

By Senators Sullivan, Brown-Waite and Silver

22-535B-99

1 A bill to be entitled
2 An act relating to health care practitioners;
3 amending ss. 455.565, 458.319, 459.008,
4 460.407, 461.007, F.S., relating to relicensure
5 requirements for physicians, osteopathic
6 physicians, chiropractic physicians, and
7 podiatrists; revising requirements for
8 submitting fingerprints to the Department of
9 Health for renewal of licensure; providing an
10 effective date.

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

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14 Section 1. Subsection (4) of section 455.565, Florida
15 Statutes, 1998 Supplement, is amended to read:

16 455.565 Designated health care professionals;
17 information required for licensure.--

18 (4)(a) An applicant for initial licensure must submit
19 a set of fingerprints to the Department of Health in
20 accordance with s. 458.311, s. 458.3115, s. 458.3124, s.
21 458.313, s. 459.0055, s. 460.406, or s. 461.006.

22 (b) An applicant for renewed licensure who received an
23 initial license in this state after January 1, 1992, must
24 submit a set of fingerprints for the initial renewal of his or
25 her license after January 1, 2000, to the agency regulating
26 that profession in accordance with procedures established
27 under s. 458.319, s. 459.008, s. 460.407, or s. 461.007.

28 (c) The Department of Health shall submit the
29 fingerprints provided by an applicant for initial licensure to
30 the Florida Department of Law Enforcement for a statewide
31 criminal history check, and the Florida Department of Law

1 Enforcement shall forward the fingerprints to the Federal
2 Bureau of Investigation for a national criminal history check
3 of the applicant. The department shall submit the fingerprints
4 provided by an applicant for a renewed license who received an
5 initial license in this state after January 1, 1992,to the
6 Florida Department of Law Enforcement for a statewide criminal
7 history check, and the Florida Department of Law Enforcement
8 shall forward the fingerprints to the Federal Bureau of
9 Investigation for a national criminal history check for the
10 initial renewal of the applicant's license after January 1,
11 2000.For any subsequent renewal of the applicant's license
12 and of any applicant who received an initial license in this
13 state on or before January 1, 1992, the department shall
14 submit the required information for a statewide criminal
15 history check of the applicant.

16 Section 2. Subsection (1) of section 458.319, Florida
17 Statutes, 1998 Supplement, is amended to read:

18 458.319 Renewal of license.--

19 (1) The department shall renew a license upon receipt
20 of the renewal application, evidence that the applicant has
21 actively practiced medicine or has been on the active teaching
22 faculty of an accredited medical school for at least 2 years
23 of the immediately preceding 4 years, and a fee not to exceed
24 \$500; provided, however, that if the licensee is either a
25 resident physician, assistant resident physician, fellow,
26 house physician, or intern in an approved postgraduate
27 training program, as defined by the board by rule, the fee
28 shall not exceed \$100 per annum. If the licensee has not
29 actively practiced medicine for at least 2 years of the
30 immediately preceding 4 years, the board shall require that
31 the licensee successfully complete a board-approved clinical

1 competency examination prior to renewal of the license.
2 "Actively practiced medicine" means that practice of medicine
3 by physicians, including those employed by any governmental
4 entity in community or public health, as defined by this
5 chapter, including physicians practicing administrative
6 medicine. An applicant for a renewed license must also submit
7 the information required under s. 455.565 to the department on
8 a form and under procedures specified by the department, along
9 with payment in an amount equal to the costs incurred by the
10 Department of Health for the statewide criminal background
11 check of the applicant. An ~~The~~ applicant for a renewed license
12 who received an initial license in this state after January 1,
13 1992, must submit a set of fingerprints to the Department of
14 Health on a form and under procedures specified by the
15 department, along with payment in an amount equal to the costs
16 incurred by the department for a national criminal background
17 check of the applicant for the initial renewal of his or her
18 license after January 1, 2000. If the applicant fails to
19 submit either the information required under s. 455.565 or a
20 set of fingerprints to the department as required by this
21 section, the department shall issue a notice of noncompliance,
22 and the applicant will be given 30 additional days to comply.
23 If the applicant fails to comply within 30 days after the
24 notice of noncompliance is issued, the department or board, as
25 appropriate, may issue a citation to the applicant and may
26 fine the applicant up to \$50 for each day that the applicant
27 is not in compliance with the requirements of s. 455.565. The
28 citation must clearly state that the applicant may choose, in
29 lieu of accepting the citation, to follow the procedure under
30 s. 455.621. If the applicant disputes the matter in the
31 citation, the procedures set forth in s. 455.621 must be

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

15 Section 3. Subsection (1) of section 459.008, Florida
16 Statutes, 1998 Supplement, is amended to read:

17 459.008 Renewal of licenses and certificates.--

18 (1) The department shall renew a license or
19 certificate upon receipt of the renewal application and fee.
20 An applicant for a renewed license must also submit the
21 information required under s. 455.565 to the department on a
22 form and under procedures specified by the department, along
23 with payment in an amount equal to the costs incurred by the
24 Department of Health for the statewide criminal background
25 check of the applicant. An ~~The~~ applicant for a renewed license
26 who received an initial license in this state after January 1,
27 1992, must submit a set of fingerprints to the Department of
28 Health on a form and under procedures specified by the
29 department, along with payment in an amount equal to the costs
30 incurred by the department for a national criminal background
31 check of the applicant for the initial renewal of his or her

1 license after January 1, 2000. If the applicant fails to
2 submit either the information required under s. 455.565 or a
3 set of fingerprints to the department as required by this
4 section, the department shall issue a notice of noncompliance,
5 and the applicant will be given 30 additional days to comply.
6 If the applicant fails to comply within 30 days after the
7 notice of noncompliance is issued, the department or board, as
8 appropriate, may issue a citation to the applicant and may
9 fine the applicant up to \$50 for each day that the applicant
10 is not in compliance with the requirements of s. 455.565. The
11 citation must clearly state that the applicant may choose, in
12 lieu of accepting the citation, to follow the procedure under
13 s. 455.621. If the applicant disputes the matter in the
14 citation, the procedures set forth in s. 455.621 must be
15 followed. However, if the applicant does not dispute the
16 matter in the citation with the department within 30 days
17 after the citation is served, the citation becomes a final
18 order and constitutes discipline. Service of a citation may be
19 made by personal service or certified mail, restricted
20 delivery, to the subject at the applicant's last known
21 address. The department may not delay renewing a license due
22 to the processing of a statewide criminal history check or a
23 national criminal background check.~~If an applicant has~~
24 ~~submitted fingerprints to the department for a national~~
25 ~~criminal history check upon initial licensure and is renewing~~
26 ~~his or her license for the first time, then the applicant need~~
27 ~~only submit the information and fee required for a statewide~~
28 ~~criminal history check.~~

29 Section 4. Subsection (1) of section 460.407, Florida
30 Statutes, 1998 Supplement, is amended to read:

31 460.407 Renewal of license.--

1 (1) The department shall renew a license upon receipt
2 of the renewal application and the fee set by the board not to
3 exceed \$500. An applicant for a renewed license must also
4 submit the information required under s. 455.565 to the
5 department on a form and under procedures specified by the
6 department, along with payment in an amount equal to the costs
7 incurred by the Department of Health for the statewide
8 criminal background check of the applicant. An ~~The~~ applicant
9 for a renewed license who received an initial license in this
10 state after January 1, 1992, must submit a set of fingerprints
11 to the Department of Health on a form and under procedures
12 specified by the department, along with payment in an amount
13 equal to the costs incurred by the department for a national
14 criminal background check of the applicant for the initial
15 renewal of his or her license after January 1, 2000. If the
16 applicant fails to submit either the information required
17 under s. 455.565 or a set of fingerprints to the department as
18 required by this section, the department shall issue a notice
19 of noncompliance, and the applicant will be given 30
20 additional days to comply. If the applicant fails to comply
21 within 30 days after the notice of noncompliance is issued,
22 the department or board, as appropriate, may issue a citation
23 to the applicant and may fine the applicant up to \$50 for each
24 day that the applicant is not in compliance with the
25 requirements of s. 455.565. The citation must clearly state
26 that the applicant may choose, in lieu of accepting the
27 citation, to follow the procedure under s. 455.621. If the
28 applicant disputes the matter in the citation, the procedures
29 set forth in s. 455.621 must be followed. However, if the
30 applicant does not dispute the matter in the citation with the
31 department within 30 days after the citation is served, the

1 citation becomes a final order and constitutes discipline.
2 Service of a citation may be made by personal service or
3 certified mail, restricted delivery, to the subject at the
4 applicant's last known address. The department may not delay
5 renewing a license due to the processing of a statewide
6 criminal history check or a national criminal background
7 check. ~~If an applicant has submitted fingerprints to the~~
8 ~~department for a national criminal history check upon initial~~
9 ~~licensure and is renewing his or her license for the first~~
10 ~~time, then the applicant need only submit the information and~~
11 ~~fee required for a statewide criminal history check.~~

12 Section 5. Subsection (1) of section 461.007, Florida
13 Statutes, 1998 Supplement, is amended to read:

14 461.007 Renewal of license.--

15 (1) The department shall renew a license upon receipt
16 of the renewal application and a fee not to exceed \$350 set by
17 the board. An applicant for a renewed license must also submit
18 the information required under s. 455.565 to the department on
19 a form and under procedures specified by the department, along
20 with payment in an amount equal to the costs incurred by the
21 Department of Health for the statewide criminal background
22 check of the applicant. An ~~The~~ applicant for a renewed license
23 who received an initial license in this state after January 1,
24 1992, must submit a set of fingerprints to the Department of
25 Health on a form and under procedures specified by the
26 department, along with payment in an amount equal to the costs
27 incurred by the department for a national criminal background
28 check of the applicant for the initial renewal of his or her
29 license after January 1, 2000. If the applicant fails to
30 submit either the information required under s. 455.565 or a
31 set of fingerprints to the department as required by this

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

26 Section 6. This act shall take effect July 1, 1999.
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SENATE SUMMARY

Requires physicians, osteopathic physicians, chiropractic
physicians, and podiatrists who received an initial
license after January 1, 1992, to submit a set of
fingerprints to the Department of Health for the initial
license renewal that occurs after January 1, 2000.
Provides for a practitioner who received an initial
license on or before January 1, 1992, to submit
fingerprints for any license renewal that occurs after
January 1, 2000.