468.4571,  
22 Florida Statutes, is amended to read:

23 468.4571 Saving clauses.--

24 (1) An athlete agent registration valid on October 1,  
25 1995, shall remain in full force and effect until the  
26 expiration of the registration. Upon expiration of such valid  
27 registration, the registrant shall be entitled to licensure  
28 pursuant to this part, provided that any discipline in effect  
29 pursuant to that registration shall be continued as discipline  
30 under the new license. All regulation of athlete agents and  
31 all licenses or permits for athlete agents shall be applied

1 for and renewed in accordance with this part and part I of  
2 chapter 455.

3 Section 91. Section 468.506, Florida Statutes, is  
4 amended to read:

5 468.506 Dietetics and Nutrition Practice  
6 Council.--There is created the Dietetics and Nutrition  
7 Practice Council under the supervision of the board. The  
8 council shall consist of four persons licensed under this part  
9 and one consumer who is 60 years of age or older. Council  
10 members shall be appointed by the board. Licensed members  
11 shall be appointed based on the proportion of licensees within  
12 each of the respective disciplines. Members shall be  
13 appointed for 4-year staggered terms. In order to be eligible  
14 for appointment, each licensed member must have been a  
15 licensee under this part for at least 3 years prior to his or  
16 her appointment. No council member shall serve more than two  
17 successive terms. The board may delegate such powers and  
18 duties to the council as it may deem proper to carry out the  
19 operations and procedures necessary to effectuate the  
20 provisions of this part. However, the powers and duties  
21 delegated to the council by the board must encompass both  
22 dietetics and nutrition practice and nutrition counseling. Any  
23 time there is a vacancy on the council, any professional  
24 association composed of persons licensed under this part may  
25 recommend licensees to fill the vacancy to the board in a  
26 number at least twice the number of vacancies to be filled,  
27 and the board may appoint from the submitted list, in its  
28 discretion, any of those persons so recommended. Any  
29 professional association composed of persons licensed under  
30 this part may file an appeal regarding a council appointment  
31 with the director of the agency, whose decision shall be



1 final. The board shall fix council members' compensation and  
2 pay their expenses in the same manner as provided in s.  
3 455.534 ~~455.207~~.

4 Section 92. Section 468.507, Florida Statutes, is  
5 amended to read:

6 468.507 Authority to adopt rules.--The board may adopt  
7 such rules not inconsistent with law as may be necessary to  
8 carry out the duties and authority conferred upon the board by  
9 this part and part II of chapter 455. The powers and duties  
10 of the board as set forth in this part shall in no way limit  
11 or interfere with the powers and duties of the board as set  
12 forth in chapter 458. All powers and duties of the board set  
13 forth in this part shall be supplemental and additional powers  
14 and duties to those conferred upon the board by chapter 458.

15 Section 93. Subsection (3) of section 468.513, Florida  
16 Statutes, is amended to read:

17 468.513 Dietitian/nutritionist; licensure by  
18 endorsement.--

19 (3) The agency shall not issue a license by  
20 endorsement under this section to any applicant who is under  
21 investigation in any jurisdiction for any act which would  
22 constitute a violation of this part or part II of chapter 455  
23 until such time as the investigation is complete and  
24 disciplinary proceedings have been terminated.

25 Section 94. Paragraph (a) of subsection (1) of section  
26 468.518, Florida Statutes, is amended to read:

27 468.518 Grounds for disciplinary action.--

28 (1) The following acts constitute grounds for which  
29 the disciplinary actions in subsection (2) may be taken:

30 (a) Violating any provision of this part, any board or  
31 agency rule adopted pursuant thereto, or any lawful order of

1 the board or agency previously entered in a disciplinary  
2 hearing held pursuant to this part, or failing to comply with  
3 a lawfully issued subpoena of the agency. The provisions of  
4 this paragraph also apply to any order or subpoena previously  
5 issued by the Department of Health ~~Business and Professional~~  
6 ~~Regulation~~ during its period of regulatory control over this  
7 part.

8 Section 95. Section 468.523, Florida Statutes, is  
9 amended to read:

10 468.523 Applicability of s. 20.165 and pt. I of ch.  
11 455.--All provisions of s. 20.165 and part I of chapter 455  
12 relating to activities of regulatory boards shall apply.

13 Section 96. Subsection (3) of section 468.526, Florida  
14 Statutes, is amended to read:

15 468.526 License required; fees.--

16 (3) Each employee leasing company and employee leasing  
17 company group licensee shall pay to the department upon the  
18 initial issuance of a license and upon each renewal thereafter  
19 a license fee not to exceed \$2,500 to be established by the  
20 board. In addition to the license fee, the board shall  
21 establish an annual assessment for each employee leasing  
22 company and each employee leasing company group sufficient to  
23 cover all costs for regulation of the profession pursuant to  
24 this chapter, part I of chapter 455, and any other applicable  
25 provisions of law. The annual assessment shall:

26 (a) Be due and payable upon initial licensure and  
27 subsequent renewals thereof and 1 year before the expiration  
28 of any licensure period; and

29 (b) Be based on a fixed percentage, variable classes,  
30 or a combination of both, as determined by the board, of gross  
31 Florida payroll for employees leased to clients by the

1 applicant or licensee during the period beginning five  
2 quarters before and ending one quarter before each assessment.  
3 It is the intent of the Legislature that the greater weight of  
4 total fees for licensure and assessments should be on larger  
5 companies and groups.

6 Section 97. Paragraph (i) of subsection (1) of section  
7 468.532, Florida Statutes, is amended to read:

8 468.532 Discipline.--

9 (1) The following constitute grounds for which  
10 disciplinary action against a licensee may be taken by the  
11 board:

12 (i) Violating any provision of this part or any lawful  
13 order or rule issued under the provisions of this part or part  
14 I of chapter 455.

15 Section 98. Subsection (1) of section 468.535, Florida  
16 Statutes, is amended to read:

17 468.535 Investigations; audits; review.--

18 (1) The department may make investigations, audits, or  
19 reviews within or outside this state as it deems necessary:

20 (a) To determine whether a person or company has  
21 violated or is in danger of violating any provision of this  
22 part, part I of chapter 455, or any rule or order thereunder;  
23 or

24 (b) To aid in the enforcement of this part or part I  
25 of chapter 455.

26 Section 99. Subsections (7) and (9) of section  
27 468.701, Florida Statutes, are amended to read:

28 468.701 Definitions.--As used in this part, the term:

29 (7) "Department" means the Department of Health  
30 ~~Business and Professional Regulation.~~

31

1 (9) "Secretary" means the Secretary of Health ~~Business~~  
2 ~~and Professional Regulation~~.

3 Section 100. Subsections (2) and (4) of section  
4 468.703, Florida Statutes, are amended to read:

5 468.703 Council of Athletic Training.--

6 (2) Four members of the council shall be licensed  
7 athletic trainers. One member of the council shall be a  
8 physician licensed under chapter 458 or chapter 459. One  
9 member of the council shall be a physician licensed under  
10 chapter 460 and certified in the specialty of sports medicine  
11 by the Chiropractic Council on Sports Medicine. One member of  
12 the council shall be a resident of this state who has never  
13 worked as an athletic trainer, who has no financial interest  
14 in the practice of athletic training, and who has never been a  
15 licensed health care practitioner as defined in s. 455.501(4)  
16 ~~s. 455.01(4)~~. Members of the council shall serve staggered  
17 4-year terms as determined by rule of the department; however,  
18 no member may serve more than two consecutive terms.

19 (4) Members of the council shall be entitled to  
20 compensation and reimbursement for expenses in the same manner  
21 as board members are compensated and reimbursed under s.  
22 455.534 ~~455.207~~.

23 Section 101. Subsection (2) of section 468.707,  
24 Florida Statutes, is amended to read:

25 468.707 Licensure by examination; requirements.--

26 (2) Pursuant to the requirements of s. 455.604  
27 ~~455.2228~~, each applicant shall complete a continuing education  
28 course on human immunodeficiency virus and acquired immune  
29 deficiency syndrome as part of initial licensure.

30 Section 102. Subsections (1) and (3) of section  
31 468.711, Florida Statutes, are amended to read:

1           468.711 Renewal of license; continuing education.--

2           (1) The department shall renew a license upon receipt  
3 of the renewal application and fee, provided the applicant is  
4 in compliance with the provisions of this part, part II of  
5 chapter 455, and rules promulgated pursuant thereto.

6           (3) Pursuant to the requirements of s. 455.604  
7 ~~455.2228~~, each licensee shall complete a continuing education  
8 course on human immunodeficiency virus and acquired immune  
9 deficiency syndrome as part of biennial relicensure.

10           Section 103. Paragraph (a) of subsection (1) and  
11 subsection (2) of section 468.719, Florida Statutes, are  
12 amended to read:

13           468.719 Disciplinary actions.--

14           (1) The following acts shall be grounds for  
15 disciplinary actions provided for in subsection (2):

16           (a) A violation of any law relating to the practice of  
17 athletic training, including, but not limited to, any  
18 violation of this part, s. 455.624 ~~455.227~~, or any rule  
19 adopted pursuant thereto.

20           (2) When the department finds any person guilty of any  
21 of the acts set forth in subsection (1), the department may  
22 enter an order imposing one or more of the penalties provided  
23 in s. 455.624 ~~455.227~~.

24           Section 104. Subsection (4) of section 468.801,  
25 Florida Statutes, is amended to read:

26           468.801 Board of Orthotists and Prosthetists;  
27 appointment; membership; terms; headquarters.--

28           (4) The provisions of part II of chapter 455 relating  
29 to activities of regulatory boards apply to the board.

30           Section 105. Subsections (1) and (2) of section  
31 468.811, Florida Statutes, are amended to read:

1           468.811 Disciplinary proceedings.--

2           (1) The following acts are grounds for disciplinary  
3 action against a licensee and the issuance of cease and desist  
4 orders or other related action by the department, pursuant to  
5 s. 455.624 ~~455.227~~, against any person who engages in or aids  
6 in a violation.

7           (a) Attempting to procure a license by fraudulent  
8 misrepresentation.

9           (b) Having a license to practice orthotics,  
10 prosthetics, or pedorthics revoked, suspended, or otherwise  
11 acted against, including the denial of licensure in another  
12 jurisdiction.

13           (c) Being convicted or found guilty of or pleading  
14 nolo contendere to, regardless of adjudication, in any  
15 jurisdiction, a crime that directly relates to the practice of  
16 orthotics, prosthetics, or pedorthics, including violations of  
17 federal laws or regulations regarding orthotics, prosthetics,  
18 or pedorthics.

19           (d) Filing a report or record that the licensee knows  
20 is false, intentionally or negligently failing to file a  
21 report or record required by state or federal law, willfully  
22 impeding or obstructing such filing, or inducing another  
23 person to impede or obstruct such filing. Such reports or  
24 records include only reports or records that are signed in a  
25 person's capacity as a licensee under this act.

26           (e) Advertising goods or services in a fraudulent,  
27 false, deceptive, or misleading manner.

28           (f) Violation of this act or part II of chapter 455,  
29 or any rules adopted thereunder.

30           (g) Violation of an order of the board, agency, or  
31 department previously entered in a disciplinary hearing or

1 failure to comply with a subpoena issued by the board, agency,  
2 or department.

3 (h) Practicing with a revoked, suspended, or inactive  
4 license.

5 (i) Gross or repeated malpractice or the failure to  
6 deliver orthotic, prosthetic, or pedorthic services with that  
7 level of care and skill which is recognized by a reasonably  
8 prudent licensed practitioner with similar professional  
9 training as being acceptable under similar conditions and  
10 circumstances.

11 (j) Failing to provide written notice of any  
12 applicable warranty for an orthosis, prosthesis, or pedorthic  
13 device that is provided to a patient.

14 (2) The board may enter an order imposing one or more  
15 of the penalties in s. 455.624(2)~~455.227(2)~~ against any  
16 person who violates any provision of subsection (1).

17 Section 106. Paragraph (b) of subsection (1) of  
18 section 469.009, Florida Statutes, is amended to read:

19 469.009 License revocation, suspension, and denial of  
20 issuance or renewal.--

21 (1) The department may revoke, suspend, or deny the  
22 issuance or renewal of a license; reprimand, censure, or place  
23 on probation any contractor, consultant, financially  
24 responsible officer, or business organization; require  
25 financial restitution to a consumer; impose an administrative  
26 fine not to exceed \$5,000 per violation; require continuing  
27 education; or assess costs associated with any investigation  
28 and prosecution if the contractor or consultant, or business  
29 organization or officer or agent thereof, is found guilty of  
30 any of the following acts:

31 (b) Violating any provision of part I of chapter 455.

1  
2 For the purposes of this subsection, construction is  
3 considered to be commenced when the contract is executed and  
4 the contractor has accepted funds from the customer or lender.

5 Section 107. Subsection (4) of section 470.003,  
6 Florida Statutes, is amended to read:

7 470.003 Board of Funeral Directors and Embalmers;  
8 membership; appointment; terms.--

9 (4) All provisions of part I of chapter 455 and s.  
10 20.165 relating to activities of regulatory boards shall  
11 apply.

12 Section 108. Paragraph (h) of subsection (1) of  
13 section 470.036, Florida Statutes, is amended to read:

14 470.036 Disciplinary proceedings.--

15 (1) The following acts constitute grounds for which  
16 the disciplinary actions in subsection (2) may be taken:

17 (h) A violation or repeated violation of this chapter  
18 or of part I of chapter 455 and any rules promulgated pursuant  
19 thereto.

20 Section 109. Section 471.008, Florida Statutes, is  
21 amended to read:

22 471.008 Rules of the board.--The board may adopt such  
23 rules not inconsistent with law as may be necessary to carry  
24 out the duties and authority conferred upon the board by this  
25 chapter or part I of chapter 455.

26 Section 110. Subsection (4) of section 471.015,  
27 Florida Statutes, is amended to read:

28 471.015 Licensure.--

29 (4) The department shall not issue a license by  
30 endorsement to any applicant who is under investigation in  
31 another state for any act that would constitute a violation of



1 ss. 471.001-471.037 or of part I of chapter 455 until such  
2 time as the investigation is complete and disciplinary  
3 proceedings have been terminated.

4 Section 111. Paragraphs (c) and (h) of subsection (1)  
5 of section 471.033, Florida Statutes, are amended to read:

6 471.033 Disciplinary proceedings.--

7 (1) The following acts constitute grounds for which  
8 the disciplinary actions in subsection (3) may be taken:

9 (c) Having a license to practice engineering revoked,  
10 suspended, or otherwise acted against, including the denial of  
11 licensure, by the licensing authority of another state,  
12 territory, or country, for any act that would constitute a  
13 violation of this chapter or part I of chapter 455.

14 (h) Violating part I of chapter 455.

15 Section 112. Subsections (4) and (5) of section  
16 471.038, Florida Statutes, are amended to read:

17 471.038 Florida Engineers Management Corporation.--

18 (4) The Florida Engineers Management Corporation is  
19 created to provide administrative, investigative, and  
20 prosecutorial services to the board in accordance with the  
21 provisions of part I of chapter 455 and this chapter. The  
22 corporation may hire staff as necessary to carry out its  
23 functions. Such staff are not public employees for the  
24 purposes of chapter 110 or chapter 112. The provisions of s.  
25 768.28 apply to the corporation, which is deemed to be a  
26 corporation primarily acting as an instrumentality of the  
27 state, but which is not an agency within the meaning of s.  
28 20.03(11). The corporation shall:

29 (a) Be a Florida corporation not for profit,  
30 incorporated under the provisions of chapter 617.

31

1 (b) Provide administrative, investigative, and  
2 prosecutorial services to the board in accordance with the  
3 provisions of part I of chapter 455 and this chapter.

4 (c) Receive, hold, and administer property and make  
5 expenditures for the benefit of the board.

6 (d) Be approved by the board and the department to  
7 operate for the benefit of the board and in the best interest  
8 of the state.

9 (e) Operate under a fiscal year that begins on July 1  
10 of each year and ends on June 30 of the following year.

11 (f) Have a seven-member board of directors, five of  
12 whom are to be appointed by the board and must be registrants  
13 regulated by the board and two of whom are to be appointed by  
14 the secretary and must be laypersons not regulated by the  
15 board. The corporation shall select its officers in accordance  
16 with its bylaws. The members of the board of directors may be  
17 removed by the board, with the concurrence of the department,  
18 for the same reasons that a board member may be removed.

19 (g) Operate under a written contract with the  
20 department which is approved by the board and renewed  
21 annually. The initial contract must be entered into no later  
22 than March 1, 1998. The contract must provide for:

23 1. Approval of the articles of incorporation and  
24 bylaws of the corporation by the department and the board.

25 2. Submission by the corporation of an annual budget  
26 that complies with board rules for approval by the board and  
27 the department.

28 3. Annual certification by the board and the  
29 department that the corporation is complying with the terms of  
30 the contract in a manner consistent with the goals and  
31

1 purposes of the board and in the best interest of the state.

2 This certification must be reported in the board's minutes.

3 4. Employment by the department of a contract  
4 administrator to actively supervise the administrative,  
5 investigative, and prosecutorial activities of the corporation  
6 to ensure compliance with the contract and the provisions of  
7 part I of chapter 455 and this chapter and to act as a liaison  
8 for the department, the board, and the corporation to ensure  
9 the effective operation of the corporation.

10 5. Funding of the corporation through appropriations  
11 allocated to the regulation of professional engineers from the  
12 Professional Regulation Trust Fund.

13 6. The reversion to the board, or the state if the  
14 board ceases to exist, of moneys and property held in trust by  
15 the corporation for the benefit of the board, if the  
16 corporation is no longer approved to operate for the board or  
17 the board ceases to exist.

18 7. The securing and maintaining by the corporation,  
19 during the term of the contract and for all acts performed  
20 during the term of the contract, of all liability insurance  
21 coverages in an amount to be approved by the department to  
22 defend, indemnify, and hold harmless the corporation and its  
23 officers and employees, the department and its employees, and  
24 the state against all claims arising from state and federal  
25 laws. Such insurance coverage must be with insurers qualified  
26 and doing business in the state. The corporation must provide  
27 proof of insurance to the department. The department and its  
28 employees and the state are exempt from and are not liable for  
29 any sum of money which represents a deductible, which sums  
30 shall be the sole responsibility of the corporation. Violation  
31

1 of this subparagraph shall be grounds for terminating the  
2 contract.

3 (h) Provide for an annual financial and compliance  
4 audit of its financial accounts and records by an independent  
5 certified public accountant in conjunction with the Auditor  
6 General. The annual audit report must be submitted to the  
7 board and the department for review and approval. Copies of  
8 the audit must be submitted to the secretary and the  
9 Legislature together with any other information requested by  
10 the secretary, the board, or the Legislature.

11 (i) Submit to the secretary, the board, and the  
12 Legislature, on or before January 1 of each year, a report on  
13 the status of the corporation which includes, but is not  
14 limited to, information concerning the programs and funds that  
15 have been transferred to the corporation. The report must  
16 include: the number of license applications received; the  
17 number approved and denied and the number of licenses issued;  
18 the number of examinations administered and the number of  
19 applicants who passed or failed the examination; the number of  
20 complaints received; the number determined to be legally  
21 sufficient; the number dismissed; the number determined to  
22 have probable cause; the number of administrative complaints  
23 issued and the status of the complaints; and the number and  
24 nature of disciplinary actions taken by the board.

25 (5) The corporation may not exercise any authority  
26 specifically assigned to the board under part I of chapter 455  
27 or this chapter, including determining probable cause to  
28 pursue disciplinary action against a licensee, taking final  
29 action on license applications or in disciplinary cases, or  
30 adopting administrative rules under chapter 120.

31

1           Section 113. Subsection (4) of section 472.015,  
2 Florida Statutes, is amended to read:

3           472.015 Licensure.--

4           (4) The department shall not issue a license by  
5 endorsement to any applicant who is under investigation in  
6 another state for any act that would constitute a violation of  
7 ss. 472.001-472.041 or part I of chapter 455 until such time  
8 as the investigation is complete and disciplinary proceedings  
9 have been terminated.

10          Section 114. Subsection (1) of section 473.3035,  
11 Florida Statutes, is amended to read:

12          473.3035 Division of Certified Public Accounting.--

13          (1) All services concerning this chapter, including,  
14 but not limited to, recordkeeping services, examination  
15 services, legal services, and investigative services, and  
16 those services in part I of chapter 455 necessary to perform  
17 the duties of this chapter shall be provided by the Division  
18 of Certified Public Accounting. The board may, by majority  
19 vote, delegate a duty or duties to the appropriate division  
20 within the department. The board may, by majority vote,  
21 rescind any such delegation of duties at any time.

22          Section 115. Subsection (5) of section 473.308,  
23 Florida Statutes, is amended to read:

24          473.308 Licensure.--

25          (5) The board may refuse to certify for licensure any  
26 applicant who is under investigation in another state for any  
27 act which would constitute a violation of this act or part I  
28 of chapter 455, until such time as the investigation is  
29 complete and disciplinary proceedings have been terminated.

30          Section 116. Subsection (1) of section 473.311,  
31 Florida Statutes, is amended to read:

1           473.311 Renewal of license.--

2           (1) The department shall renew a license upon receipt  
3 of the renewal application and fee and upon certification by  
4 the board that the licensee has satisfactorily completed the  
5 continuing education requirements of s. 473.312 and has passed  
6 an examination approved by the board on part I of chapter 455  
7 and this chapter and the related administrative rules.

8           Section 117. Paragraph (h) of subsection (1) of  
9 section 473.323, Florida Statutes, is amended to read:

10          473.323 Disciplinary proceedings.--

11          (1) The following acts constitute grounds for which  
12 the disciplinary actions in subsection (3) may be taken:

13          (h) Violation of any rule adopted pursuant to this  
14 chapter or part I of chapter 455.

15          Section 118. Subsection (3) of section 474.204,  
16 Florida Statutes, is amended to read:

17          474.204 Board of Veterinary Medicine.--

18          (3) All provisions of part I of chapter 455 relating  
19 to activities of regulatory boards shall apply.

20          Section 119. Paragraph (f) of subsection (1) of  
21 section 474.214, Florida Statutes, is amended to read:

22          474.214 Disciplinary proceedings.--

23          (1) The following acts shall constitute grounds for  
24 which the disciplinary actions in subsection (2) may be taken:

25          (f) Violating any provision of this chapter or part I  
26 of chapter 455, a rule of the board or department, or a lawful  
27 order of the board or department previously entered in a  
28 disciplinary hearing, or failing to comply with a lawfully  
29 issued subpoena of the department.

30          Section 120. Section 474.2145, Florida Statutes, is  
31 amended to read:

1           474.2145 Subpoena of certain records.--Notwithstanding  
2 any provision of law to the contrary ~~the provisions of s.~~  
3 ~~455.241~~, the department may issue subpoenas duces tecum  
4 requiring the names and addresses of some or all the clients  
5 of a licensed veterinarian against whom a complaint has been  
6 filed pursuant to s. 455.225 when the information has been  
7 deemed necessary and relevant to the investigation as  
8 determined by the secretary of the department.

9           Section 121. Subsection (1) of section 475.021,  
10 Florida Statutes, is amended to read:

11           475.021 Division of Real Estate.--

12           (1) All services concerning this chapter, including,  
13 but not limited to, recordkeeping services, examination  
14 services, legal services, and investigative services, and  
15 those services in part I of chapter 455 necessary to perform  
16 the duties of this chapter shall be provided by the Division  
17 of Real Estate. The commission may, by majority vote,  
18 delegate a duty or duties to the appropriate division within  
19 the department. The commission may, by majority vote, rescind  
20 any such delegation of duties at any time.

21           Section 122. Subsection (3) of section 475.181,  
22 Florida Statutes, is amended to read:

23           475.181 Licensure.--

24           (3) The department may not issue a license to any  
25 applicant who is under investigation in any other state,  
26 territory, or jurisdiction of the United States or any foreign  
27 national jurisdiction for any act that would constitute a  
28 violation of this part or part I of chapter 455 until such  
29 time as the investigation is complete and disciplinary  
30 proceedings have been terminated.

31

1           Section 123. Paragraph (e) of subsection (1) of  
2 section 475.25, Florida Statutes, is amended to read:

3           475.25 Discipline.--

4           (1) The commission may deny an application for  
5 licensure, registration, or permit, or renewal thereof; may  
6 place a licensee, registrant, or permittee on probation; may  
7 suspend a license, registration, or permit for a period not  
8 exceeding 10 years; may revoke a license, registration, or  
9 permit; may impose an administrative fine not to exceed \$1,000  
10 for each count or separate offense; and may issue a reprimand,  
11 and any or all of the foregoing, if it finds that the  
12 licensee, registrant, permittee, or applicant:

13           (e) Has violated any of the provisions of this chapter  
14 or any lawful order or rule made or issued under the  
15 provisions of this chapter or part I of chapter 455.

16           Section 124. Subsection (4) of section 475.624,  
17 Florida Statutes, is amended to read:

18           475.624 Discipline.--The board may deny an application  
19 for registration, licensure, or certification; investigate the  
20 actions of any appraiser registered, licensed, or certified  
21 under this section; and may reprimand, fine, revoke, or  
22 suspend, for a period not to exceed 10 years, the  
23 registration, license, or certification of any such appraiser,  
24 or place any such appraiser on probation if it finds that the  
25 registrant, licensee, or certificateholder:

26           (4) Has violated any of the provisions of this section  
27 or any lawful order or rule issued under the provisions of  
28 this section or part I of chapter 455.

29           Section 125. Paragraph (i) of subsection (1) of  
30 section 476.204, Florida Statutes, is amended to read:

31           476.204 Penalties.--



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

2 (i) Violate or refuse to comply with any provision of  
3 this chapter or part I of chapter 455 or a rule or final order  
4 of the board.

5 Section 126. Paragraph (i) of subsection (1) of  
6 section 477.029, Florida Statutes, is amended to read:

7 477.029 Penalty.--

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

9 (i) Violate or refuse to comply with any provision of  
10 this chapter or part I of chapter 455 or a rule or final order  
11 of the board or the department.

12 Section 127. Subsection (5) of section 480.044,  
13 Florida Statutes, is amended to read:

14 480.044 Fees; disposition.--

15 (5) All moneys collected by the department from fees  
16 authorized by this act shall be paid into the Medical Quality  
17 Assurance ~~Professional Regulation~~ Trust Fund in the department  
18 and shall be applied in accordance with the provisions of ss.  
19 455.587 ~~215.37~~ and ~~455.219~~. The Legislature may appropriate  
20 any excess moneys from this fund to the General Revenue Fund.

21 Section 128. Section 481.2055, Florida Statutes, is  
22 amended to read:

23 481.2055 Authority to make rules.--The board may adopt  
24 such rules, not inconsistent with law, as may be necessary to  
25 carry out the duties and authority conferred upon the board by  
26 this part and part I of chapter 455.

27 Section 129. Subsection (5) of section 481.213,  
28 Florida Statutes, is amended to read:

29 481.213 Licensure.--

30 (5) The board may refuse to certify any applicant who  
31 is under investigation in any jurisdiction for any act which

1 would constitute a violation of this part or of part I of  
2 chapter 455 until such time as the investigation is complete  
3 and disciplinary proceedings have been terminated.

4 Section 130. Paragraphs (a) and (c) of subsection (1)  
5 of section 481.225, Florida Statutes, are amended to read:

6 481.225 Disciplinary proceedings against registered  
7 architects.--

8 (1) The following acts constitute grounds for which  
9 the disciplinary actions in subsection (3) may be taken:

10 (a) Violating any provision of s. 455.227(1), s.  
11 481.221, or s. 481.223, or any rule of the board or department  
12 lawfully adopted pursuant to this part or part I of chapter  
13 455.

14 (c) Having a license to practice architecture revoked,  
15 suspended, or otherwise acted against, including the denial of  
16 licensure, by the licensing authority of another state,  
17 territory, or country, for any act that would constitute a  
18 violation of this part or of part I of chapter 455.

19 Section 131. Subsection (1) of section 481.2251,  
20 Florida Statutes, is amended to read:

21 481.2251 Disciplinary proceedings against registered  
22 interior designers.--

23 (1) The following acts constitute grounds for which  
24 the disciplinary actions specified in subsection (2) may be  
25 taken:

26 (a) Attempting to obtain, obtaining, or renewing, by  
27 bribery, by fraudulent misrepresentation, or through an error  
28 of the board, a license to practice interior design;

29 (b) Having a license to practice interior design  
30 revoked, suspended, or otherwise acted against, including the  
31 denial of licensure, by the licensing authority of another

1 jurisdiction for any act which would constitute a violation of  
2 this part or of part I of chapter 455;

3 (c) Being convicted or found guilty, regardless of  
4 adjudication, of a crime in any jurisdiction which directly  
5 relates to the provision of interior design services or to the  
6 ability to provide interior design services. A plea of nolo  
7 contendere shall create a rebuttable presumption of guilt to  
8 the underlying criminal charges. However, the board shall  
9 allow the person being disciplined to present any evidence  
10 relevant to the underlying charges and the circumstances  
11 surrounding her or his plea;

12 (d) False, deceptive, or misleading advertising;

13 (e) Failing to report to the board any person who the  
14 licensee knows is in violation of this part or the rules of  
15 the board;

16 (f) Aiding, assisting, procuring, or advising any  
17 unlicensed person to use the title "interior designer"  
18 contrary to this part or to a rule of the board;

19 (g) Failing to perform any statutory or legal  
20 obligation placed upon a registered interior designer;

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

28 (i) Making deceptive, untrue, or fraudulent  
29 representations in the provision of interior design services;

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1           (j) Accepting and performing professional  
2 responsibilities which the licensee knows or has reason to  
3 know that she or he is not competent or licensed to perform;

4           (k) Violating any provision of this part, any rule of  
5 the board, or a lawful order of the board previously entered  
6 in a disciplinary hearing;

7           (l) Conspiring with another licensee or with any other  
8 person to commit an act, or committing an act, which would  
9 tend to coerce, intimidate, or preclude another licensee from  
10 lawfully advertising her or his services;

11           (m) Acceptance of compensation or any consideration by  
12 an interior designer from someone other than the client  
13 without full disclosure of the compensation or consideration  
14 amount or value to the client prior to the engagement for  
15 services, in violation of s. 481.2131(2); or

16           (n) Rendering or offering to render architectural  
17 services.

18           Section 132. Section 481.306, Florida Statutes, is  
19 amended to read:

20           481.306 Authority to make rules.--The board may adopt  
21 such rules, not inconsistent with law, as may be necessary to  
22 carry out the duties and authority conferred upon the board by  
23 this chapter and part I of chapter 455.

24           Section 133. Subsection (5) of section 481.311,  
25 Florida Statutes, is amended to read:

26           481.311 Licensure.--

27           (5) The board may refuse to certify any applicant who  
28 is under investigation in any jurisdiction for any act which  
29 would constitute a violation of this act or of part I of  
30 chapter 455, until the investigation is complete and  
31 disciplinary proceedings have been terminated.

1           Section 134. Paragraph (h) of subsection (1) of  
2 section 481.325, Florida Statutes, is amended to read:

3           481.325 Disciplinary proceedings.--

4           (1) The following acts constitute grounds for which  
5 the disciplinary actions in subsection (3) may be taken:

6           (h) Violation of any rule adopted pursuant to this  
7 part or part I of chapter 455.

8           Section 135. Subsection (5) of section 483.805,  
9 Florida Statutes, is amended to read:

10          483.805 Board of Clinical Laboratory Personnel.--

11          (5) All provisions of part II of chapter 455 relating  
12 to activities of regulatory boards shall apply to the board.

13          Section 136. Subsection (10) of section 483.807,  
14 Florida Statutes, is amended to read:

15          483.807 Fees; establishment; disposition.--

16          (10) All fees shall be established, collected, and  
17 deposited in accordance with s. 455.587 ~~455.219~~.

18          Section 137. Paragraph (j) of subsection (4) and  
19 paragraph (b) of subsection (5) of section 483.901, Florida  
20 Statutes, are amended, and paragraph (k) is added to  
21 subsection (6) of that section, to read:

22          483.901 Medical physicists; definitions; licensure.--

23          (4) COUNCIL.--The Advisory Council of Medical  
24 Physicists is created in the Department of Health to advise  
25 the department in regulating the practice of medical physics  
26 in this state.

27          (j) A council member may be removed from the council  
28 if the member:

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

31

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

3           3. Fails to attend the regularly scheduled council  
4 meetings in a calendar year as required by s. 455.534 ~~455.207~~.

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

6           (b) Recommend practice standards for the practice of  
7 medical physics which are consistent with the Guidelines for  
8 Ethical Practice for Medical Physicists prepared by the  
9 American Association of Physicists in Medicine and  
10 disciplinary guidelines adopted under s. 455.627 ~~455.2273~~.

11           (6) LICENSE REQUIRED.--An individual may not engage in  
12 the practice of medical physics, including the specialties of  
13 diagnostic radiological physics, therapeutic radiological  
14 physics, medical nuclear radiological physics, or medical  
15 health physics, without a license issued by the department for  
16 the appropriate specialty.

17           (k) Upon receipt of a complete application and the fee  
18 set forth by rule, the department may issue a  
19 physicist-in-training certificate to a person qualified to  
20 practice medical physics under direct supervision. The  
21 department may establish by rule requirements for initial  
22 certification and renewal of a physican-in-training  
23 certificate.

24           Section 138. Subsection (1) of section 484.002,  
25 Florida Statutes, is amended to read:

26           484.002 Definitions.--As used in this part:

27           (1) "Department" means the Department of Health  
28 ~~Business and Professional Regulation~~.

29           Section 139. Subsection (1) of section 484.003,  
30 Florida Statutes, is amended to read:

31

1           484.003 Board of Opticianry; membership; appointment;  
2 terms.--

3           (1) The Board of Opticianry is created within the  
4 Department of Health ~~Business and Professional Regulation~~ and  
5 shall consist of seven members to be appointed by the Governor  
6 and confirmed by the Senate.

7           Section 140. Subsection (1) of section 484.014,  
8 Florida Statutes, is amended to read:

9           484.014 Disciplinary actions.--

10          (1) The following acts relating to the practice of  
11 opticianry shall be grounds for both disciplinary action  
12 against an optician as set forth in this section and cease and  
13 desist or other related action by the department as set forth  
14 in s. 455.637 ~~455.228~~ against any person operating an optical  
15 establishment who engages in, aids, or abets any such  
16 violation:

17          (a) Procuring or attempting to procure a license by  
18 misrepresentation, bribery, or fraud or through an error of  
19 the department or the board.

20          (b) Procuring or attempting to procure a license for  
21 any other person by making or causing to be made any false  
22 representation.

23          (c) Making or filing a report or record which the  
24 licensee knows to be false, intentionally or negligently  
25 failing to file a report or record required by federal or  
26 state law, willfully impeding or obstructing such filing, or  
27 inducing another person to do so. Such reports or records  
28 shall include only those which the person is required to make  
29 or file as an optician.

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1 (d) Failing to make fee or price information readily  
2 available by providing such information upon request or upon  
3 the presentation of a prescription.

4 (e) Advertising goods or services in a manner which is  
5 fraudulent, false, deceptive, or misleading in form or  
6 content.

7 (f) Fraud or deceit, or negligence, incompetency, or  
8 misconduct, in the authorized practice of opticianry.

9 (g) Violation or repeated violation of this part or of  
10 part II of chapter 455 or any rules promulgated pursuant  
11 thereto.

12 (h) Practicing with a revoked, suspended, inactive, or  
13 delinquent license.

14 (i) Violation of a lawful order of the board or  
15 department previously entered in a disciplinary hearing or  
16 failing to comply with a lawfully issued subpoena of the  
17 department.

18 (j) Violation of any provision of s. 484.012.

19 (k) Conspiring with another licensee or with any  
20 person to commit an act, or committing an act, which would  
21 coerce, intimidate, or preclude another licensee from lawfully  
22 advertising her or his services.

23 (l) Willfully submitting to any third-party payor a  
24 claim for services which were not provided to a patient.

25 (m) Failing to keep written prescription files.

26 (n) Willfully failing to report any person who the  
27 licensee knows is in violation of this part or of rules of the  
28 department or the board.

29 (o) Exercising influence on a client in such a manner  
30 as to exploit the client for financial gain of the licensee or  
31 of a third party.



1 (p) Gross or repeated malpractice.

2 (q) Permitting any person not licensed as an optician  
3 in this state to fit or dispense any lenses, spectacles,  
4 eyeglasses, or other optical devices which are part of the  
5 practice of opticianry.

6 (r) Being convicted or found guilty of, or entering a  
7 plea of nolo contendere to, regardless of adjudication, in a  
8 court of this state or other jurisdiction, a crime which  
9 relates to the ability to practice opticianry or to the  
10 practice of opticianry.

11 (s) Having been disciplined by a regulatory agency in  
12 another state for any offense that would constitute a  
13 violation of Florida law or rules regulating opticianry.

14 (t) Being unable to practice opticianry with  
15 reasonable skill and safety by reason of illness or use of  
16 drugs, narcotics, chemicals, or any other type of material or  
17 as a result of any mental or physical condition. An optician  
18 affected under this paragraph shall at reasonable intervals be  
19 afforded an opportunity to demonstrate that she or he can  
20 resume the competent practice of opticianry with reasonable  
21 skill and safety to her or his customers.

22 Section 141. Subsection (4) of section 484.042,  
23 Florida Statutes, is amended to read:

24 484.042 Board of Hearing Aid Specialists; membership,  
25 appointment, terms.--

26 (4) All provisions of part II of chapter 455 relating  
27 to activities of regulatory boards apply to the board.  
28 However, notwithstanding the requirement of s. 455.621(4)  
29 ~~455.225(4)~~ that the board provide by rule for the  
30 determination of probable cause by a panel composed of its  
31 members or by the department, the board may provide by rule

1 that its probable cause panel may be composed of one current  
2 member of the board and one past member of the board, as long  
3 as the past member is a licensed hearing aid specialist in  
4 good standing. The past board member shall be appointed to  
5 the panel for a maximum of 2 years by the chair of the board  
6 with the approval of the secretary.

7 Section 142. Subsection (1) of section 484.056,  
8 Florida Statutes, is amended to read:

9 484.056 Disciplinary proceedings.--

10 (1) The following acts relating to the practice of  
11 dispensing hearing aids shall be grounds for both disciplinary  
12 action against a hearing aid specialist as set forth in this  
13 section and cease and desist or other related action by the  
14 department as set forth in s. 455.637 ~~455.228~~ against any  
15 person owning or operating a hearing aid establishment who  
16 engages in, aids, or abets any such violation:

17 (a) Violation of any provision of s. 455.624(1)  
18 ~~455.227(1)~~ or s. 484.053.

19 (b) Attempting to procure a license to dispense  
20 hearing aids by bribery, by fraudulent misrepresentations, or  
21 through an error of the department or the board.

22 (c) Having a license to dispense hearing aids revoked,  
23 suspended, or otherwise acted against, including the denial of  
24 licensure, by the licensing authority of another state,  
25 territory, or country.

26 (d) Being convicted or found guilty of, or entering a  
27 plea of nolo contendere to, regardless of adjudication, a  
28 crime in any jurisdiction which directly relates to the  
29 practice of dispensing hearing aids or the ability to practice  
30 dispensing hearing aids, including violations of any federal  
31 laws or regulations regarding hearing aids.

1           (e) Making or filing a report or record which the  
2 licensee knows to be false, intentionally or negligently  
3 failing to file a report or record required by state or  
4 federal law, willfully impeding or obstructing such filing, or  
5 inducing another person to impede or obstruct such filing.  
6 Such reports or records shall include only those reports or  
7 records which are signed in one's capacity as a licensed  
8 hearing aid specialist.

9           (f) Advertising goods or services in a manner which is  
10 fraudulent, false, deceptive, or misleading in form or  
11 content.

12           (g) Proof that the licensee is guilty of fraud or  
13 deceit or of negligence, incompetency, or misconduct in the  
14 practice of dispensing hearing aids.

15           (h) Violation or repeated violation of this part or of  
16 part II of chapter 455, or any rules promulgated pursuant  
17 thereto.

18           (i) Violation of a lawful order of the board or  
19 department previously entered in a disciplinary hearing or  
20 failure to comply with a lawfully issued subpoena of the board  
21 or department.

22           (j) Practicing with a revoked, suspended, inactive, or  
23 delinquent license.

24           (k) Using, or causing or promoting the use of, any  
25 advertising matter, promotional literature, testimonial,  
26 guarantee, warranty, label, brand, insignia, or other  
27 representation, however disseminated or published, which is  
28 misleading, deceiving, or untruthful.

29           (l) Showing or demonstrating, or, in the event of  
30 sale, delivery of, a product unusable or impractical for the  
31 purpose represented or implied by such action.

1 (m) Misrepresentation of professional services  
2 available in the fitting, sale, adjustment, service, or repair  
3 of a hearing aid, or use of the terms "doctor," "clinic,"  
4 "clinical," "medical audiologist," "clinical audiologist,"  
5 "research audiologist," or "audiologic" or any other term or  
6 title which might connote the availability of professional  
7 services when such use is not accurate.

8 (n) Representation, advertisement, or implication that  
9 a hearing aid or its repair is guaranteed without providing  
10 full disclosure of the identity of the guarantor; the nature,  
11 extent, and duration of the guarantee; and the existence of  
12 conditions or limitations imposed upon the guarantee.

13 (o) Representing, directly or by implication, that a  
14 hearing aid utilizing bone conduction has certain specified  
15 features, such as the absence of anything in the ear or  
16 leading to the ear, or the like, without disclosing clearly  
17 and conspicuously that the instrument operates on the bone  
18 conduction principle and that in many cases of hearing loss  
19 this type of instrument may not be suitable.

20 (p) Making any predictions or prognostications as to  
21 the future course of a hearing impairment, either in general  
22 terms or with reference to an individual person.

23 (q) Stating or implying that the use of any hearing  
24 aid will improve or preserve hearing or prevent or retard the  
25 progression of a hearing impairment or that it will have any  
26 similar or opposite effect.

27 (r) Making any statement regarding the cure of the  
28 cause of a hearing impairment by the use of a hearing aid.

29 (s) Representing or implying that a hearing aid is or  
30 will be "custom-made," "made to order," or "prescription-made"

31

1 or in any other sense specially fabricated for an individual  
2 person when such is not the case.

3 (t) Canvassing from house to house or by telephone  
4 either in person or by an agent for the purpose of selling a  
5 hearing aid, except that contacting persons who have evidenced  
6 an interest in hearing aids, or have been referred as in need  
7 of hearing aids, shall not be considered canvassing.

8 (u) Failure to submit to the board on an annual basis,  
9 or such other basis as may be provided by rule, certification  
10 of testing and calibration of audiometric testing equipment on  
11 the form approved by the board.

12 (v) Failing to provide all information as described in  
13 s. 484.051(1).

14 (w) Exercising influence on a client in such a manner  
15 as to exploit the client for financial gain of the licensee or  
16 of a third party.

17 Section 143. Subsection (4) of section 486.023,  
18 Florida Statutes, is amended to read:

19 486.023 Board of Physical Therapy Practice.--

20 (4) All provisions of part II of chapter 455 relating  
21 to activities of the board shall apply.

22 Section 144. Section 486.115, Florida Statutes, is  
23 amended to read:

24 486.115 Disposition of fees.--All moneys collected by  
25 the department under this chapter shall be deposited and  
26 expended pursuant to the provisions of s. 455.587 ~~215.37~~.

27 Section 145. Section 486.172, Florida Statutes, is  
28 amended to read:

29 486.172 Application of s. 455.514 ~~455.11~~--The  
30 provisions of s. 455.514 ~~455.11~~ shall also be applicable to  
31 the provisions of this chapter.

1           Section 146. Paragraph (c) of subsection (1) and  
2 paragraph (a) of subsection (11) of section 489.129, Florida  
3 Statutes, are amended to read:

4           489.129 Disciplinary proceedings.--

5           (1) The board may take any of the following actions  
6 against any certificateholder or registrant: place on  
7 probation or reprimand the licensee, revoke, suspend, or deny  
8 the issuance or renewal of the certificate, registration, or  
9 certificate of authority, require financial restitution to a  
10 consumer for financial harm directly related to a violation of  
11 a provision of this part, impose an administrative fine not to  
12 exceed \$5,000 per violation, require continuing education, or  
13 assess costs associated with investigation and prosecution, if  
14 the contractor, financially responsible officer, or business  
15 organization for which the contractor is a primary qualifying  
16 agent, a financially responsible officer, or a secondary  
17 qualifying agent responsible under s. 489.1195 is found guilty  
18 of any of the following acts:

19           (c) Violating any provision of part I of chapter 455.  
20

21 For the purposes of this subsection, construction is  
22 considered to be commenced when the contract is executed and  
23 the contractor has accepted funds from the customer or lender.

24           (11)(a) Notwithstanding the provisions of chapter  
25 ~~chapters~~ 120 and part I of chapter 455, upon receipt of a  
26 legally sufficient consumer complaint alleging a violation of  
27 this part, the department may provide by rule for binding  
28 arbitration between the complainant and the certificateholder  
29 or registrant, provided the following conditions exist:  
30  
31

1           1. There is evidence that the complainant has suffered  
2 or is likely to suffer monetary damages resulting from the  
3 violation of this part;

4           2. The certificateholder or registrant does not have a  
5 history of repeated or similar violations;

6           3. Reasonable grounds exist to believe that the public  
7 interest will be better served by arbitration than by  
8 disciplinary action; and

9           4. The complainant and certificateholder or registrant  
10 have not previously entered into private arbitration, and no  
11 civil court action based on the same transaction has been  
12 filed.

13           Section 147. Paragraph (a) of subsection (1) and  
14 paragraphs (a) and (e) of subsection (7) of section 489.533,  
15 Florida Statutes, are amended to read:

16           489.533 Disciplinary proceedings.--

17           (1) The following acts shall constitute grounds for  
18 disciplinary actions as provided in subsection (2):

19           (a) Violating any provision of s. 489.531 or part I of  
20 chapter 455.

21

22 For the purposes of this subsection, construction is  
23 considered to be commenced when the contract is executed and  
24 the contractor has accepted funds from the customer or lender.

25           (7)(a) The department may, by rule, provide for a  
26 mediation process for the complainant and the licensee.  
27 Notwithstanding the provisions of chapter ~~chapters~~ 120 and  
28 part I of chapter 455, upon receipt of a legally sufficient  
29 consumer complaint alleging a violation of this part, both the  
30 licensee and the complainant may consent in writing to  
31 mediation within 15 days following notification of this

1 process by the department. The department may suspend all  
2 action in the matter for 45 days when notice of consent to  
3 mediation is received by the department. If the mediation  
4 process is successfully concluded within the 60-day period,  
5 the department may close the case file with a notation of the  
6 disposition and the licensee's record shall reflect only that  
7 a complaint was filed and resolved through mediation. If  
8 mediation is rejected by either the complainant or licensee,  
9 or should said parties fail to reach a mediated solution  
10 within the 60-day period, the department shall process the  
11 complaint in the manner required by chapter ~~chapters~~ 120 and  
12 part I of chapter 455. The mediator shall provide a written  
13 report to the department of the mediation results within 10  
14 days of the conclusion of the mediation process as provided by  
15 rule.

16 (e) The department, in conjunction with the board,  
17 shall determine by rule the types of cases which may be  
18 included in the mediation process. The department may initiate  
19 or continue disciplinary action, pursuant to part I of chapter  
20 455 and this chapter against the licensee as determined by  
21 rule.

22 Section 148. Subsection (5) of section 490.004,  
23 Florida Statutes, is amended to read:

24 490.004 Board of Psychology.--

25 (5) All applicable provisions of part II of chapter  
26 455 relating to activities of regulatory boards shall apply to  
27 the board.

28 Section 149. Section 490.00515, Florida Statutes, is  
29 amended to read:

30 490.00515 Exemptions from public records and meetings  
31 requirements.--The exemptions from s. 119.07(1) provided by



1 ss. 455.621(2)~~455.225(2)~~ and (10) and 455.707(3)(e)  
2 ~~455.261(3)(e)~~ and (5)(a) also apply to information concerning  
3 a provisional psychologist regulated by the Agency for Health  
4 Care Administration and the Department of Health under this  
5 chapter, a registered clinical social worker intern, a  
6 registered marriage and family therapist intern, a registered  
7 mental health counselor intern, a provisional clinical social  
8 worker, a provisional marriage and family therapist, or a  
9 provisional mental health counselor regulated by the Agency  
10 for Health Care Administration and the Department of Health  
11 under chapter 491. The exemption from s. 286.011 provided by  
12 s. 455.621(4)~~455.225(4)~~ also applies to the proceedings of a  
13 probable cause panel with respect to an investigation  
14 concerning a provisional psychologist, a registered clinical  
15 social worker intern, a registered marriage and family  
16 therapist intern, a registered mental health counselor intern,  
17 a provisional clinical social worker, a provisional marriage  
18 and family therapist, or a provisional mental health counselor  
19 regulated by the agency and department under this chapter or  
20 chapter 491. This section is subject to the Open Government  
21 Sunset Review Act of 1995 in accordance with s. 119.15 and  
22 shall stand repealed on October 2, 2002, unless reviewed and  
23 saved from repeal through reenactment by the Legislature.

24 Section 150. Paragraph (q) of subsection (2) of  
25 section 490.009, Florida Statutes, is amended to read:

26 490.009 Discipline.--

27 (2) The following acts of a licensee, provisional  
28 licensee, or applicant are grounds for which the disciplinary  
29 actions listed in subsection (1) may be taken:

30 (q) Violating provisions of this chapter, or of part  
31 II of chapter 455, or any rules adopted pursuant thereto.

1           Section 151. Subsection (1) of section 490.015,  
2 Florida Statutes, is amended to read:

3           490.015 Duties of the department.--

4           (1) All functions reserved to boards under part II of  
5 chapter 455 shall be exercised by the department with respect  
6 to the regulation of school psychologists and in a manner  
7 consistent with the exercise of its regulatory functions.

8           Section 152. Subsection (6) of section 491.004,  
9 Florida Statutes, is amended to read:

10           491.004 Board of Clinical Social Work, Marriage and  
11 Family Therapy, and Mental Health Counseling.--

12           (6) All applicable provisions of part II of chapter  
13 455 relating to activities of regulatory boards shall apply to  
14 the board.

15           Section 153. Section 491.0047, Florida Statutes, is  
16 amended to read:

17           491.0047 Exemptions from public records and meetings  
18 requirements.--The exemptions from s. 119.07(1) provided by  
19 ss. 455.621(2)~~455.225(2)~~and (10) and 455.707(3)(e)

20 ~~455.261(3)(e)~~and (5)(a) also apply to information concerning  
21 a provisional psychologist regulated by the Agency for Health  
22 Care Administration and the Department of Health under chapter  
23 490, a registered clinical social worker intern, a registered  
24 marriage and family therapist intern, a registered mental  
25 health counselor intern, a provisional clinical social worker,  
26 a provisional marriage and family therapist, or a provisional  
27 mental health counselor regulated by the Agency for Health  
28 Care Administration and the Department of Health under this  
29 chapter. The exemption from s. 286.011 provided by s.  
30 455.621(4)~~455.225(4)~~also applies to the proceedings of a  
31 probable cause panel with respect to an investigation

1 concerning a provisional psychologist, a registered clinical  
2 social worker intern, a registered marriage and family  
3 therapist intern, a registered mental health counselor intern,  
4 a provisional clinical social worker, a provisional marriage  
5 and family therapist, or a provisional mental health counselor  
6 regulated by the agency and department under chapter 490 or  
7 this chapter. This section is subject to the Open Government  
8 Sunset Review Act of 1995 in accordance with s. 119.15 and  
9 shall stand repealed on October 2, 2002, unless reviewed and  
10 saved from repeal through reenactment by the Legislature.

11 Section 154. Paragraph (q) of subsection (2) of  
12 section 491.009, Florida Statutes, is amended to read:

13 491.009 Discipline.--

14 (2) The following acts of a licensee, provisional  
15 licensee, registered intern, certificateholder, or applicant  
16 are grounds for which the disciplinary actions listed in  
17 subsection (1) may be taken:

18 (q) Violating provisions of this chapter, or of part  
19 II of chapter 455, or any rules adopted pursuant thereto.

20 Section 155. Subsection (1) of section 491.015,  
21 Florida Statutes, is amended to read:

22 491.015 Duties of the department as to certified  
23 master social workers.--

24 (1) All functions reserved to boards under part II of  
25 chapter 455 shall be exercised by the department with respect  
26 to the regulation of certified master social workers and in a  
27 manner consistent with the exercise of its regulatory  
28 functions.

29 Section 156. Subsection (2) of section 492.103,  
30 Florida Statutes, is amended to read:

31 492.103 Board of Professional Geologists.--

1           (2) All provisions of part I of chapter 455 relating  
2 to activities of the board shall apply.

3           Section 157. Paragraph (h) of subsection (1) of  
4 section 492.113, Florida Statutes, is amended to read:

5           492.113 Disciplinary proceedings.--

6           (1) The following acts constitute grounds for which  
7 the disciplinary actions in subsection (3) may be taken:

8           (h) Violation of part I of chapter 455.

9           Section 158. Subsection (3) of section 627.668,  
10 Florida Statutes, is amended to read:

11           627.668 Optional coverage for mental and nervous  
12 disorders required; exception.--

13           (3) Insurers must maintain strict confidentiality  
14 regarding psychiatric and psychotherapeutic records submitted  
15 to an insurer for the purpose of reviewing a claim for  
16 benefits payable under this section. These records submitted  
17 to an insurer are subject to the limitations of s. 455.667  
18 ~~455.241~~, relating to the furnishing of patient records.

19           Section 159. Paragraph (e) of subsection (2) and  
20 subsections (1) and (3) of section 627.912, Florida Statutes,  
21 are amended to read:

22           627.912 Professional liability claims and actions;  
23 reports by insurers.--

24           (1) Each self-insurer authorized under s. 627.357 and  
25 each insurer or joint underwriting association providing  
26 professional liability insurance to a practitioner of medicine  
27 licensed under chapter 458, to a practitioner of osteopathic  
28 medicine licensed under chapter 459, to a podiatrist licensed  
29 under chapter 461, to a dentist licensed under chapter 466, to  
30 a hospital licensed under chapter 395, to a crisis  
31 stabilization unit licensed under part IV of chapter 394, to a

1 health maintenance organization certificated under part I of  
2 chapter 641, to clinics included in chapter 390, to an  
3 ambulatory surgical center as defined in s. 395.002, or to a  
4 member of The Florida Bar shall report in duplicate to the  
5 Department of Insurance any claim or action for damages for  
6 personal injuries claimed to have been caused by error,  
7 omission, or negligence in the performance of such insured's  
8 professional services or based on a claimed performance of  
9 professional services without consent, if the claim resulted  
10 in:

- 11 (a) A final judgment in any amount.  
12 (b) A settlement in any amount.  
13 (c) A final disposition not resulting in payment on  
14 behalf of the insured.

15  
16 Reports shall be filed with the department and, if the insured  
17 party is licensed under chapter 458, chapter 459, chapter 461,  
18 or chapter 466, with the Department of Health ~~Agency for~~  
19 ~~Health Care Administration~~, no later than 30 days following  
20 the occurrence of any event listed in paragraph (a), paragraph  
21 (b), or paragraph (c). The Department of Health ~~Agency for~~  
22 ~~Health Care Administration~~ shall review each report and  
23 determine whether any of the incidents that resulted in the  
24 claim potentially involved conduct by the licensee that is  
25 subject to disciplinary action, in which case the provisions  
26 of s. 455.621 ~~455.225~~ shall apply. The Department of Health  
27 ~~Agency for Health Care Administration~~, as part of the annual  
28 report required by s. 455.644 ~~455.2285~~, shall publish annual  
29 statistics, without identifying licensees, on the reports it  
30 receives, including final action taken on such reports by the  
31

1 Department of Health ~~agency~~ or the appropriate regulatory  
2 board.

3 (2) The reports required by subsection (1) shall  
4 contain:

5 (e) The name and address of the injured person. This  
6 information is confidential and exempt from the provisions of  
7 s. 119.07(1), and must not be disclosed by the department  
8 without the injured person's consent, except for disclosure by  
9 the department to the Department of Health ~~Agency for Health~~  
10 ~~Care Administration~~. This information may be used by the  
11 department for purposes of identifying multiple or duplicate  
12 claims arising out of the same occurrence.

13 (3) Upon request by the Department of Health ~~Agency~~  
14 ~~for Health Care Administration~~, the department shall provide  
15 the Department of Health ~~agency~~ with any information received  
16 under this section related to persons licensed under chapter  
17 458, chapter 459, chapter 461, or chapter 466. For purposes of  
18 safety management, the department shall annually provide the  
19 Department of Health with copies of the reports in cases  
20 resulting in an indemnity being paid to the claimants.

21 Section 160. Section 636.039, Florida Statutes, is  
22 amended to read:

23 636.039 Examination by the department.--The department  
24 shall examine the affairs, transactions, accounts, business  
25 records, and assets of any prepaid limited health service  
26 organization, in the same manner and subject to the same terms  
27 and conditions that apply to insurers under part II of chapter  
28 624, as often as it deems it expedient for the protection of  
29 the people of this state, but not less frequently than once  
30 every 3 years. In lieu of making its own financial  
31 examination, the department may accept an independent

1 certified public accountant's audit report prepared on a  
2 statutory accounting basis consistent with this act. However,  
3 except when the medical records are requested and copies  
4 furnished pursuant to s. 455.667 ~~455.241~~, medical records of  
5 individuals and records of physicians providing service under  
6 contract to the prepaid limited health service organization  
7 are not subject to audit, but may be subject to subpoena by  
8 court order upon a showing of good cause. For the purpose of  
9 examinations, the department may administer oaths to and  
10 examine the officers and agents of a prepaid limited health  
11 service organization concerning its business and affairs. The  
12 expenses of examination of each prepaid limited health service  
13 organization by the department are subject to the same terms  
14 and conditions as apply to insurers under part II of chapter  
15 624. Expenses of all examinations of a prepaid limited health  
16 service organization may never exceed a maximum of \$20,000 for  
17 any 1-year period.

18 Section 161. Subsection (1) of section 641.27, Florida  
19 Statutes, is amended to read:

20 641.27 Examination by the department.--

21 (1) The department shall examine the affairs,  
22 transactions, accounts, business records, and assets of any  
23 health maintenance organization as often as it deems it  
24 expedient for the protection of the people of this state, but  
25 not less frequently than once every 3 years. In lieu of  
26 making its own financial examination, the department may  
27 accept an independent certified public accountant's audit  
28 report prepared on a statutory accounting basis consistent  
29 with this part. However, except when the medical records are  
30 requested and copies furnished pursuant to s. 455.667 ~~455.241~~,  
31 medical records of individuals and records of physicians

1 providing service under contract to the health maintenance  
2 organization shall not be subject to audit, although they may  
3 be subject to subpoena by court order upon a showing of good  
4 cause. For the purpose of examinations, the department may  
5 administer oaths to and examine the officers and agents of a  
6 health maintenance organization concerning its business and  
7 affairs. The examination of each health maintenance  
8 organization by the department shall be subject to the same  
9 terms and conditions as apply to insurers under chapter 624.  
10 In no event shall expenses of all examinations exceed a  
11 maximum of \$20,000 for any 1-year period. Any rehabilitation,  
12 liquidation, conservation, or dissolution of a health  
13 maintenance organization shall be conducted under the  
14 supervision of the department, which shall have all power with  
15 respect thereto granted to it under the laws governing the  
16 rehabilitation, liquidation, reorganization, conservation, or  
17 dissolution of life insurance companies.

18 Section 162. Paragraph (b) of subsection (2) and  
19 subsection (5) of section 641.316, Florida Statutes, are  
20 amended to read:

21 641.316 Fiscal intermediary services.--

22 (2)

23 (b) The term "fiscal intermediary services  
24 organization" means a person or entity which performs  
25 fiduciary or fiscal intermediary services to health care  
26 professionals who contract with health maintenance  
27 organizations other than a fiscal intermediary services  
28 organization owned, operated, or controlled by a hospital  
29 licensed under chapter 395, an insurer licensed under chapter  
30 624, a third-party administrator licensed under chapter 626, a  
31 prepaid limited health organization licensed under chapter



1 636, a health maintenance organization licensed under this  
2 chapter, or physician group practices as defined in s.  
3 455.654(3)(f)~~455.236(3)(f)~~.

4 (5) Any fiscal intermediary services organization,  
5 other than a fiscal intermediary services organization owned,  
6 operated, or controlled by a hospital licensed under chapter  
7 395, an insurer licensed under chapter 624, a third-party  
8 administrator licensed under chapter 626, a prepaid limited  
9 health organization licensed under chapter 636, a health  
10 maintenance organization licensed under this chapter, or  
11 physician group practices as defined in s. 455.654(3)(f)  
12 ~~455.236(3)(f)~~, must register with the department and meet the  
13 requirements of this section. In order to register as a fiscal  
14 intermediary services organization, the organization must  
15 comply with ss. 641.21(1)(c) and (d) and 641.22(6). Should the  
16 department determine that the fiscal intermediary services  
17 organization does not meet the requirements of this section,  
18 the registration shall be denied. In the event that the  
19 registrant fails to maintain compliance with the provisions of  
20 this section, the department may revoke or suspend the  
21 registration. In lieu of revocation or suspension of the  
22 registration, the department may levy an administrative  
23 penalty in accordance with s. 641.25.

24 Section 163. Paragraphs (b) and (c) of subsection (5)  
25 and subsections (6) and (8) of section 641.55, Florida  
26 Statutes, are amended to read:

27 641.55 Internal risk management program.--

28 (5)

29 (b) The information reported to the agency under  
30 paragraph (a) which relates to providers licensed under  
31 chapter 458, chapter 459, chapter 461, or chapter 466 must

1 also be reported to the agency quarterly. The agency shall  
2 review the information and determine whether any of the  
3 incidents potentially involved conduct by a licensee that is  
4 subject to disciplinary action, in which case s. 455.621  
5 ~~455.225~~ applies.

6 (c) Except as otherwise provided in this subsection,  
7 any identifying information contained in the annual report and  
8 the quarterly reports under paragraphs (a) and (b) is  
9 confidential and exempt from s. 119.07(1). This information  
10 must not be available to the public as part of the record of  
11 investigation for and prosecution in disciplinary proceedings  
12 made available to the public by the agency or the appropriate  
13 regulatory board. However, the agency shall make available,  
14 upon written request by a practitioner against whom probable  
15 cause has been found, any such information contained in the  
16 records that form the basis of the determination of probable  
17 cause under s. 455.621 ~~455.225~~.

18 (6) If an adverse or untoward incident, whether  
19 occurring in the facilities of the organization or arising  
20 from health care prior to enrollment by the organization or  
21 admission to the facilities of the organization or in a  
22 facility of one of its providers, results in:

23 (a) The death of a patient;

24 (b) Severe brain or spinal damage to a patient;

25 (c) A surgical procedure being performed on the wrong  
26 patient; or

27 (d) A surgical procedure unrelated to the patient's  
28 diagnosis or medical needs being performed on any patient,

29

30 the organization must report this incident to the agency  
31 within 3 working days after its occurrence. A more detailed

1 followup report must be submitted to the agency within 10 days  
2 after the first report. The agency may require an additional,  
3 final report. Reports under this subsection must be sent  
4 immediately by the agency to the appropriate regulatory board  
5 whenever they contain references to a provider licensed under  
6 chapter 458, chapter 459, chapter 461, or chapter 466. These  
7 reports are confidential and are exempt from s. 119.07(1).  
8 This information is not available to the public as part of the  
9 record of investigation for and prosecution in disciplinary  
10 proceedings made available to the public by the agency or the  
11 appropriate regulatory board. However, the agency shall make  
12 available, upon written request by a practitioner against whom  
13 probable cause has been found, any such information contained  
14 in the records that form the basis of the determination of  
15 probable cause under s. 455.621 ~~455.225~~. The agency may  
16 investigate, as it deems appropriate, any such incident and  
17 prescribe measures that must or may be taken by the  
18 organization in response to the incident. The agency shall  
19 review each incident and determine whether it potentially  
20 involved conduct by the licensee which is subject to  
21 disciplinary action, in which case s. 455.621 ~~455.225~~ applies.

22 (8) The agency and, upon subpoena issued under s.  
23 455.611 ~~455.223~~, the appropriate regulatory board must be  
24 given access to all organization records necessary to carry  
25 out the provisions of this section. Any identifying  
26 information contained in the records obtained under this  
27 section is confidential and exempt from s. 119.07(1). The  
28 identifying information contained in records obtained under s.  
29 455.611 ~~455.223~~ is exempt from s. 119.07(1) to the extent that  
30 it is part of the record of investigation for and prosecution  
31 in disciplinary proceedings made available to the public by

1 the agency or the appropriate regulatory board. However, the  
2 agency must make available, upon written request by a  
3 practitioner against whom probable cause has been found, any  
4 such information contained in the records that form the basis  
5 of the determination of probable cause under s. 455.621  
6 ~~455.225~~, except that, with respect to medical review committee  
7 records, s. 766.101 controls.

8  
9 The gross data compiled under this section or s. 395.0197  
10 shall be furnished by the agency upon request to organizations  
11 to be utilized for risk management purposes. The agency shall  
12 adopt rules necessary to carry out the provisions of this  
13 section.

14 Section 164. Subsection (2) of section 766.106,  
15 Florida Statutes, is amended to read:

16 766.106 Notice before filing action for medical  
17 malpractice; presuit screening period; offers for admission of  
18 liability and for arbitration; informal discovery; review.--

19 (2) After completion of presuit investigation pursuant  
20 to s. 766.203 and prior to filing a claim for medical  
21 malpractice, a claimant shall notify each prospective  
22 defendant and, if any prospective defendant is a health care  
23 provider licensed under chapter 458, chapter 459, chapter 460,  
24 chapter 461, or chapter 466, the Department of Health Business  
25 ~~and Professional Regulation~~ by certified mail, return receipt  
26 requested, of intent to initiate litigation for medical  
27 malpractice. Notice to the Department of Health Business ~~and~~  
28 ~~Professional Regulation~~ must include the full name and address  
29 of the claimant; the full names and any known addresses of any  
30 health care providers licensed under chapter 458, chapter 459,  
31 chapter 460, chapter 461, or chapter 466 who are prospective

1 defendants identified at the time; the date and a summary of  
2 the occurrence giving rise to the claim; and a description of  
3 the injury to the claimant. The requirement for notice to the  
4 Department of Health ~~Business and Professional Regulation~~ does  
5 not impair the claimant's legal rights or ability to seek  
6 relief for his or her claim, and the notice provided to the  
7 department is not discoverable or admissible in any civil or  
8 administrative action. The Department of Health ~~Business and~~  
9 ~~Professional Regulation~~ shall review each incident and  
10 determine whether it involved conduct by a licensee which is  
11 potentially subject to disciplinary action, in which case the  
12 provisions of s. 455.621 ~~455.225~~ apply.

13 Section 165. Subsection (4) of section 766.305,  
14 Florida Statutes, is amended to read:

15 766.305 Filing of claims and responses; medical  
16 disciplinary review.--

17 (4) Upon receipt of such petition, the Division of  
18 Medical Quality Assurance shall review the information therein  
19 and determine whether it involved conduct by a physician  
20 licensed under chapter 458 or an osteopathic physician  
21 licensed under chapter 459 that is subject to disciplinary  
22 action, in which case the provisions of s. 455.621 ~~455.225~~  
23 shall apply.

24 Section 166. Subsection (2) of section 766.308,  
25 Florida Statutes, is amended to read:

26 766.308 Medical advisory panel review and  
27 recommendations; procedure.--

28 (2) The Department of Insurance shall develop a plan  
29 which provides the method and procedure for such medical  
30 advisory panel review and shall develop such plan in  
31 coordination with ~~the Division of Medical Quality Assurance of~~

1 the Department of Health ~~Business and Professional Regulation~~  
2 ~~and the Children's Medical Services Program Office of the~~  
3 ~~Department of Health and Rehabilitative Services.~~

4 Section 167. Paragraph (b) of subsection (4) of  
5 section 766.314, Florida Statutes, is amended to read:

6 766.314 Assessments; plan of operation.--

7 (4) The following persons and entities shall pay into  
8 the association an initial assessment in accordance with the  
9 plan of operation:

10 (b)1. On or before October 15, 1988, all physicians  
11 licensed pursuant to chapter 458 or chapter 459 as of October  
12 1, 1988, other than participating physicians, shall be  
13 assessed an initial assessment of \$250, which must be paid no  
14 later than December 1, 1988.

15 2. Any such physician who becomes licensed after  
16 September 30, 1988, and before January 1, 1989, shall pay into  
17 the association an initial assessment of \$250 upon licensure.

18 3. Any such physician who becomes licensed on or after  
19 January 1, 1989, shall pay an initial assessment equal to the  
20 most recent assessment made pursuant to this paragraph,  
21 paragraph (5)(a), or paragraph (7)(b).

22 4. However, if the physician is a physician specified  
23 in this subparagraph, the assessment is not applicable:

24 a. A resident physician, assistant resident physician,  
25 or intern in an approved postgraduate training program, as  
26 defined by the Board of Medicine or the Board of Osteopathic  
27 Medicine by rule;

28 b. A retired physician who has withdrawn from the  
29 practice of medicine but who maintains an active license as  
30 evidenced by an affidavit filed with the Department of Health  
31 ~~Business and Professional Regulation~~. Prior to reentering the

1 practice of medicine in this state, a retired physician as  
2 herein defined must notify the Board of Medicine or the Board  
3 of Osteopathic Medicine and pay the appropriate assessments  
4 pursuant to this section;

5 c. A physician who holds a limited license pursuant to  
6 s. 458.317 and who is not being compensated for medical  
7 services;

8 d. A physician who is employed full time by the United  
9 States Department of Veterans Affairs and whose practice is  
10 confined to United States Department of Veterans Affairs  
11 hospitals; or

12 e. A physician who is a member of the Armed Forces of  
13 the United States and who meets the requirements of s. 455.507  
14 ~~455.02~~.

15 f. A physician who is employed full time by the State  
16 of Florida and whose practice is confined to state-owned  
17 correctional institutions, a county health department, or  
18 state-owned mental health or developmental services  
19 facilities, or who is employed full time by the Department of  
20 Health.

21 Section 168. Paragraph (b) of subsection (3) of  
22 section 817.505, Florida Statutes, is amended to read:

23 817.505 Patient brokering prohibited; exceptions;  
24 penalties.--

25 (3) This section shall not apply to:

26 (b) Any payment, compensation, or financial  
27 arrangement within a group practice as defined in s. 455.654  
28 ~~455.236~~, provided such payment, compensation, or arrangement  
29 is not to or from persons who are not members of the group  
30 practice.

31

1           Section 169. Section 937.031, Florida Statutes, is  
2 amended to read:

3           937.031 Dental records of missing persons; access and  
4 use.--When a person has been reported missing and has not been  
5 located within 30 days after such report, the law enforcement  
6 agency conducting the investigation of the missing person  
7 shall request the family or next of kin to provide written  
8 consent to contact the dentist of the missing person and  
9 request that person's dental records. Notwithstanding the  
10 provisions of s. 455.667 ~~455.241~~, a dentist, upon receipt of  
11 proof of written consent, shall release a copy of the dental  
12 records of the missing person to the law enforcement agency  
13 requesting such records, providing or encoding the dental  
14 records in a form requested by the Department of Law  
15 Enforcement. The law enforcement agency shall then enter the  
16 dental records into the criminal justice information system  
17 for the purpose of comparing such records to those of  
18 unidentified deceased persons.

19           Section 170. Paragraph (hh) of subsection (4) of  
20 section 215.20, Florida Statutes, is amended to read:

21           215.20 Certain income and certain trust funds to  
22 contribute to the General Revenue Fund.--

23           (4) The income of a revenue nature deposited in the  
24 following described trust funds, by whatever name designated,  
25 is that from which the deductions authorized by subsection (3)  
26 shall be made:

27           (hh) The Health Care Trust Fund established pursuant  
28 to s. 408.16 ~~455.2205~~.

29  
30 The enumeration of the foregoing moneys or trust funds shall  
31 not prohibit the applicability thereto of s. 215.24 should the



1 Governor determine that for the reasons mentioned in s. 215.24  
2 the money or trust funds should be exempt herefrom, as it is  
3 the purpose of this law to exempt income from its force and  
4 effect when, by the operation of this law, federal matching  
5 funds or contributions or private grants to any trust fund  
6 would be lost to the state.

7 Section 171. Subsection (3) of section 391.208,  
8 Florida Statutes, is amended to read:

9 391.208 Administrative fines; disposition of fees and  
10 fines.--

11 (3) Fees and fines received by the agency under this  
12 part shall be deposited in the Health Care Trust Fund created  
13 in s. 408.16 ~~455.2205~~.

14 Section 172. Section 391.217, Florida Statutes, is  
15 amended to read:

16 391.217 Disposition of moneys from fines and  
17 fees.--All moneys received from administrative fines pursuant  
18 to s. 391.208 and all moneys received from fees collected  
19 pursuant to s. 391.205 shall be deposited in the Health Care  
20 Trust Fund created in s. 408.16 ~~455.2205~~.

21 Section 173. Section 400.5575, Florida Statutes, is  
22 amended to read:

23 400.5575 Disposition of fees and administrative  
24 fines.--Fees and fines received by the agency under this part  
25 shall be deposited in the Health Care Trust Fund established  
26 pursuant to s. 408.16 ~~455.2205~~. These funds may be used to  
27 offset the costs of the licensure program, including the costs  
28 of conducting background investigations, verifying information  
29 submitted, and processing applications.

30 Section 174. Subsection (2) of section 408.20, Florida  
31 Statutes, is amended to read:

1           408.20 Assessments; Health Care Trust Fund.--  
2           (2) All moneys collected are to be deposited into the  
3 Health Care Trust Fund created pursuant to s. 408.16 ~~455.2205.~~  
4 ~~The Health Care Trust Fund shall be subject to the service~~  
5 ~~charge imposed pursuant to chapter 215.~~

6           Section 175. Paragraph (b) of subsection (5) of  
7 section 641.60, Florida Statutes, is amended to read:  
8           641.60 Statewide Managed Care Ombudsman Committee.--  
9           (5)  
10          (b) Travel expenses for the statewide committee shall  
11 be funded from the Health ~~Maintenance Organization Quality~~  
12 Care Trust Fund, created by s. 408.16 ~~641.57~~. The statewide  
13 committee may solicit grants, gifts, donations, bequests, or  
14 other payments including money, property, or services from any  
15 governmental or public entity or private entity or person to  
16 fund other expenses of the committee and the district  
17 committees. Any such moneys received shall be deposited into  
18 a trust fund administered by the agency.

19          Section 176. Subsection (36) of section 39.01, Florida  
20 Statutes, is amended to read:

21          39.01 Definitions.--When used in this chapter:  
22          (36) "Neglect" occurs when the parent or legal  
23 custodian of a child or, in the absence of a parent or legal  
24 custodian, the person primarily responsible for the child's  
25 welfare deprives a child of, or allows a child to be deprived  
26 of, necessary food, clothing, shelter, or medical treatment or  
27 permits a child to live in an environment when such  
28 deprivation or environment causes the child's physical,  
29 mental, or emotional health to be significantly impaired or to  
30 be in danger of being significantly impaired. The foregoing  
31 circumstances shall not be considered neglect if caused

1 primarily by financial inability unless actual services for  
2 relief have been offered to and rejected by such person. A  
3 parent or guardian legitimately practicing religious beliefs  
4 in accordance with a recognized church or religious  
5 organization who thereby does not provide specific medical  
6 treatment for a child shall not, for that reason alone, be  
7 considered a negligent parent or guardian; however, such an  
8 exception does not preclude a court from ordering the  
9 following services to be provided, when the health of the  
10 child so requires:

11 (a) Medical services from a licensed physician,  
12 dentist, optometrist, podiatric physician ~~podiatrist~~, or other  
13 qualified health care provider; or

14 (b) Treatment by a duly accredited practitioner who  
15 relies solely on spiritual means for healing in accordance  
16 with the tenets and practices of a well-recognized church or  
17 religious organization.

18 Section 177. Paragraph (a) of subsection (1) of  
19 section 320.0848, Florida Statutes, is amended to read:

20 320.0848 Persons who have disabilities; issuance of  
21 disabled parking permits; temporary permits; permits for  
22 certain providers of transportation services to persons who  
23 have disabilities.--

24 (1)(a) The Department of Highway Safety and Motor  
25 Vehicles or its authorized agents shall, upon application and  
26 receipt of the fee, issue a disabled parking permit for a  
27 period of up to 4 years that ends on the applicant's birthday  
28 to any person who has long-term mobility problems, or a  
29 temporary disabled parking permit not to exceed 1 year to any  
30 person who has temporary mobility problems. The person must  
31 be currently certified by a physician licensed under chapter

1 458, chapter 459, or chapter 460, or by a podiatric physician  
2 ~~podiatrist~~ licensed under chapter 461, by the Division of  
3 Blind Services of the Department of Labor and Employment  
4 Security, or by the Adjudication Office of the United States  
5 Department of Veterans Affairs or its predecessor as being  
6 legally blind or as having any of the following disabilities  
7 that limit or impair his or her ability to walk:

- 8 1. Inability to walk 200 feet without stopping to  
9 rest.
  - 10 2. Inability to walk without the use of or assistance  
11 from a brace, cane, crutch, prosthetic device, or other  
12 assistive device, or without the assistance of another person.  
13 If the assistive device significantly restores the person's  
14 ability to walk to the extent that the person can walk without  
15 severe limitation, the person is not eligible for the  
16 exemption parking permit.
  - 17 3. The need to permanently use a wheelchair.
  - 18 4. Restriction by lung disease to the extent that the  
19 person's forced (respiratory) expiratory volume for 1 second,  
20 when measured by spirometry, is less than 1 liter, or the  
21 person's arterial oxygen is less than 60 mm/hg on room air at  
22 rest.
  - 23 5. Use of portable oxygen.
  - 24 6. Restriction by cardiac condition to the extent that  
25 the person's functional limitations are classified in severity  
26 as Class III or Class IV according to standards set by the  
27 American Heart Association.
  - 28 7. Severe limitation in the person's ability to walk  
29 due to an arthritic, neurological, or orthopedic condition.
- 30 Section 178. Paragraph (b) of subsection (2) of  
31 section 381.026, Florida Statutes, is amended to read:

1           381.026 Florida Patient's Bill of Rights and  
2 Responsibilities.--

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

4           (b) "Health care provider" means a physician licensed  
5 under chapter 458, an osteopathic physician licensed under  
6 chapter 459, or a podiatric physician ~~podiatrist~~ licensed  
7 under chapter 461.

8           Section 179. Section 381.0261, Florida Statutes, is  
9 amended to read:

10           381.0261 Distribution of summary.--The Department of  
11 Health and Rehabilitative Services shall have printed and made  
12 continuously available to health care facilities licensed  
13 under chapter 395, physicians licensed under chapter 458,  
14 osteopathic physicians licensed under chapter 459, and  
15 podiatric physicians ~~podiatrists~~ licensed under chapter 461 a  
16 summary of the Florida Patient's Bill of Rights and  
17 Responsibilities. In adopting and making public the summary  
18 of the Florida Patient's Bill of Rights and Responsibilities,  
19 health care providers and health care facilities are not  
20 limited to the format in which the Department of Health and  
21 Rehabilitative Services prints and distributes the summary.

22           Section 180. Paragraph (b) of subsection (2) of  
23 section 381.0302, Florida Statutes, is amended to read:

24           381.0302 Florida Health Services Corps.--

25           (2) As used in this section, the term:

26           (b) "Florida Health Services Corps" means a program  
27 authorized by this section which:

28           1. Offers scholarships to allopathic, osteopathic,  
29 chiropractic, podiatric, dental, physician assistant, and  
30 nursing students, and loan repayment assistance and travel and  
31 relocation expenses to allopathic and osteopathic residents

1 and physicians, chiropractors, podiatric physicians  
2 ~~podiatrists~~, nurse practitioners, dentists, and physician  
3 assistants, in return for service in a public health care  
4 program or in a medically underserved area.

5 2. Offers membership on a voluntary basis to  
6 physicians and other health care personnel who provide  
7 uncompensated care.

8 Section 181. Subsection (1) of section 395.0191,  
9 Florida Statutes, is amended to read:

10 395.0191 Staff membership and clinical privileges.--

11 (1) No licensed facility, in considering and acting  
12 upon an application for staff membership or clinical  
13 privileges, shall deny the application of a qualified doctor  
14 of medicine licensed under chapter 458, a doctor of  
15 osteopathic medicine licensed under chapter 459, a doctor of  
16 dentistry licensed under chapter 466, a doctor of podiatric  
17 medicine ~~podiatry~~ licensed under chapter 461, or a  
18 psychologist licensed under chapter 490 for such staff  
19 membership or clinical privileges within the scope of his or  
20 her respective licensure solely because the applicant is  
21 licensed under any of such chapters.

22 Section 182. Paragraph (g) of subsection (3) of  
23 section 395.1041, Florida Statutes, is amended to read:

24 395.1041 Access to emergency services and care.--

25 (3) EMERGENCY SERVICES; DISCRIMINATION; LIABILITY OF  
26 FACILITY OR HEALTH CARE PERSONNEL.--

27 (g) Neither the hospital nor its employees, nor any  
28 physician, dentist, or podiatric physician ~~podiatrist~~ shall be  
29 liable in any action arising out of a refusal to render  
30 emergency services or care if the refusal is made after  
31 screening, examining, and evaluating the patient, and is based

1 on the determination, exercising reasonable care, that the  
2 person is not suffering from an emergency medical condition or  
3 a determination, exercising reasonable care, that the hospital  
4 does not have the service capability or is at service capacity  
5 to render those services.

6 Section 183. Subsection (6) of section 395.301,  
7 Florida Statutes, is amended to read:

8 395.301 Itemized patient bill; form and content  
9 prescribed by the agency.--

10 (6) No physician, dentist, podiatric physician  
11 ~~podiatrist~~, or licensed facility may add to the price charged  
12 by any third party except for a service or handling charge  
13 representing a cost actually incurred as an item of expense;  
14 however, the physician, dentist, podiatric physician  
15 ~~podiatrist~~, or licensed facility is entitled to fair  
16 compensation for all professional services rendered. The  
17 amount of the service or handling charge, if any, shall be set  
18 forth clearly in the bill to the patient.

19 Section 184. Paragraph (b) of subsection (5) of  
20 section 404.22, Florida Statutes, is amended to read:

21 404.22 Radiation machines and components;  
22 inspection.--

23 (5)

24 (b) The fee schedule and frequency of inspections  
25 shall be determined as follows:

26 1. Radiation machines which are used in the practice  
27 of medicine, chiropractic medicine, osteopathic medicine, or  
28 naturopathic medicine shall be inspected at least once every 2  
29 years, but not more than annually, for an annual fee which is  
30 not less than \$83 or more than \$145 for the first radiation  
31

1 machine within an office or facility and not less than \$36 or  
2 more than \$85 for each additional radiation machine therein.

3           2. Radiation machines which are used in the practice  
4 of veterinary medicine shall be inspected at least once every  
5 3 years for an annual fee which is not less than \$28 or more  
6 than \$50 for the first radiation machine within an office or  
7 facility and not less than \$19 or more than \$34 for each  
8 additional radiation machine therein.

9           3. Radiation machines which are used for educational  
10 or industrial purposes shall be inspected at least once every  
11 3 years for an annual fee which is not less than \$26 or more  
12 than \$47 for the first radiation machine within an office or  
13 facility and not less than \$12 or more than \$23 for each  
14 additional radiation machine therein.

15           4. Radiation machines which are used in the practice  
16 of dentistry or podiatric medicine ~~podiatry~~ shall be inspected  
17 at least once every 5 years but not more often than once every  
18 4 years for an annual fee which is not less than \$16 or more  
19 than \$31 for the first radiation machine within an office or  
20 facility and not less than \$5 or more than \$11 for each  
21 additional radiation machine therein.

22           5. Radiation machines which accelerate particles and  
23 are used in the healing arts shall be inspected at least  
24 annually for an annual fee which is not less than \$153 or more  
25 than \$258 for the first radiation machine within an office or  
26 facility and not less than \$87 or more than \$148 for each  
27 additional radiation machine therein.

28           6. Radiation machines which accelerate particles and  
29 are used for educational or industrial purposes shall be  
30 inspected at least once every 2 years for an annual fee which  
31 is not less than \$46 or more than \$81 for the first radiation



1 machine within an office or facility and not less than \$26 or  
2 more than \$48 for each additional radiation machine therein.

3           7. If a radiation machine fails to meet the applicable  
4 standards upon initial inspection, the department may  
5 reinspect the radiation machine and charge a reinspection fee  
6 in accordance with the same schedule of fees as in  
7 subparagraphs 1. through 6.

8           Section 185. Subsection (18) of section 409.906,  
9 Florida Statutes, is amended to read:

10           409.906 Optional Medicaid services.--Subject to  
11 specific appropriations, the agency may make payments for  
12 services which are optional to the state under Title XIX of  
13 the Social Security Act and are furnished by Medicaid  
14 providers to recipients who are determined to be eligible on  
15 the dates on which the services were provided. Any optional  
16 service that is provided shall be provided only when medically  
17 necessary and in accordance with state and federal law.  
18 Nothing in this section shall be construed to prevent or limit  
19 the agency from adjusting fees, reimbursement rates, lengths  
20 of stay, number of visits, or number of services, or making  
21 any other adjustments necessary to comply with the  
22 availability of moneys and any limitations or directions  
23 provided for in the General Appropriations Act or chapter 216.  
24 Optional services may include:

25           (18) PODIATRIC SERVICES.--The agency may pay for  
26 services, including diagnosis and medical, surgical,  
27 palliative, and mechanical treatment, related to ailments of  
28 the human foot and lower leg, if provided to a recipient by a  
29 podiatric physician ~~podiatrist~~ licensed under state law.

30           Section 186. Subsection (14) of section 415.503,  
31 Florida Statutes, is amended to read:

1           415.503 Definitions of terms used in ss.

2 415.502-415.514.--As used in ss. 415.502-415.514:

3           (14) "Physician" means any licensed physician,  
4 dentist, podiatric physician ~~podiatrist~~, or optometrist and  
5 includes any intern or resident.

6           Section 187. Subsection (2) of section 440.106,  
7 Florida Statutes, is amended to read:

8           440.106 Civil remedies; administrative penalties.--

9           (2) Whenever a physician, osteopathic physician,  
10 chiropractor, podiatric physician ~~podiatrist~~, or other  
11 practitioner is determined to have violated s. 440.105, the  
12 Board of Medicine as set forth in chapter 458, the Board of  
13 Osteopathic Medicine as set forth in chapter 459, the Board of  
14 Chiropractic as set forth in chapter 460, the Board of  
15 Podiatric Medicine as set forth in chapter 461, or other  
16 appropriate licensing authority, shall hold an administrative  
17 hearing to consider the imposition of administrative sanctions  
18 as provided by law against said physician, osteopathic  
19 physician, chiropractor, or other practitioner.

20           Section 188. Paragraph (r) of subsection (1) of  
21 section 440.13, Florida Statutes, is amended to read:

22           440.13 Medical services and supplies; penalty for  
23 violations; limitations.--

24           (1) DEFINITIONS.--As used in this section, the term:

25           (r) "Physician" or "doctor" means a physician licensed  
26 under chapter 458, an osteopathic physician licensed under  
27 chapter 459, a chiropractor licensed under chapter 460, a  
28 podiatric physician ~~podiatrist~~ licensed under chapter 461, an  
29 optometrist licensed under chapter 463, or a dentist licensed  
30 under chapter 466, each of whom must be certified by the  
31 division as a health care provider.

1           Section 189. Paragraph (k) of subsection (1) of  
2 section 440.134, Florida Statutes, is amended to read:

3           440.134 Workers' compensation managed care  
4 arrangement.--

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

6           (k) "Primary care provider" means, except in the case  
7 of emergency treatment, the initial treating physician and,  
8 when appropriate, continuing treating physician, who may be a  
9 family practitioner, general practitioner, or internist  
10 physician licensed under chapter 458; a family practitioner,  
11 general practitioner, or internist osteopathic physician  
12 licensed under chapter 459; a chiropractor licensed under  
13 chapter 460; a podiatric physician ~~podiatrist~~ licensed under  
14 chapter 461; an optometrist licensed under chapter 463; or a  
15 dentist licensed under chapter 466.

16           Section 190. Paragraph (a) of subsection (3) of  
17 section 440.15, Florida Statutes, is amended to read:

18           440.15 Compensation for disability.--Compensation for  
19 disability shall be paid to the employee, subject to the  
20 limits provided in s. 440.12(2), as follows:

21           (3) PERMANENT IMPAIRMENT AND WAGE-LOSS BENEFITS.--

22           (a) Impairment benefits.--

23           1. Once the employee has reached the date of maximum  
24 medical improvement, impairment benefits are due and payable  
25 within 20 days after the carrier has knowledge of the  
26 impairment.

27           2. The three-member panel, in cooperation with the  
28 division, shall establish and use a uniform permanent  
29 impairment rating schedule. This schedule must be based on  
30 medically or scientifically demonstrable findings as well as  
31 the systems and criteria set forth in the American Medical

1 Association's Guides to the Evaluation of Permanent  
2 Impairment; the Snellen Charts, published by American Medical  
3 Association Committee for Eye Injuries; and the Minnesota  
4 Department of Labor and Industry Disability Schedules. The  
5 schedule should be based upon objective findings. The schedule  
6 shall be more comprehensive than the AMA Guides to the  
7 Evaluation of Permanent Impairment and shall expand the areas  
8 already addressed and address additional areas not currently  
9 contained in the guides. On August 1, 1979, and pending the  
10 adoption, by rule, of a permanent schedule, Guides to the  
11 Evaluation of Permanent Impairment, copyright 1977, 1971,  
12 1988, by the American Medical Association, shall be the  
13 temporary schedule and shall be used for the purposes hereof.  
14 For injuries after July 1, 1990, pending the adoption by  
15 division rule of a uniform disability rating schedule, the  
16 Minnesota Department of Labor and Industry Disability Schedule  
17 shall be used unless that schedule does not address an injury.  
18 In such case, the Guides to the Evaluation of Permanent  
19 Impairment by the American Medical Association shall be used.  
20 Determination of permanent impairment under this schedule must  
21 be made by a physician licensed under chapter 458, a doctor of  
22 osteopathic medicine licensed under chapters 458 and 459, a  
23 chiropractor licensed under chapter 460, a podiatric physician  
24 ~~podiatrist~~ licensed under chapter 461, an optometrist licensed  
25 under chapter 463, or a dentist licensed under chapter 466, as  
26 appropriate considering the nature of the injury. No other  
27 persons are authorized to render opinions regarding the  
28 existence of or the extent of permanent impairment.

29 3. All impairment income benefits shall be based on an  
30 impairment rating using the impairment schedule referred to in  
31 subparagraph 2. Impairment income benefits are paid weekly at

1 the rate of 50 percent of the employee's average weekly  
2 temporary total disability benefit not to exceed the maximum  
3 weekly benefit under s. 440.12. An employee's entitlement to  
4 impairment income benefits begins the day after the employee  
5 reaches maximum medical improvement or the expiration of  
6 temporary benefits, whichever occurs earlier, and continues  
7 until the earlier of:

8       a. The expiration of a period computed at the rate of  
9 3 weeks for each percentage point of impairment; or

10       b. The death of the employee.

11       4. After the employee has been certified by a doctor  
12 as having reached maximum medical improvement or 6 weeks  
13 before the expiration of temporary benefits, whichever occurs  
14 earlier, the certifying doctor shall evaluate the condition of  
15 the employee and assign an impairment rating, using the  
16 impairment schedule referred to in subparagraph 2.  
17 Compensation is not payable for the mental, psychological, or  
18 emotional injury arising out of depression from being out of  
19 work. If the certification and evaluation are performed by a  
20 doctor other than the employee's treating doctor, the  
21 certification and evaluation must be submitted to the treating  
22 doctor, and the treating doctor must indicate agreement or  
23 disagreement with the certification and evaluation. The  
24 certifying doctor shall issue a written report to the  
25 division, the employee, and the carrier certifying that  
26 maximum medical improvement has been reached, stating the  
27 impairment rating, and providing any other information  
28 required by the division. If the employee has not been  
29 certified as having reached maximum medical improvement before  
30 the expiration of 102 weeks after the date temporary total  
31

1 disability benefits begin to accrue, the carrier shall notify  
2 the treating doctor of the requirements of this section.

3 5. The carrier shall pay the employee impairment  
4 income benefits for a period based on the impairment rating.

5 Section 191. Section 455.684, Florida Statutes, is  
6 amended to read:

7 455.684 Chiropractic and podiatric health care; denial  
8 of payment; limitation.--A chiropractic physician licensed  
9 under chapter 460 or a podiatric physician ~~podiatrist~~ licensed  
10 under chapter 461 shall not be denied payment for treatment  
11 rendered solely on the basis that the chiropractor or  
12 podiatric physician ~~podiatrist~~ is not a member of a particular  
13 preferred provider organization or exclusive provider  
14 organization which is composed only of physicians licensed  
15 under the same chapter.

16 Section 192. Paragraph (a) of subsection (1) of  
17 section 455.691, Florida Statutes, is amended to read:

18 455.691 Treatment of Medicare beneficiaries; refusal,  
19 emergencies, consulting physicians.--

20 (1) Effective as of January 1, 1993, as used in this  
21 section, the term:

22 (a) "Physician" means a physician licensed under  
23 chapter 458, an osteopathic physician licensed under chapter  
24 459, a chiropractor licensed under chapter 460, a podiatric  
25 physician ~~podiatrist~~ licensed under chapter 461, or an  
26 optometrist licensed under chapter 463.

27 Section 193. Subsection (1) of section 455.697,  
28 Florida Statutes, is amended to read:

29 455.697 Health care practitioners; reports on  
30 professional liability claims and actions.--

31

1           (1) Any practitioner of medicine licensed pursuant to  
2 the provisions of chapter 458, practitioner of osteopathic  
3 medicine licensed pursuant to the provisions of chapter 459,  
4 podiatric physician ~~podiatrist~~ licensed pursuant to the  
5 provisions of chapter 461, or dentist licensed pursuant to the  
6 provisions of chapter 466 shall report to the department any  
7 claim or action for damages for personal injury alleged to  
8 have been caused by error, omission, or negligence in the  
9 performance of such licensee's professional services or based  
10 on a claimed performance of professional services without  
11 consent if the claim was not covered by an insurer required to  
12 report under s. 627.912 and the claim resulted in:

13           (a) A final judgment in any amount.

14           (b) A settlement in any amount.

15           (c) A final disposition not resulting in payment on  
16 behalf of the licensee.

17

18 Reports shall be filed with the department no later than 60  
19 days following the occurrence of any event listed in paragraph  
20 (a), paragraph (b), or paragraph (c).

21           Section 194. Subsection (2) of section 455.698,  
22 Florida Statutes, is amended to read:

23           455.698 Reports of professional liability actions;  
24 bankruptcies; Department of Health's responsibility to  
25 provide.--

26           (2) Any information in the possession of the  
27 Department of Health which relates to a bankruptcy proceeding  
28 by a practitioner of medicine licensed under chapter 458, a  
29 practitioner of osteopathic medicine licensed under chapter  
30 459, a podiatric physician ~~podiatrist~~ licensed under chapter  
31 461, or a dentist licensed under chapter 466 is public

1 information. The Department of Health shall, upon request,  
2 make such information available to any person.

3 Section 195. Subsection (2) of section 456.31, Florida  
4 Statutes, is amended to read:

5 456.31 Legislative intent.--

6 (2) It is the intent of the Legislature to provide for  
7 certain practitioners of the healing arts, such as a trained  
8 and qualified dentist, to use hypnosis for hypnoanesthesia or  
9 for the allaying of anxiety in relation to dental work;  
10 however, under no circumstances shall it be legal or proper  
11 for the dentist or the individual to whom the dentist may  
12 refer the patient, to use hypnosis for the treatment of the  
13 neurotic difficulties of a patient. The same applies to the  
14 optometrist, podiatric physician ~~podiatrist~~, chiropractor,  
15 osteopathic physician, or physician of medicine.

16 Section 196. Subsections (2) and (3) of section  
17 456.32, Florida Statutes, are amended to read:

18 456.32 Definitions.--In construing this chapter, the  
19 words, phrases, or terms, unless the context otherwise  
20 indicates, shall have the following meanings:

21 (2) "Healing arts" shall mean the practice of  
22 medicine, surgery, psychiatry, dentistry, osteopathic  
23 medicine, chiropractic, naturopathy, podiatric medicine  
24 ~~podiatry~~, chiropody, psychology, clinical social work,  
25 marriage and family therapy, mental health counseling, and  
26 optometry.

27 (3) "Practitioner of the healing arts" shall mean a  
28 person licensed under the laws of the state to practice  
29 medicine, surgery, psychiatry, dentistry, osteopathic  
30 medicine, chiropractic, naturopathy, podiatric medicine  
31 ~~podiatry~~, chiropody, psychology, clinical social work,



1 marriage and family therapy, mental health counseling, or  
2 optometry within the scope of his or her professional training  
3 and competence and within the purview of the statutes  
4 applicable to his or her respective profession, and who may  
5 refer a patient for treatment by a qualified person, who shall  
6 employ hypnotic techniques under the supervision, direction,  
7 prescription, and responsibility of such referring  
8 practitioner.

9           Section 197. Chapter 461, Florida Statutes, entitled  
10 "Podiatry," is retitled "Podiatric Medicine."

11           Section 198. Section 461.001, Florida Statutes, is  
12 amended to read:

13           461.001 Legislative findings; intent; scope.--The  
14 Legislature finds that the practice of podiatric medicine by  
15 unskilled and incompetent practitioners presents a danger to  
16 the public health and safety. The Legislature finds further  
17 that it is difficult for the public to make an informed choice  
18 about podiatric physicians ~~podiatrists~~ and that the  
19 consequences of a wrong choice could seriously endanger their  
20 health and safety. The sole legislative purpose for enacting  
21 this chapter is to ensure that every podiatric physician  
22 ~~podiatrist~~ practicing in this state meet minimum requirements  
23 for safe practice. It is the legislative intent that  
24 podiatric physicians ~~podiatrists~~ who fall below minimum  
25 competency or who otherwise present a danger to the public  
26 health be prohibited from practicing in this state.

27           Section 199. Subsection (3) of section 461.002,  
28 Florida Statutes, is amended to read:

29           461.002 Exceptions.--

30           (3) This chapter shall not apply to the practice of  
31 podiatric medicine by graduate podiatric physicians

1 ~~podiatrists~~ in the United States Army, Air Force, Marines,  
2 Navy, Public Health Service, Coast Guard, or United States  
3 Department of Veterans Affairs in the discharge of their  
4 official duties.

5 Section 200. Subsections (3) and (4) of section  
6 461.003, Florida Statutes, are amended to read:

7 461.003 Definitions.--As used in this chapter:

8 (3) "Practice of podiatric medicine" means the  
9 diagnosis or medical, surgical, palliative, and mechanical  
10 treatment of ailments of the human foot and leg. The surgical  
11 treatment of ailments of the human foot and leg shall be  
12 limited anatomically to that part below the anterior tibial  
13 tubercle. The practice of podiatric medicine shall include  
14 the amputation of the toes or other parts of the foot but  
15 shall not include the amputation of the foot or leg in its  
16 entirety. A podiatric physician ~~podiatrist~~ may prescribe  
17 drugs that relate specifically to the scope of practice  
18 authorized herein.

19 (4) "Podiatric physician ~~Podiatrist~~" means any person  
20 licensed to practice podiatric medicine pursuant to this  
21 chapter.

22 Section 201. Subsections (2) and (4) of section  
23 461.004, Florida Statutes, are amended to read:

24 461.004 Board of Podiatric Medicine; membership;  
25 appointment; terms.--

26 (2) Five members of the board must be licensed  
27 podiatric physicians ~~podiatrists~~ who are residents of the  
28 state and who have been licensed podiatric physicians  
29 ~~podiatrists~~ engaged in the practice of podiatric medicine for  
30 at least 4 years. The remaining two members must be residents  
31 of the state who are not, and have never been, licensed as

1 podiatric physicians ~~podiatrists~~ or members of any closely  
2 related profession. At least one member of the board must be  
3 60 years of age or older.

4 (4) All provisions of chapter 455 relating to the  
5 board shall apply. However, notwithstanding the requirement  
6 of s. 455.225(4) that the board provide by rule for the  
7 determination of probable cause by a panel composed of its  
8 members or by the department, the board may provide by rule  
9 that its probable cause panel may be composed of one current  
10 member of the board and one past member of the board, as long  
11 as the past member is a licensed podiatric physician  
12 ~~podiatrist~~ in good standing. The past board member must be  
13 appointed to the panel by the chair of the board with the  
14 approval of the secretary for a maximum of 2 years.

15 Section 202. Subsection (1) of section 461.006,  
16 Florida Statutes, is amended to read:

17 461.006 Licensure by examination.--

18 (1) Any person desiring to be licensed as a podiatric  
19 physician ~~podiatrist~~ shall apply to the department to take the  
20 licensure examination. The department shall examine each  
21 applicant who the board certifies:

22 (a) Has completed the application form and remitted a  
23 nonrefundable application fee set by the board not to exceed  
24 \$100 and an examination fee set by the board not to exceed  
25 \$350.

26 (b) Is at least 18 years of age.

27 (c) Has received a degree from a school or college of  
28 podiatric medicine or chiropody recognized and approved by the  
29 Council on Podiatry Education of the American Podiatric  
30 Medical Association. For applicants who matriculated prior to  
31 1953, the course of study shall have been at least 3 years.

1 For applicants who matriculated during or subsequent to 1953,  
2 the course of study shall be at least 4 years or the total  
3 hourly equivalent of a 4-year course of study.

4 (d) Beginning October 1, 1995, has satisfactorily  
5 completed one of the following clinical experience  
6 requirements:

7 1. One year of residency in a residency program  
8 approved by the board.

9 2. Ten years of continuous, active licensed practice  
10 of podiatric medicine in another state immediately preceding  
11 the submission of the application and completion of at least  
12 the same continuing educational requirements during those 10  
13 years as are required of podiatric physicians ~~podiatrists~~  
14 licensed in this state.

15 (e) Has submitted to the department a set of  
16 fingerprints on a form and under procedures specified by the  
17 department, along with payment in an amount equal to the costs  
18 incurred by the Department of Health for the criminal  
19 background check of the applicant.

20 Section 203. Section 461.009, Florida Statutes, is  
21 amended to read:

22 461.009 Itemized patient billing.--Whenever a  
23 podiatric physician ~~podiatrist~~ licensed under this chapter  
24 renders professional services to a patient, the podiatric  
25 physician ~~podiatrist~~ is required, upon request, to submit to  
26 the patient, to the patient's insurer, or to the  
27 administrative agency for any federal or state health program  
28 under which the patient is entitled to benefits, an itemized  
29 statement of the specific services rendered and the charge for  
30 each, no later than the podiatric physician's ~~podiatrist's~~  
31 next regular billing cycle which follows the fifth day after

1 rendering of professional services. A podiatric physician  
2 ~~podiatrist~~ may not condition the furnishing of an itemized  
3 statement upon prior payment of the bill.

4 Section 204. Paragraphs (a) and (c) of subsection (2)  
5 of section 461.012, Florida Statutes, are amended to read:

6 461.012 Violations and penalties.--

7 (2) Each of the following acts constitutes a violation  
8 of this chapter and is a misdemeanor of the first degree,  
9 punishable as provided in s. 775.082 or s. 775.083:

10 (a) Selling or fraudulently obtaining or furnishing  
11 any podiatric medicine ~~podiatry~~ diploma, license, or record of  
12 registration or aiding or abetting in the same.

13 (c) Using the name or title "Podiatrist," "Doctor of  
14 Podiatry," or "Doctor of Podiatric Medicine" or using the  
15 phrase "foot clinic," "foot doctor," "quiropedista," or any  
16 other name, title, or phrase which would lead the public to  
17 believe that such person is engaging in the practice of  
18 podiatric medicine unless such person is licensed as a  
19 podiatric physician ~~podiatrist~~ in this state.

20 Section 205. Paragraphs (h), (i), (o), (p), (r), (s),  
21 and (aa) of subsection (1), paragraph (f) of subsection (2),  
22 and subsections (3), (5), and (6) of section 461.013, Florida  
23 Statutes, are amended to read:

24 461.013 Grounds for disciplinary action; action by the  
25 board; investigations by department.--

26 (1) The following acts shall constitute grounds for  
27 which the disciplinary actions specified in subsection (2) may  
28 be taken:

29 (h) Failing to perform any statutory or legal  
30 obligation placed upon a licensed podiatric physician  
31 ~~podiatrist~~.

1 (i) Making or filing a report which the licensee knows  
2 to be false, intentionally or negligently failing to file a  
3 report or record required by state or federal law, willfully  
4 impeding or obstructing such filing or inducing another person  
5 to do so. Such report or records shall include only those  
6 which are signed in the capacity of a licensed podiatric  
7 physician ~~podiatrist~~.

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

19 (p) Prescribing, dispensing, or administering any  
20 medicinal drug appearing on any schedule set forth in chapter  
21 893 by the podiatric physician ~~podiatrist~~ to herself or  
22 himself except those prescribed, dispensed, or administered to  
23 the podiatric physician ~~podiatrist~~ by another practitioner  
24 authorized to prescribe, dispense, or administer them.

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

1 examination by physicians designated by the department.  
2 Failure of a podiatric physician ~~podiatrist~~ to submit to such  
3 examination when directed shall constitute an admission of the  
4 allegations against her or him, unless the failure was due to  
5 circumstances beyond her or his control, consequent upon which  
6 a default and final order may be entered without the taking of  
7 testimony or presentation of evidence. A podiatric physician  
8 ~~podiatrist~~ affected under this paragraph shall at reasonable  
9 intervals be afforded an opportunity to demonstrate that she  
10 or he can resume the competent practice of podiatric medicine  
11 with reasonable skill and safety to patients.

12 (s) Gross or repeated malpractice or the failure to  
13 practice podiatric medicine at a level of care, skill, and  
14 treatment which is recognized by a reasonably prudent  
15 podiatric physician ~~podiatrist~~ as being acceptable under  
16 similar conditions and circumstances. The board shall give  
17 great weight to the standards for malpractice in s. 766.102 in  
18 interpreting this section. As used in this paragraph,  
19 "repeated malpractice" includes, but is not limited to, three  
20 or more claims for medical malpractice within the previous  
21 5-year period resulting in indemnities being paid in excess of  
22 \$10,000 each to the claimant in a judgment or settlement and  
23 which incidents involved negligent conduct by the podiatric  
24 physicians ~~podiatrists~~. As used in this paragraph, "gross  
25 malpractice" or "the failure to practice podiatric medicine  
26 ~~podiatry~~ with the level of care, skill, and treatment which is  
27 recognized by a reasonably prudent similar podiatric physician  
28 ~~podiatrist~~ as being acceptable under similar conditions and  
29 circumstances" shall not be construed so as to require more  
30 than one instance, event, or act.

31

1           (aa) Failing to report to the department any licensee  
2 under chapter 458 or chapter 459 who the podiatric physician  
3 ~~podiatrist~~ knows has violated the grounds for disciplinary  
4 action set out in the law under which that person is licensed  
5 and who provides health care services in a facility licensed  
6 under chapter 395, or a health maintenance organization  
7 certificated under part I of chapter 641, in which the  
8 podiatric physician ~~podiatrist~~ also provides services.

9           (2) When the board finds any person guilty of any of  
10 the grounds set forth in subsection (1), it may enter an order  
11 imposing one or more of the following penalties:

12           (f) Placing the podiatric physician ~~podiatrist~~ on  
13 probation for a period of time and subject to such conditions  
14 as the board may specify, including requiring the podiatric  
15 physician ~~podiatrist~~ to submit to treatment, to attend  
16 continuing education courses, to submit to reexamination, and  
17 to work under the supervision of another podiatric physician  
18 ~~podiatrist~~.

19           (3) The department shall not reinstate the license of  
20 a podiatric physician ~~podiatrist~~, or cause a license to be  
21 issued to a person the board has deemed unqualified, until  
22 such time as the board is satisfied that she or he has  
23 complied with all the terms and conditions set forth in the  
24 final order and that such person is capable of safely engaging  
25 in the practice of podiatric medicine.

26           (5)(a) Upon the department's receipt from an insurer  
27 or self-insurer of a report of a closed claim against a  
28 podiatric physician ~~podiatrist~~ pursuant to s. 627.912, or upon  
29 the receipt from a claimant of a presuit notice against a  
30 podiatric physician ~~podiatrist~~ pursuant to s. 766.106, the  
31 department shall review each report and determine whether it



1 potentially involved conduct by a licensee that is subject to  
2 disciplinary action, in which case the provisions of s.  
3 455.225 shall apply. However, if it is reported that a  
4 podiatric physician ~~podiatrist~~ has had three or more claims  
5 with indemnities exceeding \$25,000 each within the previous  
6 5-year period, the department shall investigate the  
7 occurrences upon which the claims were based and determine if  
8 action by the department against the podiatric physician  
9 ~~podiatrist~~ is warranted.

10 (b) Upon the department's receipt from the Department  
11 of Health and Rehabilitative Services pursuant to s. 395.0197  
12 of the name of the podiatric physician ~~podiatrist~~ whose  
13 conduct may constitute grounds for disciplinary action by the  
14 department, the department shall investigate the occurrences  
15 upon which the report was based and determine if action by the  
16 department against the podiatric physician ~~podiatrist~~ is  
17 warranted.

18 (6) When an investigation of a podiatric physician  
19 ~~podiatrist~~ is undertaken, the department shall promptly  
20 furnish to the podiatric physician ~~podiatrist~~ or her or his  
21 attorney a copy of the complaint or document which resulted in  
22 the initiation of the investigation. The podiatric physician  
23 ~~podiatrist~~ may submit a written response to the information  
24 contained in such complaint or document within 45 days after  
25 service to the podiatric physician ~~podiatrist~~ of the complaint  
26 or document. The podiatric physician's ~~podiatrist's~~ written  
27 response shall be considered by the probable cause panel.

28 Section 206. Section 461.0134, Florida Statutes, is  
29 amended to read:  
30  
31

1           461.0134 Prescription or administration of dimethyl  
2 sulfoxide (DMSO); written release and information  
3 requirements.--

4           (1) A podiatric physician ~~No podiatrist~~ licensed under  
5 this chapter may not ~~shall~~ be subject to disciplinary action  
6 by the board for prescribing or administering dimethyl  
7 sulfoxide (DMSO) to a patient under the podiatric physician's  
8 ~~podiatrist's~~ care who has requested the substance as long as  
9 the podiatric physician ~~podiatrist~~ complies with the  
10 requirements of this section.

11           (2) The patient, after being fully informed as to  
12 alternative methods of treatment and their potential for cure  
13 and upon request for the administration of dimethyl sulfoxide  
14 (DMSO) by the patient's podiatric physician ~~podiatrist~~, shall  
15 sign a written release, releasing the podiatric physician  
16 ~~podiatrist~~ and, when applicable, the hospital or health  
17 facility from any liability therefor.

18           (3) The podiatric physician ~~podiatrist~~ shall inform  
19 the patient in writing if dimethyl sulfoxide (DMSO) has not  
20 been approved as a treatment or cure by the Food and Drug  
21 Administration of the United States Department of Health and  
22 Human Services for the disorder for which it is being  
23 prescribed.

24           Section 207. Subsection (2) of section 461.014,  
25 Florida Statutes, is amended to read:

26           461.014 Residency.--The board shall encourage and  
27 develop podiatric residency programs in hospitals in this  
28 state and shall establish such programs by the promulgation of  
29 rules, subject to the following conditions:

30           (2) A residency program may be established only at a  
31 hospital where a duly licensed podiatric physician ~~podiatrist~~

1 is on the hospital staff or is otherwise in a supervisory  
2 position.

3 Section 208. Subsection (2) of section 461.015,  
4 Florida Statutes, is amended to read:

5 461.015 Saving clauses.--

6 (2) Each podiatric physician ~~podiatrist~~ who is duly  
7 licensed on June 30, 1979, shall be entitled to hold such  
8 license. Henceforth, such license shall be renewed in  
9 accordance with the provisions of this act.

10 Section 209. Section 461.018, Florida Statutes, is  
11 amended to read:

12 461.018 Limited scope of practice; area of  
13 need.--Those persons holding valid certificates on October 1,  
14 1991, who were certified pursuant to chapters 88-205 and  
15 88-392, Laws of Florida, and who have been practicing under a  
16 board-approved protocol for at least 2 years are eligible to  
17 receive a ~~podiatry~~ license to practice podiatric medicine  
18 without supervision under their present limited scope of  
19 practice of the nonsurgical treatment of corns, calluses, and  
20 ingrown toenails in a specially designated area of need as  
21 provided by rule of the board.

22 Section 210. Paragraph (b) of subsection (3) of  
23 section 464.003, Florida Statutes, is amended to read:

24 464.003 Definitions.--As used in this chapter:

25 (3)

26 (b) "Practice of practical nursing" means the  
27 performance of selected acts, including the administration of  
28 treatments and medications, in the care of the ill, injured,  
29 or infirm and the promotion of wellness, maintenance of  
30 health, and prevention of illness of others under the  
31 direction of a registered nurse, a licensed physician, a

1 licensed osteopathic physician, a licensed podiatric physician  
2 ~~podiatrist~~, or a licensed dentist.

3  
4 The professional nurse and the practical nurse shall be  
5 responsible and accountable for making decisions that are  
6 based upon the individual's educational preparation and  
7 experience in nursing.

8 Section 211. Subsections (2), (6), (8), and (10) of  
9 section 468.301, Florida Statutes, are amended to read:

10 468.301 Definitions.--As used in this part, the term:

11 (2) "Basic X-ray machine operator-podiatric medicine  
12 ~~operator-podiatry~~" means a person who is employed by and under  
13 the direct supervision of a licensed podiatric physician  
14 ~~podiatrist~~ to perform only those radiographic functions that  
15 are within the scope of practice of a podiatric physician  
16 ~~podiatrist~~ licensed pursuant to chapter 461, specifically  
17 excluding nuclear medicine and radiation therapy procedures.

18 (6) "Direct supervision" means supervision and control  
19 by a licensed practitioner who assumes legal liability for the  
20 services rendered by the basic X-ray machine operator or basic  
21 X-ray machine operator-podiatric medicine ~~operator-podiatry~~,  
22 which supervision requires the physical presence of the  
23 licensed practitioner for consultation and direction of the  
24 actions of the basic X-ray machine operator or basic X-ray  
25 machine operator-podiatric medicine ~~operator-podiatry~~.

26 (8) "General radiographer" means a person who is  
27 employed and certificated in radiography, other than a basic  
28 X-ray machine operator or basic X-ray machine  
29 operator-podiatric medicine ~~operator-podiatry~~.

30 (10) "Licensed practitioner" means a person who is  
31 licensed or otherwise authorized by law to practice medicine,

1 podiatric medicine ~~podiatry~~, chiropody, osteopathic medicine,  
2 naturopathy, or chiropractic in this state.

3 Section 212. Paragraph (b) of subsection (2),  
4 paragraphs (b) and (c) of subsection (3), and paragraph (a) of  
5 subsection (6) of section 468.302, Florida Statutes, are  
6 amended to read:

7 468.302 Use of radiation; identification of certified  
8 persons; limitations; exceptions.--

9 (2)

10 (b) A person holding a certificate as a basic X-ray  
11 machine operator-podiatric medicine ~~operator-podiatry~~ may use  
12 the title "Basic X-ray Machine Operator-Podiatric Medicine  
13 ~~Operator-Podiatry~~."

14

15 No other person is entitled to so use a title or letters  
16 contained in this subsection or to hold himself or herself out  
17 in any way, whether orally or in writing, expressly or by  
18 implication, as being so certified.

19 (3)

20 (b) A basic X-ray machine operator or basic X-ray  
21 machine operator-podiatric medicine ~~operator-podiatry~~ may not  
22 practice radiologic technology in walk-in emergency centers,  
23 freestanding breast clinics, freestanding cancer clinics,  
24 state mental hospitals, state correctional institutions, or in  
25 any facility regulated under chapter 390, chapter 392, chapter  
26 393, chapter 394, or chapter 641. For a facility licensed  
27 under chapter 395, a basic X-ray machine operator may only  
28 perform the procedures specified in paragraph (a) in a  
29 hospital with a capacity of 150 beds or less. If such a  
30 hospital has or acquires radiographic or fluoroscopic  
31 equipment other than general diagnostic radiographic and

1 general fluoroscopic equipment, that hospital shall keep a  
2 record documenting which personnel performed each radiographic  
3 or fluoroscopic procedure. For purposes of this paragraph, a  
4 walk-in emergency center shall not include a  
5 physician-operated walk-in clinic which operates with or  
6 without appointments and with extended hours and which does  
7 not hold itself out to the public as an emergency center.

8 (c) A person holding a certificate as a basic X-ray  
9 machine operator-podiatric medicine ~~operator-podiatry~~ may  
10 perform only podiatric radiographic procedures under the  
11 direct supervision and control of a licensed podiatric  
12 physician podiatrist.

13 (6) Requirement for certification does not apply to:

14 (a) A hospital resident who is not a licensed  
15 practitioner in this state or a student enrolled in and  
16 attending a school or college of medicine, osteopathic  
17 medicine, chiropody, podiatric medicine ~~podiatry~~, or  
18 chiropractic or a radiologic technology educational program  
19 and who applies radiation to a human being while under the  
20 direct supervision of a licensed practitioner.

21 Section 213. Paragraph (b) of subsection (4) of  
22 section 468.304, Florida Statutes, is amended to read:

23 468.304 Certification examination; admission.--The  
24 department shall admit to examination for certification any  
25 applicant who pays to the department a nonrefundable fee not  
26 to exceed \$100 and submits satisfactory evidence, verified by  
27 oath or affirmation, that she or he:

28 (4)

29 (b)1. With respect to an applicant for a basic X-ray  
30 machine operator's certificate, has completed a course of  
31

1 study approved by the department with appropriate study  
2 material provided the applicant by the department;

3         2. With respect to an applicant for a basic X-ray  
4 machine operator-podiatric medicine ~~operator-podiatry~~  
5 certificate, has completed a course of study approved by the  
6 department, provided that such course of study shall be  
7 limited to that information necessary to perform radiographic  
8 procedures within the scope of practice of a podiatric  
9 physician ~~podiatrist~~ licensed pursuant to chapter 461;

10         3. With respect only to an applicant for a general  
11 radiographer's certificate who is a basic X-ray machine  
12 operator certificateholder, has completed an educational  
13 program or a 2-year training program that takes into account  
14 the types of procedures and level of supervision usually and  
15 customarily practiced in a hospital, which educational or  
16 training program complies with the rules of the department; or

17         4. With respect only to an applicant for a nuclear  
18 medicine technologist's certificate who is a general  
19 radiographer certificateholder, has completed an educational  
20 program or a 2-year training program that takes into account  
21 the types of procedures and level of supervision usually and  
22 customarily practiced in a hospital, which educational or  
23 training program complies with the rules of the department.

24  
25 No application for a limited computed tomography certificate  
26 shall be accepted. All persons holding valid computed  
27 tomography certificates as of October 1, 1984, are subject to  
28 the provisions of s. 468.309.

29         Section 214. Paragraph (a) of subsection (2) of  
30 section 468.307, Florida Statutes, is amended to read:

31         468.307 Certificate; issuance; possession; display.--

1           (2)(a) The department may, at its discretion, issue a  
2 temporary certificate to:

3           1. An applicant who has completed an educational  
4 program and is awaiting examination for a certificate  
5 specified in s. 468.302(2)(b), (c), (e), or (f), if the  
6 applicant has met all other requirements established pursuant  
7 to s. 468.304.

8           2. A basic X-ray machine operator, if such person is  
9 under the direct supervision of a licensed practitioner and  
10 the licensed practitioner has not requested issuance of a  
11 temporary certificate within the previous 18 months, upon  
12 application by a licensed practitioner who is practicing in an  
13 office of five or fewer licensed practitioners.

14           3. A basic X-ray machine operator-podiatric medicine  
15 ~~operator-podiatry~~, if such person is under the direct  
16 supervision of a licensed podiatric physician podiatrist and  
17 the licensed podiatric physician podiatrist has not requested  
18 issuance of a temporary certificate within the previous 18  
19 months, upon application by a licensed podiatric physician  
20 ~~podiatrist~~ who is practicing in an office of five or fewer  
21 licensed podiatric physicians ~~podiatrists~~.

22           Section 215. Paragraph (k) of subsection (2) of  
23 section 468.314, Florida Statutes, is amended to read:

24           468.314 Advisory Council on Radiation Protection;  
25 appointment; terms; powers; duties.--

26           (2) The council shall be comprised of:

27           (k) A board-certified podiatric physician podiatrist.

28           Section 216. Section 476.044, Florida Statutes, is  
29 amended to read:

30  
31



1           476.044 Exemptions.--This chapter does not apply to  
2 the following persons when practicing pursuant to their  
3 professional responsibilities and duties:

4           (1) Persons authorized under the laws of this state to  
5 practice medicine, surgery, osteopathic medicine,  
6 chiropractic, naturopathy, or podiatric medicine ~~podiatry~~;

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

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

10          (4) Persons practicing cosmetology under the laws of  
11 this state;

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

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

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

27           Section 217. Paragraph (a) of subsection (1) of  
28 section 477.0135, Florida Statutes, is amended to read:

29           477.0135 Exemptions.--  
30  
31

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

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

8           Section 218. Paragraph (i) of subsection (3) of  
9 section 483.901, Florida Statutes, is amended to read:

10           483.901 Medical physicists; definitions; licensure.--

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

12           (i) "Physician" means a doctor of medicine,  
13 osteopathic medicine, podiatric medicine ~~podiatry~~, dentistry,  
14 or chiropractic who is licensed in this state and who  
15 prescribes a radiological procedure.

16           Section 219. Subsection (1) of section 486.161,  
17 Florida Statutes, is amended to read:

18           486.161 Exemptions.--

19           (1) No provision of this chapter shall be construed to  
20 prohibit any person licensed in this state from using any  
21 physical agent as a part of, or incidental to, the lawful  
22 practice of her or his profession under the statutes  
23 applicable to the profession of chiropractor, podiatric  
24 physician ~~podiatrist~~, doctor of medicine, massage therapist,  
25 nurse, osteopathic physician or surgeon, occupational  
26 therapist, or naturopath.

27           Section 220. Subsection (1) of section 621.03, Florida  
28 Statutes, is amended to read:

29           621.03 Definitions.--As used in this act the following  
30 words shall have the meaning indicated:

31

1           (1) The term "professional service" means any type of  
2 personal service to the public which requires as a condition  
3 precedent to the rendering of such service the obtaining of a  
4 license or other legal authorization. By way of example and  
5 without limiting the generality thereof, the personal services  
6 which come within the provisions of this act are the personal  
7 services rendered by certified public accountants, public  
8 accountants, chiropractors, dentists, osteopathic physicians,  
9 physicians and surgeons, doctors of medicine, doctors of  
10 dentistry, podiatric physicians ~~podiatrists~~, chiropodists,  
11 architects, veterinarians, attorneys at law, and life  
12 insurance agents.

13           Section 221. Paragraph (h) of subsection (4) of  
14 section 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 ~~podiatrists~~ licensed under chapter 461; dentists  
22 licensed under chapter 466; chiropractors licensed under  
23 chapter 460; naturopaths licensed under chapter 462; nurses  
24 licensed under chapter 464; midwives licensed under chapter  
25 467; clinical laboratories registered under chapter 483;  
26 physician assistants certified under chapter 458; physical  
27 therapists and physical therapist assistants licensed under  
28 chapter 486; health maintenance organizations certificated  
29 under part I of chapter 641; ambulatory surgical centers  
30 licensed under chapter 395; other medical facilities as  
31 defined in subparagraph 2.; blood banks, plasma centers,

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

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

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

21           Section 222. Paragraph (b) of subsection (1) of  
22 section 627.357, Florida Statutes, is amended to read:

23           627.357 Medical malpractice self-insurance.--

24           (1) DEFINITIONS.--As used in this section, the term:

25           (b) "Health care provider" means any:

26           1. Hospital licensed under chapter 395.

27           2. Physician licensed, or physician assistant  
28 certified, under chapter 458.

29           3. Osteopathic physician licensed under chapter 459.

30           4. Podiatric physician ~~Podiatrist~~ licensed under  
31 chapter 461.

- 1           5. Health maintenance organization certificated under  
2 part I of chapter 641.
- 3           6. Ambulatory surgical center licensed under chapter  
4 395.
- 5           7. Chiropractor licensed under chapter 460.
- 6           8. Psychologist licensed under chapter 490.
- 7           9. Optometrist licensed under chapter 463.
- 8           10. Dentist licensed under chapter 466.
- 9           11. Pharmacist licensed under chapter 465.
- 10          12. Registered nurse, licensed practical nurse, or  
11 advanced registered nurse practitioner licensed or registered  
12 under chapter 464.

13          13. Other medical facility.

14          14. Professional association, partnership,  
15 corporation, joint venture, or other association established  
16 by the individuals set forth in subparagraphs 2., 3., 4., 7.,  
17 8., 9., 10., 11., and 12. for professional activity.

18           Section 223. Subsection (3) of section 627.419,  
19 Florida Statutes, is amended to read:

20           627.419 Construction of policies.--

21           (3) Notwithstanding any other provision of law, when  
22 any health insurance policy, health care services plan, or  
23 other contract provides for the payment for procedures  
24 specified in the policy or contract which are within the scope  
25 of an optometrist's or podiatric physician's ~~podiatrist's~~  
26 professional license, such policy shall be construed to  
27 include payment to an optometrist or podiatric physician  
28 ~~podiatrist~~ who performs such procedures. In the case of  
29 podiatric ~~podiatry~~ services, such payments shall be made in  
30 accordance with the coverage now provided for medical and  
31 surgical benefits.

1           Section 224. Subsection (10) of section 627.6482,  
2 Florida Statutes, is amended to read:

3           627.6482 Definitions.--As used in ss.  
4 627.648-627.6498, the term:

5           (10) "Physician" means a physician licensed under  
6 chapter 458; an osteopathic physician licensed under chapter  
7 459; a chiropractor licensed under chapter 460; a podiatric  
8 physician ~~podiatrist~~ licensed under chapter 461; or, for  
9 purposes of oral surgery only, a dental surgeon licensed under  
10 chapter 466.

11           Section 225. Subsection (1) of section 627.912,  
12 Florida Statutes, is amended to read:

13           627.912 Professional liability claims and actions;  
14 reports by insurers.--

15           (1) Each self-insurer authorized under s. 627.357 and  
16 each insurer or joint underwriting association providing  
17 professional liability insurance to a practitioner of medicine  
18 licensed under chapter 458, to a practitioner of osteopathic  
19 medicine licensed under chapter 459, to a podiatric physician  
20 ~~podiatrist~~ licensed under chapter 461, to a dentist licensed  
21 under chapter 466, to a hospital licensed under chapter 395,  
22 to a crisis stabilization unit licensed under part IV of  
23 chapter 394, to a health maintenance organization certificated  
24 under part I of chapter 641, to clinics included in chapter  
25 390, to an ambulatory surgical center as defined in s.  
26 395.002, or to a member of The Florida Bar shall report in  
27 duplicate to the Department of Insurance any claim or action  
28 for damages for personal injuries claimed to have been caused  
29 by error, omission, or negligence in the performance of such  
30 insured's professional services or based on a claimed

31

1 performance of professional services without consent, if the  
2 claim resulted in:

- 3 (a) A final judgment in any amount.  
4 (b) A settlement in any amount.  
5 (c) A final disposition not resulting in payment on  
6 behalf of the insured.

7  
8 Reports shall be filed with the department and, if the insured  
9 party is licensed under chapter 458, chapter 459, chapter 461,  
10 or chapter 466, with the Agency for Health Care  
11 Administration, no later than 30 days following the occurrence  
12 of any event listed in paragraph (a), paragraph (b), or  
13 paragraph (c). The Agency for Health Care Administration shall  
14 review each report and determine whether any of the incidents  
15 that resulted in the claim potentially involved conduct by the  
16 licensee that is subject to disciplinary action, in which case  
17 the provisions of s. 455.225 shall apply. The Agency for  
18 Health Care Administration, as part of the annual report  
19 required by s. 455.2285, shall publish annual statistics,  
20 without identifying licensees, on the reports it receives,  
21 including final action taken on such reports by the agency or  
22 the appropriate regulatory board.

23 Section 226. Subsection (3) of section 641.425,  
24 Florida Statutes, is amended to read:

25 641.425 Construction of contracts.--

26 (3) Notwithstanding any other provision of law, when  
27 any contract provides for the payment for procedures which are  
28 specified in the contract and are within the scope of an  
29 optometrist's or podiatric physician's ~~podiatrist's~~  
30 professional license, such contract shall be construed to  
31 include payment to an optometrist or podiatric physician

1 ~~podiatrist~~ who performs such procedures. In the case of  
2 podiatric medicine ~~podiatry~~ services, payments shall be made  
3 in accordance with the coverage now provided for medical and  
4 surgical benefits.

5 Section 227. Section 725.01, Florida Statutes, is  
6 amended to read:

7 725.01 Promise to pay another's debt, etc.--No action  
8 shall be brought whereby to charge any executor or  
9 administrator upon any special promise to answer or pay any  
10 debt or damages out of her or his own estate, or whereby to  
11 charge the defendant upon any special promise to answer for  
12 the debt, default or miscarriage of another person or to  
13 charge any person upon any agreement made upon consideration  
14 of marriage, or upon any contract for the sale of lands,  
15 tenements or hereditaments, or of any uncertain interest in or  
16 concerning them, or for any lease thereof for a period longer  
17 than 1 year, or upon any agreement that is not to be performed  
18 within the space of 1 year from the making thereof, or whereby  
19 to charge any health care provider upon any guarantee,  
20 warranty, or assurance as to the results of any medical,  
21 surgical, or diagnostic procedure performed by any physician  
22 licensed under chapter 458, osteopathic physician licensed  
23 under chapter 459, chiropractor licensed under chapter 460,  
24 podiatric physician ~~podiatrist~~ licensed under chapter 461, or  
25 dentist licensed under chapter 466, unless the agreement or  
26 promise upon which such action shall be brought, or some note  
27 or memorandum thereof shall be in writing and signed by the  
28 party to be charged therewith or by some other person by her  
29 or him thereunto lawfully authorized.

30 Section 228. Paragraph (b) of subsection (1) of  
31 section 766.101, Florida Statutes, is amended to read:



1           766.101 Medical review committee, immunity from  
2 liability.--

3           (1) As used in this section:

4           (b) The term "health care providers" means physicians  
5 licensed under chapter 458, osteopathic physicians licensed  
6 under chapter 459, podiatric physicians ~~podiatrists~~ licensed  
7 under chapter 461, optometrists licensed under chapter 463,  
8 dentists licensed under chapter 466, chiropractors licensed  
9 under chapter 460, pharmacists licensed under chapter 465, or  
10 hospitals or ambulatory surgical centers licensed under  
11 chapter 395.

12           Section 229. Paragraph (a) of subsection (6) of  
13 section 766.102, Florida Statutes, is amended to read:

14           766.102 Medical negligence; standards of recovery.--

15           (6)(a) In any action for damages involving a claim of  
16 negligence against a physician licensed under chapter 458,  
17 osteopathic physician licensed under chapter 459, podiatric  
18 physician ~~podiatrist~~ licensed under chapter 461, or  
19 chiropractor licensed under chapter 460 providing emergency  
20 medical services in a hospital emergency department, the court  
21 shall admit expert medical testimony only from physicians,  
22 osteopathic physicians, podiatric physicians ~~podiatrists~~, and  
23 chiropractors who have had substantial professional experience  
24 within the preceding 5 years while assigned to provide  
25 emergency medical services in a hospital emergency department.

26           Section 230. Subsection (3) of section 766.103,  
27 Florida Statutes, is amended to read:

28           766.103 Florida Medical Consent Law.--

29           (3) No recovery shall be allowed in any court in this  
30 state against any physician licensed under chapter 458,  
31 osteopathic physician licensed under chapter 459, chiropractor

1 licensed under chapter 460, podiatric physician ~~podiatrist~~  
2 licensed under chapter 461, or dentist licensed under chapter  
3 466 in an action brought for treating, examining, or operating  
4 on a patient without his or her informed consent when:

5 (a)1. The action of the physician, osteopathic  
6 physician, chiropractor, podiatric physician ~~podiatrist~~, or  
7 dentist in obtaining the consent of the patient or another  
8 person authorized to give consent for the patient was in  
9 accordance with an accepted standard of medical practice among  
10 members of the medical profession with similar training and  
11 experience in the same or similar medical community; and

12 2. A reasonable individual, from the information  
13 provided by the physician, osteopathic physician,  
14 chiropractor, podiatric physician ~~podiatrist~~, or dentist,  
15 under the circumstances, would have a general understanding of  
16 the procedure, the medically acceptable alternative procedures  
17 or treatments, and the substantial risks and hazards inherent  
18 in the proposed treatment or procedures, which are recognized  
19 among other physicians, osteopathic physicians, chiropractors,  
20 podiatric physicians ~~podiatrists~~, or dentists in the same or  
21 similar community who perform similar treatments or  
22 procedures; or

23 (b) The patient would reasonably, under all the  
24 surrounding circumstances, have undergone such treatment or  
25 procedure had he or she been advised by the physician,  
26 osteopathic physician, chiropractor, podiatric physician  
27 ~~podiatrist~~, or dentist in accordance with the provisions of  
28 paragraph (a).

29 Section 231. Paragraphs (b) and (i) of subsection (1),  
30 paragraph (e) of subsection (2), and paragraph (b) of  
31

1 subsection (3) of section 766.105, Florida Statutes, are  
2 amended to read:

3 766.105 Florida Patient's Compensation Fund.--

4 (1) DEFINITIONS.--The following definitions apply in  
5 the interpretation and enforcement of this section:

6 (b) The term "health care provider" means any:

7 1. Hospital licensed under chapter 395.

8 2. Physician licensed, or physician assistant  
9 certified, under chapter 458.

10 3. Osteopathic physician licensed under chapter 459.

11 4. Podiatric physician ~~Podiatrist~~ licensed under  
12 chapter 461.

13 5. Health maintenance organization certificated under  
14 part I of chapter 641.

15 6. Ambulatory surgical center licensed under chapter  
16 395.

17 7. "Other medical facility" as defined in paragraph  
18 (c).

19 8. Professional association, partnership, corporation,  
20 joint venture, or other association by the individuals set  
21 forth in subparagraphs 2., 3., and 4. for professional  
22 activity.

23 (i) The term "house physician" means any physician,  
24 osteopathic physician, podiatric physician ~~podiatrist~~, or  
25 dentist except: a physician, osteopathic physician, podiatric  
26 physician ~~podiatrist~~, or dentist with staff privileges at a  
27 hospital; a physician, osteopathic physician, podiatric  
28 physician ~~podiatrist~~, or dentist providing emergency room  
29 services; an anesthesiologist, pathologist, or radiologist; or  
30 a physician, osteopathic physician, podiatric physician  
31 ~~podiatrist~~, or dentist who performs a service for a fee.

1 (2) COVERAGE.--

2 (e) The coverage afforded by the fund for a  
3 participating hospital or ambulatory surgical center shall  
4 apply to the officers, trustees, volunteer workers, trainees,  
5 committee members (including physicians, osteopathic  
6 physicians, podiatric physicians ~~podiatrists~~, and dentists),  
7 and employees of the hospital or ambulatory surgical center,  
8 other than employed physicians licensed under chapter 458,  
9 physician assistants licensed under chapter 458, osteopathic  
10 physicians licensed under chapter 459, dentists licensed under  
11 chapter 466, and podiatric physicians ~~podiatrists~~ licensed  
12 under chapter 461. However, the coverage afforded by the fund  
13 for a participating hospital shall apply to house physicians,  
14 interns, employed physician residents in a resident training  
15 program, or physicians performing purely administrative duties  
16 for the participating hospitals other than the treatment of  
17 patients. This coverage shall apply to the hospital or  
18 ambulatory surgical center and those included in this  
19 subsection as one health care provider.

20 (3) THE FUND.--

21 (b) Fund administration and operation.--

22 1. The fund shall operate subject to the supervision  
23 and approval of a board of governors consisting of a  
24 representative of the insurance industry appointed by the  
25 Insurance Commissioner, an attorney appointed by The Florida  
26 Bar, a representative of physicians appointed by the Florida  
27 Medical Association, a representative of physicians' insurance  
28 appointed by the Insurance Commissioner, a representative of  
29 physicians' self-insurance appointed by the Insurance  
30 Commissioner, two representatives of hospitals appointed by  
31 the Florida Hospital Association, a representative of hospital

1 insurance appointed by the Insurance Commissioner, a  
2 representative of hospital self-insurance appointed by the  
3 Insurance Commissioner, a representative of the osteopathic  
4 physicians' or podiatric physicians'~~podiatrists'~~ insurance or  
5 self-insurance appointed by the Insurance Commissioner, and a  
6 representative of the general public appointed by the  
7 Insurance Commissioner. The board of governors shall, during  
8 the first meeting after June 30 of each year, choose one of  
9 its members to serve as chair of the board and another member  
10 to serve as vice chair of the board. The members of the board  
11 shall be appointed to serve terms of 4 years, except that the  
12 initial appointments of a representative of the general public  
13 by the Insurance Commissioner, an attorney by The Florida Bar,  
14 a representative of physicians by the Florida Medical  
15 Association, and one of the two representatives of the Florida  
16 Hospital Association shall be for terms of 3 years;  
17 thereafter, such representatives shall be appointed for terms  
18 of 4 years. Subsequent to initial appointments for 4-year  
19 terms, the representative of the osteopathic physicians' or  
20 podiatric physicians'~~podiatrists'~~ insurance or self-insurance  
21 appointed by the Insurance Commissioner and the representative  
22 of hospital self-insurance appointed by the Insurance  
23 Commissioner shall be appointed for 2-year terms; thereafter,  
24 such representatives shall be appointed for terms of 4 years.  
25 Each appointed member may designate in writing to the chair an  
26 alternate to act in the member's absence or incapacity. A  
27 member of the board, or the member's alternate, may be  
28 reimbursed from the assets of the fund for expenses incurred  
29 by him or her as a member, or alternate member, of the board  
30 and for committee work, but he or she may not otherwise be  
31

1 compensated by the fund for his or her service as a board  
2 member or alternate.

3         2. There shall be no liability on the part of, and no  
4 cause of action of any nature shall arise against, the fund or  
5 its agents or employees, professional advisers or consultants,  
6 members of the board of governors or their alternates, or the  
7 Department of Insurance or its representatives for any action  
8 taken by them in the performance of their powers and duties  
9 pursuant to this section.

10         Section 232. Subsection (2) of section 766.110,  
11 Florida Statutes, is amended to read:

12         766.110 Liability of health care facilities.--

13         (2) Every hospital licensed under chapter 395 may  
14 carry liability insurance or adequately insure itself in an  
15 amount of not less than \$1.5 million per claim, \$5 million  
16 annual aggregate to cover all medical injuries to patients  
17 resulting from negligent acts or omissions on the part of  
18 those members of its medical staff who are covered thereby in  
19 furtherance of the requirements of ss. 458.320 and 459.0085.  
20 Self-insurance coverage extended hereunder to a member of a  
21 hospital's medical staff meets the financial responsibility  
22 requirements of ss. 458.320 and 459.0085 if the physician's  
23 coverage limits are not less than the minimum limits  
24 established in ss. 458.320 and 459.0085 and the hospital is a  
25 verified trauma center as of July 1, 1990, that has extended  
26 self-insurance coverage continuously to members of its medical  
27 staff for activities both inside and outside of the hospital  
28 since January 1, 1987. Any insurer authorized to write  
29 casualty insurance may make available, but shall not be  
30 required to write, such coverage. The hospital may assess on  
31 an equitable and pro rata basis the following professional

1 health care providers for a portion of the total hospital  
2 insurance cost for this coverage: physicians licensed under  
3 chapter 458, osteopathic physicians licensed under chapter  
4 459, podiatric physicians ~~podiatrists~~ licensed under chapter  
5 461, dentists licensed under chapter 466, and nurses licensed  
6 under chapter 464. The hospital may provide for a deductible  
7 amount to be applied against any individual health care  
8 provider found liable in a law suit in tort or for breach of  
9 contract. The legislative intent in providing for the  
10 deductible to be applied to individual health care providers  
11 found negligent or in breach of contract is to instill in each  
12 individual health care provider the incentive to avoid the  
13 risk of injury to the fullest extent and ensure that the  
14 citizens of this state receive the highest quality health care  
15 obtainable.

16 Section 233. Paragraph (d) of subsection (3) of  
17 section 766.1115, Florida Statutes, is amended to read:

18 766.1115 Health care providers; creation of agency  
19 relationship with governmental contractors.--

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

21 (d) "Health care provider" or "provider" means:

22 1. A birth center licensed under chapter 383.

23 2. An ambulatory surgical center licensed under  
24 chapter 395.

25 3. A hospital licensed under chapter 395.

26 4. A physician licensed, or physician assistant  
27 certified, under chapter 458.

28 5. An osteopathic physician licensed, or osteopathic  
29 physician assistant certified, under chapter 459.

30 6. A chiropractic physician licensed under chapter  
31 460.

1           7. A podiatric physician ~~podiatrist~~ licensed under  
2 chapter 461.

3           8. A registered nurse, nurse midwife, licensed  
4 practical nurse, or advanced registered nurse practitioner  
5 licensed or registered under chapter 464 or any facility which  
6 employs nurses licensed or registered under chapter 464 to  
7 supply all or part of the care delivered under this section.

8           9. A midwife licensed under chapter 467.

9           10. A health maintenance organization certificated  
10 under part I of chapter 641.

11           11. A health care professional association and its  
12 employees or a corporate medical group and its employees.

13           12. Any other medical facility the primary purpose of  
14 which is to deliver human medical diagnostic services or which  
15 delivers nonsurgical human medical treatment, and which  
16 includes an office maintained by a provider.

17           13. A dentist or dental hygienist licensed under  
18 chapter 466.

19           ~~14.13.~~ Any other health care professional,  
20 practitioner, provider, or facility under contract with a  
21 governmental contractor.

22  
23 The term includes any nonprofit corporation qualified as  
24 exempt from federal income taxation under s. 501(c) of the  
25 Internal Revenue Code which delivers health care services  
26 provided by licensed professionals listed in this paragraph,  
27 any federally funded community health center, and any  
28 volunteer corporation or volunteer health care provider that  
29 delivers health care services.

30           Section 234. Subsection (18) of section 893.02,  
31 Florida Statutes, is amended to read:



1           893.02 Definitions.--The following words and phrases  
2 as used in this chapter shall have the following meanings,  
3 unless the context otherwise requires:

4           (18) "Practitioner" means a physician licensed  
5 pursuant to chapter 458, a dentist licensed pursuant to  
6 chapter 466, a veterinarian licensed pursuant to chapter 474,  
7 an osteopathic physician licensed pursuant to chapter 459, a  
8 naturopath licensed pursuant to chapter 462, or a podiatric  
9 physician ~~podiatrist~~ licensed pursuant to chapter 461,  
10 provided such practitioner holds a valid federal controlled  
11 substance registry number.

12           Section 235. Subsection (39) of section 984.03,  
13 Florida Statutes, is amended to read:

14           984.03 Definitions.--When used in this chapter, the  
15 term:

16           (39) "Neglect" occurs when the parent or legal  
17 custodian of a child or, in the absence of a parent or legal  
18 custodian, the person primarily responsible for the child's  
19 welfare deprives a child of, or allows a child to be deprived  
20 of, necessary food, clothing, shelter, or medical treatment or  
21 permits a child to live in an environment when such  
22 deprivation or environment causes the child's physical,  
23 mental, or emotional health to be significantly impaired or to  
24 be in danger of being significantly impaired. The foregoing  
25 circumstances shall not be considered neglect if caused  
26 primarily by financial inability unless actual services for  
27 relief have been offered to and rejected by such person. A  
28 parent or guardian legitimately practicing religious beliefs  
29 in accordance with a recognized church or religious  
30 organization who thereby does not provide specific medical  
31 treatment for a child shall not, for that reason alone, be

1 considered a negligent parent or guardian; however, such an  
2 exception does not preclude a court from ordering the  
3 following services to be provided, when the health of the  
4 child so requires:

5 (a) Medical services from a licensed physician,  
6 dentist, optometrist, podiatric physician ~~podiatrist~~, or other  
7 qualified health care provider; or

8 (b) Treatment by a duly accredited practitioner who  
9 relies solely on spiritual means for healing in accordance  
10 with the tenets and practices of a well-recognized church or  
11 religious organization.

12 Section 236. Paragraph (d) of subsection (12) of  
13 section 409.908, Florida Statutes, is amended to read:

14 409.908 Reimbursement of Medicaid providers.--Subject  
15 to specific appropriations, the agency shall reimburse  
16 Medicaid providers, in accordance with state and federal law,  
17 according to methodologies set forth in the rules of the  
18 agency and in policy manuals and handbooks incorporated by  
19 reference therein. These methodologies may include fee  
20 schedules, reimbursement methods based on cost reporting,  
21 negotiated fees, competitive bidding pursuant to s. 287.057,  
22 and other mechanisms the agency considers efficient and  
23 effective for purchasing services or goods on behalf of  
24 recipients. Payment for Medicaid compensable services made on  
25 behalf of Medicaid eligible persons is subject to the  
26 availability of moneys and any limitations or directions  
27 provided for in the General Appropriations Act or chapter 216.  
28 Further, nothing in this section shall be construed to prevent  
29 or limit the agency from adjusting fees, reimbursement rates,  
30 lengths of stay, number of visits, or number of services, or  
31 making any other adjustments necessary to comply with the

1 availability of moneys and any limitations or directions  
2 provided for in the General Appropriations Act, provided the  
3 adjustment is consistent with legislative intent.

4 (12)

5 (d) Notwithstanding paragraph (b), reimbursement fees  
6 to physicians for providing total obstetrical services to  
7 Medicaid recipients, which include prenatal, delivery, and  
8 postpartum care, shall be at least \$1,500 per delivery for a  
9 pregnant woman with low medical risk and at least \$2,000 per  
10 delivery for a pregnant woman with high medical risk. However,  
11 reimbursement to physicians working in Regional Perinatal  
12 Intensive Care Centers designated pursuant to chapter 383, for  
13 services to certain pregnant Medicaid recipients with a high  
14 medical risk, may be made according to obstetrical care and  
15 neonatal care groupings and rates established by the agency.  
16 Nurse midwives licensed under chapter 464 or midwives licensed  
17 under chapter 467 shall be reimbursed at no less than 80  
18 percent of the low medical risk fee. The agency shall by rule  
19 determine, for the purpose of this paragraph, what constitutes  
20 a high or low medical risk pregnant woman and shall not pay  
21 more based solely on the fact that a caesarean section was  
22 performed, rather than a vaginal delivery. The agency shall by  
23 rule determine a prorated payment for obstetrical services in  
24 cases where only part of the total prenatal, delivery, or  
25 postpartum care was performed. The Department of Health Agency  
26 ~~for Health Care Administration~~ shall adopt rules within  
27 ~~chapter 467~~ for appropriate insurance coverage for midwives  
28 licensed under chapter 467 ~~by such licensees~~. Prior to the  
29 issuance and renewal of an active license, or reactivation of  
30 an inactive license for midwives licensed under chapter 467,  
31

1 such licensees shall submit proof of coverage with each  
2 application.

3 Section 237. Subsections (2) and (5) of section  
4 455.564, Florida Statutes, are amended to read:

5 455.564 Department; general licensing provisions.--

6 (2) Before the issuance of any license, the department  
7 may charge an initial license fee as determined by rule of the  
8 applicable board or, if no such board exists, by rule of the  
9 department. Upon receipt of the appropriate license fee, the  
10 department shall issue a license to any person certified by  
11 the appropriate board, or its designee, as having met the  
12 licensure requirements imposed by law or rule. The license  
13 shall consist of a wallet-size identification card, a 3-inch  
14 by 5-inch certificate, and an 8 1/2-inch by 13-inch wall  
15 certificate suitable for conspicuous display.

16 (5) As a condition of renewal of a license, the Board  
17 of Medicine, the Board of Osteopathic Medicine, the Board of  
18 Chiropractic, and the Board of Podiatric Medicine shall each  
19 require licensees which they respectively regulate to  
20 periodically demonstrate their professional competency by  
21 completing at least 40 hours of continuing education every 2  
22 years, which may include up to 1 hour of risk management or  
23 cost containment and up to 2 hours of other topics related to  
24 the applicable medical specialty, if required by board rule.  
25 Each of such boards shall determine whether any specific  
26 course requirements not otherwise mandated by law shall be  
27 mandated and shall approve criteria for, and the content of,  
28 any course mandated by such board. Notwithstanding any other  
29 provision of law, the board, or the department when there is  
30 no board, may approve by rule alternative methods of obtaining  
31 continuing education credits in risk management. The

1 alternative methods may include attending a board meeting at  
2 which a licensee is disciplined, serving as a volunteer expert  
3 witness for the department in a disciplinary case, or serving  
4 as a member of a probable cause panel following the expiration  
5 of a board member's term.

6 Section 238. Subsection (1) of section 455.574,  
7 Florida Statutes, is amended to read:

8 455.574 Department of Health; examinations.--

9 (1)(a) The department shall provide, contract, or  
10 approve services for the development, preparation,  
11 administration, scoring, score reporting, and evaluation of  
12 all examinations, in consultation with the appropriate board.  
13 The department shall certify that examinations developed and  
14 approved by the department adequately and reliably measure an  
15 applicant's ability to practice the profession regulated by  
16 the department. After an examination developed or approved by  
17 the department has been administered, the board, or the  
18 department when there is no board, may reject any question  
19 which does not reliably measure the general areas of  
20 competency specified in the rules of the board. The  
21 department may contract for the preparation, administration,  
22 scoring, score reporting, and evaluation of examinations, when  
23 such services are available and approved by the board.

24 (b) For each examination developed by the department  
25 or contracted vendor, to the extent not otherwise specified by  
26 statute, the board, or the department when there is no board,  
27 shall by rule specify the general areas of competency to be  
28 covered by each examination, the relative weight to be  
29 assigned in grading each area tested, and the score necessary  
30 to achieve a passing grade, and fees, where applicable, to  
31 cover the actual cost for any purchase, development, and

1 administration of required examinations. This subsection does  
2 not apply to national examinations approved and administered  
3 pursuant to paragraph (c). If a practical examination is  
4 deemed to be necessary, the rules shall specify the criteria  
5 by which examiners are to be selected, the grading criteria to  
6 be used by the examiner, the relative weight to be assigned in  
7 grading each criterion, and the score necessary to achieve a  
8 passing grade. When a mandatory standardization exercise for a  
9 practical examination is required by law, the board, or the  
10 department when there is no board, may conduct such exercise.  
11 Therefore, board members, or employees of the department when  
12 there is no board, may serve as examiners at a practical  
13 examination with the consent of the board or department, as  
14 appropriate.

15 (c) The board, or the department when there is no  
16 board, may approve by rule the use of any national examination  
17 which the department has certified as meeting requirements of  
18 national examinations and generally accepted testing standards  
19 pursuant to department rules. Providers of examinations  
20 seeking certification by the department shall pay the actual  
21 costs incurred by the department in making a determination  
22 regarding the certification. The name and number of a  
23 candidate may be provided to a national contractor for the  
24 limited purpose of preparing the grade tape and information to  
25 be returned to the board or department; or, to the extent  
26 otherwise specified by rule, the candidate may apply directly  
27 to the vendor of the national examination and supply test  
28 score information to the department. The department may  
29 delegate to the board the duty to provide and administer the  
30 examination. Any national examination approved by a board, or  
31

1 the department when there is no board, prior to October 1,  
2 1997, is deemed certified under this paragraph.

3 (d) Each board, or the department when there is no  
4 board, shall adopt rules regarding the security and monitoring  
5 of examinations. The department shall implement those rules  
6 adopted by the respective boards. In order to maintain the  
7 security of examinations, the department may employ the  
8 procedures set forth in s. 455.637 to seek fines and  
9 injunctive relief against an examinee who violates the  
10 provisions of s. 455.577 or the rules adopted pursuant to this  
11 paragraph. The department, or any agent thereof, may, for the  
12 purposes of investigation, confiscate any written,  
13 photographic, or recording material or device in the  
14 possession of the examinee at the examination site which the  
15 department deems necessary to enforce such provisions or  
16 rules.

17 (e) If the professional board with jurisdiction over  
18 an examination concurs, the department may, for a fee, share  
19 with any other state's licensing authority an examination  
20 developed by or for the department unless prohibited by a  
21 contract entered into by the department for development or  
22 purchase of the examination. The department, with the  
23 concurrence of the appropriate board, shall establish  
24 guidelines that ensure security of a shared exam and shall  
25 require that any other state's licensing authority comply with  
26 those guidelines. Those guidelines shall be approved by the  
27 appropriate professional board. All fees paid by the user  
28 shall be applied to the department's examination and  
29 development program for professions regulated by this part.

30 (f) The department may adopt rules necessary to  
31 administer this subsection.

1           Section 239. Section 468.705, Florida Statutes, is  
2 amended to read:

3           468.705 Rulemaking authority.--The department is  
4 authorized to adopt such rules not inconsistent with law as  
5 may be necessary to carry out the duties and authority  
6 conferred on the department by this part and as may be  
7 necessary to protect the health, safety, and welfare of the  
8 public. Such rules shall include, but not be limited to, the  
9 allowable scope of practice regarding the use of equipment,  
10 procedures, and medication and requirements for a written  
11 protocol between the athletic trainer and a supervising  
12 physician.

13           Section 240. Subsection (7) of section 865.09, Florida  
14 Statutes, is amended to read:

15           865.09 Fictitious name registration.--

16           (7) EXEMPTIONS.--A business formed by an attorney  
17 licensed to practice law in this state, or by a person  
18 licensed by the Department of Business and Professional  
19 Regulation or the Department of Health, for the purpose of  
20 practicing his or her licensed profession need not be  
21 registered under this section, notwithstanding that it  
22 transacts business ancillary to the practice of such  
23 profession.

24           Section 241. Section 627.6407, Florida Statutes, is  
25 amended to read:

26           627.6407 Massage.--Any policy of health insurance that  
27 provides coverage for massage shall also cover the services of  
28 persons licensed to practice massage pursuant to chapter 480,  
29 where the massage, as defined in chapter 480, has been  
30 prescribed by a physician licensed under chapter 458, chapter

31



1 459, chapter 460, or chapter 461, as being medically necessary  
2 and the prescription specifies the number of treatments.

3 Section 242. Section 627.6619, Florida Statutes, is  
4 amended to read:

5 627.6619 Massage.--Any policy of health insurance that  
6 provides coverage for massage shall also cover the services of  
7 persons licensed to practice massage pursuant to chapter 480,  
8 where the massage, as defined in chapter 480, has been  
9 prescribed by a physician licensed under chapter 458, chapter  
10 459, chapter 460, or chapter 461, as being medically necessary  
11 and the prescription specifies the number of treatments.

12 Section 243. Subsection (1) of section 458.317,  
13 Florida Statutes, is amended to read:

14 458.317 Limited licenses.--

15 (1)(a) Any person desiring to obtain a limited license  
16 shall:

17 1. Submit to the board, with an application and fee  
18 not to exceed \$300, an affidavit stating that he or she has  
19 been licensed to practice medicine in any jurisdiction in the  
20 United States for at least 10 years and intends to practice  
21 only pursuant to the restrictions of a limited license granted  
22 pursuant to this section. However, a physician who is not  
23 fully retired in all jurisdictions may use a limited license  
24 only for noncompensated practice. If the person applying for  
25 a limited license submits a notarized statement from the  
26 employing agency or institution stating that he or she will  
27 not receive compensation for any service involving the  
28 practice of medicine, the application fee and all licensure  
29 fees shall be waived. However, any person who receives a  
30 waiver of fees for a limited license shall pay such fees if  
31 the person receives compensation for the practice of medicine.

1           2. Meet the requirements in s. 458.311(1)(b)-(g) and  
2 (5). If the applicant graduated from medical school prior to  
3 1946, the board or its appropriate committee may accept  
4 military medical training or medical experience as a  
5 substitute for the approved 1-year residency requirement in s.  
6 458.311(1)(f).

7           (b) After approval of an application under this  
8 section, no license shall be issued until the applicant  
9 provides to the board an affidavit that there have been no  
10 substantial changes in status since initial application.

11           (c) If it has been more than 3 years since active  
12 practice was conducted by the applicant, the full-time  
13 director of the county health department or a licensed  
14 physician, approved by the board, shall supervise the  
15 applicant for a period of 6 months after he or she is granted  
16 a limited license for practice, unless the board determines  
17 that a shorter period of supervision will be sufficient to  
18 ensure that the applicant is qualified for licensure.  
19 Procedures for such supervision shall be established by the  
20 board.

21           (d) The recipient of a limited license may practice  
22 only in the employ of public agencies or institutions or  
23 nonprofit agencies or institutions meeting the requirements of  
24 s. 501(c)(3) of the Internal Revenue Code, which agencies or  
25 institutions are located in the areas of critical medical need  
26 as determined by the board. Determination of medically  
27 underserved areas shall be made by the board after  
28 consultation with the Department of Health ~~and Rehabilitative~~  
29 ~~Services~~ and statewide medical organizations; however, such  
30 determination shall include, but not be limited to, health  
31 professional shortage areas designated by the United States

1 Department of Health and Human Services. A recipient of a  
2 limited license may use the license to work for any approved  
3 employer in any area of critical need approved by the board.

4 (e) The recipient of a limited license shall, within  
5 30 days after accepting employment, notify the board of all  
6 approved institutions in which the licensee practices and of  
7 all approved institutions where practice privileges have been  
8 denied.

9  
10 Nothing herein limits in any way any policy by the board,  
11 otherwise authorized by law, to grant licenses to physicians  
12 duly licensed in other states under conditions less  
13 restrictive than the requirements of this section.  
14 Notwithstanding the other provisions of this section, the  
15 board may refuse to authorize a physician otherwise qualified  
16 to practice in the employ of any agency or institution  
17 otherwise qualified if the agency or institution has caused or  
18 permitted violations of the provisions of this chapter which  
19 it knew or should have known were occurring.

20 Section 244. Subsection (4) of section 465.019,  
21 Florida Statutes, is amended to read:

22 465.019 Institutional pharmacies; permits.--

23 (4) Medicinal drugs shall be dispensed in an  
24 institutional pharmacy to outpatients only when that  
25 institution has secured a community pharmacy permit from the  
26 department. However, an individual licensed to prescribe  
27 medicinal drugs in this state may dispense up to a 24-hour  
28 supply of a medicinal drug to any patient of an emergency  
29 department of a hospital that operates a Class II  
30 institutional pharmacy, provided that the physician treating  
31 the patient in such hospital's emergency department determines

1 that the medicinal drug is warranted and that community  
2 pharmacy services are not readily accessible, geographically  
3 or otherwise, to the patient. Such dispensing from the  
4 emergency department must be in accordance with the procedures  
5 of the hospital. For any such patient for whom a medicinal  
6 drug is warranted for a period to exceed 24 hours, an  
7 individual licensed to prescribe such drug must dispense a  
8 24-hour supply of such drug to the patient and must provide  
9 the patient with a prescription for such drug for use after  
10 the initial 24-hour period. The board may adopt rules  
11 necessary to carry out the provisions of this subsection.

12           Section 245. Subsection (2) of section 468.703,  
13 Florida Statutes, is amended to read:

14           468.703 Council of Athletic Training.--

15           (2) Four members of the council shall be licensed  
16 athletic trainers. One member of the council shall be a  
17 physician licensed under chapter 458 or chapter 459. One  
18 member of the council shall be a physician licensed under  
19 chapter 460 ~~and certified in the specialty of sports medicine~~  
20 ~~by the Chiropractic Council on Sports Medicine.~~ One member of  
21 the council shall be a resident of this state who has never  
22 worked as an athletic trainer, who has no financial interest  
23 in the practice of athletic training, and who has never been a  
24 licensed health care practitioner as defined in s. 455.01(4).  
25 Members of the council shall serve staggered 4-year terms as  
26 determined by rule of the department; however, no member may  
27 serve more than two consecutive terms.

28           Section 246. Subsection (1) of section 766.204,  
29 Florida Statutes, is amended to read:

30  
31

1           766.204 Availability of medical records for presuit  
2 investigation of medical negligence claims and defenses;  
3 penalty.--

4           (1) Copies of any medical record relevant to any  
5 litigation of a medical negligence claim or defense shall be  
6 provided to a claimant or a defendant, or to the attorney  
7 thereof, at a reasonable charge within 10 business days of a  
8 request for copies, except that an independent special  
9 hospital district with taxing authority which owns two or more  
10 hospitals shall have 20 days. It shall not be grounds to  
11 refuse copies of such medical records that they are not yet  
12 completed or that a medical bill is still owing.

13           Section 247. Paragraph (e) of subsection (6) of  
14 section 483.901, Florida Statutes, is amended to read:

15           483.901 Medical physicists; definitions; licensure.--

16           (6) LICENSE REQUIRED.--An individual may not engage in  
17 the practice of medical physics, including the specialties of  
18 diagnostic radiological physics, therapeutic radiological  
19 physics, medical nuclear radiological physics, or medical  
20 health physics, without a license issued by the department for  
21 the appropriate specialty.

22           (e) On receipt of an application and fee as specified  
23 in this section, the department may issue a license to  
24 practice medical physics in this state:

25           1. Until October 1, 1998 ~~1997~~, to a person who meets  
26 any of the following requirements:

27           a. Earned from an accredited college or university a  
28 doctoral degree in physics, medical physics, biophysics,  
29 radiological physics, medical health physics, or nuclear  
30 engineering and has at least 2 years' experience in the  
31

1 practice of the medical physics specialty for which  
2 application is made.

3           b. Earned from an accredited college or university a  
4 master's degree in physics, medical physics, biophysics,  
5 radiological physics, medical health physics, or nuclear  
6 engineering and has at least 3 years' experience in the  
7 practice of the medical physics specialty for which  
8 application is made.

9           c. Earned from an accredited college or university a  
10 bachelor's degree in physics and has at least 5 years'  
11 experience in the practice of the medical physics specialty  
12 for which application is made.

13           d. Has at least 8 years' experience in the practice of  
14 the medical physics specialty for which application is made, 2  
15 years of which must have been earned within the 4 years  
16 immediately preceding application for licensure.

17           e. Is board certified in the medical physics specialty  
18 in which the applicant applies to practice by the American  
19 Board of Radiology for diagnostic radiological physics,  
20 therapeutic radiological physics, or medical nuclear  
21 radiological physics; by the American Board of Medical Physics  
22 or the Canadian Board of Medical Physics for diagnostic  
23 radiological physics, therapeutic radiological physics, or  
24 medical nuclear radiological physics; or by the American Board  
25 of Health Physics or an equivalent certifying body approved by  
26 the agency.

27           2. On or after October 1, 1997, to a person who is  
28 board certified in the medical physics specialty in which the  
29 applicant applies to practice by the American Board of  
30 Radiology for diagnostic radiological physics, therapeutic  
31 radiological physics, or medical nuclear radiological physics;

1 by the American Board of Medical Physics for diagnostic  
2 radiological physics, therapeutic radiological physics, or  
3 medical nuclear radiological physics; or by the American Board  
4 of Health Physics or an equivalent certifying body approved by  
5 the department.

6 Section 248. Subsection (3) of section 458.345,  
7 Florida Statutes, is amended to read:

8 458.345 Registration of resident physicians, interns,  
9 and fellows; list of hospital employees; prescribing of  
10 medicinal drugs; penalty.--

11 (3) Every hospital employing or utilizing the services  
12 of a resident physician, assistant resident physician, house  
13 physician, intern, or fellow in fellowship training which  
14 leads to subspecialty board certification shall designate a  
15 person who shall, on dates designated by the board, in  
16 consultation with the department ~~on January 1 and July 1 of~~  
17 ~~each year~~, furnish the department with a list of the  
18 hospital's employees and such other information as the board  
19 may direct. The chief executive officer of each such hospital  
20 shall provide the executive director of the board with the  
21 name, title, and address of the person responsible for  
22 furnishing such reports.

23 Section 249. Subsection (3) of section 459.021,  
24 Florida Statutes, is amended to read:

25 459.021 Registration of resident physicians, interns,  
26 and fellows; list of hospital employees; penalty.--

27 (3) Every hospital having employed or contracted with  
28 or utilized the services of a person who holds a degree of  
29 Doctor of Osteopathic Medicine from a college of osteopathic  
30 medicine recognized and approved by the American Osteopathic  
31 Association as a resident physician, assistant resident

1 physician, house physician, intern, or fellow in fellowship  
2 training which leads to subspecialty board certification shall  
3 designate a person who shall furnish, on dates designated by  
4 the board, in consultation with the department ~~in January and~~  
5 ~~July of each year~~, to the department a list of all such  
6 persons who have served in the hospital during the preceding  
7 6-month period. The chief executive officer of each such  
8 hospital shall provide the executive director of the board  
9 with the name, title, and address of the person responsible  
10 for filing such reports.

11 Section 250. Paragraph (g) of subsection (3) of  
12 section 20.43, Florida Statutes, is amended to read:

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

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

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

- 20 1. Nursing assistants, as provided under s. 400.211.
- 21 2. Health care services pools, as provided under s.  
22 402.48.
- 23 3. The Board of Acupuncture, created under chapter  
24 457.
- 25 4. The Board of Medicine, created under chapter 458.
- 26 5. The Board of Osteopathic Medicine, created under  
27 chapter 459.
- 28 6. The Board of Chiropractic Medicine, created under  
29 chapter 460.
- 30 7. The Board of Podiatric Medicine, created under  
31 chapter 461.



- 1           8. Naturopathy, as provided under chapter 462.
- 2           9. The Board of Optometry, created under chapter 463.
- 3           10. The Board of Nursing, created under chapter 464.
- 4           11. The Board of Pharmacy, created under chapter 465.
- 5           12. The Board of Dentistry, created under chapter 466.
- 6           13. Midwifery, as provided under chapter 467.
- 7           14. The Board of Speech-Language Pathology and
- 8   Audiology, created under part I of chapter 468.
- 9           15. The Board of Nursing Home Administrators, created
- 10   under part II of chapter 468.
- 11          16. Occupational therapy, as provided under part III
- 12   of chapter 468.
- 13          17. Respiratory therapy, as provided under part V of
- 14   chapter 468.
- 15          18. Dietetics and nutrition practice, as provided
- 16   under part X of chapter 468.
- 17          19. Athletic trainers, as provided under part XIII ~~XIV~~
- 18   of chapter 468.
- 19          20. Electrolysis, as provided under chapter 478.
- 20          21. The Board of Massage Therapy, created under
- 21   chapter 480.
- 22          22. The Board of Clinical Laboratory Personnel,
- 23   created under part III of chapter 483.
- 24          23. Medical physicists, as provided under part IV of
- 25   chapter 483.
- 26          24. The Board of Opticianry, created under part I of
- 27   chapter 484.
- 28          25. The Board of Hearing Aid Specialists, created
- 29   under part II of chapter 484.
- 30          26. The Board of Physical Therapy Practice, created
- 31   under chapter 486.

1           27. The Board of Psychology, created under chapter  
2 490.

3           28. The Board of Clinical Social Work, Marriage and  
4 Family Therapy, and Mental Health Counseling, created under  
5 chapter 491.

6  
7 The department may contract with the Agency for Health Care  
8 Administration who shall provide consumer complaint,  
9 investigative, and prosecutorial services required by the  
10 Division of Medical Quality Assurance, councils, or boards, as  
11 appropriate.

12           Section 251. Subsection (1) of section 322.125,  
13 Florida Statutes, is amended to read:

14           322.125 Medical Advisory Board.--

15           (1) There shall be a Medical Advisory Board composed  
16 of not fewer than 12 or more than 25 members, at least one of  
17 whom must be 60 years of age or older and all but one of whose  
18 medical and other specialties must relate to driving  
19 abilities, which number must include a doctor of medicine who  
20 is employed by the Department of Highway Safety and Motor  
21 Vehicles in Tallahassee, who shall serve as administrative  
22 officer for the board. The executive director of the  
23 Department of Highway Safety and Motor Vehicles shall  
24 recommend persons to serve as board members. Every member but  
25 two must be a doctor of medicine licensed to practice medicine  
26 in this or any other state and must be a member in good  
27 standing of the Florida Medical Association or the Florida  
28 Osteopathic Association. One member must be an optometrist  
29 licensed to practice optometry in this state and must be a  
30 member in good standing of the Florida Optometric Association.  
31 One member must be a chiropractic physician ~~chiropractor~~

1 licensed to practice chiropractic medicine in this state.  
2 Members shall be approved by the Cabinet and shall serve  
3 4-year staggered terms. The board membership must, to the  
4 maximum extent possible, consist of equal representation of  
5 the disciplines of the medical community treating the mental  
6 or physical disabilities that could affect the safe operation  
7 of motor vehicles.

8 Section 252. Subsection (1) of section 381.0031,  
9 Florida Statutes, is amended to read:

10 381.0031 Report of diseases of public health  
11 significance to department.--

12 (1) Any practitioner, licensed in Florida to practice  
13 medicine, osteopathic medicine, chiropractic medicine,  
14 naturopathy, or veterinary medicine, who diagnoses or suspects  
15 the existence of a disease of public health significance shall  
16 immediately report the fact to the Department of Health.

17 Section 253. Paragraph (b) of subsection (2) and  
18 subsection (5) of section 381.0302, Florida Statutes, are  
19 amended to read:

20 381.0302 Florida Health Services Corps.--

21 (2) As used in this section, the term:

22 (b) "Florida Health Services Corps" means a program  
23 authorized by this section which:

24 1. Offers scholarships to allopathic, osteopathic,  
25 chiropractic, podiatric, dental, physician assistant, and  
26 nursing students, and loan repayment assistance and travel and  
27 relocation expenses to allopathic and osteopathic residents  
28 and physicians, chiropractic physicians ~~chiropractors~~,  
29 podiatrists, nurse practitioners, dentists, and physician  
30 assistants, in return for service in a public health care  
31 program or in a medically underserved area.

1           2. Offers membership on a voluntary basis to  
2 physicians and other health care personnel who provide  
3 uncompensated care.

4           (5) The department may award scholarships to students  
5 studying medicine, osteopathic medicine, chiropractic  
6 medicine, podiatric, nursing, or dentistry.

7           (a) The program shall require a student who receives a  
8 scholarship to accept an assignment in a public health care  
9 program or work in a specific community located in a medically  
10 underserved area upon completion of primary care training.  
11 The department shall determine assignments. If a practitioner  
12 is assigned to a medically underserved area, the practitioner  
13 must treat Medicaid patients and other patients with low  
14 incomes.

15           (b) An eligible student must be pursuing a full-time  
16 course of study in:

- 17           1. Allopathic or osteopathic medicine, including
- 18 physician assistants;
- 19           2. Dentistry;
- 20           3. Podiatric medicine;
- 21           4. Nursing, including registered nurses, nurse
- 22 midwives, and other nurse practitioners; or
- 23           5. Chiropractic medicine.

24           (c) In selecting students to participate in the  
25 scholarship program, priority shall be given to students who  
26 indicate a desire to practice a primary care specialty in a  
27 medically underserved area after their obligation is completed  
28 and who indicate an intent to practice medical specialties for  
29 which the department has a need.

30           (d) Scholarship assistance shall consist of  
31 reimbursement for tuition and other educational costs such as

1 books, supplies, equipment, transportation, and monthly living  
2 expense stipends. The department shall pay the same amount for  
3 living expense stipends as is paid by the National Health  
4 Services Corps. Each monthly living expense stipend shall be  
5 for a 12-month period beginning with the first month of each  
6 school year in which the student is a participant. The  
7 department may reimburse a participant for books, supplies,  
8 and equipment based on average costs incurred by participants  
9 for these items. The department shall prescribe, by rule,  
10 eligible expenses for reimbursement and allowable amounts.

11 (e) For an allopathic or osteopathic medical student,  
12 enrollment in the corps may begin in the second year of  
13 medical school or in any year thereafter. For a nursing  
14 student or other student, enrollment may occur in any year.

15 (f) For a student who receives scholarship assistance,  
16 participation in the corps after completion of training shall  
17 be 1 year for each school year of scholarship assistance, up  
18 to a maximum of 3 years. The period of obligated service  
19 shall begin when the participant is assigned by the department  
20 to a public health program or to a medically underserved area.

21 Section 254. Subsection (11) of section 382.002,  
22 Florida Statutes, is amended to read:

23 382.002 Definitions.--As used in this chapter, the  
24 term:

25 (11) "Physician" means a person authorized to practice  
26 medicine, osteopathic medicine, or chiropractic medicine  
27 pursuant to chapter 458, chapter 459, or chapter 460.

28 Section 255. Section 395.0195, Florida Statutes, is  
29 amended to read:

30 395.0195 Access of chiropractic physicians  
31 ~~chiropractors~~ to diagnostic reports.--Each hospital shall set

1 standards and procedures which provide for reasonable access  
2 by licensed chiropractic physicians ~~chiropractors~~ to the  
3 reports of diagnostic X rays and laboratory tests of licensed  
4 facilities, subject to the same standards and procedures as  
5 other licensed physicians. However, this section does not  
6 require a licensed facility to grant staff privileges to a  
7 chiropractic physician ~~chiropractor~~.

8 Section 256. Paragraph (a) of subsection (1) of  
9 section 415.1034, Florida Statutes, is amended to read:

10 415.1034 Mandatory reporting of abuse, neglect, or  
11 exploitation of disabled adults or elderly persons; mandatory  
12 reports of death.--

13 (1) MANDATORY REPORTING.--

14 (a) Any person, including, but not limited to, any:

15 1. Physician, osteopathic physician, medical examiner,  
16 chiropractic physician ~~chiropractor~~, nurse, or hospital  
17 personnel engaged in the admission, examination, care, or  
18 treatment of disabled adults or elderly persons;

19 2. Health professional or mental health professional  
20 other than one listed in subparagraph 1.;

21 3. Practitioner who relies solely on spiritual means  
22 for healing;

23 4. Nursing home staff; assisted living facility staff;  
24 adult day care center staff; adult family-care home staff;  
25 social worker; or other professional adult care, residential,  
26 or institutional staff;

27 5. State, county, or municipal criminal justice  
28 employee or law enforcement officer;

29 6. Human rights advocacy committee or long-term care  
30 ombudsman council member; or

31

1           7. Bank, savings and loan, or credit union officer,  
2 trustee, or employee,  
3  
4 who knows, or has reasonable cause to suspect, that a disabled  
5 adult or an elderly person has been or is being abused,  
6 neglected, or exploited shall immediately report such  
7 knowledge or suspicion to the central abuse registry and  
8 tracking system on the single statewide toll-free telephone  
9 number.

10           Section 257. Paragraph (a) of subsection (1) of  
11 section 415.504, Florida Statutes, is amended to read:

12           415.504 Mandatory reports of child abuse or neglect;  
13 mandatory reports of death; central abuse hotline.--

14           (1) Any person, including, but not limited to, any:

15           (a) Physician, osteopathic physician, medical  
16 examiner, chiropractic physician ~~chiropractor~~, nurse, or  
17 hospital personnel engaged in the admission, examination,  
18 care, or treatment of persons;

19  
20 who knows, or has reasonable cause to suspect, that a child is  
21 an abused, abandoned, or neglected child shall report such  
22 knowledge or suspicion to the department in the manner  
23 prescribed in subsection (2).

24           Section 258. Subsection (2) of section 440.106,  
25 Florida Statutes, is amended to read:

26           440.106 Civil remedies; administrative penalties.--

27           (2) Whenever a physician, osteopathic physician,  
28 chiropractic physician ~~chiropractor~~, podiatrist, or other  
29 practitioner is determined to have violated s. 440.105, the  
30 Board of Medicine as set forth in chapter 458, the Board of  
31 Osteopathic Medicine as set forth in chapter 459, the Board of

1 Chiropractic Medicine as set forth in chapter 460, the Board  
2 of Podiatric Medicine as set forth in chapter 461, or other  
3 appropriate licensing authority, shall hold an administrative  
4 hearing to consider the imposition of administrative sanctions  
5 as provided by law against said physician, osteopathic  
6 physician, chiropractic physician ~~chiropractor~~, or other  
7 practitioner.

8 Section 259. Paragraph (r) of subsection (1) of  
9 section 440.13, Florida Statutes, is amended to read:

10 440.13 Medical services and supplies; penalty for  
11 violations; limitations.--

12 (1) DEFINITIONS.--As used in this section, the term:

13 (r) "Physician" or "doctor" means a physician licensed  
14 under chapter 458, an osteopathic physician licensed under  
15 chapter 459, a chiropractic physician ~~chiropractor~~ licensed  
16 under chapter 460, a podiatrist licensed under chapter 461, an  
17 optometrist licensed under chapter 463, or a dentist licensed  
18 under chapter 466, each of whom must be certified by the  
19 division as a health care provider.

20 Section 260. Paragraph (k) of subsection (1) of  
21 section 440.134, Florida Statutes, is amended to read:

22 440.134 Workers' compensation managed care  
23 arrangement.--

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

25 (k) "Primary care provider" means, except in the case  
26 of emergency treatment, the initial treating physician and,  
27 when appropriate, continuing treating physician, who may be a  
28 family practitioner, general practitioner, or internist  
29 physician licensed under chapter 458; a family practitioner,  
30 general practitioner, or internist osteopathic physician  
31 licensed under chapter 459; a chiropractic physician



1 ~~chiropractor~~ licensed under chapter 460; a podiatrist licensed  
2 under chapter 461; an optometrist licensed under chapter 463;  
3 or a dentist licensed under chapter 466.

4 Section 261. Paragraph (a) of subsection (3) of  
5 section 440.15, Florida Statutes, is amended to read:

6 440.15 Compensation for disability.--Compensation for  
7 disability shall be paid to the employee, subject to the  
8 limits provided in s. 440.12(2), as follows:

9 (3) PERMANENT IMPAIRMENT AND WAGE-LOSS BENEFITS.--

10 (a) Impairment benefits.--

11 1. Once the employee has reached the date of maximum  
12 medical improvement, impairment benefits are due and payable  
13 within 20 days after the carrier has knowledge of the  
14 impairment.

15 2. The three-member panel, in cooperation with the  
16 division, shall establish and use a uniform permanent  
17 impairment rating schedule. This schedule must be based on  
18 medically or scientifically demonstrable findings as well as  
19 the systems and criteria set forth in the American Medical  
20 Association's Guides to the Evaluation of Permanent  
21 Impairment; the Snellen Charts, published by American Medical  
22 Association Committee for Eye Injuries; and the Minnesota  
23 Department of Labor and Industry Disability Schedules. The  
24 schedule should be based upon objective findings. The schedule  
25 shall be more comprehensive than the AMA Guides to the  
26 Evaluation of Permanent Impairment and shall expand the areas  
27 already addressed and address additional areas not currently  
28 contained in the guides. On August 1, 1979, and pending the  
29 adoption, by rule, of a permanent schedule, Guides to the  
30 Evaluation of Permanent Impairment, copyright 1977, 1971,  
31 1988, by the American Medical Association, shall be the

1 temporary schedule and shall be used for the purposes hereof.  
2 For injuries after July 1, 1990, pending the adoption by  
3 division rule of a uniform disability rating schedule, the  
4 Minnesota Department of Labor and Industry Disability Schedule  
5 shall be used unless that schedule does not address an injury.  
6 In such case, the Guides to the Evaluation of Permanent  
7 Impairment by the American Medical Association shall be used.  
8 Determination of permanent impairment under this schedule must  
9 be made by a physician licensed under chapter 458, a doctor of  
10 osteopathic medicine licensed under chapters 458 and 459, a  
11 chiropractic physician ~~chiropractor~~ licensed under chapter  
12 460, a podiatrist licensed under chapter 461, an optometrist  
13 licensed under chapter 463, or a dentist licensed under  
14 chapter 466, as appropriate considering the nature of the  
15 injury. No other persons are authorized to render opinions  
16 regarding the existence of or the extent of permanent  
17 impairment.

18         3. All impairment income benefits shall be based on an  
19 impairment rating using the impairment schedule referred to in  
20 subparagraph 2. Impairment income benefits are paid weekly at  
21 the rate of 50 percent of the employee's average weekly  
22 temporary total disability benefit not to exceed the maximum  
23 weekly benefit under s. 440.12. An employee's entitlement to  
24 impairment income benefits begins the day after the employee  
25 reaches maximum medical improvement or the expiration of  
26 temporary benefits, whichever occurs earlier, and continues  
27 until the earlier of:

28             a. The expiration of a period computed at the rate of  
29 3 weeks for each percentage point of impairment; or

30             b. The death of the employee.

31

1           4. After the employee has been certified by a doctor  
2 as having reached maximum medical improvement or 6 weeks  
3 before the expiration of temporary benefits, whichever occurs  
4 earlier, the certifying doctor shall evaluate the condition of  
5 the employee and assign an impairment rating, using the  
6 impairment schedule referred to in subparagraph 2.

7 Compensation is not payable for the mental, psychological, or  
8 emotional injury arising out of depression from being out of  
9 work. If the certification and evaluation are performed by a  
10 doctor other than the employee's treating doctor, the  
11 certification and evaluation must be submitted to the treating  
12 doctor, and the treating doctor must indicate agreement or  
13 disagreement with the certification and evaluation. The  
14 certifying doctor shall issue a written report to the  
15 division, the employee, and the carrier certifying that  
16 maximum medical improvement has been reached, stating the  
17 impairment rating, and providing any other information  
18 required by the division. If the employee has not been  
19 certified as having reached maximum medical improvement before  
20 the expiration of 102 weeks after the date temporary total  
21 disability benefits begin to accrue, the carrier shall notify  
22 the treating doctor of the requirements of this section.

23           5. The carrier shall pay the employee impairment  
24 income benefits for a period based on the impairment rating.

25           Section 262. Subsections (2) and (5) of section  
26 455.564, Florida Statutes, are amended to read:

27           455.564 Department; general licensing provisions.--

28           (2) Before the issuance of any license, the department  
29 may charge an initial license fee as determined by rule of the  
30 applicable board or, if no such board exists, by rule of the  
31 department. Upon receipt of the appropriate license fee, the

1 department shall issue a license to any person certified by  
2 the appropriate board, or its designee, as having met the  
3 licensure requirements imposed by law or rule. The licensee  
4 shall be issued a wallet-size identification card and a wall  
5 certificate suitable for conspicuous display, which shall be  
6 no smaller than 8 1/2 inches by 14 inches. The licensee shall  
7 surrender to the department the wallet-size identification  
8 card and the wall certificate if the licensee's license is  
9 suspended or revoked. The department shall promptly return the  
10 wallet-size identification card and the wall certificate to  
11 the licensee upon reinstatement of a suspended or revoked  
12 license.

13 (5) As a condition of renewal of a license, the Board  
14 of Medicine, the Board of Osteopathic Medicine, the Board of  
15 Chiropractic Medicine, and the Board of Podiatric Medicine  
16 shall each require licensees which they respectively regulate  
17 to periodically demonstrate their professional competency by  
18 completing at least 40 hours of continuing education every 2  
19 years, which may include up to 1 hour of risk management or  
20 cost containment and up to 2 hours of other topics related to  
21 the applicable medical specialty, if required by board rule.  
22 Each of such boards shall determine whether any specific  
23 course requirements not otherwise mandated by law shall be  
24 mandated and shall approve criteria for, and the content of,  
25 any course mandated by such board.

26 Section 263. Paragraph (a) of subsection (3) of  
27 section 455.654, Florida Statutes, is amended to read:

28 455.654 Financial arrangements between referring  
29 health care providers and providers of health care services.--

30 (3) DEFINITIONS.--For the purpose of this section, the  
31 word, phrase, or term:

1 (a) "Board" means any of the following boards relating  
2 to the respective professions: the Board of Medicine as  
3 created in s. 458.307; the Board of Osteopathic Medicine as  
4 created in s. 459.004; the Board of Chiropractic Medicine as  
5 created in s. 460.404; the Board of Podiatric Medicine as  
6 created in s. 461.004; the Board of Optometry as created in s.  
7 463.003; the Board of Pharmacy as created in s. 465.004; and  
8 the Board of Dentistry as created in s. 466.004.

9 Section 264. Section 455.684, Florida Statutes, is  
10 amended to read:

11 455.684 Chiropractic and podiatric health care; denial  
12 of payment; limitation.--A chiropractic physician licensed  
13 under chapter 460 or a podiatrist licensed under chapter 461  
14 shall not be denied payment for treatment rendered solely on  
15 the basis that the chiropractic physician ~~chiropractor~~ or  
16 podiatrist is not a member of a particular preferred provider  
17 organization or exclusive provider organization which is  
18 composed only of physicians licensed under the same chapter.

19 Section 265. Paragraph (a) of subsection (1) of  
20 section 455.691, Florida Statutes, is amended to read:

21 455.691 Treatment of Medicare beneficiaries; refusal,  
22 emergencies, consulting physicians.--

23 (1) Effective as of January 1, 1993, as used in this  
24 section, the term:

25 (a) "Physician" means a physician licensed under  
26 chapter 458, an osteopathic physician licensed under chapter  
27 459, a chiropractic physician ~~chiropractor~~ licensed under  
28 chapter 460, a podiatrist licensed under chapter 461, or an  
29 optometrist licensed under chapter 463.

30 Section 266. Subsection (1) of section 455.694,  
31 Florida Statutes, is amended to read:

1           455.694 Boards regulating certain health care  
2 practitioners.--

3           (1) As a prerequisite for licensure or license  
4 renewal, the Board of Acupuncture, the Board of Chiropractic  
5 Medicine, the Board of Podiatric Medicine, and the Board of  
6 Dentistry shall, by rule, require that all health care  
7 practitioners licensed under the respective board, and the  
8 Board of Nursing shall, by rule, require that advanced  
9 registered nurse practitioners certified under s. 464.012,  
10 maintain medical malpractice insurance or provide proof of  
11 financial responsibility in an amount and in a manner  
12 determined by the board to be sufficient to cover claims  
13 arising out of the rendering of or failure to render  
14 professional care and services in this state.

15           Section 267. Subsection (2) of section 456.31, Florida  
16 Statutes, is amended to read:

17           456.31 Legislative intent.--

18           (2) It is the intent of the Legislature to provide for  
19 certain practitioners of the healing arts, such as a trained  
20 and qualified dentist, to use hypnosis for hypnoanesthesia or  
21 for the allaying of anxiety in relation to dental work;  
22 however, under no circumstances shall it be legal or proper  
23 for the dentist or the individual to whom the dentist may  
24 refer the patient, to use hypnosis for the treatment of the  
25 neurotic difficulties of a patient. The same applies to the  
26 optometrist, podiatrist, chiropractic physician ~~chiropractor~~,  
27 osteopathic physician, or physician of medicine.

28           Section 268. Subsections (2) and (3) of section  
29 456.32, Florida Statutes, are amended to read:

30  
31

1           456.32 Definitions.--In construing this chapter, the  
2 words, phrases, or terms, unless the context otherwise  
3 indicates, shall have the following meanings:

4           (2) "Healing arts" shall mean the practice of  
5 medicine, surgery, psychiatry, dentistry, osteopathic  
6 medicine, chiropractic medicine, naturopathy, podiatry,  
7 chiropody, psychology, clinical social work, marriage and  
8 family therapy, mental health counseling, and optometry.

9           (3) "Practitioner of the healing arts" shall mean a  
10 person licensed under the laws of the state to practice  
11 medicine, surgery, psychiatry, dentistry, osteopathic  
12 medicine, chiropractic medicine, naturopathy, podiatry,  
13 chiropody, psychology, clinical social work, marriage and  
14 family therapy, mental health counseling, or optometry within  
15 the scope of his or her professional training and competence  
16 and within the purview of the statutes applicable to his or  
17 her respective profession, and who may refer a patient for  
18 treatment by a qualified person, who shall employ hypnotic  
19 techniques under the supervision, direction, prescription, and  
20 responsibility of such referring practitioner.

21           Section 269. The catchline of section 459.002, Florida  
22 Statutes, is amended to read:

23           459.002 Chapter not applicable to practice of  
24 medicine, surgery, chiropractic medicine, etc.--

25           Section 270. Chapter 460, Florida Statutes, entitled  
26 "Chiropractic," is retitled "Chiropractic Medicine."

27           Section 271. Subsections (2) and (4) and paragraphs  
28 (a) and (e) of subsection (8) of section 460.403, Florida  
29 Statutes, are amended to read:

30           460.403 Definitions.--As used in this chapter, the  
31 term:

1           (2) "Board" means the Board of Chiropractic Medicine.

2           (4) "Chiropractic physician" means any person licensed  
3 to practice chiropractic medicine pursuant to this chapter.

4           (8)(a) "Practice of chiropractic medicine" means a  
5 noncombative principle and practice consisting of the science,  
6 philosophy, and art of the adjustment, manipulation, and  
7 treatment of the human body in which vertebral subluxations  
8 and other malpositioned articulations and structures that are  
9 interfering with the normal generation, transmission, and  
10 expression of nerve impulse between the brain, organs, and  
11 tissue cells of the body, thereby causing disease, are  
12 adjusted, manipulated, or treated, thus restoring the normal  
13 flow of nerve impulse which produces normal function and  
14 consequent health by chiropractic physicians using specific  
15 chiropractic adjustment or manipulation techniques taught in  
16 chiropractic colleges accredited by the Council on  
17 Chiropractic Education. No person other than a licensed  
18 chiropractic physician may render chiropractic services,  
19 chiropractic adjustments, or chiropractic manipulations.

20           (e) The term "chiropractic medicine," "chiropractic,"  
21 "doctor of chiropractic," or "chiropractor" shall be  
22 synonymous with "chiropractic physician," and each term shall  
23 be construed to mean a practitioner of chiropractic medicine  
24 as the same has been defined herein. Chiropractic physicians  
25 may analyze and diagnose the physical conditions of the human  
26 body to determine the abnormal functions of the human organism  
27 and to determine such functions as are abnormally expressed  
28 and the cause of such abnormal expression.

29           Section 272. Section 460.404, Florida Statutes, is  
30 amended to read:

31



1           460.404 Board of Chiropractic Medicine; membership;  
2 appointment; terms.--

3           (1) The Board of Chiropractic Medicine is created  
4 within the department and shall consist of seven members to be  
5 appointed by the Governor and confirmed by the Senate.

6           (2) Five members of the board must be licensed  
7 chiropractic physicians who are residents of the state and who  
8 have been licensed chiropractic physicians engaged in the  
9 practice of chiropractic medicine for at least 4 years. The  
10 remaining two members must be residents of the state who are  
11 not, and have never been, licensed as chiropractic physicians  
12 or members of any closely related profession. At least one  
13 member of the board must be 60 years of age or older.

14           (3) As the terms of the members expire, the Governor  
15 shall appoint successors for terms of 4 years, and such  
16 members shall serve until their successors are appointed.

17           (4) All provisions of part II of chapter 455 relating  
18 to the board shall apply.

19           Section 273. Section 460.405, Florida Statutes, is  
20 amended to read:

21           460.405 Authority to make rules.--The Board of  
22 Chiropractic Medicine is authorized to make such rules not  
23 inconsistent with law as are necessary to carry out the duties  
24 and authority conferred upon the board by this chapter.

25           Section 274. Paragraphs (c) and (e) of subsection (1)  
26 and subsection (3) of section 460.406, Florida Statutes, are  
27 amended to read:

28           460.406 Licensure by examination.--

29           (1) Any person desiring to be licensed as a  
30 chiropractic physician shall apply to the department to take  
31 the licensure examination. There shall be an application fee

1 set by the board not to exceed \$100 which shall be  
2 nonrefundable. There shall also be an examination fee not to  
3 exceed \$500 plus the actual per applicant cost to the  
4 department for purchase of portions of the examination from  
5 the National Board of Chiropractic Examiners or a similar  
6 national organization, which may be refundable if the  
7 applicant is found ineligible to take the examination. The  
8 department shall examine each applicant who the board  
9 certifies has:

10 (c) Submitted proof satisfactory to the department  
11 that he or she is a graduate of a chiropractic college which  
12 is accredited by or has status with the Council on  
13 Chiropractic Education or its predecessor agency. However, any  
14 applicant who is a graduate of a chiropractic college that was  
15 initially accredited by the Council on Chiropractic Education  
16 in 1995, who graduated from such college within the 4 years  
17 immediately preceding such accreditation, and who is otherwise  
18 qualified shall be eligible to take the examination. No  
19 application for a license to practice chiropractic medicine  
20 shall be denied solely because the applicant is a graduate of  
21 a chiropractic college that subscribes to one philosophy of  
22 chiropractic medicine as distinguished from another.

23 (e) Completed not less than a 3-month training program  
24 in this state of not less than 300 hours with a chiropractic  
25 physician licensed in this state. The chiropractic physician  
26 candidate may perform all services offered by the licensed  
27 chiropractic physician, but must be under the supervision of  
28 the licensed chiropractic physician until the results of the  
29 first licensure examination for which the candidate has  
30 qualified have been received, at which time the candidate's  
31 training program shall be terminated. However, an applicant

1 who has practiced chiropractic medicine in any other state,  
2 territory, or jurisdiction of the United States or any foreign  
3 national jurisdiction for at least 5 years as a licensed  
4 chiropractic physician need not be required to complete the  
5 3-month training program as a requirement for licensure.

6 (3) An applicant for the licensure examination may  
7 elect not to take the certification examination to use  
8 acupuncture. The department shall, in addition to the  
9 licensing exam, offer an examination for certification to use  
10 acupuncture. An applicant may elect to take the certification  
11 examination at the time of taking the licensure examination.  
12 Passage of the certification examination shall not grant any  
13 applicant the right to practice chiropractic medicine absent  
14 the passage of the licensing examination.

15 Section 275. Paragraph (b) of subsection (1) of  
16 section 460.408, Florida Statutes, is amended to read:

17 460.408 Continuing chiropractic education.--

18 (1) The board shall require licensees to periodically  
19 demonstrate their professional competence as a condition of  
20 renewal of a license by completing up to 40 hours of  
21 continuing education.

22 (b) The board shall approve those courses that build  
23 upon the basic courses required for the practice of  
24 chiropractic medicine, and the board may also approve courses  
25 in adjunctive modalities.

26 Section 276. Subsection (1) and paragraph (c) of  
27 subsection (2) of section 460.411, Florida Statutes, are  
28 amended to read:

29 460.411 Violations and penalties.--

30 (1) Each of the following acts constitutes a violation  
31 of this chapter and is a felony of the third degree,

1 punishable as provided in s. 775.082, s. 775.083, or s.  
2 775.084:

3 (a) Practicing or attempting to practice chiropractic  
4 medicine without an active license or with a license  
5 fraudulently obtained.

6 (b) Using or attempting to use a license to practice  
7 chiropractic medicine which has been suspended or revoked.

8 (2) Each of the following acts constitutes a violation  
9 of this chapter and is a misdemeanor of the first degree,  
10 punishable as provided in s. 775.082 or s. 775.083:

11 (c) Using the name or title "chiropractic physician,"  
12 "doctor of chiropractic," "chiropractic medicine," or any  
13 other name or title which would lead the public to believe  
14 that such person is engaging in the practice of chiropractic  
15 medicine, unless such person is licensed as a chiropractic  
16 physician in this state.

17 Section 277. Section 460.412, Florida Statutes, is  
18 amended to read:

19 460.412 Sexual misconduct in the practice of  
20 chiropractic medicine.--The chiropractic physician-patient  
21 relationship is founded on mutual trust. Sexual misconduct in  
22 the practice of chiropractic medicine means violation of the  
23 chiropractic physician-patient relationship through which the  
24 chiropractic physician uses said relationship to induce or  
25 attempt to induce the patient to engage, or to engage or  
26 attempt to engage the patient, in sexual activity outside the  
27 scope of practice or the scope of generally accepted  
28 examination or treatment of the patient. Sexual misconduct in  
29 the practice of chiropractic medicine is prohibited.

30  
31

1           Section 278. Paragraphs (a), (b), (c), (h), (k), (m),  
2 (q), (r), and (s) of subsection (1) and subsection (3) of  
3 section 460.413, Florida Statutes, are amended to read:

4           460.413 Grounds for disciplinary action; action by the  
5 board.--

6           (1) The following acts shall constitute grounds for  
7 which the disciplinary actions specified in subsection (2) may  
8 be taken:

9           (a) Attempting to obtain, obtaining, or renewing a  
10 license to practice chiropractic medicine by bribery, by  
11 fraudulent misrepresentations, or through an error of the  
12 department or the board.

13           (b) Having a license to practice chiropractic medicine  
14 revoked, suspended, or otherwise acted against, including the  
15 denial of licensure, by the licensing authority of another  
16 state, territory, or country.

17           (c) Being convicted or found guilty, regardless of  
18 adjudication, of a crime in any jurisdiction which directly  
19 relates to the practice of chiropractic medicine or to the  
20 ability to practice chiropractic medicine. Any plea of nolo  
21 contendere shall be considered a conviction for purposes of  
22 this chapter.

23           (h) Aiding, assisting, procuring, or advising any  
24 unlicensed person to practice chiropractic medicine contrary  
25 to this chapter or to a rule of the department or the board.

26           (k) Making misleading, deceptive, untrue, or  
27 fraudulent representations in the practice of chiropractic  
28 medicine or employing a trick or scheme in the practice of  
29 chiropractic medicine when such trick or scheme fails to  
30 conform to the generally prevailing standards of treatment in  
31 the chiropractic medical community.

1           (m) Failing to keep legibly written chiropractic  
2 medical records that identify clearly by name and credentials  
3 the licensed chiropractic physician rendering, ordering,  
4 supervising, or billing for each examination or treatment  
5 procedure and that justify the course of treatment of the  
6 patient, including, but not limited to, patient histories,  
7 examination results, test results, X rays, and diagnosis of a  
8 disease, condition, or injury. X rays need not be retained  
9 for more than 4 years.

10           (q) Being unable to practice chiropractic medicine  
11 with reasonable skill and safety to patients by reason of  
12 illness or use of alcohol, drugs, narcotics, chemicals, or any  
13 other type of material or as a result of any mental or  
14 physical condition. In enforcing this paragraph, upon a  
15 finding by the secretary of the department, or his or her  
16 designee, or the probable cause panel of the board that  
17 probable cause exists to believe that the licensee is unable  
18 to practice the profession because of reasons stated in this  
19 paragraph, the department shall have the authority to compel a  
20 licensee to submit to a mental or physical examination by a  
21 physician designated by the department. If the licensee  
22 refuses to comply with the department's order, the department  
23 may file a petition for enforcement in the circuit court of  
24 the circuit in which the licensee resides or does business.  
25 The department shall be entitled to the summary procedure  
26 provided in s. 51.011. The record of proceedings to obtain a  
27 compelled mental or physical examination shall not be used  
28 against a licensee in any other proceedings. A chiropractic  
29 physician affected under this paragraph shall at reasonable  
30 intervals be afforded an opportunity to demonstrate that she

31

1 or he can resume the competent practice of chiropractic  
2 medicine with reasonable skill and safety to patients.

3 (r) Gross or repeated malpractice or the failure to  
4 practice chiropractic medicine at a level of care, skill, and  
5 treatment which is recognized by a reasonably prudent  
6 chiropractic physician as being acceptable under similar  
7 conditions and circumstances. The board shall give great  
8 weight to the standards for malpractice in s. 766.102 in  
9 interpreting this provision. A recommended order by an  
10 administrative law judge, or a final order of the board  
11 finding a violation under this section shall specify whether  
12 the licensee was found to have committed "gross malpractice,"  
13 "repeated malpractice," or "failure to practice chiropractic  
14 medicine with that level of care, skill, and treatment which  
15 is recognized as being acceptable under similar conditions and  
16 circumstances" or any combination thereof, and any publication  
17 by the board shall so specify.

18 (s) Performing any procedure or prescribing any  
19 therapy which, by the prevailing standards of chiropractic  
20 medical practice in the community, would constitute  
21 experimentation on human subjects, without first obtaining  
22 full, informed, and written consent.

23 (3) The department shall not reinstate the license of  
24 a chiropractic physician, or cause a license to be issued to a  
25 person the board has deemed unqualified, until such time as  
26 the board is satisfied that she or he has complied with all  
27 the terms and conditions set forth in the final order and that  
28 such person is capable of safely engaging in the practice of  
29 chiropractic medicine.

30 Section 279. Subsection (1) of section 460.4166,  
31 Florida Statutes, is amended to read:

1           460.4166 Registered chiropractic assistants.--  
2           (1) DEFINITION.--As used in this section, "registered  
3 chiropractic assistant" means a professional, multiskilled  
4 person dedicated to assisting in all aspects of chiropractic  
5 medical practice under the direct supervision and  
6 responsibility of a chiropractic physician. A registered  
7 chiropractic assistant assists with patient care management,  
8 executes administrative and clinical procedures, and often  
9 performs managerial and supervisory functions. Competence in  
10 the field also requires that a registered chiropractic  
11 assistant adhere to ethical and legal standards of  
12 professional practice, recognize and respond to emergencies,  
13 and demonstrate professional characteristics.

14           Section 280. Subsection (1) of section 462.01, Florida  
15 Statutes, is amended to read:

16           462.01 Definitions.--As used in this chapter:  
17           (1) "Natureopathy" and "Naturopathy" shall be  
18 construed as synonymous terms and mean the use and practice of  
19 psychological, mechanical, and material health sciences to aid  
20 in purifying, cleansing, and normalizing human tissues for the  
21 preservation or restoration of health, according to the  
22 fundamental principles of anatomy, physiology, and applied  
23 psychology, as may be required. Naturopathic practice  
24 employs, among other agencies, phytotherapy, dietetics,  
25 psychotherapy, suggestotherapy, hydrotherapy, zone therapy,  
26 biochemistry, external applications, electrotherapy,  
27 mechanotherapy, mechanical and electrical appliances, hygiene,  
28 first aid, sanitation, and heliotherapy; provided, however,  
29 that nothing in this chapter shall be held or construed to  
30 authorize any naturopathic physician licensed hereunder to  
31 practice materia medica or surgery or chiropractic medicine,



1 nor shall the provisions of this law in any manner apply to or  
2 affect the practice of osteopathic medicine, chiropractic  
3 medicine, Christian Science, or any other treatment authorized  
4 and provided for by law for the cure or prevention of disease  
5 and ailments.

6 Section 281. Subsection (10) of section 468.301,  
7 Florida Statutes, is amended to read:

8 468.301 Definitions.--As used in this part, the term:

9 (10) "Licensed practitioner" means a person who is  
10 licensed or otherwise authorized by law to practice medicine,  
11 podiatry, chiropody, osteopathic medicine, naturopathy, or  
12 chiropractic medicine in this state.

13 Section 282. Paragraph (a) of subsection (6) of  
14 section 468.302, Florida Statutes, is amended to read:

15 468.302 Use of radiation; identification of certified  
16 persons; limitations; exceptions.--

17 (6) Requirement for certification does not apply to:

18 (a) A hospital resident who is not a licensed  
19 practitioner in this state or a student enrolled in and  
20 attending a school or college of medicine, osteopathic  
21 medicine, chiropody, podiatry, or chiropractic medicine or a  
22 radiologic technology educational program and who applies  
23 radiation to a human being while under the direct supervision  
24 of a licensed practitioner.

25 Section 283. Paragraph (j) of subsection (2) of  
26 section 468.314, Florida Statutes, is amended to read:

27 468.314 Advisory Council on Radiation Protection;  
28 appointment; terms; powers; duties.--

29 (2) The council shall be comprised of:

30 (j) A ~~board-certified~~ chiropractic radiologist.

31

1           Section 284. Subsection (1) of section 476.044,  
2 Florida Statutes, is 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, naturopathy, or podiatry;

9           Section 285. Paragraph (a) of subsection (1) of  
10 section 477.0135, Florida Statutes, is amended to read:

11           477.0135 Exemptions.--

12           (1) This chapter does not apply to the following  
13 persons when practicing pursuant to their professional or  
14 occupational responsibilities and duties:

15           (a) Persons authorized under the laws of this state to  
16 practice medicine, surgery, osteopathic medicine, chiropractic  
17 medicine, massage, naturopathy, or podiatry.

18           Section 286. Paragraph (i) of subsection (3),  
19 paragraph (a) of subsection (4), and paragraph (j) of  
20 subsection (6) of section 483.901, Florida Statutes, are  
21 amended to read:

22           483.901 Medical physicists; definitions; licensure.--

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

24           (i) "Physician" means a doctor of medicine,  
25 osteopathic medicine, podiatry, dentistry, or chiropractic  
26 medicine who is licensed in this state and who prescribes a  
27 radiological procedure.

28           (4) COUNCIL.--The Advisory Council of Medical  
29 Physicists is created in the Department of Health to advise  
30 the department in regulating the practice of medical physics  
31 in this state.

1 (a) The council shall be composed of nine members  
2 appointed by the secretary of the department as follows:

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

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

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

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

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

13 6. A chiropractic physician who practices radiology ~~is~~  
14 ~~board certified by the American Chiropractic Radiology Board~~  
15 ~~or its equivalent.~~

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

19 (6) LICENSE REQUIRED.--An individual may not engage in  
20 the practice of medical physics, including the specialties of  
21 diagnostic radiological physics, therapeutic radiological  
22 physics, medical nuclear radiological physics, or medical  
23 health physics, without a license issued by the department for  
24 the appropriate specialty.

25 (j) The department may issue a temporary license to an  
26 applicant pending completion of the application process for  
27 board certification.

28 Section 287. Subsection (11) of section 486.021,  
29 Florida Statutes, is amended to read:

30 486.021 Definitions.--In this chapter, unless the  
31 context otherwise requires, the term:

1           (11) "Practice of physical therapy" means the  
2 performance of physical therapy assessments and the treatment  
3 of any disability, injury, disease, or other health condition  
4 of human beings, or the prevention of such disability, injury,  
5 disease, or other condition of health, and rehabilitation as  
6 related thereto by the use of the physical, chemical, and  
7 other properties of air; electricity; exercise; massage; the  
8 performance of acupuncture only upon compliance with the  
9 criteria set forth by the Board of Medicine, when no  
10 penetration of the skin occurs; the use of radiant energy,  
11 including ultraviolet, visible, and infrared rays; ultrasound;  
12 water; the use of apparatus and equipment in the application  
13 of the foregoing or related thereto; the performance of tests  
14 of neuromuscular functions as an aid to the diagnosis or  
15 treatment of any human condition; or the performance of  
16 electromyography as an aid to the diagnosis of any human  
17 condition only upon compliance with the criteria set forth by  
18 the Board of Medicine. A physical therapist may implement a  
19 plan of treatment for a patient. The physical therapist shall  
20 refer the patient to or consult with a health care  
21 practitioner licensed under chapter 458, chapter 459, chapter  
22 460, chapter 461, or chapter 466, if the patient's condition  
23 is found to be outside the scope of physical therapy. If  
24 physical therapy treatment for a patient is required beyond 21  
25 days for a condition not previously assessed by a practitioner  
26 of record, the physical therapist shall obtain a practitioner  
27 of record who will review and sign the plan. A health care  
28 practitioner licensed under chapter 458, chapter 459, chapter  
29 460, chapter 461, or chapter 466 and engaged in active  
30 practice is eligible to serve as a practitioner of record. The  
31 use of roentgen rays and radium for diagnostic and therapeutic

1 purposes and the use of electricity for surgical purposes,  
2 including cauterization, are not authorized under the term  
3 "physical therapy" as used in this chapter. The practice of  
4 physical therapy as defined in this chapter does not authorize  
5 a physical therapy practitioner to practice chiropractic  
6 medicine as defined in chapter 460, including specific spinal  
7 manipulation. For the performance of specific chiropractic  
8 spinal manipulation, a physical therapist shall refer the  
9 patient to a health care practitioner licensed under chapter  
10 460. Nothing in this subsection authorizes a physical  
11 therapist to implement a plan of treatment for a patient  
12 currently being treated in a facility licensed pursuant to  
13 chapter 395.

14 Section 288. Subsection (1) of section 486.161,  
15 Florida Statutes, is amended to read:

16 486.161 Exemptions.--

17 (1) No provision of this chapter shall be construed to  
18 prohibit any person licensed in this state from using any  
19 physical agent as a part of, or incidental to, the lawful  
20 practice of her or his profession under the statutes  
21 applicable to the profession of chiropractic physician  
22 ~~chiropractor~~, podiatrist, doctor of medicine, massage  
23 therapist, nurse, osteopathic physician or surgeon,  
24 occupational therapist, or naturopath.

25 Section 289. Subsection (1) of section 621.03, Florida  
26 Statutes, is amended to read:

27 621.03 Definitions.--As used in this act the following  
28 words shall have the meaning indicated:

29 (1) The term "professional service" means any type of  
30 personal service to the public which requires as a condition  
31 precedent to the rendering of such service the obtaining of a

1 license or other legal authorization. By way of example and  
2 without limiting the generality thereof, the personal services  
3 which come within the provisions of this act are the personal  
4 services rendered by certified public accountants, public  
5 accountants, chiropractic physicians ~~chiropractors~~, dentists,  
6 osteopathic physicians, physicians and surgeons, doctors of  
7 medicine, doctors of dentistry, podiatrists, chiropodists,  
8 architects, veterinarians, attorneys at law, and life  
9 insurance agents.

10 Section 290. Paragraph (h) of subsection (4) of  
11 section 627.351, Florida Statutes, is amended to read:

12 627.351 Insurance risk apportionment plans.--

13 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.--

14 (h) As used in this subsection:

15 1. "Health care provider" means hospitals licensed  
16 under chapter 395; physicians licensed under chapter 458;  
17 osteopathic physicians licensed under chapter 459; podiatrists  
18 licensed under chapter 461; dentists licensed under chapter  
19 466; chiropractic physicians ~~chiropractors~~ licensed under  
20 chapter 460; naturopaths licensed under chapter 462; nurses  
21 licensed under chapter 464; midwives licensed under chapter  
22 467; clinical laboratories registered under chapter 483;  
23 physician assistants certified under chapter 458; physical  
24 therapists and physical therapist assistants licensed under  
25 chapter 486; health maintenance organizations certificated  
26 under part I of chapter 641; ambulatory surgical centers  
27 licensed under chapter 395; other medical facilities as  
28 defined in subparagraph 2.; blood banks, plasma centers,  
29 industrial clinics, and renal dialysis facilities; or  
30 professional associations, partnerships, corporations, joint  
31

1 ventures, or other associations for professional activity by  
2 health care providers.

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

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

19           Section 291. Paragraph (b) of subsection (1) of  
20 section 627.357, Florida Statutes, is amended to read:

21           627.357 Medical malpractice self-insurance.--

22           (1) DEFINITIONS.--As used in this section, the term:

23           (b) "Health care provider" means any:

24           1. Hospital licensed under chapter 395.

25           2. Physician licensed, or physician assistant  
26 certified, under chapter 458.

27           3. Osteopathic physician licensed under chapter 459.

28           4. Podiatrist licensed under chapter 461.

29           5. Health maintenance organization certificated under  
30 part I of chapter 641.

31

- 1           6. Ambulatory surgical center licensed under chapter  
2 395.
- 3           7. Chiropractic physician ~~Chiropractor~~ licensed under  
4 chapter 460.
- 5           8. Psychologist licensed under chapter 490.
- 6           9. Optometrist licensed under chapter 463.
- 7           10. Dentist licensed under chapter 466.
- 8           11. Pharmacist licensed under chapter 465.
- 9           12. Registered nurse, licensed practical nurse, or  
10 advanced registered nurse practitioner licensed or registered  
11 under chapter 464.
- 12           13. Other medical facility.
- 13           14. Professional association, partnership,  
14 corporation, joint venture, or other association established  
15 by the individuals set forth in subparagraphs 2., 3., 4., 7.,  
16 8., 9., 10., 11., and 12. for professional activity.
- 17           Section 292. Subsection (10) of section 627.6482,  
18 Florida Statutes, is amended to read:
- 19           627.6482 Definitions.--As used in ss.  
20 627.648-627.6498, the term:
- 21           (10) "Physician" means a physician licensed under  
22 chapter 458; an osteopathic physician licensed under chapter  
23 459; a chiropractic physician ~~chiropractor~~ licensed under  
24 chapter 460; a podiatrist licensed under chapter 461; or, for  
25 purposes of oral surgery only, a dental surgeon licensed under  
26 chapter 466.
- 27           Section 293. Subsection (1) of section 641.316,  
28 Florida Statutes, is amended to read:
- 29           641.316 Fiscal intermediary services.--
- 30           (1) It is the intent of the Legislature, through the  
31 adoption of this section, to ensure the financial soundness of



1 fiscal intermediary services organizations established to  
2 develop, manage, and administer the business affairs of health  
3 care professional providers such as medical doctors, doctors  
4 of osteopathy, doctors of chiropractic medicine, doctors of  
5 podiatric medicine, doctors of dentistry, or other health  
6 professionals regulated by the Department of Health.

7 Section 294. Section 725.01, Florida Statutes, is  
8 amended to read:

9 725.01 Promise to pay another's debt, etc.--No action  
10 shall be brought whereby to charge any executor or  
11 administrator upon any special promise to answer or pay any  
12 debt or damages out of her or his own estate, or whereby to  
13 charge the defendant upon any special promise to answer for  
14 the debt, default or miscarriage of another person or to  
15 charge any person upon any agreement made upon consideration  
16 of marriage, or upon any contract for the sale of lands,  
17 tenements or hereditaments, or of any uncertain interest in or  
18 concerning them, or for any lease thereof for a period longer  
19 than 1 year, or upon any agreement that is not to be performed  
20 within the space of 1 year from the making thereof, or whereby  
21 to charge any health care provider upon any guarantee,  
22 warranty, or assurance as to the results of any medical,  
23 surgical, or diagnostic procedure performed by any physician  
24 licensed under chapter 458, osteopathic physician licensed  
25 under chapter 459, chiropractic physician ~~chiropractor~~  
26 licensed under chapter 460, podiatrist licensed under chapter  
27 461, or dentist licensed under chapter 466, unless the  
28 agreement or promise upon which such action shall be brought,  
29 or some note or memorandum thereof shall be in writing and  
30 signed by the party to be charged therewith or by some other  
31 person by her or him thereunto lawfully authorized.

1           Section 295. Paragraph (b) of subsection (1) of  
2 section 766.101, Florida Statutes, is amended to read:

3           766.101 Medical review committee, immunity from  
4 liability.--

5           (1) As used in this section:

6           (b) The term "health care providers" means physicians  
7 licensed under chapter 458, osteopathic physicians licensed  
8 under chapter 459, podiatrists licensed under chapter 461,  
9 optometrists licensed under chapter 463, dentists licensed  
10 under chapter 466, chiropractic physicians ~~chiropractors~~  
11 licensed under chapter 460, pharmacists licensed under chapter  
12 465, or hospitals or ambulatory surgical centers licensed  
13 under chapter 395.

14           Section 296. Paragraph (a) of subsection (6) of  
15 section 766.102, Florida Statutes, is amended to read:

16           766.102 Medical negligence; standards of recovery.--

17           (6)(a) In any action for damages involving a claim of  
18 negligence against a physician licensed under chapter 458,  
19 osteopathic physician licensed under chapter 459, podiatrist  
20 licensed under chapter 461, or chiropractic physician  
21 ~~chiropractor~~ licensed under chapter 460 providing emergency  
22 medical services in a hospital emergency department, the court  
23 shall admit expert medical testimony only from physicians,  
24 osteopathic physicians, podiatrists, and chiropractic  
25 physicians ~~chiropractors~~ who have had substantial professional  
26 experience within the preceding 5 years while assigned to  
27 provide emergency medical services in a hospital emergency  
28 department.

29           Section 297. Subsection (3) of section 766.103,  
30 Florida Statutes, is amended to read:

31           766.103 Florida Medical Consent Law.--

1           (3) No recovery shall be allowed in any court in this  
2 state against any physician licensed under chapter 458,  
3 osteopathic physician licensed under chapter 459, chiropractic  
4 physician ~~chiropractor~~ licensed under chapter 460, podiatrist  
5 licensed under chapter 461, or dentist licensed under chapter  
6 466 in an action brought for treating, examining, or operating  
7 on a patient without his or her informed consent when:

8           (a)1. The action of the physician, osteopathic  
9 physician, chiropractic physician ~~chiropractor~~, podiatrist, or  
10 dentist in obtaining the consent of the patient or another  
11 person authorized to give consent for the patient was in  
12 accordance with an accepted standard of medical practice among  
13 members of the medical profession with similar training and  
14 experience in the same or similar medical community; and

15           2. A reasonable individual, from the information  
16 provided by the physician, osteopathic physician, chiropractic  
17 physician ~~chiropractor~~, podiatrist, or dentist, under the  
18 circumstances, would have a general understanding of the  
19 procedure, the medically acceptable alternative procedures or  
20 treatments, and the substantial risks and hazards inherent in  
21 the proposed treatment or procedures, which are recognized  
22 among other physicians, osteopathic physicians, chiropractic  
23 physicians ~~chiropractors~~, podiatrists, or dentists in the same  
24 or similar community who perform similar treatments or  
25 procedures; or

26           (b) The patient would reasonably, under all the  
27 surrounding circumstances, have undergone such treatment or  
28 procedure had he or she been advised by the physician,  
29 osteopathic physician, chiropractic physician ~~chiropractor~~,  
30 podiatrist, or dentist in accordance with the provisions of  
31 paragraph (a).

1           Section 298. Subsection (2) of section 817.234,  
2 Florida Statutes, is amended to read:

3           817.234 False and fraudulent insurance claims.--

4           (2) Any physician licensed under chapter 458,  
5 osteopathic physician licensed under chapter 459, chiropractic  
6 physician ~~chiropractor~~ licensed under chapter 460, or other  
7 practitioner licensed under the laws of this state who  
8 knowingly and willfully assists, conspires with, or urges any  
9 insured party to fraudulently violate any of the provisions of  
10 this section or part XI of chapter 627, or any person who, due  
11 to such assistance, conspiracy, or urging by said physician,  
12 osteopathic physician, chiropractic physician ~~chiropractor~~, or  
13 practitioner, knowingly and willfully benefits from the  
14 proceeds derived from the use of such fraud, is guilty of a  
15 felony of the third degree, punishable as provided in s.  
16 775.082, s. 775.083, or s. 775.084. In the event that a  
17 physician, osteopathic physician, chiropractic physician  
18 ~~chiropractor~~, or practitioner is adjudicated guilty of a  
19 violation of this section, the Board of Medicine as set forth  
20 in chapter 458, the Board of Osteopathic Medicine as set forth  
21 in chapter 459, the Board of Chiropractic Medicine as set  
22 forth in chapter 460, or other appropriate licensing authority  
23 shall hold an administrative hearing to consider the  
24 imposition of administrative sanctions as provided by law  
25 against said physician, osteopathic physician, chiropractic  
26 physician ~~chiropractor~~, or practitioner.

27           Section 299. The catchline and subsection (1) of  
28 section 945.047, Florida Statutes, are amended to read:

29           945.047 Licensing requirements for physicians,  
30 osteopathic physicians, and chiropractic physicians  
31 ~~chiropractors~~ employed by the department.--

1           (1) The Department of Corrections shall employ only  
2 physicians, osteopathic physicians, or chiropractic physicians  
3 holding licenses in good standing to practice medicine in this  
4 state, except that, by October 1, 1980, no more than 10  
5 percent of the total number of such physicians employed by the  
6 department may be exempted from the provisions of this  
7 subsection. Each such exempted physician shall hold a valid  
8 license to practice medicine, osteopathic medicine, or  
9 chiropractic medicine in another state and shall have been  
10 certified by the appropriate board as eligible for admission  
11 for examination in this state under chapter 458, chapter 459,  
12 or chapter 460, as applicable. The appropriate board shall not  
13 certify as eligible for admission for examination any person  
14 who has been adjudged unqualified or guilty of any of the acts  
15 enumerated in the disciplinary provisions contained in chapter  
16 458, chapter 459, or chapter 460, as applicable.

17           Section 300. Paragraph (a) of subsection (1) of  
18 section 458.3115, Florida Statutes, is amended to read:

19           458.3115 Restricted license; certain foreign-licensed  
20 physicians; United States Medical Licensing Examination  
21 (USMLE) or agency-developed examination; restrictions on  
22 practice; full licensure.--

23           (1)(a) Notwithstanding any other provision of law, the  
24 agency shall provide procedures under which certain physicians  
25 who are or were foreign-licensed and have practiced medicine  
26 no less than 2 years may take the USMLE or an agency-developed  
27 examination to qualify for a restricted license to practice  
28 medicine in this state. The agency and board-developed  
29 examination shall test the same areas of medical knowledge as  
30 the Federation of State Medical Boards of the United States,  
31 Inc. (FLEX) previously administered by the Florida Board of

1 Medicine to grant medical licensure in Florida. ~~Said~~  
2 ~~examination shall be in the same form and content and shall be~~  
3 ~~administered in the same manner as the FLEX.~~The  
4 agency-developed examination must be made available no later  
5 than December 31 ~~September 1~~, 1998, to a physician who  
6 qualifies for licensure. A person who is eligible to take and  
7 elects to take the agency and board-developed examination, who  
8 has previously passed part 1 or part 2 of the previously  
9 administered FLEX shall not be required to retake or pass the  
10 equivalent parts of the agency-developed examination, and may  
11 sit for the agency and board-developed examination five times  
12 within 5 years.

13 Section 301. The sum of \$1.2 million from the  
14 unallocated balance in the Medical Quality Assurance Trust  
15 Fund is appropriated to the Department of Health to allow the  
16 department to develop the examination required for foreign  
17 licensed physicians in section 458.3115(1)(a), Florida  
18 Statutes, through a contract with the University of South  
19 Florida. The department shall charge examinees a fee that, in  
20 the aggregate, will reimburse the Medical Quality Assurance  
21 Trust Fund for the amount advanced to the department under  
22 this section. This section expires July 1, 1999.

23 Section 302. Paragraph (b) of subsection (1) of  
24 section 490.005, Florida Statutes, is amended to read:

25 490.005 Licensure by examination.--

26 (1) Any person desiring to be licensed as a  
27 psychologist shall apply to the department to take the  
28 licensure examination. The department shall license each  
29 applicant who the board certifies has:

30 (b) Submitted proof satisfactory to the board that the  
31 applicant has:

1           1. Received doctoral-level psychological education, as  
2 defined in s. 490.003(3);

3           2. Received the equivalent of a doctoral-level  
4 psychological education, as defined in s. 490.003(3), from a  
5 program at a school or university located outside the United  
6 States of America and Canada, which was officially recognized  
7 by the government of the country in which it is located as an  
8 institution or program to train students to practice  
9 professional psychology. The burden of establishing that the  
10 requirements of this provision have been met shall be upon the  
11 applicant; ~~or~~

12           3. Received and submitted to the board, prior to July  
13 1, 1999, certification of an augmented doctoral-level  
14 psychological education from the program director of a  
15 doctoral-level psychology program accredited by a programmatic  
16 agency recognized and approved by the United States Department  
17 of Education; ~~or-~~

18           4. Received and submitted to the board, prior to July  
19 1, 2001, certification of a doctoral-level program that at the  
20 time the applicant was enrolled and graduated maintained a  
21 standard of education and training comparable to the standard  
22 of training of programs accredited by a programmatic agency  
23 recognized and approved by the United States Department of  
24 Education, as such comparability was determined by the Board  
25 of Psychological Examiners immediately prior to the amendment  
26 of section 490.005, Florida Statutes, 1994 Supplement, by  
27 section 5 of chapter 95-279, Laws of Florida.

28           Section 303. This act shall take effect July 1, 1998.  
29  
30  
31