

1                   A bill to be entitled  
2           An act relating to health care; providing for  
3           the issuance of Medicaid numbers to certain  
4           children; amending s. 20.43, F.S.; revising  
5           powers and the internal structure of the  
6           department; amending s. 110.205, F.S.;  
7           exempting certain positions from career  
8           service; amending s. 120.80, F.S.; exempting  
9           certain hearings within the department from the  
10          requirement of being conducted by an  
11          administrative law judge from the Division of  
12          Administrative Hearings; amending s. 154.504,  
13          F.S.; revising standards for eligibility to  
14          participate in a primary care for children and  
15          families challenge grant; amending s. 287.155,  
16          F.S.; authorizing the department to purchase  
17          vehicles and automotive equipment for county  
18          health departments; amending s. 372.6672, F.S.;  
19          deleting an obsolete reference to the  
20          Department of Health and Rehabilitative  
21          Services; amending s. 381.004, F.S.;  
22          prescribing conditions under which an HIV test  
23          may be performed without obtaining consent;  
24          amending s. 381.0051, F.S.; authorizing the  
25          Department of Health to adopt rules to  
26          implement the Comprehensive Family Planning  
27          Act; amending s. 381.006, F.S.; providing the  
28          department with rule authority relating to  
29          inspection of certain group care facilities;  
30          amending s. 381.0061, F.S.; providing the  
31          department with authority to impose certain

1 fines; amending s. 381.0062, F.S.; redefining  
 2 the term "private water system" and defining  
 3 the term "multi-family water system"; providing  
 4 that either type of system may include a rental  
 5 residence in its service; regulating  
 6 multi-family systems; amending s. 381.90, F.S.;  
 7 revising membership of the Health Information  
 8 Systems Council; prescribing its duties with  
 9 respect to developing a review process;  
 10 requiring a report; amending s. 382.003, F.S.;  
 11 revising powers and duties of the department  
 12 with respect to vital records; providing for  
 13 forms and documents to be submitted under oath;  
 14 amending s. 382.004, F.S.; restating the  
 15 admissibility of copies of records; amending s.  
 16 382.008, F.S.; deleting provisions relating to  
 17 restriction on disclosure of a decedent's  
 18 social security number; amending s. 382.013,  
 19 F.S.; revising provisions relating to who must  
 20 file a birth registration; amending s. 382.015,  
 21 F.S.; revising provisions relating to issuance  
 22 of new birth certificates upon determination of  
 23 paternity; amending s. 382.016, F.S.;  
 24 prescribing procedures for amending records;  
 25 amending s. 382.019, F.S.; providing for  
 26 dismissal of an application for delayed  
 27 registration which is not actively pursued;  
 28 amending s. 382.025, F.S.; exempting certain  
 29 birth records from confidentiality  
 30 requirements; amending s. 382.0255, F.S.;  
 31 revising provisions relating to disposition of

1 the additional fee imposed on certification of  
 2 birth records; amending s. 383.14, F.S.;  
 3 conforming a reference to the name of a  
 4 program; amending s. 385.202, F.S.; deleting  
 5 provisions relating to reimbursing hospitals  
 6 reporting information for the statewide cancer  
 7 registry; amending s. 385.203, F.S.;  
 8 establishing requirements and membership for  
 9 the Diabetes Advisory Council; amending s.  
 10 391.028, F.S.; revising provisions relating to  
 11 administration of the Children's Medical  
 12 Services program; amending s. 391.0315, F.S.;  
 13 revising standards for benefits provided under  
 14 the program for certain children; amending s.  
 15 392.69, F.S.; providing for an advisory board  
 16 for the A. G. Holley State Hospital; amending  
 17 s. 401.25, F.S.; providing qualifications for  
 18 licensure as basic or advanced life support  
 19 service; amending s. 401.27, F.S.; providing  
 20 standards for certification of emergency  
 21 medical technicians and paramedics; creating s.  
 22 401.2701, F.S.; establishing criteria for  
 23 emergency medical services training programs;  
 24 creating s. 401.2715, F.S.; providing for  
 25 recertification training of emergency medical  
 26 technicians and paramedics; providing for fees;  
 27 amending s. 401.30, F.S.; providing for use and  
 28 maintenance of records; amending s. 401.35,  
 29 F.S.; providing rulemaking authority; amending  
 30 s. 409.9126, F.S.; revising requirements for  
 31 capitation payments to Children's Medical

1 Services programs; amending s. 465.019, F.S.;  
 2 revising definitions; amending s. 499.005,  
 3 F.S.; revising the elements of certain offenses  
 4 relating to purchase or receipt of legend  
 5 drugs, recordkeeping with respect to drugs,  
 6 cosmetics, and household products, and permit  
 7 and registration requirements; amending s.  
 8 499.007, F.S.; revising conditions under which  
 9 a drug is considered misbranded; amending s.  
 10 499.028, F.S.; providing an exemption from the  
 11 prohibition against possession of a drug  
 12 sample; amending s. 499.069, F.S.; providing  
 13 penalties for certain violations of s. 499.005,  
 14 F.S.; amending s. 742.10, F.S.; revising  
 15 procedures relating to establishing paternity  
 16 for children born out of wedlock; amending ss.  
 17 39.303, 385.203, 391.021, 391.221, 391.222,  
 18 391.223, F.S., to conform to the renaming of  
 19 the Division of Children's Medical Services;  
 20 repealing s. 381.731(3), F.S., relating to the  
 21 date for submission of a report; repealing s.  
 22 383.307(5), F.S., relating to licensure of  
 23 birth center staff and consultants; repealing  
 24 s. 404.20(7), F.S., relating to transportation  
 25 of radioactive materials; repealing s.  
 26 409.9125, F.S., relating to the study of  
 27 Medicaid alternative networks; naming a certain  
 28 building in Jacksonville the "Wilson T. Sowder,  
 29 M.D., Building"; naming a certain building in  
 30 Tampa the "William G. 'Doc' Myers, M.D.,  
 31 Building"; naming the department headquarters

1 building the "Charlton E. Prather, M.D.,  
 2 Building"; authorizing the Department of Health  
 3 to become an accrediting authority for  
 4 environmental laboratory standards; providing  
 5 intent and rulemaking authority for the  
 6 Department of Health to implement standards of  
 7 the National Environmental Laboratory  
 8 Accreditation Program Accreditation Program;  
 9 amending s. 381.0022, F.S.; authorizing the  
 10 Department of Health to share certain  
 11 information on Medicaid recipients regarding  
 12 payment for services; amending s. 383.011,  
 13 F.S.; amending requirements for rules relating  
 14 to the Child Care Food Program; amending s.  
 15 468.304, F.S.; revising the application fees to  
 16 be paid for radiologic technology certification  
 17 examination; amending s. 468.306, F.S.;  
 18 revising certain fees for radiologic technology  
 19 certification examination; amending s. 468.309,  
 20 F.S.; amending the timing of biennial  
 21 certification renewal for radiologic  
 22 technologists; amending ss. 455.57 and 455.565,  
 23 F.S.; ensuring that an intern in a hospital is  
 24 not subject to the credentialing or profiling  
 25 laws; providing for clinical trials to be  
 26 conducted on the use of the drug Secretin by a  
 27 nonprofit provider; requiring a report;  
 28 providing an appropriation; amending s.  
 29 232.435, F.S.; correcting a reference; amending  
 30 s. 381.026, F.S.; providing a definition;  
 31 amending s. 381.0261, F.S.; providing that the

1 Department of Health or a regulatory board,  
 2 rather than the Agency for Health Care  
 3 Administration, may impose an administrative  
 4 fine against any health care provider who fails  
 5 to make available to patients a summary of  
 6 their rights as required by law; amending s.  
 7 409.906, F.S.; authorizing the Agency for  
 8 Health Care Administration to develop a  
 9 certified-match program for Healthy Start  
 10 services under certain circumstances; amending  
 11 s. 409.910, F.S.; providing for use of Medicare  
 12 standard billing formats for certain  
 13 data-exchange purposes; creating s. 409.9101,  
 14 F.S.; providing a short title; providing  
 15 legislative intent relating to Medicaid estate  
 16 recovery; requiring certain notice of  
 17 administration of the estate of a deceased  
 18 Medicaid recipient; providing that receipt of  
 19 Medicaid benefits creates a claim and interest  
 20 by the agency against an estate; specifying the  
 21 right of the agency to amend the amount of its  
 22 claim based on medical claims submitted by  
 23 providers subsequent to the agency's initial  
 24 claim calculation; providing the basis of  
 25 calculation of the amount of the agency's  
 26 claim; specifying a claim's class standing;  
 27 providing circumstances for nonenforcement of  
 28 claims; providing criteria for use in  
 29 considering hardship requests; providing for  
 30 recovery when estate assets result from a claim  
 31 against a third party; providing for estate

1 recovery in instances involving real property;  
 2 providing agency rulemaking authority; amending  
 3 s. 409.912, F.S.; eliminating a requirement  
 4 that a Medicaid provider service network  
 5 demonstration project be located in Orange  
 6 County; amending s. 409.913, F.S.; revising  
 7 provisions relating to the agency's authority  
 8 to withhold Medicaid payments pending  
 9 completion of certain legal proceedings;  
 10 providing for disbursement of withheld Medicaid  
 11 provider payments; creating s. 409.9131, F.S.;  
 12 providing legislative findings and intent  
 13 relating to integrity of the Medicaid program;  
 14 providing definitions; authorizing onsite  
 15 reviews of physician records by the agency;  
 16 requiring notice for such reviews; requiring  
 17 notice of due process rights in certain  
 18 circumstances; specifying procedures for  
 19 determinations of overpayment; requiring a  
 20 study of certain statistical models used by the  
 21 agency; requiring a report; amending s.  
 22 455.501, F.S.; redefining the terms "health  
 23 care practitioner" and "licensee"; amending s.  
 24 455.507, F.S.; revising provisions relating to  
 25 good standing of members of the Armed Forces  
 26 with administrative boards to provide  
 27 applicability to the department when there is  
 28 no board; providing gender neutral language;  
 29 amending s. 455.521, F.S.; providing powers and  
 30 duties of the department for the professions,  
 31 rather than boards, under its jurisdiction;

1 amending s. 455.557, F.S.; revising the  
 2 credentials collection program for health care  
 3 practitioners; revising and providing  
 4 definitions; providing requirements for health  
 5 care practitioners and the Department of Health  
 6 under the program; renaming the advisory  
 7 council and abolishing it at a future date;  
 8 prohibiting duplication of data available from  
 9 the department; authorizing collection of  
 10 certain other information; revising  
 11 requirements for registration of credentials  
 12 verification organizations; providing for  
 13 biennial renewal of registration; providing  
 14 grounds for suspension or revocation of  
 15 registration; revising liability insurance  
 16 requirements; revising rulemaking authority;  
 17 specifying authority of the department after  
 18 the council is abolished; amending s. 455.564,  
 19 F.S.; prescribing the expiration date of an  
 20 incomplete license application; revising the  
 21 form and style of licenses; providing authority  
 22 to the department when there is no board to  
 23 adopt rules; revising and providing  
 24 requirements relating to obtaining continuing  
 25 education credit in risk management; correcting  
 26 a reference; amending s. 455.5651, F.S.;  
 27 prohibiting inclusion of certain information in  
 28 practitioner profiles; amending s. 455.567,  
 29 F.S.; defining sexual misconduct and  
 30 prohibiting it in the practice of a health care  
 31 profession; providing penalties; amending s.



1 455.574, F.S.; revising provisions relating to  
 2 review of an examination after failure to pass  
 3 it; amending s. 455.587, F.S.; providing  
 4 authority to the department when there is no  
 5 board to determine by rule the amount of  
 6 license fees for the profession regulated;  
 7 providing for a fee for issuance of a wall  
 8 certificate to certain licensees or for a  
 9 duplicate wall certificate; amending s.  
 10 455.601, F.S.; providing, for purposes of  
 11 workers' compensation, a rebuttable presumption  
 12 relating to blood-borne infections; amending s.  
 13 455.604, F.S.; requiring instruction on human  
 14 immunodeficiency virus and acquired immune  
 15 deficiency syndrome as a condition of licensure  
 16 and relicensure to practice dietetics and  
 17 nutrition or nutrition counseling; amending s.  
 18 455.607, F.S.; correcting a reference; amending  
 19 s. 455.624, F.S.; revising and providing  
 20 grounds for discipline; providing penalties;  
 21 providing for assessment of certain costs;  
 22 amending s. 455.664, F.S.; requiring additional  
 23 health care practitioners to include a certain  
 24 statement in advertisements for free or  
 25 discounted services; correcting terminology;  
 26 amending s. 455.667, F.S.; authorizing the  
 27 department to obtain patient records, billing  
 28 records, insurance information, provider  
 29 contracts, and all attachments thereto under  
 30 certain circumstances for purposes of  
 31 disciplinary proceedings; providing for charges

1 for making reports or records available for  
 2 digital scanning; amending s. 455.687, F.S.;  
 3 providing for the suspension or restriction of  
 4 the license of any health care practitioner who  
 5 tests positive for drugs under certain  
 6 circumstances; amending s. 455.694, F.S.;  
 7 providing financial responsibility requirements  
 8 for midwives; creating s. 455.712, F.S.;  
 9 providing requirements for active status  
 10 licensure of certain business establishments;  
 11 amending s. 457.102, F.S.; defining the term  
 12 "prescriptive rights" with respect to  
 13 acupuncture; amending s. 458.307, F.S.;  
 14 correcting terminology and a reference;  
 15 removing an obsolete date; amending s. 458.309,  
 16 F.S.; providing for registration and inspection  
 17 of certain offices performing levels 2 and 3  
 18 surgery; amending s. 458.311, F.S.; revising  
 19 provisions relating to licensure as a physician  
 20 by examination; eliminating an obsolete  
 21 provision relating to licensure of medical  
 22 students from Nicaragua and another provision  
 23 relating to taking the examination without  
 24 applying for a license; amending s. 458.3115,  
 25 F.S.; updating terminology; amending s.  
 26 458.313, F.S.; revising provisions relating to  
 27 licensure by endorsement; repealing provisions  
 28 relating to reactivation of certain licenses  
 29 issued by endorsement; amending s. 458.315,  
 30 F.S.; providing additional requirements for  
 31 recipients of a temporary certificate for

1 practice in areas of critical need; amending s.  
 2 458.3165, F.S.; prescribing authorized  
 3 employment for holders of public psychiatry  
 4 certificates; correcting a reference; amending  
 5 s. 458.317, F.S.; providing for conversion of  
 6 an active license to a limited license for a  
 7 specified purpose; amending s. 458.319, F.S.;  
 8 revising requirements for submitting  
 9 fingerprints to the department for renewal of  
 10 licensure as a physician; amending s. 458.331,  
 11 F.S.; providing grounds for discipline;  
 12 providing penalties; amending s. 458.347, F.S.;  
 13 revising provisions relating to temporary  
 14 licensure as a physician assistant; amending s.  
 15 459.005, F.S.; providing for registration and  
 16 inspection of certain offices performing levels  
 17 2 and 3 surgery; amending s. 459.0075, F.S.;  
 18 providing for conversion of an active license  
 19 to a limited license for a specified purpose;  
 20 amending s. 459.008, F.S.; revising  
 21 requirements for submitting fingerprints to the  
 22 department for renewal of licensure as an  
 23 osteopathic physician; amending s. 459.015,  
 24 F.S.; revising and providing grounds for  
 25 discipline; providing penalties; amending s.  
 26 460.402, F.S.; providing an exemption from  
 27 regulation under ch. 460, F.S., relating to  
 28 chiropractic, for certain students; amending s.  
 29 460.403, F.S.; defining the term  
 30 "community-based internship" for purposes of  
 31 ch. 460, F.S.; redefining the terms "direct

1 supervision" and "registered chiropractic  
 2 assistant"; amending s. 460.406, F.S.; revising  
 3 requirements for licensure as a chiropractic  
 4 physician by examination to remove a provision  
 5 relating to a training program; amending s.  
 6 460.407, F.S.; revising requirements for  
 7 submitting fingerprints to the department for  
 8 renewal of licensure as a chiropractic  
 9 physician; amending s. 460.413, F.S.;  
 10 increasing the administrative fine; conforming  
 11 cross-references; amending s. 460.4165, F.S.;  
 12 revising requirements for certification of  
 13 chiropractic physician's assistants; providing  
 14 for supervision of registered chiropractic  
 15 physician's assistants; providing for biennial  
 16 renewal; providing fees; providing  
 17 applicability to current certificateholders;  
 18 amending s. 460.4166, F.S.; authorizing  
 19 registered chiropractic assistants to be under  
 20 the direct supervision of a certified  
 21 chiropractic physician's assistant; amending s.  
 22 461.003, F.S.; defining the term "certified  
 23 podiatric X-ray assistant" and the term "direct  
 24 supervision" with respect thereto; redefining  
 25 the term "practice of podiatric medicine";  
 26 amending s. 461.006, F.S.; revising the  
 27 residency requirement to practice podiatric  
 28 medicine; amending s. 461.007, F.S.; revising  
 29 requirements for renewal of license to practice  
 30 podiatric medicine; revising requirements for  
 31 submitting fingerprints to the department for

1 renewal of licensure; amending s. 461.013,  
 2 F.S.; revising and providing grounds for  
 3 discipline; providing penalties; creating s.  
 4 461.0135, F.S.; providing requirements for  
 5 operation of X-ray machines by certified  
 6 podiatric X-ray assistants; amending s.  
 7 464.008, F.S.; providing for remediation upon  
 8 failure to pass the examination to practice  
 9 nursing a specified number of times; amending  
 10 s. 464.022, F.S.; providing an exemption from  
 11 regulation relating to remedial courses;  
 12 amending s. 465.003, F.S.; defining the term  
 13 "data communication device"; revising the  
 14 definition of the term "practice of the  
 15 profession of pharmacy"; amending s. 465.016,  
 16 F.S.; authorizing the redispensing of unused or  
 17 returned unit-dose medication by correctional  
 18 facilities under certain conditions; providing  
 19 a ground for which a pharmacist may be subject  
 20 to discipline by the Board of Pharmacy;  
 21 increasing the administrative fine; amending  
 22 ss. 465.014, 465.015, 465.0196, 468.812,  
 23 499.003, F.S.; correcting cross-references, to  
 24 conform; creating the Task Force for the Study  
 25 of Collaborative Drug Therapy Management;  
 26 providing for staff support from the  
 27 department; providing for participation by  
 28 specified associations and entities; providing  
 29 responsibilities; requiring a report to the  
 30 Legislature; amending s. 466.021, F.S. ;  
 31 revising requirements relating to dental work

1 orders required of unlicensed persons; amending  
 2 s. 468.1155, F.S.; revising requirements for  
 3 provisional licensure to practice  
 4 speech-language pathology or audiology;  
 5 amending s. 468.1215, F.S.; revising  
 6 requirements for certification as a  
 7 speech-language pathologist or audiologist  
 8 assistant; amending s. 468.307, F.S.;  
 9 authorizing the issuance of subcategory  
 10 certificates in the field of radiologic  
 11 technology; amending s. 468.506, F.S.;  
 12 correcting references; amending s. 468.701,  
 13 F.S.; revising and removing definitions;  
 14 amending s. 468.703, F.S.; replacing the  
 15 Council of Athletic Training with a Board of  
 16 Athletic Training; providing for appointment of  
 17 board members and their successors; providing  
 18 for staggering of terms; providing for  
 19 applicability of other provisions of law  
 20 relating to activities of regulatory boards;  
 21 providing for the board's headquarters;  
 22 amending ss. 468.705, 468.707, 468.709,  
 23 468.711, 468.719, 468.721, F.S., relating to  
 24 rulemaking authority, licensure by examination,  
 25 fees, continuing education, disciplinary  
 26 actions, and certain regulatory transition;  
 27 transferring to the board certain duties of the  
 28 department relating to regulation of athletic  
 29 trainers; amending s. 20.43, F.S.; placing the  
 30 board under the Division of Medical Quality  
 31 Assurance of the department; providing for

1 termination of the council and the terms of  
 2 council members; authorizing consideration of  
 3 former council members for appointment to the  
 4 board; amending s. 468.805, F.S.; revising  
 5 grandfathering provisions for the practice of  
 6 orthotics, prosthetics, or pedorthics; amending  
 7 s. 468.806, F.S.; providing for approval of  
 8 continuing education providers; amending s.  
 9 478.42, F.S.; redefining the term "electrolysis  
 10 or electrology"; amending s. 483.041, F.S.,  
 11 redefining the terms "clinical laboratory" and  
 12 "licensed practitioner" and defining the term  
 13 "clinical laboratory examination"; amending s.  
 14 483.803, F.S.; redefining the terms "clinical  
 15 laboratory examination" and "licensed  
 16 practitioner of the healing arts"; revising a  
 17 reference; amending s. 483.807, F.S.; revising  
 18 provisions relating to fees for approval as a  
 19 laboratory training program; amending s.  
 20 483.809, F.S.; revising requirements relating  
 21 to examination of clinical laboratory personnel  
 22 for licensure and to registration of clinical  
 23 laboratory trainees; amending s. 483.812, F.S.;  
 24 revising qualification requirements for  
 25 licensure of public health laboratory  
 26 scientists; amending s. 483.813, F.S.;  
 27 eliminating a provision authorizing conditional  
 28 licensure of clinical laboratory personnel for  
 29 a specified period; amending s. 483.821, F.S.;  
 30 authorizing continuing education or retraining  
 31 for candidates who fail an examination a

1 specified number of times; amending s. 483.824,  
 2 F.S.; revising qualifications of clinical  
 3 laboratory directors; amending s. 483.825,  
 4 F.S.; revising and providing grounds for  
 5 discipline; providing penalties; amending s.  
 6 483.901, F.S.; correcting a reference;  
 7 eliminating a provision authorizing temporary  
 8 licensure as a medical physicist; correcting  
 9 the name of a trust fund; amending s. 484.007,  
 10 F.S.; revising requirements for opticians who  
 11 supervise apprentices; amending s. 484.0512,  
 12 F.S.; requiring sellers of hearing aids to  
 13 refund within a specified period all moneys  
 14 required to be refunded under trial-period  
 15 provisions; amending s. 484.053, F.S.;  
 16 increasing the penalty applicable to prohibited  
 17 acts relating to the dispensing of hearing  
 18 aids; amending s. 484.056, F.S.; providing that  
 19 violation of trial-period requirements is a  
 20 ground for disciplinary action; providing  
 21 penalties; amending ss. 486.041, 486.081,  
 22 486.103, and 486.107, F.S.; eliminating  
 23 provisions authorizing issuance of a temporary  
 24 permit to work as a physical therapist or  
 25 physical therapist assistant; amending s.  
 26 490.005, F.S.; revising educational  
 27 requirements for licensure as a psychologist by  
 28 examination; changing a date, to defer certain  
 29 educational requirements; amending s. 490.006,  
 30 F.S.; providing additional requirements for  
 31 licensure as a psychologist by endorsement;



1 amending s. 490.0085, F.S.; correcting the name  
 2 of a trust fund; amending s. 491.0045, F.S.;  
 3 revising requirements for registration as a  
 4 clinical social worker intern, marriage and  
 5 family therapist intern, or mental health  
 6 counselor intern; amending s. 491.0046, F.S.;  
 7 revising requirements for provisional licensure  
 8 of clinical social workers, marriage and family  
 9 therapists, and mental health counselors;  
 10 amending s. 491.005, F.S.; revising  
 11 requirements for licensure of clinical social  
 12 workers, marriage and family therapists, and  
 13 mental health counselors; providing for  
 14 certification of education of interns;  
 15 providing rulemaking authority to implement  
 16 education and experience requirements for  
 17 licensure as a clinical social worker, marriage  
 18 and family therapist, or mental health  
 19 counselor; revising future licensure  
 20 requirements for mental health counselors and  
 21 providing rulemaking authority for  
 22 implementation thereof; amending s. 491.006,  
 23 F.S.; revising requirements for licensure or  
 24 certification by endorsement; amending s.  
 25 491.0085, F.S.; requiring laws and rules  
 26 courses and providing for approval thereof,  
 27 including providers and programs; correcting  
 28 the name of a trust fund; amending s. 491.014,  
 29 F.S.; revising an exemption from regulation  
 30 relating to certain temporally limited  
 31 services; amending s. 499.012, F.S.; redefining

1 the term "wholesale distribution," relating to  
 2 the distribution of prescription drugs, to  
 3 provide for the exclusion of certain  
 4 activities; amending ss. 626.883, 641.316,  
 5 F.S.; requiring payments to a health care  
 6 provider by a fiscal intermediary to include an  
 7 explanation of services provided; creating a  
 8 Task Force on Telehealth; providing its duties;  
 9 requiring a report; amending s. 468.352, F.S.;  
 10 redefining the term "board"; amending s.  
 11 468.353, F.S.; conforming provision; providing  
 12 for the adoption of rules; amending s. 468.354,  
 13 F.S.; creating the Board of Respiratory Care;  
 14 providing for membership, powers, and duties;  
 15 amending s. 468.355, F.S.; providing for  
 16 periodic rather than annual review of certain  
 17 examinations and standards; amending s.  
 18 458.357, F.S.; conforming provisions; deleting  
 19 obsolete provisions; amending s. 468.364, F.S.;  
 20 deleting an examination fee; amending s.  
 21 468.365, F.S.; conforming provisions; amending  
 22 s. 464.016, F.S., providing that the use of the  
 23 title "nurse" without being licensed or  
 24 certified is a crime; amending s. 458.3115,  
 25 F.S.; revising requirements with respect to  
 26 eligibility of certain foreign-licensed  
 27 physicians to take and pass standardized  
 28 examinations; amending s. 458.3124, F.S.;  
 29 changing the date by which application for a  
 30 restricted license must be submitted; amending  
 31 s. 301, ch. 98-166, Laws of Florida;

1       prescribing fees for foreign-licensed  
 2       physicians taking a certain examination;  
 3       providing for a detailed study and analysis of  
 4       clinical laboratory services for kidney  
 5       dialysis patients; amending s. 455.651, F.S.;  
 6       providing for treble damages, reasonable  
 7       attorney fees, and costs for improper  
 8       disclosure of confidential information;  
 9       amending ss. 641.261 and 641.411, F.S.;  
 10       conforming references and cross-references;  
 11       amending s. 733.212, F.S.; establishing the  
 12       agency as a reasonably ascertainable creditor  
 13       with respect to administration of certain  
 14       estates; requiring that a task force be  
 15       appointed to review sources of revenue for the  
 16       trust fund; providing for appointments of its  
 17       members and specifying topics to be studied;  
 18       providing for its staffing; providing for  
 19       meetings; requiring a report and  
 20       recommendations; creating s. 395.40, F.S.;  
 21       declaring legislative findings and intent with  
 22       respect to creation of a statewide inclusive  
 23       trauma system, as defined; amending s. 395.401,  
 24       F.S.; deleting the definitions of the terms  
 25       "local trauma agency" and "regional trauma  
 26       agency"; defining the terms "trauma agency" and  
 27       "trauma alert victim"; prescribing duties of  
 28       the Department of Health with respect to  
 29       implementation of inclusive trauma systems and  
 30       trauma agency plans; amending s. 395.402, F.S.;  
 31       removing legislative findings; prescribing

1 duties of the department with respect to  
 2 assignment of counties to trauma service areas;  
 3 amending s. 395.4045, F.S.; prescribing  
 4 transport requirements for emergency medical  
 5 services providers; creating ss. 458.351 and  
 6 459.026, F.S.; requiring reports to the  
 7 Department of Health of adverse incidents in  
 8 specified settings; providing for review of  
 9 such incidents and initiation of disciplinary  
 10 proceedings, where appropriate; authorizing  
 11 department access to certain records and  
 12 preserving exemption from public access  
 13 thereto; providing rulemaking authority;  
 14 requiring the Department of Health to establish  
 15 standards for compressed air used in  
 16 recreational sport diving; providing that  
 17 certain persons and entities are exempt from  
 18 compliance with such standards; providing for  
 19 testing compressed air; requiring that test  
 20 results be provided to the department;  
 21 requiring that persons or entities selling  
 22 compressed air post a certificate of testing in  
 23 a conspicuous location; providing a penalty;  
 24 authorizing rules; creating the Minority HIV  
 25 and AIDS Task Force within the Department of  
 26 Health; requiring the task force to develop  
 27 recommendations on ways to strengthen HIV and  
 28 AIDS prevention and treatment programs in  
 29 minority communities; requiring the Secretary  
 30 of Health to appoint the members of the task  
 31 force; requiring that the task force include

1 representatives of certain groups and  
 2 organizations; providing for the members to  
 3 serve without compensation; requiring a report  
 4 to the Legislature; providing for the task  
 5 force to be abolished on a specified date;  
 6 requiring that the Department of Health develop  
 7 and implement a statewide HIV and AIDS  
 8 prevention campaign that is directed to  
 9 minorities; providing requirements for the  
 10 campaign; requiring the department to establish  
 11 positions within the department for regional  
 12 and statewide coordinators; requiring that the  
 13 department conduct a Black Leadership  
 14 Conference on HIV and AIDS by a specified date;  
 15 providing an appropriation; amending s. 20.41,  
 16 F.S.; providing that area agencies on aging are  
 17 subject to ch. 119 and ss. 286.011-286.012,  
 18 F.S., as specified; creating part XV of chapter  
 19 468, F.S.; providing definitions; requiring  
 20 that the Department of Health maintain a state  
 21 registry of certified nursing assistants;  
 22 authorizing the department to contract for  
 23 examination services; providing requirements  
 24 for obtaining certification as a certified  
 25 nursing assistant; requiring that the  
 26 department adopt rules governing initial  
 27 certification; specifying grounds for which the  
 28 department may deny, suspend, or revoke a  
 29 person's certification; authorizing the  
 30 department to exempt an applicant or  
 31 certificateholder from disqualification of

1 certification; providing requirements for  
 2 records and meetings held for disciplinary  
 3 actions; exempting an employer from liability  
 4 for terminating a certified nursing assistant  
 5 under certain circumstances; providing  
 6 penalties; providing for background screening;  
 7 providing rulemaking authority; requiring  
 8 persons who employ certified nursing assistants  
 9 to make certain reports to the Department of  
 10 Health; requiring that the department update  
 11 the certified nursing assistant registry;  
 12 providing for future repeal of such provisions;  
 13 amending s. 400.211, F.S.; deleting obsolete  
 14 provisions with respect to the regulation of  
 15 certified nursing assistants; amending s.  
 16 409.912, F.S.; requiring the Agency for Health  
 17 Care Administration to enter into agreements  
 18 with certain organizations for purposes of  
 19 providing vision screening; providing effective  
 20 dates.

21  
 22 Be It Enacted by the Legislature of the State of Florida:

23  
 24 Section 1. The Department of Children and Family  
 25 Services and the Agency for Health Care Administration shall,  
 26 by October 1, 1999, develop a system to allow unborn children  
 27 of Medicaid-eligible mothers to be issued a Medicaid number  
 28 that shall be used for billing purposes and for monitoring of  
 29 care for the child beginning with the child's date of birth.

30 Section 2. Paragraphs (e) and (f) of subsection (3)  
 31 and paragraphs (a) and (b) of subsection (7) of section 20.43,

1 Florida Statutes, 1998 Supplement, are amended, and paragraphs  
2 (h), (i), and (j) are added to subsection (3) of that section,  
3 to read:

4           20.43 Department of Health.--There is created a  
5 Department of Health.

6           (3) The following divisions of the Department of  
7 Health are established:

8           (e) Division of Children's Medical Services Network.

9           (f) Division of Emergency Medical Services and  
10 Community Health Resources ~~Local Health Planning, Education,~~  
11 ~~and Workforce Development~~.

12           (h) Division of Children's Medical Services Prevention  
13 and Intervention.

14           (i) Division of Information Resource Management.

15           (j) Division of Health Awareness and Tobacco.

16           (7) To protect and improve the public health, the  
17 department may use state or federal funds to:

18           (a) Provide incentives, including, but not limited to,  
19 the promotional items listed in paragraph (b), food and  
20 including food coupons, and or payment for travel expenses,  
21 for encouraging healthy lifestyle and disease prevention  
22 behaviors and patient compliance with medical treatment, such  
23 as tuberculosis therapy and smoking cessation programs. Such  
24 incentives shall be intended to cause individuals to take  
25 action to improve their health. Any incentive for food, food  
26 coupons, or travel expenses may not exceed the limitations in  
27 s. 112.061.

28           (b) Plan and conduct health education campaigns for  
29 the purpose of protecting or improving public health. The  
30 department may purchase promotional items, such as, but not  
31 limited to, t-shirts, hats, sports items such as water bottles

1 and sweat bands, calendars, nutritional charts, baby bibs,  
 2 growth charts, and other items printed with health-promotion  
 3 messages,and advertising, such as space on billboards or in  
 4 publications or radio or television time, for health  
 5 information and promotional messages that recognize that the  
 6 following behaviors, among others, are detrimental to public  
 7 health: unprotected sexual intercourse, other than with one's  
 8 spouse; cigarette and cigar smoking, use of smokeless tobacco  
 9 products, and exposure to environmental tobacco smoke; alcohol  
 10 consumption or other substance abuse during pregnancy; alcohol  
 11 abuse or other substance abuse; lack of exercise and poor diet  
 12 and nutrition habits; and failure to recognize and address a  
 13 genetic tendency to suffer from sickle-cell anemia, diabetes,  
 14 high blood pressure, cardiovascular disease, or cancer. For  
 15 purposes of activities under this paragraph, the Department of  
 16 Health may establish requirements for local matching funds or  
 17 in-kind contributions to create and distribute advertisements,  
 18 in either print or electronic format, which are concerned with  
 19 each of the targeted behaviors, establish an independent  
 20 evaluation and feedback system for the public health  
 21 communication campaign, and monitor and evaluate the efforts  
 22 to determine which of the techniques and methodologies are  
 23 most effective.

24 Section 3. Paragraphs (l), (p), and (s) of subsection  
 25 (2) of section 110.205, Florida Statutes, are amended to read:

26 110.205 Career service; exemptions.--

27 (2) EXEMPT POSITIONS.--The exempt positions which are  
 28 not covered by this part include the following, provided that  
 29 no position, except for positions established for a limited  
 30 period of time pursuant to paragraph (h), shall be exempted if  
 31 the position reports to a position in the career service:



1           (1) All assistant division director, deputy division  
 2 director, and bureau chief positions in any department, and  
 3 those positions determined by the department to have  
 4 managerial responsibilities comparable to such positions,  
 5 which positions include, but are not limited to, positions in  
 6 the Department of Health, the Department of Children and  
 7 Family Services, ~~and Rehabilitative Services~~ and the  
 8 Department of Corrections that are assigned primary duties of  
 9 serving as the superintendent of an institution: positions in  
 10 the Department of Transportation that are assigned primary  
 11 duties of serving as regional toll managers and managers of  
 12 offices as defined in s. 20.23(3)(d)3. and (4)(d); positions  
 13 in the Department of Environmental Protection that are  
 14 assigned the duty of an Environmental Administrator or program  
 15 administrator; and positions in the Department of Health ~~and~~  
 16 ~~Rehabilitative Services~~ that are assigned the duties ~~duty~~ of  
 17 ~~an~~ Environmental Administrator, Assistant County Health  
 18 Department Director, and County Health Department Financial  
 19 Administrator. Unless otherwise fixed by law, the department  
 20 shall set the salary and benefits of these positions in  
 21 accordance with the rules established for the Selected Exempt  
 22 Service.

23           (p) The staff directors, assistant staff directors,  
 24 district program managers, district program coordinators,  
 25 district subdistrict administrators, district administrative  
 26 services directors, district attorneys, ~~county health~~  
 27 ~~department directors, county health department administrators,~~  
 28 and the Deputy Director of Central Operations Services of the  
 29 Department of Children and Family ~~Health and Rehabilitative~~  
 30 Services and the county health department directors and county  
 31 health department administrators of the Department of Health.

1 Unless otherwise fixed by law, the department shall establish  
2 the salary range and benefits for these positions in  
3 accordance with the rules of the Selected Exempt Service.

4 (s) The executive director of each board or commission  
5 established within the Department of Business and Professional  
6 Regulation or the Department of Health. Unless otherwise fixed  
7 by law, the department shall establish the salary and benefits  
8 for these positions in accordance with the rules established  
9 for the Selected Exempt Service.

10 Section 4. Subsection (15) of section 120.80, Florida  
11 Statutes, 1998 Supplement, is amended to read:

12 120.80 Exceptions and special requirements;  
13 agencies.--

14 (15) DEPARTMENT OF HEALTH.--Notwithstanding s.  
15 120.57(1)(a), formal hearings may not be conducted by the  
16 Secretary of Health, the director of the Agency for Health  
17 Care Administration, or a board or member of a board within  
18 the Department of Health or the Agency for Health Care  
19 Administration for matters relating to the regulation of  
20 professions, as defined by part II of chapter 455.  
21 Notwithstanding s. 120.57(1)(a), hearings conducted within the  
22 Department of Health in execution of the Special Supplemental  
23 Nutrition Program for Women, Infants, and Children; Child Care  
24 Food Program; Children's Medical Services Program; and the  
25 exemption from disqualification reviews for certified nurse  
26 assistants program need not be conducted by an administrative  
27 law judge assigned by the division. The Department of Health  
28 may contract with the Department of Children and Family  
29 Services for a hearing officer in these matters.

30 Section 5. Subsection (1) of section 154.504, Florida  
31 Statutes, 1998 Supplement, is amended to read:

1           154.504 Eligibility and benefits.--

2           (1) Any county or counties may apply for a primary  
3 care for children and families challenge grant to provide  
4 primary health care services to children and families with  
5 incomes of up to 150 percent of the federal poverty level.  
6 Participants shall pay no monthly premium for participation,  
7 but shall be required to pay a copayment at the time a service  
8 is provided. Copayments may be paid from sources other than  
9 the participant, including, but not limited to, the child's or  
10 parent's employer, or other private sources. Providers may  
11 enter into contracts pursuant to ~~As used in s. 766.1115,~~  
12 provided copayments, ~~the term "copayment"~~ may not be  
13 considered and may not be used as compensation for services to  
14 health care providers, and all funds generated from copayments  
15 shall be used by the governmental contractor and all other  
16 provisions in s. 766.1115 are met.

17           Section 6. Subsection (3) is added to section 287.155,  
18 Florida Statutes, to read:

19           287.155 Motor vehicles; purchase by Division of  
20 Universities, Department of Health and Rehabilitative  
21 Services, Department of Juvenile Justice, and Department of  
22 Corrections.--

23           (3) The Department of Health is authorized, subject to  
24 the approval of the Department of Management Services, to  
25 purchase automobiles, trucks, and other automotive equipment  
26 for use by county health departments.

27           Section 7. Subsection (3) of section 372.6672, Florida  
28 Statutes, 1998 Supplement, is amended to read:

29           372.6672 Alligator management and trapping program  
30 implementation; commission authority.--

31

1           (3) The powers and duties of the commission hereunder  
2 shall not be construed so as to supersede the regulatory  
3 authority or lawful responsibility of the ~~Department of Health~~  
4 ~~and Rehabilitative Services~~, the Department of Agriculture and  
5 Consumer Services, or any local governmental entity regarding  
6 the processing or handling of food products, but shall be  
7 deemed supplemental thereto.

8           Section 8. Paragraph (h) of subsection (3) of section  
9 381.004, Florida Statutes, 1998 Supplement, is amended to  
10 read:

11           381.004 Testing for human immunodeficiency virus.--

12           (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED  
13 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.--

14           (h) Notwithstanding the provisions of paragraph (a),  
15 informed consent is not required:

16           1. When testing for sexually transmissible diseases is  
17 required by state or federal law, or by rule including the  
18 following situations:

19           a. HIV testing pursuant to s. 796.08 of persons  
20 convicted of prostitution or of procuring another to commit  
21 prostitution.

22           b. Testing for HIV by a medical examiner in accordance  
23 with s. 406.11.

24           2. Those exceptions provided for blood, plasma,  
25 organs, skin, semen, or other human tissue pursuant to s.  
26 381.0041.

27           3. For the performance of an HIV-related test by  
28 licensed medical personnel in bona fide medical emergencies  
29 when the test results are necessary for medical diagnostic  
30 purposes to provide appropriate emergency care or treatment to  
31 the person being tested and the patient is unable to consent,

1 as supported by documentation in the medical record.  
2 Notification of test results in accordance with paragraph (c)  
3 is required.

4 4. For the performance of an HIV-related test by  
5 licensed medical personnel for medical diagnosis of acute  
6 illness where, in the opinion of the attending physician,  
7 obtaining informed consent would be detrimental to the  
8 patient, as supported by documentation in the medical record,  
9 and the test results are necessary for medical diagnostic  
10 purposes to provide appropriate care or treatment to the  
11 person being tested. Notification of test results in  
12 accordance with paragraph (c) is required if it would not be  
13 detrimental to the patient. This subparagraph does not  
14 authorize the routine testing of patients for HIV infection  
15 without informed consent.

16 5. When HIV testing is performed as part of an autopsy  
17 for which consent was obtained pursuant to s. 872.04.

18 6. For the performance of an HIV test upon a defendant  
19 pursuant to the victim's request in a prosecution for any type  
20 of sexual battery where a blood sample is taken from the  
21 defendant voluntarily, pursuant to court order for any  
22 purpose, or pursuant to the provisions of s. 775.0877, s.  
23 951.27, or s. 960.003; however, the results of any HIV test  
24 performed shall be disclosed solely to the victim and the  
25 defendant, except as provided in ss. 775.0877, 951.27, and  
26 960.003.

27 7. When an HIV test is mandated by court order.

28 8. For epidemiological research pursuant to s.  
29 381.0032, for research consistent with institutional review  
30 boards created by 45 C.F.R. part 46, or for the performance of  
31 an HIV-related test for the purpose of research, if the

1 testing is performed in a manner by which the identity of the  
2 test subject is not known and may not be retrieved by the  
3 researcher.

4 9. When human tissue is collected lawfully without the  
5 consent of the donor for corneal removal as authorized by s.  
6 732.9185 or enucleation of the eyes as authorized by s.  
7 732.919.

8 10. For the performance of an HIV test upon an  
9 individual who comes into contact with medical personnel in  
10 such a way that a significant exposure has occurred during the  
11 course of employment or within the scope of practice and where  
12 a blood sample is available that was taken from that  
13 individual voluntarily by medical personnel for other  
14 purposes. "Medical personnel" includes a licensed or  
15 certified health care professional; an employee of a health  
16 care professional, health care facility, or blood bank; and a  
17 paramedic or emergency medical technician as defined in s.  
18 401.23.

19 a. Prior to performance of an HIV test on a  
20 voluntarily obtained blood sample, the individual from whom  
21 the blood was obtained shall be requested to consent to the  
22 performance of the test and to the release of the results.  
23 The individual's refusal to consent and all information  
24 concerning the performance of an HIV test and any HIV test  
25 result shall be documented only in the medical personnel's  
26 record unless the individual gives written consent to entering  
27 this information on the individual's medical record.

28 b. Reasonable attempts to locate the individual and to  
29 obtain consent shall be made and all attempts must be  
30 documented. If the individual cannot be found, an HIV test may  
31 be conducted on the available blood sample. If the individual

1 does not voluntarily consent to the performance of an HIV  
2 test, the individual shall be informed that an HIV test will  
3 be performed, and counseling shall be furnished as provided in  
4 this section. However, HIV testing shall be conducted only  
5 after a licensed physician documents, in the medical record of  
6 the medical personnel, that there has been a significant  
7 exposure and that, in the physician's medical judgment, the  
8 information is medically necessary to determine the course of  
9 treatment for the medical personnel.

10 c. Costs of any HIV test of a blood sample performed  
11 with or without the consent of the individual, as provided in  
12 this subparagraph, shall be borne by the medical personnel or  
13 the employer of the medical personnel. However, costs of  
14 testing or treatment not directly related to the initial HIV  
15 tests or costs of subsequent testing or treatment shall not be  
16 borne by the medical personnel or the employer of the medical  
17 personnel.

18 d. In order to utilize the provisions of this  
19 subparagraph, the medical personnel must either be tested for  
20 HIV pursuant to this section or provide the results of an HIV  
21 test taken within 6 months prior to the significant exposure  
22 if such test results are negative.

23 e. A person who receives the results of an HIV test  
24 pursuant to this subparagraph shall maintain the  
25 confidentiality of the information received and of the persons  
26 tested. Such confidential information is exempt from s.  
27 119.07(1).

28 f. If the source of the exposure will not voluntarily  
29 submit to HIV testing and a blood sample is not available, the  
30 medical personnel or the employer of such person acting on  
31 behalf of the employee may seek a court order directing the

1 source of the exposure to submit to HIV testing. A sworn  
 2 statement by a physician licensed under chapter 458 or chapter  
 3 459 that a significant exposure has occurred and that, in the  
 4 physician's medical judgment, testing is medically necessary  
 5 to determine the course of treatment constitutes probable  
 6 cause for the issuance of an order by the court. The results  
 7 of the test shall be released to the source of the exposure  
 8 and to the person who experienced the exposure.

9 11. For the performance of an HIV test upon an  
 10 individual who comes into contact with medical personnel in  
 11 such a way that a significant exposure has occurred during the  
 12 course of employment or within the scope of practice of the  
 13 medical personnel while the medical personnel provides  
 14 emergency medical treatment to the individual; or who comes  
 15 into contact with nonmedical personnel in such a way that a  
 16 significant exposure has occurred while the nonmedical  
 17 personnel provides emergency medical assistance during a  
 18 medical emergency. For the purposes of this subparagraph, a  
 19 medical emergency means an emergency medical condition outside  
 20 of a hospital or health care facility that provides physician  
 21 care. The test may be performed only during the course of  
 22 treatment for the medical emergency.

23 a. An individual who is capable of providing consent  
 24 shall be requested to consent to an HIV test prior to the  
 25 testing. The individual's refusal to consent, and all  
 26 information concerning the performance of an HIV test and its  
 27 result, shall be documented only in the medical personnel's  
 28 record unless the individual gives written consent to entering  
 29 this information on the individual's medical record.

30 b. HIV testing shall be conducted only after a  
 31 licensed physician documents, in the medical record of the



1 medical personnel or nonmedical personnel, that there has been  
2 a significant exposure and that, in the physician's medical  
3 judgment, the information is medically necessary to determine  
4 the course of treatment for the medical personnel or  
5 nonmedical personnel.

6 c. Costs of any HIV test performed with or without the  
7 consent of the individual, as provided in this subparagraph,  
8 shall be borne by the medical personnel or the employer of the  
9 medical personnel or nonmedical personnel. However, costs of  
10 testing or treatment not directly related to the initial HIV  
11 tests or costs of subsequent testing or treatment shall not be  
12 borne by the medical personnel or the employer of the medical  
13 personnel or nonmedical personnel.

14 d. In order to utilize the provisions of this  
15 subparagraph, the medical personnel or nonmedical personnel  
16 shall be tested for HIV pursuant to this section or shall  
17 provide the results of an HIV test taken within 6 months prior  
18 to the significant exposure if such test results are negative.

19 e. A person who receives the results of an HIV test  
20 pursuant to this subparagraph shall maintain the  
21 confidentiality of the information received and of the persons  
22 tested. Such confidential information is exempt from s.  
23 119.07(1).

24 f. If the source of the exposure will not voluntarily  
25 submit to HIV testing and a blood sample was not obtained  
26 during treatment for the medical emergency, the medical  
27 personnel, the employer of the medical personnel acting on  
28 behalf of the employee, or the nonmedical personnel may seek a  
29 court order directing the source of the exposure to submit to  
30 HIV testing. A sworn statement by a physician licensed under  
31 chapter 458 or chapter 459 that a significant exposure has

1 occurred and that, in the physician's medical judgment,  
2 testing is medically necessary to determine the course of  
3 treatment constitutes probable cause for the issuance of an  
4 order by the court. The results of the test shall be released  
5 to the source of the exposure and to the person who  
6 experienced the exposure.

7           12. For the performance of an HIV test by the medical  
8 examiner or attending physician upon an ~~a deceased~~ individual  
9 ~~who is the source of a significant exposure to medical~~  
10 ~~personnel or nonmedical personnel who provided emergency~~  
11 ~~medical assistance and who expired or could not be~~  
12 ~~resuscitated while receiving during treatment for the medical~~  
13 ~~emergency medical assistance or care and who was the source of~~  
14 a significant exposure to medical or nonmedical personnel  
15 providing such assistance or care.

16           a. HIV testing may be conducted only after a licensed  
17 physician documents in the medical record of the medical  
18 personnel or nonmedical personnel that there has been a  
19 significant exposure and that, in the physician's medical  
20 judgment, the information is medically necessary to determine  
21 the course of treatment for the medical personnel or  
22 nonmedical personnel.

23           b. Costs of any HIV test performed under this  
24 subparagraph may not be charged to the deceased or to the  
25 family of the deceased person.

26           c. For the provisions of this subparagraph to be  
27 applicable, the medical personnel or nonmedical personnel must  
28 be tested for HIV under this section or must provide the  
29 results of an HIV test taken within 6 months before the  
30 significant exposure if such test results are negative.

31

1           d. A person who receives the results of an HIV test  
2 pursuant to this subparagraph shall comply with paragraph (e).

3           13. For the performance of an HIV-related test  
4 medically indicated by licensed medical personnel for medical  
5 diagnosis of a hospitalized infant as necessary to provide  
6 appropriate care and treatment of the infant when, after a  
7 reasonable attempt, a parent cannot be contacted to provide  
8 consent. The medical records of the infant shall reflect the  
9 reason consent of the parent was not initially obtained. Test  
10 results shall be provided to the parent when the parent is  
11 located.

12           14. For the performance of HIV testing conducted to  
13 monitor the clinical progress of a patient previously  
14 diagnosed to be HIV positive.

15           15. For the performance of repeated HIV testing  
16 conducted to monitor possible conversion from a significant  
17 exposure.

18           Section 9. Subsection (7) is added to section  
19 381.0051, Florida Statutes, to read:

20           381.0051 Family planning.--

21           (7) RULES.--The Department of Health may adopt rules  
22 to implement this section.

23           Section 10. Subsection (16) is added to section  
24 381.006, Florida Statutes, 1998 Supplement, to read:

25           381.006 Environmental health.--The department shall  
26 conduct an environmental health program as part of fulfilling  
27 the state's public health mission. The purpose of this program  
28 is to detect and prevent disease caused by natural and manmade  
29 factors in the environment. The environmental health program  
30 shall include, but not be limited to:

31

1           (16) A group-care-facilities function, where a  
2 group-care facility means any public or private school,  
3 housing, building or buildings, section of a building, or  
4 distinct part of a building or other place, whether operated  
5 for profit or not, which undertakes, through its ownership or  
6 management, to provide one or more personal services, care,  
7 protection, and supervision to persons who require such  
8 services and who are not related to the owner or  
9 administrator. The department may adopt rules necessary to  
10 protect the health and safety of residents, staff, and patrons  
11 of group-care facilities, such as child care facilities,  
12 family day-care homes, assisted-living facilities, adult  
13 day-care centers, adult family-care homes, hospices,  
14 residential treatment facilities, crisis-stabilization units,  
15 pediatric extended-care centers, intermediate-care facilities  
16 for the developmentally disabled, group-care homes, and,  
17 jointly with the Department of Education, private and public  
18 schools. These rules may include provisions relating to  
19 operation and maintenance of facilities, buildings, grounds,  
20 equipment, furnishings, and occupant-space requirements;  
21 lighting; heating, cooling, and ventilation; water supply,  
22 plumbing; sewage; sanitary facilities; insect and rodent  
23 control; garbage; safety; personnel health, hygiene, and work  
24 practices; and other matters the department finds are  
25 appropriate or necessary to protect the safety and health of  
26 the residents, staff, or patrons. The department may not adopt  
27 rules that conflict with rules adopted by the licensing or  
28 certifying agency. The department may enter and inspect at  
29 reasonable hours to determine compliance with applicable  
30 statutes or rules. In addition to any sanctions that the  
31 department may impose for violations of rules adopted under

1 this section, the department shall also report such violations  
2 to any agency responsible for licensing or certifying the  
3 group-care facility. The licensing or certifying agency may  
4 also impose any sanction based solely on the findings of the  
5 department.

6  
7 The department may adopt rules to carry out the provisions of  
8 this section.

9 Section 11. Subsection (1) of section 381.0061,  
10 Florida Statutes, is amended to read:

11 381.0061 Administrative fines.--

12 (1) In addition to any administrative action  
13 authorized by chapter 120 or by other law, the department may  
14 impose a fine, which shall not exceed \$500 for each violation,  
15 for a violation of s. 381.006(16), s. 381.0065, s. 381.0066,  
16 s. 381.0072, or part III of chapter 489, for a violation of  
17 any rule adopted under this chapter, or for a violation of any  
18 of the provisions of chapter 386. Notice of intent to impose  
19 such fine shall be given by the department to the alleged  
20 violator. Each day that a violation continues may constitute  
21 a separate violation.

22 Section 12. Subsections (2), (3), (4), and (5) of  
23 section 381.0062, Florida Statutes, 1998 Supplement, are  
24 amended to read:

25 381.0062 Supervision; private and certain public water  
26 systems.--

27 (2) DEFINITIONS.--As used in this section:

28 (a) "Contaminant" means any physical, biological,  
29 chemical, or radiological substance or matter in water.

30 (b) "Department" means the Department of Health,  
31 including the county health departments.

1 (c) "Florida Safe Drinking Water Act" means part VI of  
2 chapter 403.

3 (d) "Health hazard" means any condition, contaminant,  
4 device, or practice in a water system or its operation which  
5 will create or has the potential to create an acute or chronic  
6 threat to the health and well-being of the water consumer.

7 (e) "Limited use commercial public water system" means  
8 a public water system not covered or included in the Florida  
9 Safe Drinking Water Act, which serves one or more  
10 nonresidential establishments and provides piped water.

11 (f) "Limited use community public water system" means  
12 a public water system not covered or included in the Florida  
13 Safe Drinking Water Act, which serves five or more ~~private~~  
14 residences or two or more rental residences, and provides  
15 piped water.

16 (g) "Maximum contaminant level" means the maximum  
17 permissible level of a contaminant in potable water delivered  
18 to consumers.

19 (h) "Multi-family water system" means a water system  
20 that provides piped water to three or four residences, one of  
21 which may be a rental residence.

22 (i)~~(h)~~ "Person" means an individual, public or private  
23 corporation, company, association, partnership, municipality,  
24 agency of the state, district, federal, or any other legal  
25 entity, or its legal representative, agent, or assignee.

26 (j)~~(i)~~ "Potable water" means water that is  
27 satisfactory for human consumption, dermal contact, culinary  
28 purposes, or dishwashing as approved by the department.

29 (k)~~(j)~~ "Private water system" means a water system  
30 that provides piped water for one or two ~~no more than four~~  
31 ~~nonrental~~ residences, one of which may be a rental residence.

1           ~~(l)(k)~~ "Public consumption" means oral ingestion or  
 2 physical contact with water by a person for any purpose other  
 3 than cleaning work areas or simple handwashing. Examples of  
 4 public consumption include, when making food or beverages  
 5 available to the general public, water used for washing food,  
 6 cooking utensils, or food service areas and water used for  
 7 preparing food or beverages; washing surfaces accessed by  
 8 children as in a child care center or similar setting; washing  
 9 medical instruments or surfaces accessed by a patient; any  
 10 water usage in health care facilities; emergency washing  
 11 devices such as eye washing sinks; washing in food processing  
 12 plants or establishments like slaughterhouses and  
 13 packinghouses; and water used in schools.

14           ~~(m)(l)~~ "Public water system" means a water system that  
 15 is not included or covered under the Florida Safe Drinking  
 16 Water Act, provides piped water to the public, and is not a  
 17 private or multi-family water system. For purposes of this  
 18 section, public water systems are classified as limited use  
 19 community or limited use commercial.

20           ~~(n)(m)~~ "Supplier of water" means the person, company,  
 21 or corporation that owns or operates a limited use community  
 22 or limited use commercial public water system, a multi-family  
 23 water system, or a private water system.

24           ~~(o)(n)~~ "Variance" means a sanction from the department  
 25 affording a supplier of water an extended time to correct a  
 26 maximum contaminant level violation caused by the raw water or  
 27 to deviate from construction standards established by rule of  
 28 the department.

29           (3) SUPERVISION.--The department and its agents shall  
 30 have general supervision and control over all private water  
 31 systems, multi-family water systems, and public water systems

1 not covered or included in the Florida Safe Drinking Water Act  
2 (part VI of chapter 403), and over those aspects of the public  
3 water supply program for which it has the duties and  
4 responsibilities provided for in part VI of chapter 403. The  
5 department shall:

6 (a) Administer and enforce the provisions of this  
7 section and all rules and orders adopted or issued under this  
8 section, including water quality and monitoring standards.

9 (b) Require any person wishing to construct, modify,  
10 or operate a limited use community or limited use commercial  
11 public water system or a multi-family ~~private~~ water system to  
12 first make application to and obtain approval from the  
13 department on forms adopted by rule of the department.

14 (c) Review and act upon any application for the  
15 construction, modification, operation, or change of ownership  
16 of, and conduct surveillance, enforcement, and compliance  
17 investigations of, limited use community and limited use  
18 commercial public water systems, and multi-family ~~private~~  
19 water systems.

20 (d) Require a fee from the supplier of water in an  
21 amount sufficient to cover the costs of reviewing and acting  
22 upon any application for the construction, modification, or  
23 operation of a limited use community and limited use  
24 commercial public water system, of not less than \$10 or more  
25 than \$90 annually.

26 (e) Require a fee from the supplier of water in an  
27 amount sufficient to cover the costs of reviewing and acting  
28 upon any application for the construction or change of  
29 ownership of a multi-family ~~private~~ water system ~~servicing more~~  
30 ~~than one residence~~, of not less than \$10 or more than \$90.

31



1 (f) Require a fee from the supplier of water in an  
2 amount sufficient to cover the costs of sample collection,  
3 review of analytical results, health-risk interpretations, and  
4 coordination with other agencies when such work is not  
5 included in paragraphs (b) and (c) and is requested by the  
6 supplier of water, of not less than \$10 or more than \$90.

7 (g) Require suppliers of water to collect samples of  
8 water, to submit such samples to a department-certified  
9 drinking water laboratory for contaminant analysis, and to  
10 keep sampling records as required by rule of the department.

11 (h) Require all fees collected by the department in  
12 accordance with the provisions of this section to be deposited  
13 in an appropriate trust fund of the department, and used  
14 exclusively for the payment of costs incurred in the  
15 administration of this section.

16 (i) Prohibit any supplier of water from, intentionally  
17 or otherwise, introducing any contaminant which poses a health  
18 hazard into a drinking water system.

19 (j) Require suppliers of water to give public notice  
20 of water problems and corrective measures under the conditions  
21 specified by rule of the department.

22 (k) Require a fee to cover the cost of reinspection of  
23 any system regulated under this section, which may not be less  
24 than \$25 or more than \$40.

25 (4) RIGHT OF ENTRY.--For purposes of this section,  
26 department personnel may enter, at any reasonable time and if  
27 they have reasonable cause to believe a violation of this  
28 section is occurring or about to occur, upon any and all parts  
29 of the premises of such limited use public and multi-family  
30 ~~private~~ drinking water systems ~~serving more than one~~  
31 ~~residence~~, to make an examination and investigation to

1 determine the sanitary and safety conditions of such systems.  
2 Any person who interferes with, hinders, or opposes any  
3 employee of the department in the discharge of his or her  
4 duties pursuant to the provisions of this section is subject  
5 to the penalties provided in s. 381.0025.

6 (5) ENFORCEMENT AND PENALTIES.--

7 (a) Any person who constructs, modifies, or operates a  
8 limited use community or limited use commercial public water  
9 system, a multi-family water system, or a private water  
10 system, without first complying with the requirements of this  
11 section, who operates a water system in violation of  
12 department order, or who maintains or operates a water system  
13 after revocation of the permit is guilty of a misdemeanor of  
14 the second degree, punishable as provided in s. 775.082 or s.  
15 775.083.

16 (b) This section and rules adopted pursuant to this  
17 section may be enforced by injunction or restraining order  
18 granted by a circuit court as provided in s. 381.0012(2).

19 (c) Additional remedies available to county health  
20 department staff through any county or municipal ordinance may  
21 be applied, over and above the penalties set forth in this  
22 section, to any violation of this section or the rules adopted  
23 pursuant to this section.

24 Section 13. Subsections (3) and (7) of section 381.90,  
25 Florida Statutes, are amended to read:

26 381.90 Health Information Systems Council; legislative  
27 intent; creation, appointment, duties.--

28 (3) The council shall be composed of the following  
29 members or their senior executive-level designees:

30 (a) The secretary of the Department of Health;

31

1 (b) The secretary of the Department of Business and  
2 Professional Regulation;

3 (c) The secretary of the Department of Children and  
4 Family Services;

5 (d) The director of the Agency for Health Care  
6 Administration;

7 (e) The secretary of the Department of Corrections;

8 (f) The Attorney General;

9 (g) The executive director of the Correctional Medical  
10 Authority;

11 (h) Two members representing county health  
12 departments, one from a small county and one from a large  
13 county, appointed by the Governor; ~~and~~

14 (i) A representative from the Florida Association of  
15 Counties; ~~-~~

16 (j) The State Treasurer and Insurance Commissioner;

17 (k) A representative from the Florida Healthy Kids  
18 Corporation;

19 (l) A representative from a school of public health  
20 chosen by the Board of Regents;

21 (m) The Commissioner of Education;

22 (n) The Secretary of the Department of Elderly  
23 Affairs; and

24 (o) The Secretary of the Department of Juvenile  
25 Justice.

26  
27 Representatives of the Federal Government may serve without  
28 voting rights.

29 (7) The council's duties and responsibilities include,  
30 but are not limited to, the following:

31

1 (a) By March 1 of each year, to develop and approve a  
2 strategic plan pursuant to the requirements set forth in s.  
3 186.022(9). Copies of the plan shall be transmitted  
4 electronically or in writing to the Executive Office of the  
5 Governor, the Speaker of the House of Representatives, and the  
6 President of the Senate.

7 (b) To develop a mission statement, goals, and plan of  
8 action, based on the guiding principles specified in s.  
9 282.3032, for the identification, collection, standardization,  
10 sharing, and coordination of health-related data across  
11 federal, state, and local government and private-sector  
12 entities.

13 (c) To develop a review process to ensure cooperative  
14 planning among agencies that collect or maintain  
15 health-related data. The council shall submit a report on the  
16 implementation of this requirement to the Executive Office of  
17 the Governor, the President of the Senate, and the Speaker of  
18 the House of Representatives by January 1, 2000.

19 ~~(d)(c)~~ To create ad hoc issue-oriented technical  
20 workgroups, on an as-needed basis, to make recommendations to  
21 the council.

22 Section 14. Subsection (10) of section 382.003,  
23 Florida Statutes, is amended, and subsection (11) is added to  
24 that section, to read:

25 382.003 Powers and duties of the department.--The  
26 department may:

27 (10) Adopt, promulgate, and enforce rules necessary  
28 for the creation, issuance, recording, ~~rescinding,~~  
29 maintenance, and processing of vital records and for carrying  
30 out the provisions of ss. 382.004-382.014 and ss.  
31 382.016-382.019.

1           (11) By rule require that forms, documents, and  
2 information submitted to the department in the creation or  
3 amendment of a vital record be under oath.

4           Section 15. Subsection (3) of section 382.004, Florida  
5 Statutes, is amended to read:

6           382.004 Reproduction and destruction of records.--

7           (3) Photographs, microphotographs, or reproductions of  
8 any record in the form of film, prints, or electronically  
9 produced certifications made in compliance with the provisions  
10 of this chapter and certified by the department shall have the  
11 same force and effect as the originals thereof, shall be  
12 treated as originals for the purpose of their admissibility ~~in~~  
13 ~~any court or case,~~ and shall be prima facie evidence ~~in all~~  
14 ~~courts and cases~~ of the facts stated therein.

15           Section 16. Subsection (1) of section 382.008, Florida  
16 Statutes, 1998 Supplement, is amended to read:

17           382.008 Death and fetal death registration.--

18           (1) A certificate for each death and fetal death which  
19 occurs in this state shall be filed on a form prescribed by  
20 the department with the local registrar of the district in  
21 which the death occurred within 5 days after such death and  
22 prior to final disposition, and shall be registered by such  
23 registrar if it has been completed and filed in accordance  
24 with this chapter or adopted rules. The certificate shall  
25 include the decedent's social security number, if available.  
26 ~~Disclosure of social security numbers obtained through this~~  
27 ~~requirement shall be limited to the purpose of administration~~  
28 ~~of the Title IV-D program for child support enforcement and as~~  
29 ~~otherwise provided by law.~~ In addition, each certificate of  
30 death or fetal death:

31

1 (a) If requested by the informant, shall include  
2 aliases or "also known as" (AKA) names of a decedent in  
3 addition to the decedent's name of record. Aliases shall be  
4 entered on the face of the death certificate in the space  
5 provided for name if there is sufficient space. If there is  
6 not sufficient space, aliases may be recorded on the back of  
7 the certificate and shall be considered part of the official  
8 record of death;

9 (b) If the place of death is unknown, shall be  
10 registered in the registration district in which the dead body  
11 or fetus is found within 5 days after such occurrence; and

12 (c) If death occurs in a moving conveyance, shall be  
13 registered in the registration district in which the dead body  
14 was first removed from such conveyance.

15 Section 17. Subsections (1), (2), and (4) of section  
16 382.013, Florida Statutes, 1998 Supplement, are amended to  
17 read:

18 382.013 Birth registration.--A certificate for each  
19 live birth that occurs in this state shall be filed within 5  
20 days after such birth with the local registrar of the district  
21 in which the birth occurred and shall be registered by the  
22 local registrar if the certificate has been completed and  
23 filed in accordance with this chapter and adopted rules. The  
24 information regarding registered births shall be used for  
25 comparison with information in the state case registry, as  
26 defined in chapter 61.

27 (1) FILING.--

28 (a) If a birth occurs in a hospital, birth center, or  
29 other health care facility, or en route thereto, the person in  
30 charge of the facility shall be responsible for preparing the  
31 certificate, certifying the facts of the birth, and filing the

1 certificate with the local registrar. Within 48 hours after  
2 the birth, the physician, midwife, or person in attendance  
3 during or immediately after the delivery shall provide the  
4 facility with the medical information required by the birth  
5 certificate.

6 (b) If a birth occurs outside a facility and a  
7 physician licensed in this state, a certified nurse midwife, a  
8 midwife licensed in this state, or a public health nurse  
9 employed by the department was in attendance during or  
10 immediately after the delivery, that person shall prepare and  
11 file the certificate.

12 (c) If a birth occurs outside a facility and the  
13 delivery is not attended by one of the persons described in  
14 paragraph (b), the person in attendance, the mother, or the  
15 father shall report the birth to the registrar and provide  
16 proof of the facts of birth. The department may require such  
17 documents to be presented and such proof to be filed as it  
18 deems necessary and sufficient to establish the truth of the  
19 facts to be recorded by the certificate and may withhold  
20 registering the birth until its requirements are met.~~the~~  
21 ~~child is not taken to the facility within 3 days after~~  
22 ~~delivery, the certificate shall be prepared and filed by one~~  
23 ~~of the following persons in the indicated order of priority:~~

24 1. ~~The physician or midwife in attendance during or~~  
25 ~~immediately after the birth.~~

26 2. ~~In the absence of persons described in subparagraph~~  
27 ~~1., any other person in attendance during or immediately after~~  
28 ~~the birth.~~

29 3. ~~In the absence of persons described in subparagraph~~  
30 ~~2., the father or mother.~~

31

1           ~~4. In the absence of the father and the inability of~~  
2 ~~the mother, the person in charge of the premises where the~~  
3 ~~birth occurred.~~

4           (d)~~(c)~~ If a birth occurs in a moving conveyance and  
5 the child is first removed from the conveyance in this state,  
6 the birth shall be filed and registered in this state and the  
7 place to which the child is first removed shall be considered  
8 the place of birth.

9           (e)~~(d)~~ The mother or the father ~~At least one of the~~  
10 ~~parents~~ of the child shall attest to the accuracy of the  
11 personal data entered on the certificate in time to permit the  
12 timely registration of the certificate.

13           (f)~~(e)~~ If a certificate of live birth is incomplete,  
14 the local registrar shall immediately notify the health care  
15 facility or person filing the certificate and shall require  
16 the completion of the missing items of information if they can  
17 be obtained prior to issuing certified copies of the birth  
18 certificate.

19           (g)~~(f)~~ Regardless of any plan to place a child for  
20 adoption after birth, the information on the birth certificate  
21 as required by this section must be as to the child's birth  
22 parents unless and until an application for a new birth record  
23 is made under s. 63.152.

24           (2) PATERNITY.--

25           (a) If the mother is married at the time of birth, the  
26 name of the husband shall be entered on the birth certificate  
27 as the father of the child, unless paternity has been  
28 determined otherwise by a court of competent jurisdiction.

29           (b) Notwithstanding paragraph (a), if the husband of  
30 the mother dies while the mother is pregnant but before the  
31 birth of the child, the name of the deceased husband shall be



1 entered on the birth certificate as the father of the child,  
2 unless paternity has been determined otherwise by a court of  
3 competent jurisdiction.

4 (c) If the mother is not married at the time of birth,  
5 the name of the father may not be entered on the birth  
6 certificate without the execution of a consenting affidavit  
7 signed by both the mother and the person to be named as the  
8 father. After giving notice orally or through the use of  
9 video or audio equipment, and in writing, of the alternatives  
10 to, the legal consequences of, and the rights, including, if  
11 one parent is a minor, any rights afforded due to minority  
12 status, and responsibilities that arise from signing an  
13 acknowledgment of paternity, the facility shall provide the  
14 mother and the person to be named as the father with the  
15 affidavit, as well as information provided by the Title IV-D  
16 agency established pursuant to s. 409.2557, regarding the  
17 benefits of voluntary establishment of paternity. Upon request  
18 of the mother and the person to be named as the father, the  
19 facility shall assist in the execution of the affidavit.

20 (d) If the paternity of the child is determined by a  
21 court of competent jurisdiction as provided under s. 382.015,  
22 the name of the father and the surname of the child shall be  
23 entered on the certificate in accordance with the finding and  
24 order of the court. If the court fails to specify a surname  
25 for the child, the surname shall be entered in accordance with  
26 subsection (3).

27 (e) If the father is not named on the certificate, no  
28 other information about the father shall be entered on the  
29 certificate.

30 (4) UNDETERMINED PARENTAGE.--The person having custody  
31 of a child of undetermined parentage shall register a birth

1 certificate ~~shall be registered for every child of~~  
 2 ~~undetermined parentage~~ showing all known or approximate facts  
 3 relating to the birth. To assist in later determination,  
 4 information concerning the place and circumstances under which  
 5 the child was found shall be included on the portion of the  
 6 birth certificate relating to marital status and medical  
 7 details. In the event the child is later identified ~~to the~~  
 8 ~~satisfaction of the department~~, a new birth certificate shall  
 9 be prepared which shall bear the same number as the original  
 10 birth certificate, and the original certificate shall be  
 11 sealed and filed, shall be confidential and exempt from the  
 12 provisions of s. 119.07(1), and shall not be opened to  
 13 inspection by, nor shall certified copies of the same be  
 14 issued except by court order to, any person other than the  
 15 registrant if of legal age.

16 Section 18. Section 382.015, Florida Statutes, is  
 17 amended to read:

18 382.015 New certificates of live birth; duty of clerks  
 19 of court and department.--The clerk of the court in which any  
 20 proceeding for adoption, annulment of an adoption, affirmation  
 21 of parental status, or determination of paternity is to be  
 22 registered, shall within 30 days after the final disposition,  
 23 forward to the department a certified ~~court-certified~~ copy of  
 24 the court order ~~decree~~, or a report of the proceedings upon a  
 25 form to be furnished by the department, together with  
 26 sufficient information to identify the original birth  
 27 certificate and to enable the preparation of a new birth  
 28 certificate.

29 (1) ADOPTION AND ANNULMENT OF ADOPTION.--

30 (a) Upon receipt of the report or certified copy of an  
 31 adoption decree, together with the information necessary to

1 identify the original certificate of live birth, and establish  
 2 a new certificate, the department shall prepare and file a new  
 3 birth certificate, absent objection by the court decreeing the  
 4 adoption, the adoptive parents, or the adoptee if of legal  
 5 age. The certificate shall bear the same file number as the  
 6 original birth certificate. All names and identifying  
 7 information relating to the adoptive parents entered on the  
 8 new certificate shall refer to the adoptive parents, but  
 9 nothing in the certificate shall refer to or designate the  
 10 parents as being adoptive. All other items not affected by  
 11 adoption shall be copied as on the original certificate,  
 12 including the date of registration and filing.

13 (b) Upon receipt of the report or certified copy of an  
 14 annulment-of-adoption decree, together with the sufficient  
 15 information to identify the original certificate of live  
 16 birth, the department shall, if a new certificate of birth was  
 17 filed following an adoption report or decree, remove the new  
 18 certificate and restore the original certificate to its  
 19 original place in the files, and the certificate so removed  
 20 shall be sealed by the department.

21 (c) Upon receipt of a report or certified copy of an  
 22 adoption decree or annulment-of-adoption decree for a person  
 23 born in another state, the department shall forward the report  
 24 or decree to the state of the registrant's birth. If the  
 25 adoptee was born in Canada, the department shall send a copy  
 26 of the report or decree to the appropriate birth registration  
 27 authority in Canada.

28 (2) DETERMINATION OF PATERNITY.--

29 ~~(a)~~ Upon receipt of the report or a certified copy of  
 30 a final decree of determination of paternity, ~~or upon written~~  
 31 ~~request and receipt of a consenting affidavit signed by both~~

1 ~~parents acknowledging the paternity of the registrant,~~  
 2 together with sufficient information to identify the original  
 3 certificate of live birth, the department shall prepare and  
 4 file a new birth certificate which shall bear the same file  
 5 number as the original birth certificate. ~~If paternity has~~  
 6 ~~been established pursuant to court order,~~The registrant's  
 7 name shall be entered as decreed by the court. ~~Otherwise, the~~  
 8 ~~surname of the registrant may be changed from that shown on~~  
 9 ~~the original birth certificate at the request of the parents~~  
 10 ~~or the registrant if of legal age.~~The names and identifying  
 11 information of the parents shall be entered as of the date of  
 12 the registrant's birth.

13 ~~(b) If the parents marry each other at any time after~~  
 14 ~~the registrant's birth, the department shall, upon request of~~  
 15 ~~the parents or registrant if of legal age and proof of the~~  
 16 ~~marriage, amend the certificate with regard to the parent's~~  
 17 ~~marital status as though the parents were married at the time~~  
 18 ~~of birth.~~

19 ~~(c) If a father's name is already listed on the birth~~  
 20 ~~certificate, the birth certificate may only be amended to add~~  
 21 ~~a different father's name upon court order. If a change in~~  
 22 ~~the registrant's surname is also desired, such change must be~~  
 23 ~~included in the court order determining paternity or the name~~  
 24 ~~must be changed pursuant to s. 68.07.~~

25 (3) AFFIRMATION OF PARENTAL STATUS.--Upon receipt of  
 26 an order of affirmation of parental status issued pursuant to  
 27 s. 742.16, together with sufficient information to identify  
 28 the original certificate of live birth, the department shall  
 29 prepare and file a new birth certificate which shall bear the  
 30 same file number as the original birth certificate. The names  
 31 and identifying information of the registrant's parents

1 entered on the new certificate shall be the commissioning  
2 couple, but the new certificate may not make reference to or  
3 designate the parents as the commissioning couple.

4 (4) SUBSTITUTION OF NEW CERTIFICATE OF BIRTH FOR  
5 ORIGINAL.--When a new certificate of birth is prepared, the  
6 department shall substitute the new certificate of birth for  
7 the original certificate on file. All copies of the original  
8 certificate of live birth in the custody of a local registrar  
9 or other state custodian of vital records shall be forwarded  
10 to the State Registrar. Thereafter, when a certified copy of  
11 the certificate of birth ~~of such person~~ or portion thereof is  
12 issued, it shall be a copy of the new certificate of birth or  
13 portion thereof, except when a court order requires issuance  
14 of a certified copy of the original certificate of birth. In  
15 an adoption, change in paternity, affirmation of parental  
16 status, undetermined parentage, or court-ordered substitution,  
17 the department shall place the original certificate of birth  
18 and all papers pertaining thereto under seal, not to be broken  
19 except by order of a court of competent jurisdiction or as  
20 otherwise provided by law.

21 (5) FORM.--Except for certificates of foreign birth  
22 which are registered as provided in s. 382.017, and delayed  
23 certificates of birth which are registered as provided in ss.  
24 382.019 and 382.0195, all original, new, or amended  
25 certificates of livebirth shall be identical in form,  
26 regardless of the marital status of the parents or the fact  
27 that the registrant is adopted or of undetermined parentage.

28 (6) RULES.--The department shall adopt and enforce all  
29 rules necessary for carrying out the provisions of this  
30 section.

31

1           Section 19. Subsections (3), (4), and (5) are added to  
2 section 382.016, Florida Statutes, to read:

3           382.016 Amendment of records.--

4           (3) Upon written request and receipt of an affidavit  
5 signed by the mother and father acknowledging the paternity of  
6 a registrant born out of wedlock, together with sufficient  
7 information to identify the original certificate of live  
8 birth, the department shall prepare a new birth certificate,  
9 which shall bear the same file number as the original birth  
10 certificate. The names and identifying information of the  
11 parents shall be entered as of the date of the registrant's  
12 birth. The surname of the registrant may be changed from that  
13 shown on the original birth certificate at the request of the  
14 mother and father of the registrant, or the registrant if of  
15 legal age. If the mother and father marry each other at any  
16 time after the registrant's birth, the department shall, upon  
17 the request of the mother and father or registrant if of legal  
18 age and proof of the marriage, amend the certificate with  
19 regard to the parents' marital status as though the parents  
20 were married at the time of birth.

21           (4) When a new certificate of birth is prepared  
22 pursuant to subsection (3), the department shall substitute  
23 the new certificate of birth for the original certificate on  
24 file. All copies of the original certificate of live birth in  
25 the custody of a local registrar or other state custodian of  
26 vital records shall be forwarded to the State Registrar.  
27 Thereafter, when a certified copy of the certificate of birth  
28 or portion thereof is issued, it shall be a copy of the new  
29 certificate of birth or portion thereof, except when a court  
30 order requires issuance of a certified copy of the original  
31 certificate of birth. The department shall place the original

1 certificate of birth and all papers pertaining thereto under  
2 seal, not to be broken except by order of a court of competent  
3 jurisdiction or as otherwise provided by law.

4 (5) If a father's name is listed on the birth  
5 certificate, the birth certificate may only be amended to  
6 remove the father's name or to add a different father's name  
7 upon court order. If a change in the registrant's surname is  
8 also desired, such change must be included in the court order  
9 or the name must be changed pursuant to s. 68.07.

10 Section 20. Section 382.019, Florida Statutes, is  
11 amended to read:

12 382.019 Delayed registration; administrative  
13 procedures.--

14 (1) Registration after 1 year is a delayed  
15 registration, and the department may, upon receipt of an  
16 application and the fee required under s. 382.0255, and proof  
17 of the birth, death, or fetal death as prescribed by this  
18 section or rule, register a delayed certificate if the  
19 department does not already have a certificate of the birth,  
20 death, or fetal death on file.

21 (2) The department may require such supporting  
22 documents to be presented and such proof to be filed as it  
23 deems necessary and sufficient to establish the truth of the  
24 facts to be recorded by the certificate, and may withhold  
25 registering the birth, death, or fetal death certificate until  
26 its requirements are met.

27 (3) Certificates registered under this section are  
28 admissible as prima facie evidence of the facts recited  
29 therein with like force and effect as other vital records  
30 received or admitted in evidence.

31

1 (4) A delayed certificate of birth filed under this  
2 section shall include a summary statement of the evidence  
3 submitted in support of the delayed registration.

4 (5) A delayed certificate of birth submitted for  
5 registration under this section shall be signed before a  
6 notarizing official by the registrant if of legal age, or by  
7 the parent or guardian of a minor registrant.

8 (6) A person may not establish more than one birth  
9 certificate, and a delayed certificate of birth may not be  
10 registered for a deceased person.

11 (7) A delayed death or fetal death record shall be  
12 registered on a certificate of death or fetal death and marked  
13 "delayed."

14 (8) In addition to the rulemaking authority found at  
15 s. 382.003(10), the department may, by rule, provide for the  
16 dismissal of an application that is not pursued within 1 year.

17 Section 21. Subsections (1) and (2) of section  
18 382.025, Florida Statutes, are amended to read:

19 382.025 Certified copies of vital records;  
20 confidentiality; research.--

21 (1) BIRTH RECORDS.--Except for birth records over 100  
22 years old which are not under seal pursuant to court order,  
23 all birth records of this state shall be confidential and are  
24 exempt from the provisions of s. 119.07(1).

25 (a) Certified copies of the original birth certificate  
26 or a new or amended certificate, or affidavits thereof, are  
27 confidential and exempt from the provisions of s. 119.07(1)  
28 and, upon receipt of a request and payment of the fee  
29 prescribed in s. 382.0255, shall be issued only as authorized  
30 by the department and in the form prescribed by the  
31 department, and only:



- 1           1. To the registrant, if of legal age;
- 2           2. To the registrant's parent or guardian or other
- 3 legal representative;
- 4           3. Upon receipt of the registrant's death certificate,
- 5 to the registrant's spouse or to the registrant's child,
- 6 grandchild, or sibling, if of legal age, or to the legal
- 7 representative of any of such persons;
- 8           4. To any person if the birth record is over 100 years
- 9 old and not under seal pursuant to court order;
- 10          5. To a law enforcement agency for official purposes;
- 11          6. To any agency of the state or the United States for
- 12 official purposes upon approval of the department; or
- 13          7. Upon order of any court of competent jurisdiction.
- 14          (b) To protect the integrity of vital records and
- 15 prevent the fraudulent use of the birth certificates of
- 16 deceased persons, the department shall match birth and death
- 17 certificates and post the fact of death to the appropriate
- 18 birth certificate. Except for a commemorative birth
- 19 certificate, any ~~A~~ certification of a birth certificate of a
- 20 deceased registrant shall be marked "deceased." In the case of
- 21 a commemorative birth certificate, such indication of death
- 22 shall be made on the back of the certificate.
- 23          (c) The department shall issue, upon request and upon
- 24 payment of an additional fee as prescribed under s. 382.0255,
- 25 a commemorative birth certificate representing that the birth
- 26 of the person named thereon is recorded in the office of the
- 27 registrar. The certificate issued under this paragraph shall
- 28 be in a form consistent with the need to protect the integrity
- 29 of vital records but shall be suitable for display. It may
- 30 bear the seal of the state printed thereon and may be signed
- 31 by the Governor.

1 (2) OTHER RECORDS.--

2 (a) The department shall authorize the issuance of a  
3 certified copy of all or part of any marriage, dissolution of  
4 marriage, or death or fetal death certificate, excluding that  
5 portion which is confidential and exempt from the provisions  
6 of s. 119.07(1) as provided under s. 382.008, to any person  
7 requesting it upon receipt of a request and payment of the fee  
8 prescribed by this section. A certification of the death or  
9 fetal death certificate which includes the confidential  
10 portions shall be issued only:

11 1. To the registrant's spouse or parent, or to the  
12 registrant's child, grandchild, or sibling, if of legal age,  
13 or to any person ~~family member~~ who provides a will that has  
14 been executed pursuant to s. 732.502, insurance policy, or  
15 other document that demonstrates his or her ~~the family~~  
16 ~~member's~~ interest in the estate of the registrant, or to any  
17 person who provides documentation that he or she is acting on  
18 behalf of any of them;

19 2. To any agency of the state or local government or  
20 the United States for official purposes upon approval of the  
21 department; or

22 3. Upon order of any court of competent jurisdiction.

23 (b) All portions of a certificate of death shall cease  
24 to be exempt from the provisions of s. 119.07(1) 50 years  
25 after the date of death.

26 (c) The department shall issue, upon request and upon  
27 payment of an additional fee prescribed by this section, a  
28 commemorative marriage license representing that the marriage  
29 of the persons named thereon is recorded in the office of the  
30 registrar. The certificate issued under this paragraph shall  
31 be in a form consistent with the need to protect the integrity

1 of vital records but shall be suitable for display. It may  
2 bear the seal of the state printed thereon and may be signed  
3 by the Governor.

4 Section 22. Subsection (2) of section 382.0255,  
5 Florida Statutes, is amended to read:

6 382.0255 Fees.--

7 (2) The fee charged for each request for a  
8 certification of a birth record issued by the department or by  
9 the local registrar shall be subject to an additional fee of  
10 \$4 which shall be deposited in the appropriate departmental  
11 trust fund. On a quarterly basis, the department shall  
12 ~~transfer \$2 of this additional fee to the General Revenue Fund~~  
13 ~~and \$1.50 to the Child Welfare Training Trust Fund created in~~  
14 ~~s. 402.40. Fifty cents of the fee shall be available for~~  
15 ~~appropriation to the department for administration of this~~  
16 ~~chapter.~~

17 Section 23. Paragraph (e) of subsection (3) and  
18 subsection (5) of section 383.14, Florida Statutes, are  
19 amended to read:

20 383.14 Screening for metabolic disorders, other  
21 hereditary and congenital disorders, and environmental risk  
22 factors.--

23 (3) DEPARTMENT OF HEALTH; POWERS AND DUTIES.--The  
24 department shall administer and provide certain services to  
25 implement the provisions of this section and shall:

26 (e) Supply the necessary dietary treatment products  
27 where practicable for diagnosed cases of phenylketonuria and  
28 other metabolic diseases for as long as medically indicated  
29 when the products are not otherwise available. Provide  
30 nutrition education and supplemental foods to those families

31

1 eligible for the Special Supplemental Nutrition ~~Food~~ Program  
2 for Women, Infants, and Children as provided in s. 383.011.

3  
4 All provisions of this subsection must be coordinated with the  
5 provisions and plans established under this chapter, chapter  
6 411, and Pub. L. No. 99-457.

7 (5) ADVISORY COUNCIL.--There is established a Genetics  
8 and Infant Screening Advisory Council made up of 12 members  
9 appointed by the Secretary of Health. The council shall be  
10 composed of two consumer members, three practicing  
11 pediatricians, at least one of whom must be a pediatric  
12 hematologist, one representative from each of the four medical  
13 schools in the state, the Secretary of Health or his or her  
14 designee, one representative from the Department of Health  
15 representing ~~Division of~~ Children's Medical Services, and one  
16 representative from the Developmental Services Program Office  
17 of the Department of Children and Family Services. All  
18 appointments shall be for a term of 4 years. The chairperson  
19 of the council shall be elected from the membership of the  
20 council and shall serve for a period of 2 years. The council  
21 shall meet at least semiannually or upon the call of the  
22 chairperson. The council may establish ad hoc or temporary  
23 technical advisory groups to assist the council with specific  
24 topics which come before the council. Council members shall  
25 serve without pay. Pursuant to the provisions of s. 112.061,  
26 the council members are entitled to be reimbursed for per diem  
27 and travel expenses. It is the purpose of the council to  
28 advise the department about:

29 (a) Conditions for which testing should be included  
30 under the screening program and the genetics program;

31

1 (b) Procedures for collection and transmission of  
2 specimens and recording of results; and

3 (c) Methods whereby screening programs and genetics  
4 services for children now provided or proposed to be offered  
5 in the state may be more effectively evaluated, coordinated,  
6 and consolidated.

7 Section 24. Subsection (4) of section 385.202, Florida  
8 Statutes, is amended to read:

9 385.202 Statewide cancer registry.--

10 (4) Funds appropriated for this section shall be used  
11 for establishing, administering, compiling, processing, and  
12 providing biometric and statistical analyses to the reporting  
13 facilities. Funds may also be used to ensure the quality and  
14 accuracy of the information reported and to provide management  
15 information to the reporting facilities. ~~Such reporting~~  
16 ~~hospitals shall be reimbursed for reasonable costs.~~

17 Section 25. Section 385.203, Florida Statutes, is  
18 amended to read:

19 385.203 Diabetes Advisory Council; creation; function;  
20 membership.--

21 (1) To guide a statewide comprehensive approach to  
22 diabetes prevention, diagnosis, education, care, treatment,  
23 impact, and costs thereof, there is created a Diabetes  
24 Advisory Council that serves as the advisory unit to the  
25 ~~diabetes centers, the Board of Regents, and the Department of~~  
26 ~~Health, other governmental agencies, professional and other~~  
27 organizations, and the general public. The council shall:

28 (a) Provide statewide leadership to continuously  
29 improve the lives of Floridians with diabetes and reduce the  
30 burden of diabetes.

31

1           **(b)** Serve as a forum for the discussion and study of  
2 issues related to the public health approach for the delivery  
3 of health care services to persons with diabetes.

4           ~~(b) Provide advice and consultation to the deans of~~  
5 ~~the medical schools in which are located diabetes centers, and~~  
6 ~~by June 30 of each year, the council shall submit written~~  
7 ~~recommendations to the deans regarding the need for diabetes~~  
8 ~~education, treatment, and research activities to promote the~~  
9 ~~prevention and control of diabetes.~~

10           (c) By June 30 of each year, meet with the Secretary  
11 of Health or ~~his or her~~ designee to make specific  
12 recommendations regarding the public health aspects of the  
13 prevention and control of diabetes.

14           (2) The members of the council shall be appointed by  
15 the Governor with advice from ~~nominations by the Board of~~  
16 ~~Regents, the Board of Trustees of the University of Miami, and~~  
17 the Secretary of Health. Members shall serve 4-year terms or  
18 until their successors are appointed or qualified.

19           (3) The council shall be composed of 25 ~~18~~ citizens of  
20 the state who have knowledge of, or work in the area of  
21 diabetes mellitus as follows:

22           **(a)** Five interested citizens, three of whom are  
23 affected by diabetes.

24           **(b)** Twenty members, who must include one  
25 representative from each of the following areas: nursing with  
26 diabetes-educator certification; dietary with diabetes  
27 educator certification; podiatry; ophthalmology or optometry;  
28 psychology; pharmacy; adult endocrinology; pediatric  
29 endocrinology; the American Diabetes Association (ADA); the  
30 Juvenile Diabetes Foundation (JDF); a community health center;  
31 a county health department; an American Diabetes

1 Association-recognized community education program; each  
2 medical school in the state; an osteopathic medical school;  
3 the insurance industry; a Children's Medical Services diabetes  
4 regional program; and an employer.

5 (c) One or more representatives from the Department of  
6 Health, who shall serve on the council as ex officio members.  
7 ~~four practicing physicians; one representative from each~~  
8 ~~medical school; seven interested citizens, at least three of~~  
9 ~~whom shall be persons who have or have had diabetes mellitus~~  
10 ~~or who have a child with diabetes mellitus; the Secretary of~~  
11 ~~Health or his or her designee; one representative from the~~  
12 ~~Division of Children's Medical Services of the Department of~~  
13 ~~Health; and one professor of nutrition.~~

14 (4)(a) The council shall annually elect from its  
15 members a chair and vice chair ~~a secretary~~. The council shall  
16 meet at the chair's discretion; however, at least three  
17 meetings shall be held each year.

18 (b) In conducting its meetings, the council shall use  
19 accepted rules of procedure. A majority of the members of the  
20 council constitutes a quorum, and action by a majority of a  
21 quorum is necessary for the council to take any official  
22 action. The Department of Health ~~secretary~~ shall keep a  
23 complete record of the proceedings of each meeting. The  
24 record shall show the names of the members present and the  
25 actions taken. The records shall be kept on file with the  
26 department, and these and other documents about matters within  
27 the jurisdiction of the council may be inspected by members of  
28 the council.

29 (5) Members of the council shall serve without  
30 remuneration but may be reimbursed for per diem and travel  
31

1 expenses as provided in s. 112.061, to the extent resources  
2 are available.

3 (6) The department shall serve as an intermediary for  
4 the council if the council coordinates, applies for, or  
5 accepts any grants, funds, gifts, or services made available  
6 to it by any agency or department of the Federal Government,  
7 or any private agency or individual, for assistance in the  
8 operation of the council ~~or the diabetes centers established~~  
9 ~~in the various medical schools.~~

10 Section 26. Section 391.028, Florida Statutes, 1998  
11 Supplement, is amended to read:

12 391.028 Administration.--The Children's Medical  
13 Services program shall have a central office and area offices.

14 (1) The Director of ~~the Division of~~ Children's Medical  
15 Services must be a physician licensed under chapter 458 or  
16 chapter 459 who has specialized training and experience in the  
17 provision of health care to children and who has recognized  
18 skills in leadership and the promotion of children's health  
19 programs. The ~~division~~ director shall be the deputy secretary  
20 and the Deputy State Health Officer for Children's Medical  
21 Services and is appointed by and reports to the secretary. The  
22 director may appoint division directors subject to the  
23 approval of the secretary.

24 (2) The ~~division~~ director shall designate Children's  
25 Medical Services area offices to perform operational  
26 activities, including, but not limited to:

27 (a) Providing case management services for the  
28 network.

29 (b) Providing local oversight of the program.

30 (c) Determining an individual's medical and financial  
31 eligibility for the program.



1 (d) Participating in the determination of a level of  
2 care and medical complexity for long-term care services.

3 (e) Authorizing services in the program and developing  
4 spending plans.

5 (f) Participating in the development of treatment  
6 plans.

7 (g) Taking part in the resolution of complaints and  
8 grievances from participants and health care providers.

9 (3) Each Children's Medical Services area office shall  
10 be directed by a physician licensed under chapter 458 or  
11 chapter 459 who has specialized training and experience in the  
12 provision of health care to children. The director of a  
13 Children's Medical Services area office shall be appointed by  
14 the ~~division~~ director from the active panel of Children's  
15 Medical Services physician consultants.

16 Section 27. Section 391.0315, Florida Statutes, 1998  
17 Supplement, is amended to read:

18 391.0315 Benefits.--Benefits provided under the  
19 program for children with special health care needs shall be  
20 the same benefits provided to children as specified in ss.  
21 409.905 and 409.906. The department may offer additional  
22 benefits for early intervention services, respite services,  
23 genetic testing, genetic and nutritional counseling, and  
24 parent support services, if such services are determined to be  
25 medically necessary. No child or person determined eligible  
26 for the program who is eligible under Title XIX or Title XXI  
27 of the Social Security Act shall receive any service other  
28 than an initial health care screening or treatment of an  
29 emergency medical condition as defined in s. 395.002, until  
30 such child or person is enrolled in Medicaid or a Title XXI  
31 program.

1           Section 28. Subsection (3) of section 392.69, Florida  
2 Statutes, is amended, and subsection (4) is added to that  
3 section, to read:

4           392.69 Appropriation, sinking, and maintenance trust  
5 funds; additional powers of the department.--

6           (3) In the execution of its public health program  
7 functions, notwithstanding s. 216.292(5)(b), the department is  
8 hereby authorized to use any sums of money which it may  
9 heretofore have saved or which it may hereafter save from its  
10 regular operating appropriation, or use any sums of money  
11 acquired by gift or grant, or any sums of money it may acquire  
12 by the issuance of revenue certificates of the hospital to  
13 match or supplement any state or federal funds, or any moneys  
14 received by said department by gift or otherwise, for the  
15 construction or maintenance of additional facilities or  
16 improvement to existing facilities, as the department deems  
17 necessary.

18           (4) The department shall appoint an advisory board,  
19 which shall meet quarterly to review and make recommendations  
20 relating to patient care at A. G. Holley State Hospital.  
21 Members shall be appointed for terms of 3 years, with such  
22 appointments being staggered so that terms of no more than two  
23 members expire in any one year. Members shall serve without  
24 compensation, but they are entitled to be reimbursed for per  
25 diem and travel expenses under s. 112.061.

26           Section 29. Subsection (7) of section 401.25, Florida  
27 Statutes, is added to read:

28           401.25 Licensure as a basic life support or an  
29 advanced life support service.--

30           (7)(a) Each permitted basic life support ambulance not  
31 specifically exempted from this part, when transporting a

1 person who is sick, injured, wounded, incapacitated, or  
2 helpless, must be occupied by at least two persons: one  
3 patient attendant who is a certified emergency medical  
4 technician, certified paramedic, or licensed physician; and  
5 one ambulance driver who meets the requirements of s. 401.281.  
6 This paragraph does not apply to interfacility transfers  
7 governed by s. 401.252(1).

8 (b) Each permitted advanced life support ambulance not  
9 specifically exempted from this part, when transporting a  
10 person who is sick, injured, wounded, incapacitated, or  
11 helpless must be occupied by at least two persons: one who is  
12 a certified paramedic or licensed physician; and one who is a  
13 certified emergency medical technician, certified paramedic,  
14 or licensed physician who also meets the requirements of s.  
15 401.281 for drivers. The person with the highest medical  
16 certifications shall be in charge of patient care. This  
17 paragraph does not apply to interfacility transfers governed  
18 by s. 401.252(1).

19 Section 30. Subsection (3) of section 401.27, Florida  
20 Statutes, is amended to read:

21 401.27 Personnel; standards and certification.--

22 (3) Any person who desires to be certified or  
23 recertified as an emergency medical technician or paramedic  
24 must apply to the department under oath on forms provided by  
25 the department which shall contain such information as the  
26 department reasonably requires, which may include affirmative  
27 evidence of ability to comply with applicable laws and rules.  
28 The department shall determine whether the applicant meets the  
29 requirements specified in this section and in rules of the  
30 department and shall issue a certificate to any person who  
31 meets such requirements.

1 Section 31. Section 401.2701, Florida Statutes, is  
2 created to read:

3 401.2701 Emergency medical services training  
4 programs.--

5 (1) Any private or public institution in Florida  
6 desiring to conduct an approved program for the education of  
7 emergency medical technicians and paramedics shall:

8 (a) Submit a completed application on a form provided  
9 by the department, which must include:

10 1. Evidence that the institution is in compliance with  
11 all applicable requirements of the Department of Education.

12 2. Evidence of an affiliation agreement with a  
13 hospital that has an emergency department staffed by at least  
14 one physician and one registered nurse.

15 3. Evidence of an affiliation agreement with a current  
16 Florida-licensed emergency medical services provider. Such  
17 agreement shall include, at a minimum, a commitment by the  
18 provider to conduct the field experience portion of the  
19 education program.

20 4. Documentation verifying faculty, including:

21 a. A medical director who is a licensed physician  
22 meeting the applicable requirements for emergency medical  
23 services medical directors as outlined in this chapter and  
24 rules of the department. The medical director shall have the  
25 duty and responsibility of certifying that graduates have  
26 successfully completed all phases of the education program and  
27 are proficient in basic or advanced life support techniques,  
28 as applicable.

29 b. A program director responsible for the operation,  
30 organization, periodic review, administration, development,  
31 and approval of the program.

- 1           5. Documentation verifying that the curriculum:  
2           a. Meets the course guides and instructor's lesson  
3 plans in the most recent Emergency Medical Technician-Basic  
4 National Standard Curricula for emergency medical technician  
5 programs and Emergency Medical Technician-Paramedic National  
6 Standard Curricula for paramedic programs.  
7           b. Includes 2 hours of instruction on the trauma  
8 scorecard methodologies for assessment of adult trauma  
9 patients and pediatric trauma patients as specified by the  
10 department by rule.  
11           c. Includes 4 hours of instruction on HIV/AIDS  
12 training consistent with the requirements of chapter 381.  
13           6. Evidence of sufficient medical and educational  
14 equipment to meet emergency medical services training program  
15 needs.  
16           (b) Receive a scheduled site visit from the department  
17 to the applicant's institution. Such site visit shall be  
18 conducted within 30 days after notification to the institution  
19 that the application was accepted. During the site visit, the  
20 department must determine the applicant's compliance with the  
21 following criteria:  
22           1. Emergency medical technician programs must be a  
23 minimum of 110 hours, with at least 20 hours of supervised  
24 clinical supervision, including 10 hours in a hospital  
25 emergency department.  
26           2. Paramedic programs must be available only to  
27 Florida-certified emergency medical technicians or an  
28 emergency medical technician applicant who will obtain Florida  
29 certification prior to completion of phase one of the  
30 paramedic program. Paramedic programs must be a minimum of 700  
31 hours of didactic and skills practice components, with the

1 skills laboratory student-to-instructor ratio not exceeding  
2 six to one. Paramedic programs must provide a field internship  
3 experience aboard an advanced life support permitted  
4 ambulance.

5 (2) After completion of the site visit, the department  
6 shall prepare a report which shall be provided to the  
7 institution. Upon completion of the report, the application  
8 shall be deemed complete and the provisions of s. 120.60,  
9 shall apply.

10 (3) If the program is approved, the department must  
11 issue the institution a 2-year certificate of approval as an  
12 emergency medical technician training program or a paramedic  
13 training program. If the application is denied, the department  
14 must notify the applicant of any areas of strength, areas  
15 needing improvement, and any suggested means of improvement of  
16 the program. A denial notification shall be provided to the  
17 applicant so as to allow the applicant 5 days prior to the  
18 expiration of the application processing time in s. 120.60 to  
19 advise the department in writing of its intent to submit a  
20 plan of correction. Such intent notification shall provide the  
21 time for application processing in s. 120.60. The plan of  
22 correction must be submitted to the department within 30 days  
23 of the notice. The department shall advise the applicant of  
24 its approval or denial of the plan of correction within 30  
25 days of receipt. The denial of the plan of correction or  
26 denial of the application may be reviewed as provided in  
27 chapter 120.

28 (4) Approved emergency medical services training  
29 programs must maintain records and reports that must be made  
30 available to the department, upon written request. Such  
31 records must include student applications, records of

1 attendance, records of participation in hospital clinic and  
2 field training, medical records, course objectives and  
3 outlines, class schedules, learning objectives, lesson plans,  
4 number of applicants, number of students accepted, admission  
5 requirements, description of qualifications, duties and  
6 responsibilities of faculty, and correspondence.

7 (5) Each approved program must notify the department  
8 within 30 days of any change in the professional or employment  
9 status of faculty. Each approved program must require its  
10 students to pass a comprehensive final written and practical  
11 examination evaluating the skills described in the current  
12 United States Department of Transportation EMT-Basic or  
13 EMT-Paramedic, National Standard Curriculum. Each approved  
14 program must issue a certificate of completion to program  
15 graduates within 14 days of completion.

16 Section 32. Section 401.2715, Florida Statutes, is  
17 created to read:

18 401.2715 Recertification training of emergency medical  
19 technicians and paramedics.--

20 (1) The department shall establish by rule criteria  
21 for all emergency medical technician and paramedic  
22 recertification training. The rules shall provide that all  
23 recertification training equals at least 30 hours, includes  
24 the performance parameters for adult and pediatric emergency  
25 medical clinical care, and is documented through a system of  
26 recordkeeping.

27 (2) Any individual, institution, school, corporation,  
28 or governmental entity may conduct emergency medical  
29 technician or paramedic recertification training upon  
30 application to the department and payment of a nonrefundable  
31 fee to be deposited into the Emergency Medical Services Trust

1 Fund. Institutions conducting department-approved educational  
2 programs as provided in this chapter and licensed ambulance  
3 services are exempt from the application process and payment  
4 of fees. The department shall adopt rules for the application  
5 and payment of a fee not to exceed the actual cost of  
6 administering this approval process.

7 (3) To be eligible for recertification as provided in  
8 s. 401.27, certified emergency medical technicians and  
9 paramedics must provide proof of completion of training  
10 conducted pursuant to this section. The department shall  
11 accept the written affirmation of a licensee's or a  
12 department-approved educational program's medical director as  
13 documentation that the certificateholder has completed a  
14 minimum of 30 hours of recertification training as provided  
15 herein.

16 Section 33. Present subsections (2), (3), and (4) of  
17 section 401.30, Florida Statutes, 1998 Supplement, are  
18 renumbered as subsections (3), (4), and (5), respectively, and  
19 a new subsection (2) is added to said section, to read:

20 401.30 Records.--

21 (2) Each licensee must provide the receiving hospital  
22 with a copy of an individual patient care record for each  
23 patient who is transported to the hospital. The information  
24 contained in the record and the method and timeframe for  
25 providing the record shall be prescribed by rule of the  
26 department.

27 ~~(3)~~(2) Reports to the department from licensees which  
28 cover statistical data are public records, except that the  
29 names of patients and other patient-identifying information  
30 contained in such reports are confidential and exempt from the  
31 provisions of s. 119.07(1). Any record furnished by a



1 licensee at the request of the department must be a true and  
2 certified copy of the original record and may not be altered  
3 or have information deleted.

4 (4)~~(3)~~ Records of emergency calls which contain  
5 patient examination or treatment information are confidential  
6 and exempt from the provisions of s. 119.07(1) and may not be  
7 disclosed without the consent of the person to whom they  
8 pertain, but appropriate limited disclosure may be made  
9 without such consent:

10 (a) To the person's guardian, to the next of kin if  
11 the person is deceased, or to a parent if the person is a  
12 minor;

13 (b) To hospital personnel for use in conjunction with  
14 the treatment of the patient;

15 (c) To the department;

16 (d) To the service medical director;

17 (e) For use in a critical incident stress debriefing.

18 Any such discussions during a critical incident stress  
19 debriefing shall be considered privileged communication under  
20 s. 90.503;

21 (f) In any civil or criminal action, unless otherwise  
22 prohibited by law, upon the issuance of a subpoena from a  
23 court of competent jurisdiction and proper notice by the party  
24 seeking such records, to the patient or his or her legal  
25 representative; or

26 (g) To a local trauma agency or a regional trauma  
27 agency, or a panel or committee assembled by such an agency to  
28 assist the agency in performing quality assurance activities  
29 in accordance with a plan approved under s. 395.401. Records  
30 obtained under this paragraph are confidential and exempt from  
31 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

1  
2 This subsection does not prohibit the department or a licensee  
3 from providing information to any law enforcement agency or  
4 any other regulatory agency responsible for the regulation or  
5 supervision of emergency medical services and personnel.

6 ~~(5)(4)~~ The department shall adopt and enforce all  
7 rules necessary to administer this section.

8 Section 34. Paragraph (1) is added to subsection (1)  
9 of section 401.35, Florida Statutes, and paragraph (i) is  
10 added to subsection (2) of said section, to read:

11 401.35 Rules.--The department shall adopt rules  
12 necessary to carry out the purposes of this part.

13 (1) The rules must provide at least minimum standards  
14 governing:

15 (1) Licensees' security and storage of controlled  
16 substances, medications, and fluids, not inconsistent with the  
17 provisions of chapter 499 or chapter 893.

18 (2) The rules must establish application requirements  
19 for licensure and certification. Pursuant thereto, the  
20 department must develop application forms for basic life  
21 support services and advanced life support services. An  
22 application for each respective service license must include,  
23 but is not limited to:

24 (i) An oath, upon forms provided by the department  
25 which shall contain such information as the department  
26 reasonably requires, which may include affirmative evidence of  
27 ability to comply with applicable laws and rules.

28 Section 35. Subsection (3) of section 409.9126,  
29 Florida Statutes, 1998 Supplement, is amended to read:

30 409.9126 Children with special health care needs.--  
31

1           (3) Services provided through the Children's Medical  
2 Services network shall be reimbursed on a fee-for-service  
3 basis and shall utilize a primary care case management  
4 process. Beginning July 1, 1999, the Florida Medicaid program  
5 shall phase in by geographical area, capitation payments to  
6 Children's Medical Services for services provided to Medicaid  
7 children with special healthcare needs. By January 1, 2001,  
8 the Agency for Health Care Administration shall make  
9 capitation payments for Children's Medical Services enrollees  
10 statewide, to the extent provided by federal law.~~However,~~  
11 ~~effective July 1, 1999, reimbursement to the Children's~~  
12 ~~Medical Services program for services provided to~~  
13 ~~Medicaid-eligible children with special health care needs~~  
14 ~~through the Children's Medical Services network shall be on a~~  
15 ~~capitated basis.~~

16           Section 36. Paragraph (a) of subsection (2) of section  
17 465.019, Florida Statutes, 1998 Supplement, is amended to  
18 read:

19           465.019 Institutional pharmacies; permits.--

20           (2) The following classes of institutional pharmacies  
21 are established:

22           (a) "Class I institutional pharmacies" are those  
23 institutional pharmacies in which all medicinal drugs are  
24 administered from individual prescription containers to the  
25 individual patient and in which medicinal drugs are not  
26 dispensed on the premises, except that nursing homes licensed  
27 under part II of chapter 400 may purchase medical oxygen for  
28 administration to residents. No medicinal drugs may be  
29 dispensed in a Class I institutional pharmacy.

30           Section 37. Subsections (14), (15), (16), (19), and  
31 (22) of section 499.005, Florida Statutes, 1998 Supplement,

1 are amended, and subsection (24) is added to that section, to  
2 read:

3           499.005 Prohibited acts.--It is unlawful to perform or  
4 cause the performance of any of the following acts in this  
5 state:

6           (14) The purchase or receipt of a legend drug from a  
7 person that is not authorized under this chapter ~~the law of~~  
8 ~~the state in which the person resides~~ to distribute legend  
9 drugs.

10           (15) The sale or transfer of a legend drug to a person  
11 that is not authorized under the law of the jurisdiction in  
12 which the person receives the drug ~~resides~~ to purchase or  
13 possess legend drugs.

14           (16) The purchase or receipt of a compressed medical  
15 gas from a person that is not authorized under this chapter  
16 ~~the law of the state in which the person resides~~ to distribute  
17 compressed medical gases.

18           (19) Providing the department with false or fraudulent  
19 records, or making false or fraudulent statements, regarding  
20 any matter within the provisions of this chapter ~~a drug,~~  
21 ~~device, or cosmetic.~~

22           (22) Failure to obtain a permit or registration, or  
23 operating without a valid permit when a permit or registration  
24 is, as required by ss. 499.001-499.081 for that activity.

25           (24) The distribution of a legend device to the  
26 patient or ultimate consumer without a prescription or order  
27 from a practitioner licensed by law to use or prescribe the  
28 device.

29           Section 38. Subsection (13) of section 499.007,  
30 Florida Statutes, is amended to read:

31

1           499.007 Misbranded drug or device.--A drug or device  
2 is misbranded:

3           (13) If it is a drug that is subject to paragraph  
4 (12)(a), and if, at any time before it is dispensed, its label  
5 fails to bear the statement:

6           (a) "Caution: Federal Law Prohibits Dispensing  
7 Without Prescription"; ~~or~~

8           (b) "Rx Only";

9           (c) The prescription symbol followed by the word  
10 "Only"; or

11           (d)~~(b)~~ "Caution: State Law Prohibits Dispensing  
12 Without Prescription."

13

14 A drug dispensed by filling or refilling a written or oral  
15 prescription of a practitioner licensed by law to prescribe  
16 such drug is exempt from the requirements of this section,  
17 except subsections (1), (8), (10), and (11) and the packaging  
18 requirements of subsections (6) and (7), if the drug bears a  
19 label that contains the name and address of the dispenser or  
20 seller, the prescription number and the date the prescription  
21 was written or filled, the name of the prescriber and the name  
22 of the patient, and the directions for use and cautionary  
23 statements. This exemption does not apply to any drug  
24 dispensed in the course of the conduct of a business of  
25 dispensing drugs pursuant to diagnosis by mail or to any drug  
26 dispensed in violation of subsection (12). The department  
27 may, by rule, exempt drugs subject to ss. 499.062-499.064 from  
28 subsection (12) if compliance with that subsection is not  
29 necessary to protect the public health, safety, and welfare.

30           Section 39. Subsection (15) of section 499.028,  
31 Florida Statutes, is amended to read:

1           499.028 Drug samples or complimentary drugs; starter  
2 packs; permits to distribute.--

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

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

7           (b) She or he is the employee of a complimentary drug  
8 distributor that holds a permit issued under ss.  
9 499.001-499.081.

10          (c) She or he is a person to whom prescription drug  
11 samples may be distributed pursuant to this section.

12          (d) He or she is an officer or employee of a federal,  
13 state, or local government acting within the scope of his or  
14 her employment.

15          Section 40. Subsection (1) of section 499.069, Florida  
16 Statutes, is amended to read:

17          499.069 Punishment for violations of s. 499.005;  
18 dissemination of false advertisement.--

19          (1) Any person who violates any of the provisions of  
20 s. 499.005 is guilty of a misdemeanor of the second degree,  
21 punishable as provided in s. 775.082 or s. 775.083; but, if  
22 the violation is committed after a conviction of such person  
23 under this section has become final, such person is guilty of  
24 a misdemeanor of the first degree, punishable as provided in  
25 s. 775.082 or s. 775.083 or as otherwise provided in ss.  
26 499.001-499.081, except that any person who violates  
27 subsection (8), subsection (10), subsection (14), subsection  
28 (15), ~~subsection (16)~~, or subsection (17) of s. 499.005 is  
29 guilty of a felony of the third degree, punishable as provided  
30 in s. 775.082, s. 775.083, or s. 775.084, or as otherwise  
31 provided in ss. 499.001-499.081.

1           Section 41. Subsection (1) of section 742.10, Florida  
2 Statutes, is amended to read:

3           742.10 Establishment of paternity for children born  
4 out of wedlock.--

5           (1) This chapter provides the primary jurisdiction and  
6 procedures for the determination of paternity for children  
7 born out of wedlock. When the establishment of paternity has  
8 been raised and determined within an adjudicatory hearing  
9 brought under the statutes governing inheritance, or  
10 dependency under workers' compensation or similar compensation  
11 programs, or when an affidavit acknowledging paternity or a  
12 stipulation of paternity is executed by both parties and filed  
13 with the clerk of the court, or when a consenting affidavit as  
14 provided for in s. 382.013 or s. 382.016 ~~s. 382.015~~ is  
15 executed by both parties, it shall constitute the  
16 establishment of paternity for purposes of this chapter. If no  
17 adjudicatory proceeding was held, a voluntary acknowledgment  
18 of paternity shall create a rebuttable presumption, as defined  
19 by s. 90.304, of paternity and is subject to the right of any  
20 signatory to rescind the acknowledgment within 60 days of the  
21 date the acknowledgment was signed or the date of an  
22 administrative or judicial proceeding relating to the child,  
23 including a proceeding to establish a support order, in which  
24 the signatory is a party, whichever is earlier. Both parents  
25 are required to provide their social security numbers on any  
26 acknowledgment of paternity, consent affidavit, or stipulation  
27 of paternity. Except for consenting affidavits under seal  
28 pursuant to ~~ss.~~s.382.015 and 382.016, the Office of Vital  
29 Statistics shall provide certified copies of affidavits to the  
30 Title IV-D agency upon request.

31

1           Section 42. Section 39.303, Florida Statutes, 1998  
2 Supplement, is amended to read:

3           39.303 Child protection teams; services; eligible  
4 cases.--~~The Division of Children's Medical Services of the~~  
5 Department of Health shall develop, maintain, and coordinate  
6 the services of one or more multidisciplinary child protection  
7 teams in each of the service districts of the Department of  
8 Children and Family Services. Such teams may be composed of  
9 representatives of appropriate health, mental health, social  
10 service, legal service, and law enforcement agencies. The  
11 Legislature finds that optimal coordination of child  
12 protection teams and sexual abuse treatment programs requires  
13 collaboration between the Department of Health and the  
14 Department of Children and Family Services. The two  
15 departments shall maintain an interagency agreement that  
16 establishes protocols for oversight and operations of child  
17 protection teams and sexual abuse treatment programs. The  
18 Secretary of Health and the director of ~~Deputy Secretary for~~  
19 Children's Medical Services, in consultation with the  
20 Secretary of Children and Family Services, shall maintain the  
21 responsibility for the screening, employment, and, if  
22 necessary, the termination of child protection team medical  
23 directors, at headquarters and in the 15 districts. Child  
24 protection team medical directors shall be responsible for  
25 oversight of the teams in the districts.

26           (1) The Department of Health shall utilize and convene  
27 the teams to supplement the assessment and protective  
28 supervision activities of the family safety and preservation  
29 program of the Department of Children and Family Services.  
30 Nothing in this section shall be construed to remove or reduce  
31 the duty and responsibility of any person to report pursuant



1 to this chapter all suspected or actual cases of child abuse,  
2 abandonment, or neglect or sexual abuse of a child. The role  
3 of the teams shall be to support activities of the program and  
4 to provide services deemed by the teams to be necessary and  
5 appropriate to abused, abandoned, and neglected children upon  
6 referral. The specialized diagnostic assessment, evaluation,  
7 coordination, consultation, and other supportive services that  
8 a child protection team shall be capable of providing include,  
9 but are not limited to, the following:

10 (a) Medical diagnosis and evaluation services,  
11 including provision or interpretation of X rays and laboratory  
12 tests, and related services, as needed, and documentation of  
13 findings relative thereto.

14 (b) Telephone consultation services in emergencies and  
15 in other situations.

16 (c) Medical evaluation related to abuse, abandonment,  
17 or neglect, as defined by policy or rule of the Department of  
18 Health.

19 (d) Such psychological and psychiatric diagnosis and  
20 evaluation services for the child or the child's parent or  
21 parents, legal custodian or custodians, or other caregivers,  
22 or any other individual involved in a child abuse,  
23 abandonment, or neglect case, as the team may determine to be  
24 needed.

25 (e) Expert medical, psychological, and related  
26 professional testimony in court cases.

27 (f) Case staffings to develop treatment plans for  
28 children whose cases have been referred to the team. A child  
29 protection team may provide consultation with respect to a  
30 child who is alleged or is shown to be abused, abandoned, or  
31 neglected, which consultation shall be provided at the request

1 of a representative of the family safety and preservation  
2 program or at the request of any other professional involved  
3 with a child or the child's parent or parents, legal custodian  
4 or custodians, or other caregivers. In every such child  
5 protection team case staffing, consultation, or staff activity  
6 involving a child, a family safety and preservation program  
7 representative shall attend and participate.

8 (g) Case service coordination and assistance,  
9 including the location of services available from other public  
10 and private agencies in the community.

11 (h) Such training services for program and other  
12 employees of the Department of Children and Family Services,  
13 employees of the Department of Health, and other medical  
14 professionals as is deemed appropriate to enable them to  
15 develop and maintain their professional skills and abilities  
16 in handling child abuse, abandonment, and neglect cases.

17 (i) Educational and community awareness campaigns on  
18 child abuse, abandonment, and neglect in an effort to enable  
19 citizens more successfully to prevent, identify, and treat  
20 child abuse, abandonment, and neglect in the community.

21 (2) The child abuse, abandonment, and neglect cases  
22 that are appropriate for referral by the family safety and  
23 preservation program to child protection teams of the  
24 Department of Health for support services as set forth in  
25 subsection (1) include, but are not limited to, cases  
26 involving:

27 (a) Bruises, burns, or fractures in a child under the  
28 age of 3 years or in a nonambulatory child of any age.

29 (b) Unexplained or implausibly explained bruises,  
30 burns, fractures, or other injuries in a child of any age.

31

1 (c) Sexual abuse of a child in which vaginal or anal  
2 penetration is alleged or in which other unlawful sexual  
3 conduct has been determined to have occurred.

4 (d) Venereal disease, or any other sexually  
5 transmitted disease, in a prepubescent child.

6 (e) Reported malnutrition of a child and failure of a  
7 child to thrive.

8 (f) Reported medical, physical, or emotional neglect  
9 of a child.

10 (g) Any family in which one or more children have been  
11 pronounced dead on arrival at a hospital or other health care  
12 facility, or have been injured and later died, as a result of  
13 suspected abuse, abandonment, or neglect, when any sibling or  
14 other child remains in the home.

15 (h) Symptoms of serious emotional problems in a child  
16 when emotional or other abuse, abandonment, or neglect is  
17 suspected.

18 (3) In all instances in which a child protection team  
19 is providing certain services to abused, abandoned, or  
20 neglected children, other offices and units of the Department  
21 of Health, and offices and units of the Department of Children  
22 and Family Services, shall avoid duplicating the provision of  
23 those services.

24 Section 43. Subsection (8) of section 391.021, Florida  
25 Statutes, 1998 Supplement, is amended to read:

26 391.021 Definitions.--When used in this act, unless  
27 the context clearly indicates otherwise:

28 (8) "Program" means the Children's Medical Services  
29 program established in the ~~Division of Children's Medical~~  
30 ~~Services of the~~ department.

31

1           Section 44. Paragraph (b) of subsection (1) of section  
2 391.221, Florida Statutes, 1998 Supplement, is amended to  
3 read:

4           391.221 Statewide Children's Medical Services Network  
5 Advisory Council.--

6           (1) The secretary of the department may appoint a  
7 Statewide Children's Medical Services Network Advisory Council  
8 for the purpose of acting as an advisory body to the  
9 department. Specifically, the duties of the council shall  
10 include, but not be limited to:

11           (b) Making recommendations to the director of ~~the~~  
12 ~~Division of Children's Medical Services~~ concerning the  
13 selection of health care providers for the Children's Medical  
14 Services network.

15           Section 45. Subsection (1) of section 391.222, Florida  
16 Statutes, 1998 Supplement, is amended to read:

17           391.222 Cardiac Advisory Council.--

18           (1) The secretary of the department may appoint a  
19 Cardiac Advisory Council for the purpose of acting as the  
20 advisory body to the Department of Health ~~Division of~~  
21 ~~Children's Medical Services~~ in the delivery of cardiac  
22 services to children. Specifically, the duties of the council  
23 shall include, but not be limited to:

24           (a) Recommending standards for personnel and  
25 facilities rendering cardiac services ~~for the Division of~~  
26 ~~Children's Medical Services~~;

27           (b) Receiving reports of the periodic review of  
28 cardiac personnel and facilities to determine if established  
29 standards for the ~~Division of Children's Medical Services~~  
30 cardiac services are met;

31

1 (c) Making recommendations to the ~~division~~ director as  
2 to the approval or disapproval of reviewed personnel and  
3 facilities;

4 (d) Making recommendations as to the intervals for  
5 reinspection of approved personnel and facilities; and

6 (e) Providing input ~~to the Division of Children's~~  
7 ~~Medical Services~~ on all aspects of Children's Medical Services  
8 cardiac programs, including the rulemaking process.

9 Section 46. Section 391.223, Florida Statutes, 1998  
10 Supplement, is amended to read:

11 391.223 Technical advisory panels.--The secretary of  
12 the department may establish technical advisory panels to  
13 assist ~~the Division of Children's Medical Services~~ in  
14 developing specific policies and procedures for the Children's  
15 Medical Services program.

16 Section 47. Subsection (3) of section 381.731, Florida  
17 Statutes, as amended by section 2 of chapter 98-224, Laws of  
18 Florida, is repealed.

19 Section 48. Subsection (5) of section 383.307, Florida  
20 Statutes, is repealed.

21 Section 49. Subsection (7) of section 404.20, Florida  
22 Statutes, is repealed.

23 Section 50. Section 409.9125, Florida Statutes, is  
24 repealed.

25 Section 51. The building that is known as the "1911  
26 State Board of Health Building" which is part of a  
27 multi-building complex with the address of 1217 Pearl Street,  
28 Jacksonville, Florida, shall be known as the "Wilson T.  
29 Sowder, M.D., Building."

30 Section 52. The building authorized by chapter 98-307,  
31 Laws of Florida, which will be located at the University of

1 South Florida which will house laboratory facilities for the  
2 Department of Health shall be known as the "William G. 'Doc'  
3 Myers, M.D., Building."

4       Section 53. The Department of Health headquarters  
5 building which will comprise approximately 100,000 square feet  
6 which is authorized by Specific Appropriation 1986 in the  
7 1998-1999 General Appropriations Act shall be known as the "E.  
8 Charlton Prather, M.D., Building."

9       Section 54. The Department of Health may apply for and  
10 become a National Environmental Laboratory Accreditation  
11 Program accrediting authority. The department, as an  
12 accrediting entity, may adopt rules pursuant to sections  
13 120.536(1) and 120.54, Florida Statutes, to implement  
14 standards of the National Environmental Laboratory  
15 Accreditation Program, including requirements for proficiency  
16 testing providers and other rules that are not inconsistent  
17 with this section, including rules pertaining to fees,  
18 application procedures, standards applicable to environmental  
19 or public water supply laboratories, and compliance.

20       Section 55. Section 381.0022, Florida Statutes, 1998  
21 Supplement, is amended to read:

22       381.0022 Sharing confidential or exempt information.--

23       (1) Notwithstanding any other provision of law to the  
24 contrary, the Department of Health and the Department of  
25 Children and Family Services may share confidential  
26 information or information exempt from disclosure under  
27 chapter 119 on any individual who is or has been the subject  
28 of a program within the jurisdiction of each agency.

29 Information so exchanged remains confidential or exempt as  
30 provided by law.

31

1           (2) Notwithstanding any other provision of law to the  
2 contrary, the Department of Health may share confidential  
3 information or information exempt from disclosure under  
4 chapter 119 on any individual who is or has been a Medicaid  
5 recipient and is or was the subject of a program within the  
6 jurisdiction of the Department of Health, for the purpose of  
7 requesting, receiving, or auditing payment for services.  
8 Information so exchanged remains confidential or exempt as  
9 provided by law.

10           Section 56. Paragraph (c) of subsection (2) of section  
11 383.011, Florida Statutes, 1998 Supplement, is amended to  
12 read:

13           383.011 Administration of maternal and child health  
14 programs.--

15           (2) The Department of Health shall follow federal  
16 requirements and may adopt any rules necessary for the  
17 implementation of the maternal and child health care program,  
18 the WIC program, and the Child Care Food Program.

19           (c) With respect to the Child Care Food Program, the  
20 department shall adopt rules that interpret and implement  
21 relevant federal regulations, including 7 C.F.R. part 226. The  
22 rules may ~~must~~ address at least those program requirements and  
23 procedures identified in paragraph (1)(i).

24           Section 57. Section 468.304, Florida Statutes, 1998  
25 Supplement, is amended to read:

26           468.304 Certification examination; admission.--The  
27 department shall admit to examination for certification any  
28 applicant who pays to the department a nonrefundable fee not  
29 to exceed \$100 plus the actual per-applicant cost to the  
30 department for purchasing the examination from a national  
31

1 organization and submits satisfactory evidence, verified by  
2 oath or affirmation, that she or he:

3 (1) Is at least 18 years of age at the time of  
4 application;

5 (2) Is a high school graduate or has successfully  
6 completed the requirements for a graduate equivalency diploma  
7 (GED) or its equivalent;

8 (3) Is of good moral character; and

9 (4)(a) Has successfully completed an educational  
10 program, which program may be established in a hospital  
11 licensed pursuant to chapter 395 or in an accredited  
12 postsecondary academic institution which is subject to  
13 approval by the department as maintaining a satisfactory  
14 standard; or

15 (b)1. With respect to an applicant for a basic X-ray  
16 machine operator's certificate, has completed a course of  
17 study approved by the department with appropriate study  
18 material provided the applicant by the department;

19 2. With respect to an applicant for a basic X-ray  
20 machine operator-podiatric medicine certificate, has completed  
21 a course of study approved by the department, provided that  
22 such course of study shall be limited to that information  
23 necessary to perform radiographic procedures within the scope  
24 of practice of a podiatric physician licensed pursuant to  
25 chapter 461;

26 3. With respect only to an applicant for a general  
27 radiographer's certificate who is a basic X-ray machine  
28 operator certificateholder, has completed an educational  
29 program or a 2-year training program that takes into account  
30 the types of procedures and level of supervision usually and  
31



1 customarily practiced in a hospital, which educational or  
2 training program complies with the rules of the department; or

3 4. With respect only to an applicant for a nuclear  
4 medicine technologist's certificate who is a general  
5 radiographer certificateholder, has completed an educational  
6 program or a 2-year training program that takes into account  
7 the types of procedures and level of supervision usually and  
8 customarily practiced in a hospital, which educational or  
9 training program complies with the rules of the department.

10

11 No application for a limited computed tomography certificate  
12 shall be accepted. All persons holding valid computed  
13 tomography certificates as of October 1, 1984, are subject to  
14 the provisions of s. 468.309.

15 Section 58. Subsection (4) of section 468.306, Florida  
16 Statutes, 1998 Supplement, is amended to read:

17 468.306 Examinations.--All applicants, except those  
18 certified pursuant to s. 468.3065, shall be required to pass  
19 an examination. The department is authorized to develop or  
20 use examinations for each type of certificate.

21 (4) A nonrefundable fee not to exceed \$75 plus the  
22 actual per-applicant cost for purchasing the examination from  
23 a national organization shall be charged for any subsequent  
24 examination.

25 Section 59. Paragraph (a) of subsection (1) of section  
26 468.309, Florida Statutes, is amended to read:

27 468.309 Certificate; duration; renewal; reversion to  
28 inactive status.--

29 (1)(a) A radiologic technologist's certificate issued  
30 in accordance with this part ~~automatically~~ expires as  
31 specified in rules adopted by the department which establish a

1 procedure for the biennial renewal of certificates ~~on December~~  
2 ~~31 of the year following the year of issuance.~~ A certificate  
3 shall be renewed by the department for a period of 2 years  
4 upon payment of a renewal fee in an amount not to exceed \$75  
5 and upon submission of a renewal application containing such  
6 information as the department deems necessary to show that the  
7 applicant for renewal is a radiologic technologist in good  
8 standing and has completed any continuing education  
9 requirements that ~~which may be established by~~ the department  
10 establishes.

11 Section 60. Subsection (1) of section 455.565, Florida  
12 Statutes, 1998 Supplement, is amended to read:

13 455.565 Designated health care professionals;  
14 information required for licensure.--

15 (1) Each person who applies for initial licensure as a  
16 physician under chapter 458, chapter 459, chapter 460, or  
17 chapter 461, except a person applying for registration  
18 pursuant to ss. 458.345 and 459.021 must, at the time of  
19 application, and each physician who applies for license  
20 renewal under chapter 458, chapter 459, chapter 460, or  
21 chapter 461, except a person registered pursuant to ss.  
22 458.345 and 459.021 must, in conjunction with the renewal of  
23 such license and under procedures adopted by the Department of  
24 Health, and in addition to any other information that may be  
25 required from the applicant, furnish the following information  
26 to the Department of Health:

27 (a)1. The name of each medical school that the  
28 applicant has attended, with the dates of attendance and the  
29 date of graduation, and a description of all graduate medical  
30 education completed by the applicant, excluding any coursework  
31

- 1 taken to satisfy medical licensure continuing education  
2 requirements.
- 3         2. The name of each hospital at which the applicant  
4 has privileges.
- 5         3. The address at which the applicant will primarily  
6 conduct his or her practice.
- 7         4. Any certification that the applicant has received  
8 from a specialty board that is recognized by the board to  
9 which the applicant is applying.
- 10        5. The year that the applicant began practicing  
11 medicine.
- 12        6. Any appointment to the faculty of a medical school  
13 which the applicant currently holds and an indication as to  
14 whether the applicant has had the responsibility for graduate  
15 medical education within the most recent 10 years.
- 16        7. A description of any criminal offense of which the  
17 applicant has been found guilty, regardless of whether  
18 adjudication of guilt was withheld, or to which the applicant  
19 has pled guilty or nolo contendere. A criminal offense  
20 committed in another jurisdiction which would have been a  
21 felony or misdemeanor if committed in this state must be  
22 reported. If the applicant indicates that a criminal offense  
23 is under appeal and submits a copy of the notice for appeal of  
24 that criminal offense, the department must state that the  
25 criminal offense is under appeal if the criminal offense is  
26 reported in the applicant's profile. If the applicant  
27 indicates to the department that a criminal offense is under  
28 appeal, the applicant must, upon disposition of the appeal,  
29 submit to the department a copy of the final written order of  
30 disposition.
- 31

1           8. A description of any final disciplinary action  
2 taken within the previous 10 years against the applicant by  
3 the agency regulating the profession that the applicant is or  
4 has been licensed to practice, whether in this state or in any  
5 other jurisdiction, by a specialty board that is recognized by  
6 the American Board of Medical Specialities, the American  
7 Osteopathic Association, or a similar national organization,  
8 or by a licensed hospital, health maintenance organization,  
9 prepaid health clinic, ambulatory surgical center, or nursing  
10 home. Disciplinary action includes resignation from or  
11 nonrenewal of medical staff membership or the restriction of  
12 privileges at a licensed hospital, health maintenance  
13 organization, prepaid health clinic, ambulatory surgical  
14 center, or nursing home taken in lieu of or in settlement of a  
15 pending disciplinary case related to competence or character.  
16 If the applicant indicates that the disciplinary action is  
17 under appeal and submits a copy of the document initiating an  
18 appeal of the disciplinary action, the department must state  
19 that the disciplinary action is under appeal if the  
20 disciplinary action is reported in the applicant's profile.

21           (b) In addition to the information required under  
22 paragraph (a), each applicant who seeks licensure under  
23 chapter 458, chapter 459, or chapter 461, and who has  
24 practiced previously in this state or in another jurisdiction  
25 or a foreign country must provide the information required of  
26 licensees under those chapters pursuant to s. 455.697. An  
27 applicant for licensure under chapter 460 who has practiced  
28 previously in this state or in another jurisdiction or a  
29 foreign country must provide the same information as is  
30 required of licensees under chapter 458, pursuant to s.  
31 455.697.

1           Section 61. (1) The Division of Children's Medical  
2 Services of the Department of Health shall contract with a  
3 private nonprofit provider affiliated with a teaching hospital  
4 to conduct clinical trials, approved by a federally-sanctioned  
5 institutional review board within the teaching hospital, on  
6 the use of the drug Secretin to treat autism.

7           (2) The private nonprofit provider shall report its  
8 findings to the Division of Children's Medical Services, the  
9 President of the Senate, the Speaker of the House of  
10 Representatives, and other appropriate bodies.

11           Section 62. The sum of \$50,000 is appropriated to the  
12 Division of Children's Medical Services of the Department of  
13 Health from the General Revenue Fund for the purpose of  
14 implementing this act.

15           Section 63. Paragraph (b) of subsection (3) of section  
16 232.435, Florida Statutes, is amended to read:

17           232.435 Extracurricular athletic activities; athletic  
18 trainers.--

19           (3)

20           (b) If a school district uses the services of an  
21 athletic trainer who is not a teacher athletic trainer or a  
22 teacher apprentice trainer within the requirements of this  
23 section, such athletic trainer must be licensed as required by  
24 part XIII ~~XIV~~ of chapter 468.

25           Section 64. Subsection (2) of section 381.026, Florida  
26 Statutes, 1998 Supplement, is amended to read:

27           381.026 Florida Patient's Bill of Rights and  
28 Responsibilities.--

29           (2) DEFINITIONS.--As used in this section and s.  
30 381.0261, the term:

31           (a) "Department" means the Department of Health.

1           **(b)**~~(a)~~ "Health care facility" means a facility  
2 licensed under chapter 395.

3           **(c)**~~(b)~~ "Health care provider" means a physician  
4 licensed under chapter 458, an osteopathic physician licensed  
5 under chapter 459, or a podiatric physician licensed under  
6 chapter 461.

7           **(d)**~~(c)~~ "Responsible provider" means a health care  
8 provider who is primarily responsible for patient care in a  
9 health care facility or provider's office.

10           Section 65. Subsection (4) of section 381.0261,  
11 Florida Statutes, 1998 Supplement, is amended to read:

12           381.0261 Summary of patient's bill of rights;  
13 distribution; penalty.--

14           **(4)(a)** An administrative fine may be imposed by the  
15 Agency for Health Care Administration when any ~~health care~~  
16 ~~provider or~~ health care facility fails to make available to  
17 patients a summary of their rights, pursuant to s. 381.026 and  
18 this section. Initial nonwillful violations shall be subject  
19 to corrective action and shall not be subject to an  
20 administrative fine. The Agency for Health Care Administration  
21 may levy a fine against a health care facility of up to \$5,000  
22 for nonwillful violations, and up to \$25,000 for intentional  
23 and willful violations. Each intentional and willful violation  
24 constitutes a separate violation and is subject to a separate  
25 fine.

26           **(b)** An administrative fine may be imposed by the  
27 appropriate regulatory board, or the department if there is no  
28 board, when any health care provider fails to make available  
29 to patients a summary of their rights, pursuant to s. 381.026  
30 and this section. Initial nonwillful violations shall be  
31 subject to corrective action and shall not be subject to an

1 administrative fine.The appropriate regulatory board or  
 2 department agency may levy a fine against a health care  
 3 provider of up to \$100 for nonwillful violations and up to  
 4 \$500 for willful violations. Each intentional and willful  
 5 violation constitutes a separate violation and is subject to a  
 6 separate fine.

7 Section 66. Subsection (11) of section 409.906,  
 8 Florida Statutes, 1998 Supplement, is amended to read:

9 409.906 Optional Medicaid services.--Subject to  
 10 specific appropriations, the agency may make payments for  
 11 services which are optional to the state under Title XIX of  
 12 the Social Security Act and are furnished by Medicaid  
 13 providers to recipients who are determined to be eligible on  
 14 the dates on which the services were provided. Any optional  
 15 service that is provided shall be provided only when medically  
 16 necessary and in accordance with state and federal law.  
 17 Nothing in this section shall be construed to prevent or limit  
 18 the agency from adjusting fees, reimbursement rates, lengths  
 19 of stay, number of visits, or number of services, or making  
 20 any other adjustments necessary to comply with the  
 21 availability of moneys and any limitations or directions  
 22 provided for in the General Appropriations Act or chapter 216.  
 23 Optional services may include:

24 (11) HEALTHY START SERVICES.--The agency may pay for a  
 25 continuum of risk-appropriate medical and psychosocial  
 26 services for the Healthy Start program in accordance with a  
 27 federal waiver. The agency may not implement the federal  
 28 waiver unless the waiver permits the state to limit enrollment  
 29 or the amount, duration, and scope of services to ensure that  
 30 expenditures will not exceed funds appropriated by the  
 31 Legislature or available from local sources. If the Health

1 Care Financing Administration does not approve a federal  
2 waiver for Healthy Start services, the agency, in consultation  
3 with the Department of Health and the Florida Association of  
4 Healthy Start Coalitions, is authorized to establish a  
5 Medicaid certified-match program for Healthy Start services.  
6 Participation in the Healthy Start certified-match program  
7 shall be voluntary and reimbursement shall be limited to the  
8 federal Medicaid share to Medicaid-enrolled Healthy Start  
9 coalitions for services provided to Medicaid recipients. The  
10 agency shall take no action to implement a certified-match  
11 program without ensuring that the amendment and review  
12 requirements of ss. 216.177 and 216.181 have been met.

13 Section 67. Subsection (21) of section 409.910,  
14 Florida Statutes, 1998 Supplement, is renumbered as subsection  
15 (22), and a new subsection (21) is added to that section to  
16 read:

17 409.910 Responsibility for payments on behalf of  
18 Medicaid-eligible persons when other parties are liable.--

19 (21) Entities providing health insurance as defined in  
20 s. 624.603, and health maintenance organizations as defined in  
21 chapter 641, requiring tape or electronic billing formats from  
22 the agency shall accept Medicaid billings that are prepared  
23 using the current Medicare standard billing format. If the  
24 insurance entity or health maintenance organization is unable  
25 to use the agency format, the entity shall accept paper claims  
26 from the agency in lieu of tape or electronic billing,  
27 provided that these claims are prepared using current Medicare  
28 standard billing formats.

29 Section 68. Section 409.9101, Florida Statutes, is  
30 created to read:

31



1           409.9101 Recovery for payments made on behalf of  
2 Medicaid-eligible persons.--

3           (1) This section may be cited as the "Medicaid Estate  
4 Recovery Act."

5           (2) It is the intent of the Legislature by this  
6 section to supplement Medicaid funds that are used to provide  
7 medical services to eligible persons. Medicaid estate recovery  
8 shall generally be accomplished through the filing of claims  
9 against the estates of deceased Medicaid recipients. The  
10 recoveries shall be made pursuant to federal authority in s.  
11 13612 of the Omnibus Budget Reconciliation Act of 1993, which  
12 amends s. 1917(b)(1) of the Social Security Act (42 U.S.C. s.  
13 1396p(b)(1)).

14           (3) Pursuant to s. 733.212(4)(a), the personal  
15 representative of the estate of the decedent shall serve the  
16 agency with a copy of the notice of administration of the  
17 estate within 3 months after the first publication of the  
18 notice, unless the agency has already filed a claim pursuant  
19 to this section.

20           (4) The acceptance of public medical assistance, as  
21 defined by Title XIX (Medicaid) of the Social Security Act,  
22 including mandatory and optional supplemental payments under  
23 the Social Security Act, shall create a claim, as defined in  
24 s. 731.201, in favor of the agency as an interested person as  
25 defined in s. 731.201. The claim amount is calculated as the  
26 total amount paid to or for the benefit of the recipient for  
27 medical assistance on behalf of the recipient after he or she  
28 reached 55 years of age. There is no claim under this section  
29 against estates of recipients who had not yet reached 55 years  
30 of age.

31

1           (5) At the time of filing the claim, the agency may  
2 reserve the right to amend the claim amounts based on medical  
3 claims submitted by providers subsequent to the agency's  
4 initial claim calculation.

5           (6) The claim of the agency shall be the current total  
6 allowable amount of Medicaid payments as denoted in the  
7 agency's provider payment processing system at the time the  
8 agency's claim or amendment is filed. The agency's provider  
9 processing system reports shall be admissible as prima facie  
10 evidence in substantiating the agency's claim.

11           (7) The claim of the agency under this section shall  
12 constitute a Class 3 claim under s. 733.707(1)(c), as provided  
13 in s. 414.28(1).

14           (8) The claim created under this section shall not be  
15 enforced if the recipient is survived by:

16           (a) A spouse;

17           (b) A child or children under 21 years of age; or

18           (c) A child or children who are blind or permanently  
19 and totally disabled pursuant to the eligibility requirements  
20 of Title XIX of the Social Security Act.

21           (9) In accordance with s. 4, Art. X of the State  
22 Constitution, no claim under this section shall be enforced  
23 against any property that is determined to be the homestead of  
24 the deceased Medicaid recipient and is determined to be exempt  
25 from the claims of creditors of the deceased Medicaid  
26 recipient.

27           (10) The agency shall not recover from an estate if  
28 doing so would cause undue hardship for the qualified heirs,  
29 as defined in s. 731.201. The personal representative of an  
30 estate and any heir may request that the agency waive recovery  
31 of any or all of the debt when recovery would create a

1 hardship. A hardship does not exist solely because recovery  
2 will prevent any heirs from receiving an anticipated  
3 inheritance. The following criteria shall be considered by the  
4 agency in reviewing a hardship request:

5 (a) The heir:

6 1. Currently resides in the residence of the decedent;

7 2. Resided there at the time of the death of the  
8 decedent;

9 3. Has made the residence his or her primary residence  
10 for the 12 months immediately preceding the death of the  
11 decedent; and

12 4. Owns no other residence;

13 (b) The heir would be deprived of food, clothing,  
14 shelter, or medical care necessary for the maintenance of life  
15 or health;

16 (c) The heir can document that he or she provided  
17 full-time care to the recipient which delayed the recipient's  
18 entry into a nursing home. The heir must be either the  
19 decedent's sibling or the son or daughter of the decedent and  
20 must have resided with the recipient for at least 1 year prior  
21 to the recipient's death; or

22 (d) The cost involved in the sale of the property  
23 would be equal to or greater than the value of the property.

24 (11) Instances arise in Medicaid estate-recovery cases  
25 where the assets include a settlement of a claim against a  
26 liable third party. The agency's claim under s. 409.910 must  
27 be satisfied prior to including the settlement proceeds as  
28 estate assets. The remaining settlement proceeds shall be  
29 included in the estate and be available to satisfy the  
30 Medicaid estate-recovery claim. The Medicaid estate-recovery  
31 share shall be one-half of the settlement proceeds included in

1 the estate. Nothing in this subsection is intended to limit  
2 the agency's rights against other assets in the estate not  
3 related to the settlement. However, in no circumstances shall  
4 the agency's recovery exceed the total amount of Medicaid  
5 medical assistance provided to the recipient.

6 (12) In instances where there are no liquid assets to  
7 satisfy the Medicaid estate-recovery claim, if there is  
8 nonhomestead real property and the costs of sale will not  
9 exceed the proceeds, the property shall be sold to satisfy the  
10 Medicaid estate-recovery claim. Real property shall not be  
11 transferred to the agency in any instance.

12 (13) The agency is authorized to adopt rules to  
13 implement the provisions of this section.

14 Section 69. Paragraph (d) of subsection (3) of section  
15 409.912, Florida Statutes, 1998 Supplement, is amended to  
16 read:

17 409.912 Cost-effective purchasing of health care.--The  
18 agency shall purchase goods and services for Medicaid  
19 recipients in the most cost-effective manner consistent with  
20 the delivery of quality medical care. The agency shall  
21 maximize the use of prepaid per capita and prepaid aggregate  
22 fixed-sum basis services when appropriate and other  
23 alternative service delivery and reimbursement methodologies,  
24 including competitive bidding pursuant to s. 287.057, designed  
25 to facilitate the cost-effective purchase of a case-managed  
26 continuum of care. The agency shall also require providers to  
27 minimize the exposure of recipients to the need for acute  
28 inpatient, custodial, and other institutional care and the  
29 inappropriate or unnecessary use of high-cost services.

30 (3) The agency may contract with:  
31

1 (d) No more than four provider service networks for  
 2 demonstration projects to test Medicaid direct contracting.  
 3 ~~One demonstration project must be located in Orange County.~~  
 4 The demonstration projects may be reimbursed on a  
 5 fee-for-service or prepaid basis. A provider service network  
 6 which is reimbursed by the agency on a prepaid basis shall be  
 7 exempt from parts I and III of chapter 641, but must meet  
 8 appropriate financial reserve, quality assurance, and patient  
 9 rights requirements as established by the agency. The agency  
 10 shall award contracts on a competitive bid basis and shall  
 11 select bidders based upon price and quality of care. Medicaid  
 12 recipients assigned to a demonstration project shall be chosen  
 13 equally from those who would otherwise have been assigned to  
 14 prepaid plans and MediPass. The agency is authorized to seek  
 15 federal Medicaid waivers as necessary to implement the  
 16 provisions of this section. A demonstration project awarded  
 17 pursuant to this paragraph shall be for 2 years from the date  
 18 of implementation.

19 Section 70. Paragraph (a) of subsection (24) of  
 20 section 409.913, Florida Statutes, is amended to read:

21 409.913 Oversight of the integrity of the Medicaid  
 22 program.--The agency shall operate a program to oversee the  
 23 activities of Florida Medicaid recipients, and providers and  
 24 their representatives, to ensure that fraudulent and abusive  
 25 behavior and neglect of recipients occur to the minimum extent  
 26 possible, and to recover overpayments and impose sanctions as  
 27 appropriate.

28 (24)(a) The agency may withhold Medicaid payments, in  
 29 whole or in part, to a provider upon receipt of reliable  
 30 evidence that the circumstances giving rise to the need for a  
 31 withholding of payments involve fraud or willful

1 misrepresentation under the Medicaid program, or a crime  
 2 committed while rendering goods or services to Medicaid  
 3 recipients, up to the amount of the overpayment as determined  
 4 by final agency audit report, pending completion of legal  
 5 proceedings under this section. If the agency withholds  
 6 payments under this section, the Medicaid payment may not be  
 7 reduced by more than 10 percent. If it is has been determined  
 8 that fraud, willful misrepresentation, or a crime did not  
 9 occur an overpayment has not occurred, the payments withheld  
 10 must be paid to the provider within 14 60 days after such  
 11 determination with interest at the rate of 10 percent a year.  
 12 Any money withheld in accordance with this paragraph shall be  
 13 placed in a suspended account, readily accessible to the  
 14 agency, so that any payment ultimately due the provider shall  
 15 be made within 14 days. Furthermore, the authority to withhold  
 16 payments under this paragraph shall not apply to physicians  
 17 whose alleged overpayments are being determined by  
 18 administrative proceedings pursuant to chapter 120. If the  
 19 amount of the alleged overpayment exceeds \$75,000, the agency  
 20 may reduce the Medicaid payments by up to \$25,000 per month.

21 Section 71. Section 409.9131, Florida Statutes, is  
 22 created to read:

23 409.9131 Special provisions relating to integrity of  
 24 the Medicaid program.--

25 (1) LEGISLATIVE FINDINGS AND INTENT.--It is the intent  
 26 of the Legislature that physicians, as defined in this  
 27 section, be subject to Medicaid fraud and abuse investigations  
 28 in accordance with the provisions set forth in this section as  
 29 a supplement to the provisions contained in s. 409.913. If a  
 30 conflict exists between the provisions of this section and s.

31

1 409.913, it is the intent of the Legislature that the  
2 provisions of this section shall control.

3 (2) DEFINITIONS.--For purposes of this section, the  
4 term:

5 (a) "Active practice" means a physician must have  
6 regularly provided medical care and treatment to patients  
7 within the past 2 years.

8 (b) "Medical necessity" or "medically necessary" means  
9 any goods or services necessary to palliate the effects of a  
10 terminal condition or to prevent, diagnose, correct, cure,  
11 alleviate, or preclude deterioration of a condition that  
12 threatens life, causes pain or suffering, or results in  
13 illness or infirmity, which goods or services are provided in  
14 accordance with generally accepted standards of medical  
15 practice. For purposes of determining Medicaid reimbursement,  
16 the agency is the final arbiter of medical necessity. In  
17 making determinations of medical necessity, the agency must,  
18 to the maximum extent possible, use a physician in active  
19 practice, either employed by or under contract with the  
20 agency, of the same specialty or subspecialty as the physician  
21 under review. Such determination must be based upon the  
22 information available at the time the goods or services were  
23 provided.

24 (c) "Peer" means a Florida licensed physician who is,  
25 to the maximum extent possible, of the same specialty or  
26 subspecialty, licensed under the same chapter, and in active  
27 practice.

28 (d) "Peer review" means an evaluation of the  
29 professional practices of a Medicaid physician provider by a  
30 peer or peers in order to assess the medical necessity,  
31 appropriateness, and quality of care provided, as such care is

1 compared to that customarily furnished by the physician's  
2 peers and to recognized health care standards, and to  
3 determine whether the documentation in the physician's records  
4 is adequate.

5 (e) "Physician" means a person licensed to practice  
6 medicine under chapter 458 or a person licensed to practice  
7 osteopathic medicine under chapter 459.

8 (f) "Professional services" means procedures provided  
9 to a Medicaid recipient, either directly by or under the  
10 supervision of a physician who is a registered provider for  
11 the Medicaid program.

12 (3) ONSITE RECORDS REVIEW.--As specified in s.  
13 409.913(8), the agency may investigate, review, or analyze a  
14 physician's medical records concerning Medicaid patients. The  
15 physician must make such records available to the agency  
16 during normal business hours. The agency must provide notice  
17 to the physician at least 24 hours before such visit. The  
18 agency and physician shall make every effort to set a mutually  
19 agreeable time for the agency's visit during normal business  
20 hours and within the 24-hour period. If such a time cannot be  
21 agreed upon, the agency may set the time.

22 (4) NOTICE OF DUE PROCESS RIGHTS REQUIRED.--Whenever  
23 the agency seeks an administrative remedy against a physician  
24 pursuant to this section or s. 409.913, the physician must be  
25 advised of his or her rights to due process under chapter 120.  
26 This provision shall not limit or hinder the agency's ability  
27 to pursue any remedy available to it under s. 409.913 or other  
28 applicable law.

29 (5) DETERMINATIONS OF OVERPAYMENT.--In making a  
30 determination of overpayment to a physician, the agency must:  
31



1           (a) Use accepted and valid auditing, accounting,  
2 analytical, statistical, or peer-review methods, or  
3 combinations thereof. Appropriate statistical methods may  
4 include, but are not limited to, sampling and extension to the  
5 population, parametric and nonparametric statistics, tests of  
6 hypotheses, other generally accepted statistical methods,  
7 review of medical records, and a consideration of the  
8 physician's client case mix. Before performing a review of the  
9 physician's Medicaid records, however, the agency shall make  
10 every effort to consider the physician's patient case mix,  
11 including, but not limited to, patient age and whether  
12 individual patients are clients of the Children's Medical  
13 Services network established in chapter 391. In meeting its  
14 burden of proof in any administrative or court proceeding, the  
15 agency may introduce the results of such statistical methods  
16 and its other audit findings as evidence of overpayment.

17           (b) Refer all physician service claims for peer review  
18 when the agency's preliminary analysis indicates a potential  
19 overpayment, and before any formal proceedings are initiated  
20 against the physician, except as required by s. 409.913.

21           (c) By March 1, 2000, the agency shall study and  
22 report to the Legislature on its current statistical model  
23 used to calculate overpayments and advise the Legislature  
24 what, if any, changes, improvements, or other modifications  
25 should be made to the statistical model. Such review shall  
26 include, but not be limited to, a review of the  
27 appropriateness of including physician specialty and case-mix  
28 parameters within the statistical model.

29           Section 72. Subsections (4) and (6) of section  
30 455.501, Florida Statutes, are amended to read:

31           455.501 Definitions.--As used in this part, the term:

1 (4) "Health care practitioner" means any person  
2 licensed under chapter 457; chapter 458; chapter 459; chapter  
3 460; chapter 461; chapter 462; chapter 463; chapter 464;  
4 chapter 465; chapter 466; chapter 467; part I, part II, part  
5 III, part V, ~~or part X~~, part XIII, or part XIV of chapter 468;  
6 chapter 478; chapter 480; part III or part IV of chapter 483;  
7 chapter 484; chapter 486; chapter 490; or chapter 491.

8 (6) "Licensee" means any person or entity issued a  
9 permit, registration, certificate, or license by the  
10 department.

11 Section 73. Section 455.507, Florida Statutes, is  
12 amended to read:

13 455.507 Members of Armed Forces in good standing with  
14 administrative boards or department.--

15 (1) Any member of the Armed Forces of the United  
16 States now or hereafter on active duty who, at the time of ~~his~~  
17 becoming such a member, was in good standing with any  
18 administrative board of the state, or the department when  
19 there is no board, and was entitled to practice or engage in  
20 his or her profession or vocation in the state shall be kept  
21 in good standing by such administrative board, or the  
22 department when there is no board, without registering, paying  
23 dues or fees, or performing any other act on his or her part  
24 to be performed, as long as he or she is a member of the Armed  
25 Forces of the United States on active duty and for a period of  
26 6 months after ~~his~~ discharge from active duty as a member of  
27 the Armed Forces of the United States, provided he or she is  
28 not engaged in his or her licensed profession or vocation in  
29 the private sector for profit.

30 (2) The boards listed in ~~s. ss. 20.165 and 20.43~~, or  
31 the department when there is no board, shall adopt rules

1 exempting the spouses of members of the Armed Forces of the  
2 United States from licensure renewal provisions, but only in  
3 cases of absence from the state because of their spouses'  
4 duties with the Armed Forces.

5 Section 74. Section 455.521, Florida Statutes, 1998  
6 Supplement, is amended to read:

7 455.521 Department; powers and duties.--The  
8 department, for the professions ~~boards~~ under its jurisdiction,  
9 shall:

10 (1) Adopt rules establishing a procedure for the  
11 biennial renewal of licenses; however, the department may  
12 issue up to a 4-year license to selected licensees  
13 notwithstanding any other provisions of law to the contrary.  
14 Fees for such renewal shall not exceed the fee caps for  
15 individual professions on an annualized basis as authorized by  
16 law.

17 (2) Appoint the executive director of each board,  
18 subject to the approval of the board.

19 (3) Submit an annual budget to the Legislature at a  
20 time and in the manner provided by law.

21 (4) Develop a training program for persons newly  
22 appointed to membership on any board. The program shall  
23 familiarize such persons with the substantive and procedural  
24 laws and rules and fiscal information relating to the  
25 regulation of the appropriate profession and with the  
26 structure of the department.

27 (5) Adopt rules pursuant to ss. 120.536(1) and 120.54  
28 to implement the provisions of this part.

29 (6) Establish by rules procedures by which the  
30 department shall use the expert or technical advice of the  
31 appropriate board for the purposes of investigation,

1 inspection, evaluation of applications, other duties of the  
2 department, or any other areas the department may deem  
3 appropriate.

4 (7) Require all proceedings of any board or panel  
5 thereof and all formal or informal proceedings conducted by  
6 the department, an administrative law judge, or a hearing  
7 officer with respect to licensing or discipline to be  
8 electronically recorded in a manner sufficient to assure the  
9 accurate transcription of all matters so recorded.

10 (8) Select only those investigators, or consultants  
11 who undertake investigations, who meet criteria established  
12 with the advice of the respective boards.

13 (9) Allow applicants for new or renewal licenses and  
14 current licensees to be screened by the Title IV-D child  
15 support agency pursuant to s. 409.2598 to assure compliance  
16 with a support obligation. The purpose of this subsection is  
17 to promote the public policy of this state as established in  
18 s. 409.2551. The department shall, when directed by the court,  
19 suspend or deny the license of any licensee found to have a  
20 delinquent support obligation. The department shall issue or  
21 reinstate the license without additional charge to the  
22 licensee when notified by the court that the licensee has  
23 complied with the terms of the court order. The department  
24 shall not be held liable for any license denial or suspension  
25 resulting from the discharge of its duties under this  
26 subsection.

27 Section 75. Section 455.557, Florida Statutes, 1998  
28 Supplement, is amended to read:

29 455.557 Standardized credentialing for health care  
30 practitioners.--

31

1 (1) INTENT.--The Legislature recognizes that an  
 2 efficient and effective health care practitioner credentialing  
 3 program helps to ensure access to quality health care and also  
 4 recognizes that health care practitioner credentialing  
 5 activities have increased significantly as a result of health  
 6 care reform and recent changes in health care delivery and  
 7 reimbursement systems. Moreover, the resulting duplication of  
 8 health care practitioner credentialing activities is  
 9 unnecessarily costly and cumbersome for both the practitioner  
 10 and the entity granting practice privileges. Therefore, it is  
 11 the intent of this section that a ~~mandatory~~ credentials  
 12 collection verification program be established which provides  
 13 that, once a health care practitioner's core credentials data  
 14 are collected, ~~validated, maintained, and stored,~~ they need  
 15 not be collected again, except for corrections, updates, and  
 16 modifications thereto. ~~Participation Mandatory credentialing~~  
 17 under this section shall initially include those individuals  
 18 licensed under chapter 458, chapter 459, chapter 460, or  
 19 chapter 461. However, the department shall, with the approval  
 20 of the applicable board, include other professions under the  
 21 jurisdiction of the Division of Medical Quality Assurance in  
 22 this ~~credentialing~~ program, provided they meet the  
 23 requirements of s. 455.565.

24 (2) DEFINITIONS.--As used in this section, the term:

25 (a) "Advisory council" or "council" means the  
 26 Credentials ~~Verification~~ Advisory Council.

27 ~~(b) "Applicant" means an individual applying for~~  
 28 ~~licensure or a current licensee applying for credentialing.~~

29 (b)(c) "Certified" or "accredited," as applicable,  
 30 means approved by a quality assessment program, from the  
 31 National Committee for Quality Assurance, the Joint Commission

1 on Accreditation of Healthcare Organizations, the American  
 2 Accreditation HealthCare Commission/URAC Utilization Review  
 3 Accreditation Commission, or any such other nationally  
 4 recognized and accepted organization authorized by the  
 5 department, used to assess and certify any credentials  
 6 verification program, entity, or organization that verifies  
 7 the credentials of any health care practitioner.

8 (c)(d) "Core credentials data" means the following  
 9 data: current name, any former name, and any alias, any  
 10 professional education, professional training, peer  
 11 references, licensure, current Drug Enforcement Administration  
 12 certification, social security number, specialty board  
 13 certification, Educational Commission for Foreign Medical  
 14 Graduates certification information, hospital or affiliations,  
 15 managed care organization affiliations, other institutional  
 16 affiliations, professional society memberships, evidence of  
 17 professional liability coverage or evidence of financial  
 18 responsibility as required by s. 458.320 or s. 459.0085  
 19 insurance, history of claims, suits, judgments, or  
 20 settlements, final disciplinary action reported pursuant to s.  
 21 455.565(1)(a)8., and Medicare or Medicaid sanctions, civil or  
 22 criminal law violations, practitioner profiling data, special  
 23 conditions of impairment, or regulatory exemptions not  
 24 previously reported to the department in accordance with both  
 25 s. 455.565 and the initial licensure reporting requirements  
 26 specified in the applicable practice act.

27 (d)(e) "Credential" or "credentialing" means the  
 28 process of assessing and verifying ~~validating~~ the  
 29 qualifications of a licensed health care practitioner or  
 30 applicant for licensure as a health care practitioner.

31

1           ~~(e)~~(f) "Credentials verification organization entity"  
2 means any ~~program, entity, or organization that is organized~~  
3 ~~and certified or accredited as a credentials verification~~  
4 ~~organization for the express purpose of collecting, verifying,~~  
5 ~~maintaining, storing, and providing to health care entities a~~  
6 ~~health care practitioner's total core credentials data,~~  
7 ~~including all corrections, updates, and modifications thereto,~~  
8 ~~as authorized by the health care practitioner and in~~  
9 ~~accordance with the provisions of this including all~~  
10 ~~corrections, updates, and modifications thereto, as authorized~~  
11 ~~by the health care practitioner and in accordance with the~~  
12 ~~provisions of this section. The division, once certified,~~  
13 ~~shall be considered a credentials verification entity for all~~  
14 ~~health care practitioners.~~

15           ~~(f)~~(g) "Department" means the Department of Health,  
16 Division of Medical Quality Assurance.

17           ~~(g)~~(h) "Designated credentials verification  
18 organization entity" means the credentials verification  
19 ~~program, entity, or organization organized and certified or~~  
20 ~~accredited for the express purpose of collecting, verifying,~~  
21 ~~maintaining, storing, and providing to health care entities a~~  
22 ~~health care practitioner's total core credentials data,~~  
23 ~~including all corrections, updates, and modifications thereto,~~  
24 ~~which is selected by the health care practitioner as the~~  
25 ~~credentials verification entity for all inquiries into his or~~  
26 ~~her credentials, if the health care practitioner chooses to~~  
27 ~~make such a designation. Notwithstanding any such designation~~  
28 ~~by a health care practitioner, the division, once certified,~~  
29 ~~shall also be considered a designated credentials verification~~  
30 ~~entity for that health care practitioner.~~

31

1           (h) "Drug Enforcement Administration certification"  
2 means certification issued by the Drug Enforcement  
3 Administration for purposes of administration or prescription  
4 of controlled substances. Submission of such certification  
5 under this section must include evidence that the  
6 certification is current and must also include all current  
7 addresses to which the certificate is issued.

8           ~~(i) "Division" means the Division of Medical Quality~~  
9 ~~Assurance within the Department of Health.~~

10           (i)(j) "Health care entity" means:

11           1. Any health care facility or other health care  
12 organization licensed or certified to provide approved medical  
13 and allied health services in this state ~~Florida~~; or

14           2. Any entity licensed by the Department of Insurance  
15 as a prepaid health care plan or health maintenance  
16 organization or as an insurer to provide coverage for health  
17 care services through a network of providers; or

18           3. Any accredited medical school in this state.

19           (j)(k) "Health care practitioner" means any person  
20 licensed, or, for credentialing purposes only, any person  
21 applying for licensure, under chapter 458, chapter 459,  
22 chapter 460, or chapter 461 or any person licensed or applying  
23 for licensure under a chapter subsequently made subject to  
24 this section by the department with the approval of the  
25 applicable board, except a person registered or applying for  
26 registration pursuant to s. 458.345 or s. 459.021.

27           (k) "Hospital or other institutional affiliations"  
28 means each hospital or other institution for which the health  
29 care practitioner or applicant has provided medical services.  
30 Submission of such information under this section must  
31 include, for each hospital or other institution, the name and



1 address of the hospital or institution, the staff status of  
2 the health care practitioner or applicant at that hospital or  
3 institution, and the dates of affiliation with that hospital  
4 or institution.

5 (l) "National accrediting organization" means an  
6 organization that awards accreditation or certification to  
7 hospitals, managed care organizations, credentials  
8 verification organizations, or other health care  
9 organizations, including, but not limited to, the Joint  
10 Commission on Accreditation of Healthcare Organizations, the  
11 American Accreditation HealthCare Commission/URAC, and the  
12 National Committee for Quality Assurance.

13 (m) "Professional training" means any internship,  
14 residency, or fellowship relating to the profession for which  
15 the health care practitioner is licensed or seeking licensure.

16 (n) "Specialty board certification" means  
17 certification in a specialty issued by a specialty board  
18 recognized by the board in this state that regulates the  
19 profession for which the health care practitioner is licensed  
20 or seeking licensure.

21 ~~(m) "Primary source verification" means verification~~  
22 ~~of professional qualifications based on evidence obtained~~  
23 ~~directly from the issuing source of the applicable~~  
24 ~~qualification.~~

25 ~~(n) "Recredentialing" means the process by which a~~  
26 ~~credentials verification entity verifies the credentials of a~~  
27 ~~health care practitioner whose core credentials data,~~  
28 ~~including all corrections, updates, and modifications thereto,~~  
29 ~~are currently on file with the entity.~~

30 ~~(o) "Secondary source verification" means confirmation~~  
31 ~~of a professional qualification by means other than primary~~

1 ~~source verification, as outlined and approved by national~~  
2 ~~accrediting organizations.~~

3 (3) STANDARDIZED CREDENTIALS VERIFICATION PROGRAM.--

4 (a) Every health care practitioner shall:

5 1. Report all core credentials data to the department  
6 which is not already on file with the department, either by  
7 designating a credentials verification organization to submit  
8 the data or by submitting the data directly.

9 2. Notify the department within 45 days of any  
10 corrections, updates, or modifications to the core credentials  
11 data either through his or her designated credentials  
12 verification organization or by submitting the data directly.  
13 Corrections, updates, and modifications to the core  
14 credentials data provided the department under this section  
15 shall comply with the updating requirements of s. 455.565(3)  
16 related to profiling.

17 ~~(b)(a) In accordance with the provisions of this~~  
18 ~~section,The department shall:~~

19 1. Maintain a complete, current file of core  
20 credentials data on each health care practitioner, which shall  
21 include all updates provided in accordance with subparagraph  
22 (3)(a)2.

23 2. Release the core credentials data that is otherwise  
24 confidential or exempt from the provisions of chapter 119 and  
25 s. 24(a), Art. I of the State Constitution and any  
26 corrections, updates, and modifications thereto, if authorized  
27 by the health care practitioner.

28 3. Charge a fee to access the core credentials data,  
29 which may not exceed the actual cost, including prorated setup  
30 and operating costs, pursuant to the requirements of chapter  
31

1 119. The actual cost shall be set in consultation with the  
 2 advisory council.

3 4. Develop, in consultation with the advisory council,  
 4 standardized forms to be used by the health care practitioner  
 5 or designated credentials verification organization for the  
 6 initial reporting of core credentials data, for the health  
 7 care practitioner to authorize the release of core credentials  
 8 data, and for the subsequent reporting of corrections,  
 9 updates, and modifications thereto ~~develop standardized forms~~  
 10 ~~necessary for the creation of a standardized system as well as~~  
 11 ~~guidelines for collecting, verifying, maintaining, storing,~~  
 12 ~~and providing core credentials data on health care~~  
 13 ~~practitioners through credentials verification entities,~~  
 14 ~~except as otherwise provided in this section, for the purpose~~  
 15 ~~of eliminating duplication. Once the core credentials data are~~  
 16 ~~submitted, the health care practitioner is not required to~~  
 17 ~~resubmit this initial data when applying for practice~~  
 18 ~~privileges with health care entities. However, as provided in~~  
 19 ~~paragraph (d), each health care practitioner is responsible~~  
 20 ~~for providing any corrections, updates, and modifications to~~  
 21 ~~his or her core credentials data, to ensure that all~~  
 22 ~~credentialing data on the practitioner remains current.~~  
 23 ~~Nothing in this paragraph prevents the designated credentials~~  
 24 ~~verification entity from obtaining all necessary attestation~~  
 25 ~~and release form signatures and dates.~~

26 5.(b) Establish ~~There is established~~ a Credentials  
 27 ~~Verification~~ Advisory Council, consisting of 13 members, to  
 28 assist the department as provided in this section ~~with the~~  
 29 ~~development of guidelines for establishment of the~~  
 30 ~~standardized credentials verification program.~~ The secretary,  
 31 or his or her designee, shall serve as one member and chair of

1 the council and shall appoint the remaining 12 members. Except  
 2 for any initial lesser term required to achieve staggering,  
 3 such appointments shall be for 4-year staggered terms, with  
 4 one 4-year reappointment, as applicable. Three members shall  
 5 represent hospitals, and two members shall represent health  
 6 maintenance organizations. One member shall represent health  
 7 insurance entities. One member shall represent the credentials  
 8 verification industry. Two members shall represent physicians  
 9 licensed under chapter 458. One member shall represent  
 10 osteopathic physicians licensed under chapter 459. One member  
 11 shall represent chiropractic physicians licensed under chapter  
 12 460. One member shall represent podiatric physicians licensed  
 13 under chapter 461.

14 (c) A registered credentials verification organization  
 15 may be designated by a health care practitioner to assist the  
 16 health care practitioner to comply with the requirements of  
 17 subsection (3)(a)2. A designated credentials verification  
 18 organization shall:

19 1. Timely comply with the requirements of subsection  
 20 (3)(a)2., pursuant to rules adopted by the department.

21 2. Not provide the health care practitioner's core  
 22 data, including all corrections, updates, and modifications,  
 23 without the authorization of the practitioner.

24 ~~(c) The department, in consultation with the advisory~~  
 25 ~~council, shall develop standard forms for the initial~~  
 26 ~~reporting of core credentials data for credentialing purposes~~  
 27 ~~and for the subsequent reporting of corrections, updates, and~~  
 28 ~~modifications thereto for recredentialing purposes.~~

29 ~~(d) Each health care practitioner licensed under~~  
 30 ~~chapter 458, chapter 459, chapter 460, or chapter 461, or any~~  
 31 ~~person licensed under a chapter subsequently made subject to~~

1 ~~this section, must report any action or information as defined~~  
2 ~~in paragraph (2)(d), including any correction, update, or~~  
3 ~~modification thereto, as soon as possible but not later than~~  
4 ~~30 days after such action occurs or such information is known,~~  
5 ~~to the department or his or her designated credentials~~  
6 ~~verification entity, if any, who must report it to the~~  
7 ~~department. In addition, a licensee must update, at least~~  
8 ~~quarterly, his or her data on a form prescribed by the~~  
9 ~~department.~~

10 ~~(e) An individual applying for licensure under chapter~~  
11 ~~458, chapter 459, chapter 460, or chapter 461, or any person~~  
12 ~~applying for licensure under a chapter subsequently made~~  
13 ~~subject to this section, must submit the individual's initial~~  
14 ~~core credentials data to a credentials verification entity, if~~  
15 ~~such information has not already been submitted to the~~  
16 ~~department or the appropriate licensing board or to any other~~  
17 ~~credentials verification entity.~~

18 ~~(f) Applicants may decide which credentials~~  
19 ~~verification entity they want to process and store their core~~  
20 ~~credentials data; however, such data shall at all times be~~  
21 ~~maintained by the department. An applicant may choose not to~~  
22 ~~designate a credentials verification entity, provided the~~  
23 ~~applicant has a written agreement with the health care entity~~  
24 ~~or entities that are responsible for his or her credentialing.~~  
25 ~~In addition, any licensee may choose to move his or her core~~  
26 ~~credentials data from one credentials verification entity to~~  
27 ~~another.~~

28 ~~(g) Any health care entity that employs, contracts~~  
29 ~~with, or allows health care practitioners to treat its~~  
30 ~~patients must use the designated credentials verification~~  
31 ~~entity to obtain core credentials data on a health care~~

1 ~~practitioner applying for privileges with that entity, if the~~  
2 ~~health care practitioner has made such a designation, or may~~  
3 ~~use the division in lieu thereof as the designated credentials~~  
4 ~~verification entity required for obtaining core credentials~~  
5 ~~data on such health care practitioner. Any additional~~  
6 ~~information required by the health care entity's credentialing~~  
7 ~~process may be collected from the primary source of that~~  
8 ~~information either by the health care entity or its contractee~~  
9 ~~or by the designated credentials verification entity.~~

10 ~~(h) Nothing in this section may be construed to~~  
11 ~~restrict the right of any health care entity to request~~  
12 ~~additional information necessary for credentialing.~~

13 ~~(i) Nothing in this section may be construed to~~  
14 ~~restrict access to the National Practitioner Data Bank by the~~  
15 ~~department, any health care entity, or any credentials~~  
16 ~~verification entity.~~

17 ~~(d)(j) Nothing in This section shall not~~ may be  
18 ~~construed to restrict in any way the authority of the health~~  
19 ~~care entity to credential and to approve or deny an~~  
20 ~~application for hospital staff membership, clinical~~  
21 ~~privileges, or managed care network participation.~~

22 ~~(4) DELEGATION BY CONTRACT.-- A health care entity may~~  
23 ~~contract with any credentials verification entity to perform~~  
24 ~~the functions required under this section. The submission of~~  
25 ~~an application for health care privileges with a health care~~  
26 ~~entity shall constitute authorization for the health care~~  
27 ~~entity to access the applicant's core credentials data with~~  
28 ~~the department or the applicant's designated credentials~~  
29 ~~verification entity, if the applicant has made such a~~  
30 ~~designation.~~

31 ~~(5) AVAILABILITY OF DATA COLLECTED.--~~

1           ~~(a) The department shall make available to a health~~  
 2 ~~care entity or credentials verification entity registered with~~  
 3 ~~the department all core credentials data it collects on any~~  
 4 ~~licensee that is otherwise confidential and exempt from the~~  
 5 ~~provisions of chapter 119 and s. 24(a), Art. I of the State~~  
 6 ~~Constitution, including corrections, updates, and~~  
 7 ~~modifications thereto, if a health care entity submits proof~~  
 8 ~~of the licensee's current pending application for purposes of~~  
 9 ~~credentialing the applicant based on the core credentials data~~  
 10 ~~maintained by the department.~~

11           ~~(b) Each credentials verification entity shall make~~  
 12 ~~available to a health care entity the licensee has authorized~~  
 13 ~~to receive the data, and to the department at the credentials~~  
 14 ~~verification entity's actual cost of providing the data, all~~  
 15 ~~core credentials data it collects on any licensee, including~~  
 16 ~~all corrections, updates, and modifications thereto.~~

17           ~~(c) The department shall charge health care entities~~  
 18 ~~and other credentials verification entities a reasonable fee,~~  
 19 ~~pursuant to the requirements of chapter 119, to access all~~  
 20 ~~credentialing data it maintains on applicants and licensees.~~  
 21 ~~The fee shall be set in consultation with the advisory council~~  
 22 ~~and may not exceed the actual cost of providing the data.~~

23           ~~(4)(6) DUPLICATION OF DATA PROHIBITED.--~~

24           (a) A health care entity or credentials verification  
 25 organization is prohibited from collecting or attempting may  
 26 not collect or attempt to collect duplicate core credentials  
 27 data from any individual health care practitioner or from any  
 28 primary source if the information is available from already on  
 29 file with the department or with any credentials verification  
 30 entity. This section shall not be construed to restrict the  
 31 right of any health care entity or credentials verification

1 organization to collect additional information from the health  
 2 care practitioner which is not included in the core  
 3 credentials data file. This section shall not be construed to  
 4 prohibit a health care entity or credentials verification  
 5 organization from obtaining all necessary attestation and  
 6 release form signatures and dates.

7 (b) Effective July 1, 2002, a state agency in this  
 8 state which credentials health care practitioners may not  
 9 collect or attempt to collect duplicate core credentials data  
 10 from any individual health care practitioner if the  
 11 information is already available from the department. This  
 12 section shall not be construed to restrict the right of any  
 13 such state agency to request additional information not  
 14 included in the core credential data file, but which is deemed  
 15 necessary for the agency's specific credentialing purposes.

16 ~~(b) A credentials verification entity other than the~~  
 17 ~~department may not attempt to collect duplicate core~~  
 18 ~~credentials data from any individual health care practitioner~~  
 19 ~~if the information is already on file with another credentials~~  
 20 ~~verification entity or with the appropriate licensing board of~~  
 21 ~~another state, provided the other state's credentialing~~  
 22 ~~program meets national standards and is certified or~~  
 23 ~~accredited, as outlined by national accrediting organizations,~~  
 24 ~~and agrees to provide all data collected under such program on~~  
 25 ~~that health care practitioner.~~

26 ~~(7) RELIABILITY OF DATA.--Any credentials verification~~  
 27 ~~entity may rely upon core credentials data, including all~~  
 28 ~~corrections, updates, and modifications thereto, from the~~  
 29 ~~department if the department certifies that the information~~  
 30 ~~was obtained in accordance with primary source verification~~  
 31 ~~procedures; and the department may rely upon core credentials~~



1 ~~data, including all corrections, updates, and modifications~~  
 2 ~~thereto, from any credentials verification entity if the~~  
 3 ~~designated credentials verification entity certifies that the~~  
 4 ~~information was obtained in accordance with primary source~~  
 5 ~~verification procedures.~~

6 ~~(5)(8)~~ STANDARDS AND REGISTRATION.--

7 ~~(a) The department's credentials verification~~  
 8 ~~procedures must meet national standards, as outlined by~~  
 9 ~~national accrediting organizations.~~

10 ~~(b)~~ Any credentials verification organization entity  
 11 that does business in this state Florida must be fully  
 12 accredited or certified as a credentials verification  
 13 organization meet national standards, as outlined by a  
 14 national accrediting organization as specified in paragraph  
 15 (2)(b) organizations, and must register with the department.

16 The department may charge a reasonable registration fee, set  
 17 in consultation with the advisory council, not to exceed an  
 18 amount sufficient to cover its actual expenses in providing  
 19 and enforcing for such registration. The department shall  
 20 establish by rule for biennial renewal of such registration.  
 21 Failure by a registered ~~Any~~ credentials verification  
 22 organization to maintain full accreditation or certification,  
 23 to provide data as authorized by the health care practitioner,  
 24 to report to the department changes, updates, and  
 25 modifications to a health care practitioner's records within  
 26 the time period specified in subparagraph (3)(a)2., or to  
 27 comply with the prohibition against collection of duplicate  
 28 core credentials data from a practitioner may result in denial  
 29 of an application for renewal of registration or in revocation  
 30 or suspension of a registration entity that fails to meet the  
 31 standards required to be certified or accredited, fails to

1 ~~register with the department, or fails to provide data~~  
 2 ~~collected on a health care practitioner may not be selected as~~  
 3 ~~the designated credentials verification entity for any health~~  
 4 ~~care practitioner.~~

5 (6)(9) LIABILITY.--No civil, criminal, or  
 6 administrative action may be instituted, and there shall be no  
 7 liability, against any registered credentials verification  
 8 organization or health care entity on account of its reliance  
 9 on any data obtained directly from the department ~~a~~  
 10 ~~credentials verification entity.~~

11 ~~(10) REVIEW.--Before releasing a health care~~  
 12 ~~practitioner's core credentials data from its data bank, a~~  
 13 ~~designated credentials verification entity other than the~~  
 14 ~~department must provide the practitioner up to 30 days to~~  
 15 ~~review such data and make any corrections of fact.~~

16 ~~(11) VALIDATION OF CREDENTIALS.--Except as otherwise~~  
 17 ~~acceptable to the health care entity and applicable certifying~~  
 18 ~~or accrediting organization listed in paragraph (2)(c), the~~  
 19 ~~department and all credentials verification entities must~~  
 20 ~~perform primary source verification of all credentialing~~  
 21 ~~information submitted to them pursuant to this section;~~  
 22 ~~however, secondary source verification may be utilized if~~  
 23 ~~there is a documented attempt to contact primary sources. The~~  
 24 ~~validation procedures used by the department and credentials~~  
 25 ~~verification entities must meet the standards established by~~  
 26 ~~rule pursuant to this section.~~

27 (7)(12) LIABILITY INSURANCE REQUIREMENTS.--The  
 28 department, in consultation with the Credentials Verification  
 29 Advisory Council, shall establish the minimum liability  
 30 insurance requirements for Each credentials verification  
 31 organization entity doing business in this state shall

1 maintain liability insurance appropriate to meet the  
2 certification or accreditation requirements established in  
3 this section.

4 ~~(8)(13)~~ RULES.--The department, in consultation with  
5 the advisory council ~~applicable board~~, shall adopt rules  
6 necessary to develop and implement the standardized core  
7 credentials data collection ~~verification~~ program established  
8 by this section.

9 (9) COUNCIL ABOLISHED; DEPARTMENT AUTHORITY.--The  
10 council shall be abolished October 1, 1999. After the council  
11 is abolished, all duties of the department required under this  
12 section to be in consultation with the council may be carried  
13 out by the department on its own.

14 Section 76. Subsections (1), (2), (6), (7), (8), and  
15 (9) of section 455.564, Florida Statutes, 1998 Supplement, are  
16 amended to read:

17 455.564 Department; general licensing provisions.--

18 (1) Any person desiring to be licensed in a profession  
19 within the jurisdiction of the department shall apply to the  
20 department in writing to take the licensure examination. The  
21 application shall be made on a form prepared and furnished by  
22 the department and shall require the social security number of  
23 the applicant. The form shall be supplemented as needed to  
24 reflect any material change in any circumstance or condition  
25 stated in the application which takes place between the  
26 initial filing of the application and the final grant or  
27 denial of the license and which might affect the decision of  
28 the department. An incomplete application shall expire 1 year  
29 after initial filing.In order to further the economic  
30 development goals of the state, and notwithstanding any law to  
31 the contrary, the department may enter into an agreement with

1 the county tax collector for the purpose of appointing the  
 2 county tax collector as the department's agent to accept  
 3 applications for licenses and applications for renewals of  
 4 licenses. The agreement must specify the time within which the  
 5 tax collector must forward any applications and accompanying  
 6 application fees to the department.

7 (2) Before the issuance of any license, the department  
 8 may charge an initial license fee as determined by rule of the  
 9 applicable board or, if no such board exists, by rule of the  
 10 department. Upon receipt of the appropriate license fee, the  
 11 department shall issue a license to any person certified by  
 12 the appropriate board, or its designee, as having met the  
 13 licensure requirements imposed by law or rule. The license  
 14 licensee shall consist of ~~be issued~~ a wallet-size  
 15 identification card and a wall card measuring 6 1/2 inches by  
 16 5 inches. In addition to the two-part license, the department,  
 17 at the time of initial licensure, shall issue a wall  
 18 certificate suitable for conspicuous display, which shall be  
 19 no smaller than 8 1/2 inches by 14 inches. The licensee shall  
 20 surrender to the department the wallet-size identification  
 21 card, the wall card, and the wall certificate, if one has been  
 22 issued by the department, if the licensee's license is  
 23 ~~suspended or revoked. The department shall promptly return the~~  
 24 ~~wallet-size identification card and the wall certificate to~~  
 25 ~~the licensee upon reinstatement of a suspended or revoked~~  
 26 ~~license.~~

27 (6) As a condition of renewal of a license, the Board  
 28 of Medicine, the Board of Osteopathic Medicine, the Board of  
 29 Chiropractic Medicine, and the Board of Podiatric Medicine  
 30 shall each require licensees which they respectively regulate  
 31 to periodically demonstrate their professional competency by

1 completing at least 40 hours of continuing education every 2  
2 years, ~~which may include up to 1 hour of risk management or~~  
3 ~~cost containment and up to 2 hours of other topics related to~~  
4 ~~the applicable medical specialty, if required by board rule.~~  
5 The boards may require by rule that up to 1 hour of the  
6 required 40 or more hours be in the area of risk management or  
7 cost containment. This provision shall not be construed to  
8 limit the number of hours that a licensee may obtain in risk  
9 management or cost containment to be credited toward  
10 satisfying the 40 or more required hours. This provision shall  
11 not be construed to require the boards to impose any  
12 requirement on licensees except for the completion of at least  
13 40 hours of continuing education every 2 years.Each of such  
14 boards shall determine whether any specific continuing  
15 education ~~course~~ requirements not otherwise mandated by law  
16 shall be mandated and shall approve criteria for, and the  
17 content of, any continuing education ~~course~~ mandated by such  
18 board. Notwithstanding any other provision of law, the board,  
19 or the department when there is no board, may approve by rule  
20 alternative methods of obtaining continuing education credits  
21 in risk management. The alternative methods may include  
22 attending a board meeting at which another ~~a~~ licensee is  
23 disciplined, serving as a volunteer expert witness for the  
24 department in a disciplinary case, or serving as a member of a  
25 probable cause panel following the expiration of a board  
26 member's term. Other boards within the Division of Medical  
27 Quality Assurance, or the department if there is no board, may  
28 adopt rules granting continuing education hours in risk  
29 management for attending a board meeting at which another  
30 licensee is disciplined, serving as a volunteer expert witness  
31 for the department in a disciplinary case, or serving as a

1 member of a probable cause panel following the expiration of a  
 2 board member's term.

3 (7) The respective boards within the jurisdiction of  
 4 the department, or the department when there is no board, may  
 5 adopt rules to provide for the use of approved videocassette  
 6 courses, not to exceed 5 hours per subject, to fulfill the  
 7 continuing education requirements of the professions they  
 8 regulate. Such rules shall provide for prior ~~board~~ approval of  
 9 the board, or the department when there is no board, of the  
 10 criteria for and content of such courses and shall provide for  
 11 a videocassette course validation form to be signed by the  
 12 vendor and the licensee and submitted to the department, along  
 13 with the license renewal application, for continuing education  
 14 credit.

15 (8) Any board that currently requires continuing  
 16 education for renewal of a license, or the department if there  
 17 is no board, shall adopt rules to establish the criteria for  
 18 continuing education courses. The rules may provide that up  
 19 to a maximum of 25 percent of the required continuing  
 20 education hours can be fulfilled by the performance of pro  
 21 bono services to the indigent or to underserved populations or  
 22 in areas of critical need within the state where the licensee  
 23 practices. The board, or the department if there is no board,  
 24 must require that any pro bono services be approved in advance  
 25 in order to receive credit for continuing education under this  
 26 subsection. The standard for determining indigency shall be  
 27 that recognized by the Federal Poverty Income Guidelines  
 28 produced by the United States Department of Health and Human  
 29 Services. The rules may provide for approval by the board, or  
 30 the department if there is no board, that a part of the  
 31 continuing education hours can be fulfilled by performing

1 research in critical need areas or for training leading to  
2 advanced professional certification. The board, or the  
3 department if there is no board, may make rules to define  
4 underserved and critical need areas. The department shall  
5 adopt rules for administering continuing education  
6 requirements adopted by the boards or the department if there  
7 is no board.

8 (9) Notwithstanding any law to the contrary, an  
9 elected official who is licensed under a practice act  
10 administered by the Division of Medical Health Quality  
11 Assurance may hold employment for compensation with any public  
12 agency concurrent with such public service. Such dual service  
13 must be disclosed according to any disclosure required by  
14 applicable law.

15 Section 77. Present subsections (5), (6), and (7) of  
16 section 455.5651, Florida Statutes, 1998 Supplement, are  
17 renumbered as subsections (6), (7), and (8), respectively, and  
18 a new subsection (5) is added to that section, to read:

19 455.5651 Practitioner profile; creation.--

20 (5) The Department of Health may not include  
21 disciplinary action taken by a licensed hospital or an  
22 ambulatory surgical center in the practitioner profile.

23 Section 78. Section 455.567, Florida Statutes, is  
24 amended to read:

25 455.567 Sexual misconduct; disqualification for  
26 license, certificate, or registration.--

27 (1) Sexual misconduct in the practice of a health care  
28 profession means violation of the professional relationship  
29 through which the health care practitioner uses such  
30 relationship to engage or attempt to engage the patient or  
31 client, or an immediate family member of the patient or client

1 in, or to induce or attempt to induce such person to engage  
2 in, verbal or physical sexual activity outside the scope of  
3 the professional practice of such health care profession.  
4 Sexual misconduct in the practice of a health care profession  
5 is prohibited.

6 (2) Each board within the jurisdiction of the  
7 department, or the department if there is no board, shall  
8 refuse to admit a candidate to any examination and refuse to  
9 issue a license, certificate, or registration to any applicant  
10 if the candidate or applicant has:

11 (a)(1) Had any license, certificate, or registration  
12 to practice any profession or occupation revoked or  
13 surrendered based on a violation of sexual misconduct in the  
14 practice of that profession under the laws of any other state  
15 or any territory or possession of the United States and has  
16 not had that license, certificate, or registration reinstated  
17 by the licensing authority of the jurisdiction that revoked  
18 the license, certificate, or registration; or

19 (b)(2) Committed any act in any other state or any  
20 territory or possession of the United States which if  
21 committed in this state would constitute sexual misconduct.  
22

23 For purposes of this subsection, a licensing authority's  
24 acceptance of a candidate's relinquishment of a license which  
25 is offered in response to or in anticipation of the filing of  
26 administrative charges against the candidate's license  
27 constitutes the surrender of the license.

28 Section 79. Subsection (2) of section 455.574, Florida  
29 Statutes, 1998 Supplement, is amended to read:

30 455.574 Department of Health; examinations.--  
31



1           (2) For each examination developed by the department  
2 or a contracted vendor, the board, or the department when  
3 there is no board, shall adopt rules providing for  
4 reexamination of any applicants who failed an examination  
5 developed by the department or a contracted vendor. If both a  
6 written and a practical examination are given, an applicant  
7 shall be required to retake only the portion of the  
8 examination on which the applicant failed to achieve a passing  
9 grade, if the applicant successfully passes that portion  
10 within a reasonable time, as determined by rule of the board,  
11 or the department when there is no board, of passing the other  
12 portion. Except for national examinations approved and  
13 administered pursuant to this section, the department shall  
14 provide procedures for applicants who fail an examination  
15 developed by the department or a contracted vendor to review  
16 their examination questions, answers, papers, grades, and  
17 grading key for the questions the candidate answered  
18 incorrectly or, if not feasible, the parts of the examination  
19 failed. Applicants shall bear the actual cost for the  
20 department to provide examination review pursuant to this  
21 subsection. An applicant may waive in writing the  
22 confidentiality of the applicant's examination grades.

23           Section 80. Subsection (1) of section 455.587, Florida  
24 Statutes, is amended, present subsections (2) through (7) are  
25 renumbered as subsections (3) through (8), respectively, and a  
26 new subsection (2) is added to that section, to read:

27           455.587 Fees; receipts; disposition for boards within  
28 the department.--

29           (1) Each board within the jurisdiction of the  
30 department, or the department when there is no board, shall  
31 determine by rule the amount of license fees for the ~~its~~

1 profession it regulates, based upon long-range estimates  
2 prepared by the department of the revenue required to  
3 implement laws relating to the regulation of professions by  
4 the department and the board. Each board, or the department  
5 if there is no board, shall ensure that license fees are  
6 adequate to cover all anticipated costs and to maintain a  
7 reasonable cash balance, as determined by rule of the agency,  
8 with advice of the applicable board. If sufficient action is  
9 not taken by a board within 1 year after notification by the  
10 department that license fees are projected to be inadequate,  
11 the department shall set license fees on behalf of the  
12 applicable board to cover anticipated costs and to maintain  
13 the required cash balance. The department shall include  
14 recommended fee cap increases in its annual report to the  
15 Legislature. Further, it is the legislative intent that no  
16 regulated profession operate with a negative cash balance. The  
17 department may provide by rule for advancing sufficient funds  
18 to any profession operating with a negative cash balance. The  
19 advancement may be for a period not to exceed 2 consecutive  
20 years, and the regulated profession must pay interest.  
21 Interest shall be calculated at the current rate earned on  
22 investments of a trust fund used by the department to  
23 implement this part. Interest earned shall be allocated to the  
24 various funds in accordance with the allocation of investment  
25 earnings during the period of the advance.

26 (2) Each board, or the department if there is no  
27 board, may charge a fee not to exceed \$25, as determined by  
28 rule, for the issuance of a wall certificate pursuant to s.  
29 455.564(2) requested by a licensee who was licensed prior to  
30 July 1, 1998, or for the issuance of a duplicate wall  
31 certificate requested by any licensee.

1 Section 81. Section 455.601, Florida Statutes, is  
2 amended to read:

3 455.601 Hepatitis B or human immunodeficiency  
4 carriers.--

5 (1) The department and each appropriate board within  
6 the Division of Medical Quality Assurance shall have the  
7 authority to establish procedures to handle, counsel, and  
8 provide other services to health care professionals within  
9 their respective boards who are infected with hepatitis B or  
10 the human immunodeficiency virus.

11 (2) Any person licensed by the department and any  
12 other person employed by a health care facility who contracts  
13 a blood-borne infection shall have a rebuttable presumption  
14 that the illness was contracted in the course and scope of his  
15 or her employment, provided that the person, as soon as  
16 practicable, reports to the person's supervisor or the  
17 facility's risk manager any significant exposure, as that term  
18 is defined in s. 381.004(2)(c), to blood or body fluids. The  
19 employer may test the blood or body fluid to determine if it  
20 is infected with the same disease contracted by the employee.  
21 The employer may rebut the presumption by the preponderance of  
22 the evidence. Except as expressly provided in this subsection,  
23 there shall be no presumption that a blood-borne infection is  
24 a job-related injury or illness.

25 Section 82. Subsections (1) and (6) of section  
26 455.604, Florida Statutes, 1998 Supplement, are amended to  
27 read:

28 455.604 Requirement for instruction for certain  
29 licensees on human immunodeficiency virus and acquired immune  
30 deficiency syndrome.--

31

1           (1) The appropriate board shall require each person  
 2 licensed or certified under chapter 457; chapter 458; chapter  
 3 459; chapter 460; chapter 461; chapter 463; chapter 464;  
 4 chapter 465; chapter 466; part II, part III, ~~or~~ part V, or  
 5 part X of chapter 468; or chapter 486 to complete a continuing  
 6 educational course, approved by the board, on human  
 7 immunodeficiency virus and acquired immune deficiency syndrome  
 8 as part of biennial relicensure or recertification. The course  
 9 shall consist of education on the modes of transmission,  
 10 infection control procedures, clinical management, and  
 11 prevention of human immunodeficiency virus and acquired immune  
 12 deficiency syndrome. Such course shall include information on  
 13 current Florida law on acquired immune deficiency syndrome and  
 14 its impact on testing, confidentiality of test results,  
 15 treatment of patients, and any protocols and procedures  
 16 applicable to human immunodeficiency virus counseling and  
 17 testing, reporting, the offering of HIV testing to pregnant  
 18 women, and partner notification issues pursuant to ss. 381.004  
 19 and 384.25.

20           (6) The board shall require as a condition of granting  
 21 a license under the chapters and parts specified in subsection  
 22 (1) that an applicant making initial application for licensure  
 23 complete an educational course acceptable to the board on  
 24 human immunodeficiency virus and acquired immune deficiency  
 25 syndrome. An applicant who has not taken a course at the time  
 26 of licensure shall, upon an affidavit showing good cause, be  
 27 allowed 6 months to complete this requirement.

28           Section 83. Subsection (1) of section 455.607, Florida  
 29 Statutes, is amended to read:

30  
 31

1           455.607 Athletic trainers and massage therapists;  
2 requirement for instruction on human immunodeficiency virus  
3 and acquired immune deficiency syndrome.--

4           (1) The board, or the department where there is no  
5 board, shall require each person licensed or certified under  
6 part ~~XIII~~ ~~XIV~~ of chapter 468 or chapter 480 to complete a  
7 continuing educational course approved by the board, or the  
8 department where there is no board, on human immunodeficiency  
9 virus and acquired immune deficiency syndrome as part of  
10 biennial relicensure or recertification. The course shall  
11 consist of education on modes of transmission, infection  
12 control procedures, clinical management, and prevention of  
13 human immunodeficiency virus and acquired immune deficiency  
14 syndrome, with an emphasis on appropriate behavior and  
15 attitude change.

16           Section 84. Paragraphs (t), (u), (v), (w), and (x) are  
17 added to subsection (1) of section 455.624, Florida Statutes,  
18 subsection (2) of that section is amended, present subsection  
19 (3) of that section is renumbered as subsection (4) and  
20 amended, present subsections (4) and (5) of that subsection  
21 are renumbered as subsections (5) and (6), respectively, and a  
22 new subsection (3) is added to that section, to read:

23           455.624 Grounds for discipline; penalties;  
24 enforcement.--

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

28           (t) Failing to comply with the requirements of ss.  
29 381.026 and 381.0261 to provide patients with information  
30 about their patient rights and how to file a patient  
31 complaint.

1           (u) Engaging or attempting to engage a patient or  
2 client in verbal or physical sexual activity. For the purposes  
3 of this section, a patient or client shall be presumed to be  
4 incapable of giving free, full, and informed consent to verbal  
5 or physical sexual activity.

6           (v) Failing to comply with the requirements for  
7 profiling and credentialing, including, but not limited to,  
8 failing to provide initial information, failing to timely  
9 provide updated information, or making misleading, untrue,  
10 deceptive, or fraudulent representations on a profile,  
11 credentialing, or initial or renewal licensure application.

12           (w) Failing to report to the board, or the department  
13 if there is no board, in writing within 30 days after the  
14 licensee has been convicted or found guilty of, or entered a  
15 plea of nolo contendere to, regardless of adjudication, a  
16 crime in any jurisdiction. Convictions, findings,  
17 adjudications, and pleas entered into prior to the enactment  
18 of this paragraph must be reported in writing to the board, or  
19 department if there is no board, on or before October 1, 1999.

20           (x) Using information about people involved in motor  
21 vehicle accidents which has been derived from accident reports  
22 made by law enforcement officers or persons involved in  
23 accidents pursuant to s. 316.066, or using information  
24 published in a newspaper or other news publication or through  
25 a radio or television broadcast that has used information  
26 gained from such reports, for the purposes of commercial or  
27 any other solicitation whatsoever of the people involved in  
28 such accidents.

29           (2) When the board, or the department when there is no  
30 board, finds any person guilty of the grounds set forth in  
31 subsection (1) or of any grounds set forth in the applicable

1 practice act, including conduct constituting a substantial  
2 violation of subsection (1) or a violation of the applicable  
3 practice act which occurred prior to obtaining a license, it  
4 may enter an order imposing one or more of the following  
5 penalties:

- 6 (a) Refusal to certify, or to certify with  
7 restrictions, an application for a license.
- 8 (b) Suspension or permanent revocation of a license.
- 9 (c) Restriction of practice.
- 10 (d) Imposition of an administrative fine not to exceed  
11 ~~\$10,000~~~~\$5,000~~ for each count or separate offense.
- 12 (e) Issuance of a reprimand.
- 13 (f) Placement of the licensee on probation for a  
14 period of time and subject to such conditions as the board, or  
15 the department when there is no board, may specify. Those  
16 conditions may include, but are not limited to, requiring the  
17 licensee to undergo treatment, attend continuing education  
18 courses, submit to be reexamined, work under the supervision  
19 of another licensee, or satisfy any terms which are reasonably  
20 tailored to the violations found.
- 21 (g) Corrective action.
- 22 (h) Imposition of an administrative fine in accordance  
23 with s. 381.0261 for violations regarding patient rights.

24  
25 In determining what action is appropriate, the board, or  
26 department when there is no board, must first consider what  
27 sanctions are necessary to protect the public or to compensate  
28 the patient. Only after those sanctions have been imposed may  
29 the disciplining authority consider and include in the order  
30 requirements designed to rehabilitate the practitioner. All  
31

1 costs associated with compliance with orders issued under this  
 2 subsection are the obligation of the practitioner.

3 (3) Notwithstanding subsection (2), if the ground for  
 4 disciplinary action is the first-time failure of the licensee  
 5 to satisfy continuing education requirements established by  
 6 the board, or by the department if there is no board, the  
 7 board or department, as applicable, shall issue a citation in  
 8 accordance with s. 455.617 and assess a fine, as determined by  
 9 the board or department by rule. In addition, for each hour of  
 10 continuing education not completed or completed late, the  
 11 board or department, as applicable, may require the licensee  
 12 to take 1 additional hour of continuing education for each  
 13 hour not completed or completed late.

14 (4)~~(3)~~ In addition to any other discipline imposed  
 15 pursuant to this section or discipline imposed for a violation  
 16 of any practice act, the board, or the department when there  
 17 is no board, may assess costs related to the investigation and  
 18 prosecution of the case ~~excluding costs associated with an~~  
 19 ~~attorney's time~~. In any case where the board or the department  
 20 imposes a fine or assessment and the fine or assessment is not  
 21 paid within a reasonable time, such reasonable time to be  
 22 prescribed in the rules of the board, or the department when  
 23 there is no board, or in the order assessing such fines or  
 24 costs, the department or the Department of Legal Affairs may  
 25 contract for the collection of, or bring a civil action to  
 26 recover, the fine or assessment.

27 Section 85. Section 455.664, Florida Statutes, is  
 28 amended to read:

29 455.664 Advertisement by a health care practitioner  
 30 ~~provider~~ of free or discounted services; required  
 31 statement.--In any advertisement for a free, discounted fee,



1 or reduced fee service, examination, or treatment by a health  
 2 care practitioner ~~provider~~ licensed under chapter 458, chapter  
 3 459, chapter 460, chapter 461, chapter 462, chapter 463,  
 4 chapter 464, chapter 465,chapter 466, chapter 467, chapter  
 5 478, chapter 483, chapter 484,~~or~~ chapter 486, chapter 490, or  
 6 chapter 491,the following statement shall appear in capital  
 7 letters clearly distinguishable from the rest of the text:  
 8 THE PATIENT AND ANY OTHER PERSON RESPONSIBLE FOR PAYMENT HAS A  
 9 RIGHT TO REFUSE TO PAY, CANCEL PAYMENT, OR BE REIMBURSED FOR  
 10 PAYMENT FOR ANY OTHER SERVICE, EXAMINATION, OR TREATMENT THAT  
 11 IS PERFORMED AS A RESULT OF AND WITHIN 72 HOURS OF RESPONDING  
 12 TO THE ADVERTISEMENT FOR THE FREE, DISCOUNTED FEE, OR REDUCED  
 13 FEE SERVICE, EXAMINATION, OR TREATMENT. However, the required  
 14 statement shall not be necessary as an accompaniment to an  
 15 advertisement of a licensed health care practitioner ~~provider~~  
 16 defined by this section if the advertisement appears in a  
 17 classified directory the primary purpose of which is to  
 18 provide products and services at free, reduced, or discounted  
 19 prices to consumers and in which the statement prominently  
 20 appears in at least one place.

21 Section 86. Subsections (7) and (16) of section  
 22 455.667, Florida Statutes, 1998 Supplement, are amended to  
 23 read:

24 455.667 Ownership and control of patient records;  
 25 report or copies of records to be furnished.--

26 (7)(a)1. ~~The department may obtain patient records and~~  
 27 ~~insurance information, if the complaint being investigated~~  
 28 ~~alleges inadequate medical care based on termination of~~  
 29 ~~insurance.~~The department may obtain patient ~~access these~~  
 30 records pursuant to a subpoena without written authorization  
 31 from the patient if the department and the probable cause

1 panel of the appropriate board, if any, find reasonable cause  
 2 to believe that a health care practitioner has excessively or  
 3 inappropriately prescribed any controlled substance specified  
 4 in chapter 893 in violation of this part or any professional  
 5 practice act or that a health care practitioner has practiced  
 6 his or her profession below that level of care, skill, and  
 7 treatment required as defined by this part or any professional  
 8 practice act; ~~provided, however, the~~ and also find that  
 9 appropriate, reasonable attempts were made to obtain a patient  
 10 release.

11 2. The department may obtain patient records and  
 12 insurance information pursuant to a subpoena without written  
 13 authorization from the patient if the department and the  
 14 probable cause panel of the appropriate board, if any, find  
 15 reasonable cause to believe that a health care practitioner  
 16 has provided inadequate medical care based on termination of  
 17 insurance and also find that appropriate, reasonable attempts  
 18 were made to obtain a patient release.

19 3. The department may obtain patient records, billing  
 20 records, insurance information, provider contracts, and all  
 21 attachments thereto pursuant to a subpoena without written  
 22 authorization from the patient if the department and probable  
 23 cause panel of the appropriate board, if any, find reasonable  
 24 cause to believe that a health care practitioner has submitted  
 25 a claim, statement, or bill using a billing code that would  
 26 result in payment greater in amount than would be paid using a  
 27 billing code that accurately describes the services performed,  
 28 requested payment for services that were not performed by that  
 29 health care practitioner, used information derived from a  
 30 written report of an automobile accident generated pursuant to  
 31 chapter 316 to solicit or obtain patients personally or

1 through an agent regardless of whether the information is  
 2 derived directly from the report or a summary of that report  
 3 or from another person, solicited patients fraudulently,  
 4 received a kickback as defined in s. 455.657, violated the  
 5 patient brokering provisions of s. 817.505, or presented or  
 6 caused to be presented a false or fraudulent insurance claim  
 7 within the meaning of s. 817.234(1)(a), and also find that,  
 8 within the meaning of s. 817.234(1)(a), patient authorization  
 9 cannot be obtained because the patient cannot be located or is  
 10 deceased, incapacitated, or suspected of being a participant  
 11 in the fraud or scheme, and if the subpoena is issued for  
 12 specific and relevant records.

13 (b) Patient records, billing records, insurance  
 14 information, provider contracts, and all attachments thereto  
 15 ~~record~~ obtained by the department pursuant to this subsection  
 16 shall be used solely for the purpose of the department and the  
 17 appropriate regulatory board in disciplinary proceedings. ~~The~~  
 18 ~~records shall otherwise be confidential and exempt from s.~~  
 19 ~~119.07(1).~~ This section does not limit the assertion of the  
 20 psychotherapist-patient privilege under s. 90.503 in regard to  
 21 records of treatment for mental or nervous disorders by a  
 22 medical practitioner licensed pursuant to chapter 458 or  
 23 chapter 459 who has primarily diagnosed and treated mental and  
 24 nervous disorders for a period of not less than 3 years,  
 25 inclusive of psychiatric residency. However, the health care  
 26 practitioner shall release records of treatment for medical  
 27 conditions even if the health care practitioner has also  
 28 treated the patient for mental or nervous disorders. If the  
 29 department has found reasonable cause under this section and  
 30 the psychotherapist-patient privilege is asserted, the  
 31 department may petition the circuit court for an in camera

1 review of the records by expert medical practitioners  
2 appointed by the court to determine if the records or any part  
3 thereof are protected under the psychotherapist-patient  
4 privilege.

5 (16) A health care practitioner or records owner  
6 furnishing copies of reports or records or making the reports  
7 or records available for digital scanning pursuant to this  
8 section shall charge no more than the actual cost of copying,  
9 including reasonable staff time, or the amount specified in  
10 administrative rule by the appropriate board, or the  
11 department when there is no board.

12 Section 87. Subsection (3) is added to section  
13 455.687, Florida Statutes, to read:

14 455.687 Certain health care practitioners; immediate  
15 suspension of license.--

16 (3) The department may issue an emergency order  
17 suspending or restricting the license of any health care  
18 practitioner as defined in s. 455.501(4) who tests positive  
19 for any drug on any government or private-sector preemployment  
20 or employer-ordered confirmed drug test, as defined in s.  
21 112.0455, when the practitioner does not have a lawful  
22 prescription and legitimate medical reason for using such  
23 drug. The practitioner shall be given 48 hours from the time  
24 of notification to the practitioner of the confirmed test  
25 result to produce a lawful prescription for the drug before an  
26 emergency order is issued.

27 Section 88. Section 455.694, Florida Statutes, 1998  
28 Supplement, is amended to read:

29 455.694 Financial responsibility requirements for  
30 ~~Boards regulating~~ certain health care practitioners.--

31

1           (1) As a prerequisite for licensure or license  
2 renewal, the Board of Acupuncture, the Board of Chiropractic  
3 Medicine, the Board of Podiatric Medicine, and the Board of  
4 Dentistry shall, by rule, require that all health care  
5 practitioners licensed under the respective board, and the  
6 Board of Nursing shall, by rule, require that advanced  
7 registered nurse practitioners certified under s. 464.012, and  
8 the department shall, by rule, require that midwives maintain  
9 medical malpractice insurance or provide proof of financial  
10 responsibility in an amount and in a manner determined by the  
11 board or department to be sufficient to cover claims arising  
12 out of the rendering of or failure to render professional care  
13 and services in this state.

14           (2) The board or department may grant exemptions upon  
15 application by practitioners meeting any of the following  
16 criteria:

17           (a) Any person licensed under chapter 457, chapter  
18 460, chapter 461, s. 464.012, ~~or~~ chapter 466, or chapter 467  
19 who practices exclusively as an officer, employee, or agent of  
20 the Federal Government or of the state or its agencies or its  
21 subdivisions. For the purposes of this subsection, an agent  
22 of the state, its agencies, or its subdivisions is a person  
23 who is eligible for coverage under any self-insurance or  
24 insurance program authorized by the provisions of s.  
25 768.28(15) or who is a volunteer under s. 110.501(1).

26           (b) Any person whose license or certification has  
27 become inactive under chapter 457, chapter 460, chapter 461,  
28 chapter 464, ~~or~~ chapter 466, or chapter 467 and who is not  
29 practicing in this state. Any person applying for  
30 reactivation of a license must show either that such licensee  
31 maintained tail insurance coverage which provided liability

1 coverage for incidents that occurred on or after October 1,  
2 1993, or the initial date of licensure in this state,  
3 whichever is later, and incidents that occurred before the  
4 date on which the license became inactive; or such licensee  
5 must submit an affidavit stating that such licensee has no  
6 unsatisfied medical malpractice judgments or settlements at  
7 the time of application for reactivation.

8 (c) Any person holding a limited license pursuant to  
9 s. 455.561, and practicing under the scope of such limited  
10 license.

11 (d) Any person licensed or certified under chapter  
12 457, chapter 460, chapter 461, s. 464.012, ~~or~~ chapter 466, or  
13 chapter 467 who practices only in conjunction with his or her  
14 teaching duties at an accredited school or in its main  
15 teaching hospitals. Such person may engage in the practice of  
16 medicine to the extent that such practice is incidental to and  
17 a necessary part of duties in connection with the teaching  
18 position in the school.

19 (e) Any person holding an active license or  
20 certification under chapter 457, chapter 460, chapter 461, s.  
21 464.012, ~~or~~ chapter 466, or chapter 467 who is not practicing  
22 in this state. If such person initiates or resumes practice  
23 in this state, he or she must notify the department of such  
24 activity.

25 (f) Any person who can demonstrate to the board or  
26 department that he or she has no malpractice exposure in the  
27 state.

28 (3) Notwithstanding the provisions of this section,  
29 the financial responsibility requirements of ss. 458.320 and  
30 459.0085 shall continue to apply to practitioners licensed  
31 under those chapters.

1 Section 89. Section 455.712, Florida Statutes, is  
2 created to read:

3 455.712 Business establishments; requirements for  
4 active status licenses.--

5 (1) A business establishment regulated by the Division  
6 of Medical Quality Assurance pursuant to this part may provide  
7 regulated services only if the business establishment has an  
8 active status license. A business establishment that provides  
9 regulated services without an active status license is in  
10 violation of this section and s. 455.624, and the board, or  
11 the department if there is no board, may impose discipline on  
12 the business establishment.

13 (2) A business establishment must apply with a  
14 complete application, as defined by rule of the board, or the  
15 department if there is no board, to renew an active status  
16 license before the license expires. If a business  
17 establishment fails to renew before the license expires, the  
18 license becomes delinquent, except as otherwise provided in  
19 statute, in the license cycle following expiration.

20 (3) A delinquent business establishment must apply  
21 with a complete application, as defined by rule of the board,  
22 or the department if there is no board, for active status  
23 within 6 months after becoming delinquent. Failure of a  
24 delinquent business establishment to renew the license within  
25 the 6 months after the expiration date of the license renders  
26 the license null without any further action by the board or  
27 the department. Any subsequent licensure shall be as a result  
28 of applying for and meeting all requirements imposed on a  
29 business establishment for new licensure.

30 (4) The status or a change in status of a business  
31 establishment license does not alter in any way the right of

1 the board, or of the department if there is no board, to  
2 impose discipline or to enforce discipline previously imposed  
3 on a business establishment for acts or omissions committed by  
4 the business establishment while holding a license, whether  
5 active or null.

6 (5) This section applies to any a business  
7 establishment registered, permitted, or licensed by the  
8 department to do business. Business establishments include,  
9 but are not limited to, dental laboratories, electrology  
10 facilities, massage establishments, pharmacies, and health  
11 care services pools.

12 Section 90. Subsection (7) is added to section  
13 457.102, Florida Statutes, 1998 Supplement, to read:

14 457.102 Definitions.--As used in this chapter:

15 (7) "Prescriptive rights" means the prescription,  
16 administration, and use of needles and devices, restricted  
17 devices, and prescription devices that are used in the  
18 practice of acupuncture and oriental medicine.

19 Section 91. Subsections (2) and (4) of section  
20 458.307, Florida Statutes, 1998 Supplement, are amended to  
21 read:

22 458.307 Board of Medicine.--

23 (2) Twelve members of the board must be licensed  
24 physicians in good standing in this state who are residents of  
25 the state and who have been engaged in the active practice or  
26 teaching of medicine for at least 4 years immediately  
27 preceding their appointment. One of the physicians must be on  
28 the full-time faculty of a medical school in this state, and  
29 one of the physicians must be in private practice and on the  
30 full-time staff of a statutory teaching hospital in this state  
31 as defined in s. 408.07. At least one of the physicians must



1 be a graduate of a foreign medical school. The remaining  
 2 three members must be residents of the state who are not, and  
 3 never have been, licensed health care practitioners. One  
 4 member must be a health care hospital risk manager licensed  
 5 ~~certified~~ under s. 395.10974 ~~part IX of chapter 626~~. At least  
 6 one member of the board must be 60 years of age or older.

7 (4) The board, in conjunction with the department,  
 8 shall establish a disciplinary training program for board  
 9 members. The program shall provide for initial and periodic  
 10 training in the grounds for disciplinary action, the actions  
 11 which may be taken by the board and the department, changes in  
 12 relevant statutes and rules, and any relevant judicial and  
 13 administrative decisions. ~~After January 1, 1989,~~No member of  
 14 the board shall participate on probable cause panels or in  
 15 disciplinary decisions of the board unless he or she has  
 16 completed the disciplinary training program.

17 Section 92. Subsection (3) is added to section  
 18 458.309, Florida Statutes, 1998 Supplement, to read:

19 458.309 Authority to make rules.--

20 (3) All physicians who perform level 2 procedures  
 21 lasting more than 5 minutes and all level 3 surgical  
 22 procedures in an office setting must register the office with  
 23 the department unless that office is licensed as a facility  
 24 pursuant to chapter 395. The department shall inspect the  
 25 physician's office annually unless the office is accredited by  
 26 a nationally recognized accrediting agency or an accrediting  
 27 organization subsequently approved by the Board of Medicine.  
 28 The actual costs for registration and inspection or  
 29 accreditation shall be paid by the person seeking to register  
 30 and operate the office setting in which office surgery is  
 31 performed.

1           Section 93. Section 458.311, Florida Statutes, 1998  
2 Supplement, is amended to read:

3           458.311 Licensure by examination; requirements;  
4 fees.--

5           (1) Any person desiring to be licensed as a physician,  
6 who does not hold a valid license in any state, shall apply to  
7 the department on forms furnished by the department to take  
8 the licensure examination. The department shall license  
9 ~~examine~~ each applicant who ~~whom~~ the board certifies:

10           (a) Has completed the application form and remitted a  
11 nonrefundable application fee not to exceed \$500 ~~and an~~  
12 ~~examination fee not to exceed \$300 plus the actual per~~  
13 ~~applicant cost to the department for purchase of the~~  
14 ~~examination from the Federation of State Medical Boards of the~~  
15 ~~United States or a similar national organization, which is~~  
16 ~~refundable if the applicant is found to be ineligible to take~~  
17 ~~the examination.~~

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

19           (c) Is of good moral character.

20           (d) Has not committed any act or offense in this or  
21 any other jurisdiction which would constitute the basis for  
22 disciplining a physician pursuant to s. 458.331.

23           (e) For any applicant who has graduated from medical  
24 school after October 1, 1992, has completed the equivalent of  
25 2 academic years of preprofessional, postsecondary education,  
26 as determined by rule of the board, which shall include, at a  
27 minimum, courses in such fields as anatomy, biology, and  
28 chemistry prior to entering medical school.

29           (f) Meets one of the following medical education and  
30 postgraduate training requirements:

31

1           1.a. Is a graduate of an allopathic medical school or  
2 allopathic college recognized and approved by an accrediting  
3 agency recognized by the United States Office of Education or  
4 is a graduate of an allopathic medical school or allopathic  
5 college within a territorial jurisdiction of the United States  
6 recognized by the accrediting agency of the governmental body  
7 of that jurisdiction;

8           b. If the language of instruction of the medical  
9 school is other than English, has demonstrated competency in  
10 English through presentation of a satisfactory grade on the  
11 Test of Spoken English of the Educational Testing Service or a  
12 similar test approved by rule of the board; and

13           c. Has completed an approved residency of at least 1  
14 year.

15           2.a. Is a graduate of an allopathic ~~a~~ foreign medical  
16 school registered with the World Health Organization and  
17 certified pursuant to s. 458.314 as having met the standards  
18 required to accredit medical schools in the United States or  
19 reasonably comparable standards;

20           b. If the language of instruction of the foreign  
21 medical school is other than English, has demonstrated  
22 competency in English through presentation of the Educational  
23 Commission for Foreign Medical Graduates English proficiency  
24 certificate or by a satisfactory grade on the Test of Spoken  
25 English of the Educational Testing Service or a similar test  
26 approved by rule of the board; and

27           c. Has completed an approved residency of at least 1  
28 year.

29           3.a. Is a graduate of an allopathic ~~a~~ foreign medical  
30 school which has not been certified pursuant to s. 458.314;

31

1           b. Has had his or her medical credentials evaluated by  
2 the Educational Commission for Foreign Medical Graduates,  
3 holds an active, valid certificate issued by that commission,  
4 and has passed the examination utilized by that commission;  
5 and

6           c. Has completed an approved residency of at least 1  
7 year; however, after October 1, 1992, the applicant shall have  
8 completed an approved residency or fellowship of at least 2  
9 years in one specialty area. However, to be acceptable, the  
10 fellowship experience and training must be counted toward  
11 regular or subspecialty certification by a board recognized  
12 and certified by the American Board of Medical Specialties.

13           (g) Has submitted to the department a set of  
14 fingerprints on a form and under procedures specified by the  
15 department, along with a payment in an amount equal to the  
16 costs incurred by the Department of Health for the criminal  
17 background check of the applicant.

18           (h) Has obtained a passing score, as established by  
19 rule of the board, on the licensure examination of the United  
20 States Medical Licensing Examination (USMLE); or a combination  
21 of the United States Medical Licensing Examination (USMLE),  
22 the examination of the Federation of State Medical Boards of  
23 the United States, Inc. (FLEX), or the examination of the  
24 National Board of Medical Examiners up to the year 2000; or  
25 for the purpose of examination of any applicant who was  
26 licensed on the basis of a state board examination and who is  
27 currently licensed in at least one other jurisdiction of the  
28 United States or Canada, and who has practiced pursuant to  
29 such licensure for a period of at least 10 years, use of the  
30 Special Purpose Examination of the Federation of State Medical  
31 Boards of the United States (SPEX) upon receipt of a passing

1 score as established by rule of the board. However, for the  
2 purpose of examination of any applicant who was licensed on  
3 the basis of a state board examination prior to 1974, who is  
4 currently licensed in at least three other jurisdictions of  
5 the United States or Canada, and who has practiced pursuant to  
6 such licensure for a period of at least 20 years, this  
7 paragraph does not apply.

8 (2) As prescribed by board rule, the board may require  
9 an applicant who does not pass the national licensing  
10 examination after five attempts to complete additional  
11 remedial education or training. The board shall prescribe the  
12 additional requirements in a manner that permits the applicant  
13 to complete the requirements and be reexamined within 2 years  
14 after the date the applicant petitions the board to retake the  
15 examination a sixth or subsequent time.

16 (3) Notwithstanding the provisions of subparagraph  
17 (1)(f)3., a graduate of a foreign medical school need not  
18 present the certificate issued by the Educational Commission  
19 for Foreign Medical Graduates or pass the examination utilized  
20 by that commission if the graduate:

21 (a) Has received a bachelor's degree from an  
22 accredited United States college or university.

23 (b) Has studied at a medical school which is  
24 recognized by the World Health Organization.

25 (c) Has completed all of the formal requirements of  
26 the foreign medical school, except the internship or social  
27 service requirements, and has passed part I of the National  
28 Board of Medical Examiners examination or the Educational  
29 Commission for Foreign Medical Graduates examination  
30 equivalent.  
31

1 (d) Has completed an academic year of supervised  
 2 clinical training in a hospital affiliated with a medical  
 3 school approved by the Council on Medical Education of the  
 4 American Medical Association and upon completion has passed  
 5 part II of the National Board of Medical Examiners examination  
 6 or the Educational Commission for Foreign Medical Graduates  
 7 examination equivalent.

8 (4) The department and the board shall assure that  
 9 applicants for licensure meet the criteria in subsection (1)  
 10 through an investigative process. When the investigative  
 11 process is not completed within the time set out in s.  
 12 120.60(1) and the department or board has reason to believe  
 13 that the applicant does not meet the criteria, the secretary  
 14 or the secretary's designee may issue a 90-day licensure delay  
 15 which shall be in writing and sufficient to notify the  
 16 applicant of the reason for the delay. The provisions of this  
 17 subsection shall control over any conflicting provisions of s.  
 18 120.60(1).

19 (5) The board may not certify to the department for  
 20 licensure any applicant who is under investigation in another  
 21 jurisdiction for an offense which would constitute a violation  
 22 of this chapter until such investigation is completed. Upon  
 23 completion of the investigation, the provisions of s. 458.331  
 24 shall apply. Furthermore, the department may not issue an  
 25 unrestricted license to any individual who has committed any  
 26 act or offense in any jurisdiction which would constitute the  
 27 basis for disciplining a physician pursuant to s. 458.331.  
 28 When the board finds that an individual has committed an act  
 29 or offense in any jurisdiction which would constitute the  
 30 basis for disciplining a physician pursuant to s. 458.331,  
 31

1 then the board may enter an order imposing one or more of the  
2 terms set forth in subsection (9).

3 (6) Each applicant who ~~passes the examination and~~  
4 meets the requirements of this chapter shall be licensed as a  
5 physician, with rights as defined by law.

6 (7) Upon certification by the board, the department  
7 shall impose conditions, limitations, or restrictions on a  
8 license ~~by examination~~ if the applicant is on probation in  
9 another jurisdiction for an act which would constitute a  
10 violation of this chapter.

11 (8) When the board determines that any applicant for  
12 licensure ~~by examination~~ has failed to meet, to the board's  
13 satisfaction, each of the appropriate requirements set forth  
14 in this section, it may enter an order requiring one or more  
15 of the following terms:

16 (a) Refusal to certify to the department an  
17 application for licensure, certification, or registration;

18 (b) Certification to the department of an application  
19 for licensure, certification, or registration with  
20 restrictions on the scope of practice of the licensee; or

21 (c) Certification to the department of an application  
22 for licensure, certification, or registration with placement  
23 of the physician on probation for a period of time and subject  
24 to such conditions as the board may specify, including, but  
25 not limited to, requiring the physician to submit to  
26 treatment, attend continuing education courses, submit to  
27 reexamination, or work under the supervision of another  
28 physician.

29 ~~(9)(a) Notwithstanding any of the provisions of this~~  
30 ~~section, an applicant who, at the time of his or her medical~~  
31 ~~education, was a citizen of the country of Nicaragua and, at~~

1 ~~the time of application for licensure under this subsection,~~  
2 ~~is either a citizen of the country of Nicaragua or a citizen~~  
3 ~~of the United States may make initial application to the~~  
4 ~~department on or before July 1, 1992, for licensure subject to~~  
5 ~~this subsection and may reapply pursuant to board rule. Upon~~  
6 ~~receipt of such application, the department shall issue a~~  
7 ~~2-year restricted license to any applicant therefor upon the~~  
8 ~~applicant's successful completion of the licensure examination~~  
9 ~~as described in paragraph (1)(a) and who the board certifies~~  
10 ~~has met the following requirements:~~

11       1. ~~Is a graduate of a World Health Organization~~  
12 ~~recognized foreign medical institution located in a country in~~  
13 ~~the Western Hemisphere.~~

14       2. ~~Received a medical education which has been~~  
15 ~~determined by the board to be substantially similar, at the~~  
16 ~~time of the applicant's graduation, to approved United States~~  
17 ~~medical programs.~~

18       3. ~~Practiced medicine in the country of Nicaragua for~~  
19 ~~a period of 1 year prior to residing in the United States and~~  
20 ~~has lawful employment authority in the United States.~~

21       4. ~~Has had his or her medical education verified by~~  
22 ~~the Florida Board of Medicine.~~

23       5. ~~Successfully completed the Educational Commission~~  
24 ~~for Foreign Medical Graduates Examination or Foreign Medical~~  
25 ~~Graduate Examination in the Medical Sciences or successfully~~  
26 ~~completed a course developed for the University of Miami for~~  
27 ~~physician training equivalent to the course developed for such~~  
28 ~~purposes pursuant to chapter 74-105, Laws of Florida. No~~  
29 ~~person shall be permitted to enroll in the physician training~~  
30 ~~course until he or she has been certified by the board as~~  
31 ~~having met the requirements of this paragraph or conditionally~~



1 ~~certified by the board as having substantially complied with~~  
 2 ~~the requirements of this paragraph. Any person conditionally~~  
 3 ~~certified by the board shall be required to establish, to the~~  
 4 ~~board's satisfaction, full compliance with all the~~  
 5 ~~requirements of this paragraph prior to completion of the~~  
 6 ~~physician training course and shall not be permitted to sit~~  
 7 ~~for the licensure examination unless the board certifies that~~  
 8 ~~all of the requirements of this paragraph have been met.~~

9  
 10 ~~However, applicants eligible for licensure under s. 455.581 or~~  
 11 ~~subsection (9), 1988 Supplement to the Florida Statutes 1987,~~  
 12 ~~as amended by s. 18, chapter 89-162, Laws of Florida, and ss.~~  
 13 ~~5 and 42, chapter 89-374, Laws of Florida, and renumbered as~~  
 14 ~~subsection (8) by s. 5, chapter 89-374, Laws of Florida, shall~~  
 15 ~~not be eligible to apply under this subsection.~~

16 ~~(b) The holder of a restricted license issued pursuant~~  
 17 ~~to this subsection may practice medicine for the first year~~  
 18 ~~only under the direct supervision, as defined by board rule,~~  
 19 ~~of a board-approved physician.~~

20 ~~(c) Upon recommendation of the supervising physician~~  
 21 ~~and demonstration of clinical competency to the satisfaction~~  
 22 ~~of the board that the holder of a restricted license issued~~  
 23 ~~pursuant to this subsection has practiced for 1 year under~~  
 24 ~~direct supervision, such licenseholder shall work for 1 year~~  
 25 ~~under general supervision, as defined by board rule, of a~~  
 26 ~~Florida-licensed physician in an area of critical need as~~  
 27 ~~determined by the board. Prior to commencing such~~  
 28 ~~supervision, the supervising physician shall notify the board.~~

29 ~~(d) Upon completion of the 1 year of work under~~  
 30 ~~general supervision and demonstration to the board that the~~  
 31 ~~holder of the restricted license has satisfactorily completed~~

1 ~~the requirements of this subsection, and has not committed any~~  
2 ~~act or is not under investigation for any act which would~~  
3 ~~constitute a violation of this chapter, the department shall~~  
4 ~~issue an unrestricted license to such licenseholder.~~

5 ~~(e) Rules necessary to implement and carry out the~~  
6 ~~provisions of this subsection shall be promulgated by the~~  
7 ~~board.~~

8 ~~(10) Notwithstanding any other provision of this~~  
9 ~~section, the department shall examine any person who meets the~~  
10 ~~criteria set forth in sub-subparagraph (1)(f)1.a.,~~  
11 ~~sub-subparagraphs (1)(f)3.a. and b., or subsection (3), if the~~  
12 ~~person:~~

13 ~~(a) Submits proof of successful completion of Steps I~~  
14 ~~and II of the United States Medical Licensing Examination or~~  
15 ~~the equivalent, as defined by rule of the board;~~

16 ~~(b) Is participating in an allocated slot in an~~  
17 ~~allopathic training program in this state on a full-time basis~~  
18 ~~at the time of examination;~~

19 ~~(c) Makes a written request to the department that he~~  
20 ~~or she be administered the examination without applying for a~~  
21 ~~license as a physician in this state; and~~

22 ~~(d) Remits a nonrefundable administration fee, not to~~  
23 ~~exceed \$50, and an examination fee, not to exceed \$300, plus~~  
24 ~~the actual cost per person to the department for the purchase~~  
25 ~~of the examination from the Federation of State Medical Boards~~  
26 ~~of the United States or a similar national organization. The~~  
27 ~~examination fee is refundable if the person is found to be~~  
28 ~~ineligible to take the examination.~~

29 Section 94. Section 458.3115, Florida Statutes, 1998  
30 Supplement, is amended to read:

31

1           458.3115 Restricted license; certain foreign-licensed  
 2 physicians; ~~United States Medical Licensing Examination~~  
 3 ~~(USMLE) or agency-developed~~ examination; restrictions on  
 4 practice; full licensure.--

5           (1)(a) Notwithstanding any other provision of law, the  
 6 department ~~agency~~ shall provide procedures under which certain  
 7 physicians who are or were foreign-licensed and have practiced  
 8 medicine no less than 2 years may take the USMLE or an  
 9 ~~agency-developed~~ examination developed by the department, in  
 10 consultation with the board, to qualify for a restricted  
 11 license to practice medicine in this state. The  
 12 department-developed ~~agency and board-developed~~ examination  
 13 shall test the same areas of medical knowledge as the  
 14 Federation of State Medical Boards of the United States, Inc.  
 15 (FLEX) previously administered by the Florida Board of  
 16 Medicine to grant medical licensure in Florida. The  
 17 department-developed ~~agency-developed~~ examination must be made  
 18 available no later than December 31, 1998, to a physician who  
 19 qualifies for licensure. A person who is eligible to take and  
 20 elects to take the department-developed ~~agency and~~  
 21 ~~board-developed~~ examination, who has previously passed part 1  
 22 or part 2 of the previously administered FLEX shall not be  
 23 required to retake or pass the equivalent parts of the  
 24 department-developed ~~agency-developed~~ examination, and may sit  
 25 for the department-developed ~~agency and board-developed~~  
 26 examination five times within 5 years.

27           (b) A person who is eligible to take and elects to  
 28 take the USMLE who has previously passed part 1 or part 2 of  
 29 the previously administered FLEX shall not be required to  
 30 retake or pass the equivalent parts of the USMLE up to the  
 31 year 2000.

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

3 1. Has taken, upon approval by the board, and  
4 completed, in November 1990 or November 1992, one of the  
5 special preparatory medical update courses authorized by the  
6 board and the University of Miami Medical School and  
7 subsequently passed the final course examination; upon  
8 approval by the board to take the course completed in 1990 or  
9 in 1992, has a certificate of successful completion of that  
10 course from the University of Miami or the Stanley H. Kaplan  
11 course; or can document to the department that he or she was  
12 one of the persons who took and successfully completed the  
13 Stanley H. Kaplan course that was approved by the board of  
14 ~~Medicine~~ and supervised by the University of Miami. At a  
15 minimum, the documentation must include class attendance  
16 records and the test score on the final course examination;

17 2. Applies to the department ~~agency~~ and submits an  
18 application fee that is nonrefundable and equivalent to the  
19 fee required for full licensure;

20 3. Documents no less than 2 years of the active  
21 practice of medicine in any ~~another~~ jurisdiction;

22 4. Submits an examination fee that is nonrefundable  
23 and equivalent to the fee required for full licensure plus the  
24 actual per-applicant cost to the department ~~agency~~ to provide  
25 either examination described in this section;

26 5. Has not committed any act or offense in this or any  
27 other jurisdiction that would constitute a substantial basis  
28 for disciplining a physician under this chapter or part II of  
29 chapter 455; and

30 6. Is not under discipline, investigation, or  
31 prosecution in this or any other jurisdiction for an act that

1 would constitute a violation of this chapter or part II of  
 2 chapter 455 and that substantially threatened or threatens the  
 3 public health, safety, or welfare.

4 (d) Every person eligible for restricted licensure  
 5 under this section may sit for the USMLE or the  
 6 department-developed ~~agency and board-developed~~ examination  
 7 five times within 5 calendar years. Applicants desiring to  
 8 use portions of the FLEX and the USMLE may do so up to the  
 9 year 2000. However, notwithstanding subparagraph (c)3.,  
 10 applicants applying under this section who fail the  
 11 examination up to a total of five times will only be required  
 12 to pay the examination fee required for full licensure for the  
 13 second and subsequent times they take the examination.

14 (e) The department ~~Agency for Health Care~~  
 15 ~~Administration~~ and the board shall be responsible for working  
 16 with one or more organizations to offer a medical refresher  
 17 course designed to prepare applicants to take either licensure  
 18 examination described in this section. The organizations may  
 19 develop the medical refresher course, purchase such a course,  
 20 or contract for such a course from a private organization that  
 21 specializes in developing such courses.

22 (f) The course shall require no less than two 16-week  
 23 semesters of 16 contact hours per week for a total of 256  
 24 contact hours per student for each semester. The cost is to be  
 25 paid by the students taking the course.

26 (2)(a) Before the department ~~agency~~ may issue a  
 27 restricted license to an applicant under this section, the  
 28 applicant must have passed either of the two examinations  
 29 described in this section. However, the board may impose  
 30 reasonable restrictions on the applicant's license to  
 31

1 practice. These restrictions may include, but are not limited  
2 to:

3 1. Periodic and random department ~~agency~~ audits of the  
4 licensee's patient records and review of those records by the  
5 board or the department ~~agency~~.

6 2. Periodic appearances of the licensee before the  
7 board or the department ~~agency~~.

8 3. Submission of written reports to the board or the  
9 department ~~agency~~.

10 (b) A restricted licensee under this section shall  
11 practice under the supervision of a full licensee approved by  
12 the board with the first year of the licensure period being  
13 under direct supervision as defined by board rule and the  
14 second year being under indirect supervision as defined by  
15 board rule.

16 (c) The board may adopt rules necessary to implement  
17 this subsection.

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

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

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

30 (b) The department ~~agency~~ shall renew a restricted  
31 license under this section upon payment of the same fees

1 required for renewal for a full license if the restricted  
2 licensee is under discipline, investigation, or prosecution  
3 for a violation which posed or poses a substantial threat to  
4 the public health, safety, or welfare and the board has not  
5 permanently revoked the restricted license. A restricted  
6 licensee who has renewed such restricted license shall become  
7 eligible for full licensure when the licensee is no longer  
8 under discipline, investigation, or prosecution.

9 (4) The board shall adopt rules necessary to carry out  
10 the provisions of this section.

11 Section 95. Subsections (1), (2), and (8) of section  
12 458.313, Florida Statutes, are amended to read:

13 458.313 Licensure by endorsement; requirements;  
14 fees.--

15 (1) The department shall issue a license by  
16 endorsement to any applicant who, upon applying to the  
17 department on forms furnished by the department and remitting  
18 a fee set by the board not to exceed \$500 ~~set by the board~~,  
19 the board certifies:

20 (a) Has met the qualifications for licensure in s.  
21 458.311(1)(b)-(g) or in s. 458.311(1)(b)-(e) and (g) and (3);

22 (b) Prior to January 1, 2000, has obtained a passing  
23 score, as established by rule of the board, on the licensure  
24 examination of the Federation of State Medical Boards of the  
25 United States, Inc. (FLEX), on ~~or of~~ the United States Medical  
26 Licensing Examination (USMLE), or on the examination of the  
27 National Board of Medical Examiners, or on a combination  
28 thereof, and on or after January 1, 2000, has obtained a  
29 passing score on the United States Medical Licensing  
30 Examination (USMLE) ~~provided the board certifies as eligible~~  
31 ~~for licensure by endorsement any applicant who took the~~

1 ~~required examinations more than 10 years prior to application;~~  
2 and

3 (c) Has submitted evidence of the active licensed  
4 practice of medicine in another jurisdiction, for at least 2  
5 of the immediately preceding 4 years, or evidence of  
6 successful completion of either a board-approved postgraduate  
7 training program within 2 years preceding filing of an  
8 application, or a board-approved clinical competency  
9 examination, within the year preceding the filing of an  
10 application for licensure. For purposes of this paragraph,  
11 "active licensed practice of medicine" means that practice of  
12 medicine by physicians, including those employed by any  
13 governmental entity in community or public health, as defined  
14 by this chapter, medical directors under s. 641.495(11) who  
15 are practicing medicine, and those on the active teaching  
16 faculty of an accredited medical school.

17 ~~(2)(a) As prescribed by board rule, the board may~~  
18 ~~require an applicant who does not pass the licensing~~  
19 ~~examination after five attempts to complete additional~~  
20 ~~remedial education or training. The board shall prescribe the~~  
21 ~~additional requirements in a manner that permits the applicant~~  
22 ~~to complete the requirements and be reexamined within 2 years~~  
23 ~~after the date the applicant petitions the board to retake the~~  
24 ~~examination a sixth or subsequent time.~~

25 ~~(b)~~ The board may require an applicant for licensure  
26 by endorsement to take and pass the appropriate licensure  
27 examination prior to certifying the applicant as eligible for  
28 licensure.

29 ~~(8) The department shall reactivate the license of any~~  
30 ~~physician whose license has become void by failure to practice~~  
31 ~~in Florida for a period of 1 year within 3 years after~~



1 ~~issuance of the license by endorsement, if the physician was~~  
2 ~~issued a license by endorsement prior to 1989, has actively~~  
3 ~~practiced medicine in another state for the last 4 years,~~  
4 ~~applies for licensure before October 1, 1998, pays the~~  
5 ~~applicable fees, and otherwise meets any continuing education~~  
6 ~~requirements for reactivation of the license as determined by~~  
7 ~~the board.~~

8 Section 96. Subsection (1) of section 458.315, Florida  
9 Statutes, is amended to read:

10 458.315 Temporary certificate for practice in areas of  
11 critical need.--Any physician who is licensed to practice in  
12 any other state, whose license is currently valid, and who  
13 pays an application fee of \$300 may be issued a temporary  
14 certificate to practice in communities of Florida where there  
15 is a critical need for physicians. A certificate may be  
16 issued to a physician who will be employed by a county health  
17 department, correctional facility, community health center  
18 funded by s. 329, s. 330, or s. 340 of the United States  
19 Public Health Services Act, or other entity that provides  
20 health care to indigents and that is approved by the State  
21 Health Officer. The Board of Medicine may issue this  
22 temporary certificate with the following restrictions:

23 (1) The board shall determine the areas of critical  
24 need, and the physician so certified may practice in any of  
25 those areas ~~only in that specific area~~ for a time to be  
26 determined by the board. Such areas shall include, but not be  
27 limited to, health professional shortage areas designated by  
28 the United States Department of Health and Human Services.

29 (a) A recipient of a temporary certificate for  
30 practice in areas of critical need may use the license to work  
31

1 for any approved employer in any area of critical need  
2 approved by the board.

3 (b) The recipient of a temporary certificate for  
4 practice in areas of critical need shall, within 30 days after  
5 accepting employment, notify the board of all approved  
6 institutions in which the licensee practices and of all  
7 approved institutions where practice privileges have been  
8 denied.

9 Section 97. Section 458.3165, Florida Statutes, is  
10 amended to read:

11 458.3165 Public psychiatry certificate.--The board  
12 shall issue a public psychiatry certificate to an individual  
13 who remits an application fee not to exceed \$300, as set by  
14 the board, who is a board-certified psychiatrist, who is  
15 licensed to practice medicine without restriction in another  
16 state, and who meets the requirements in s. 458.311(1)(a)-(g)  
17 and (5). A recipient of a public psychiatry certificate may  
18 use the certificate to work at any public mental health  
19 facility or program funded in part or entirely by state funds.

20 (1) Such certificate shall:

21 (a) Authorize the holder to practice only in a public  
22 mental health facility or program funded in part or entirely  
23 by state funds.

24 (b) Be issued and renewable biennially if the  
25 secretary of the Department of Health ~~and Rehabilitative~~  
26 ~~Services~~ and the chair of the department of psychiatry at one  
27 of the public medical schools or the chair of the department  
28 of psychiatry at the accredited medical school at the  
29 University of Miami recommend in writing that the certificate  
30 be issued or renewed.

31

1 (c) Automatically expire if the holder's relationship  
2 with a public mental health facility or program expires.

3 (d) Not be issued to a person who has been adjudged  
4 unqualified or guilty of any of the prohibited acts in this  
5 chapter.

6 (2) The board may take disciplinary action against a  
7 certificateholder for noncompliance with any part of this  
8 section or for any reason for which a regular licensee may be  
9 subject to discipline.

10 Section 98. Subsection (4) is added to section  
11 458.317, Florida Statutes, 1998 Supplement, to read:

12 458.317 Limited licenses.--

13 (4) Any person holding an active license to practice  
14 medicine in the state may convert that license to a limited  
15 license for the purpose of providing volunteer, uncompensated  
16 care for low-income Floridians. The applicant must submit a  
17 statement from the employing agency or institution stating  
18 that he or she will not receive compensation for any service  
19 involving the practice of medicine. The application and all  
20 licensure fees, including neurological injury compensation  
21 assessments, shall be waived.

22 Section 99. Paragraph (mm) is added to subsection (1)  
23 of section 458.331, Florida Statutes, 1998 Supplement, and  
24 subsection (2) of that section is amended to read:

25 458.331 Grounds for disciplinary action; action by the  
26 board and department.--

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

30 (mm) Failing to comply with the requirements of ss.  
31 381.026 and 381.0261 to provide patients with information

1 about their patient rights and how to file a patient  
2 complaint.

3 (2) When the board finds any person guilty of any of  
4 the grounds set forth in subsection (1), including conduct  
5 that would constitute a substantial violation of subsection  
6 (1) which occurred prior to licensure, it may enter an order  
7 imposing one or more of the following penalties:

8 (a) Refusal to certify, or certification with  
9 restrictions, to the department an application for licensure,  
10 certification, or registration.

11 (b) Revocation or suspension of a license.

12 (c) Restriction of practice.

13 (d) Imposition of an administrative fine not to exceed  
14 \$10,000~~\$5,000~~ for each count or separate offense.

15 (e) Issuance of a reprimand.

16 (f) Placement of the physician on probation for a  
17 period of time and subject to such conditions as the board may  
18 specify, including, but not limited to, requiring the  
19 physician to submit to treatment, to attend continuing  
20 education courses, to submit to reexamination, or to work  
21 under the supervision of another physician.

22 (g) Issuance of a letter of concern.

23 (h) Corrective action.

24 (i) Refund of fees billed to and collected from the  
25 patient.

26 (j) Imposition of an administrative fine in accordance  
27 with s. 381.0261 for violations regarding patient rights.

28  
29 In determining what action is appropriate, the board must  
30 first consider what sanctions are necessary to protect the  
31 public or to compensate the patient. Only after those

1 sanctions have been imposed may the disciplining authority  
2 consider and include in the order requirements designed to  
3 rehabilitate the physician. All costs associated with  
4 compliance with orders issued under this subsection are the  
5 obligation of the physician.

6 Section 100. Subsection (7) of section 458.347,  
7 Florida Statutes, 1998 Supplement, is amended to read:

8 458.347 Physician assistants.--

9 (7) PHYSICIAN ASSISTANT LICENSURE.--

10 (a) Any person desiring to be licensed as a physician  
11 assistant must apply to the department. The department shall  
12 issue a license to any person certified by the council as  
13 having met the following requirements:

14 1. Is at least 18 years of age.

15 2. Has satisfactorily passed a proficiency examination  
16 by an acceptable score established by the National Commission  
17 on Certification of Physician Assistants. If an applicant  
18 does not hold a current certificate issued by the National  
19 Commission on Certification of Physician Assistants and has  
20 not actively practiced as a physician assistant within the  
21 immediately preceding 4 years, the applicant must retake and  
22 successfully complete the entry-level examination of the  
23 National Commission on Certification of Physician Assistants  
24 to be eligible for licensure.

25 3. Has completed the application form and remitted an  
26 application fee not to exceed \$300 as set by the boards. An  
27 application for licensure made by a physician assistant must  
28 include:

29 a. A certificate of completion of a physician  
30 assistant training program specified in subsection (6).

31 b. A sworn statement of any prior felony convictions.

1 c. A sworn statement of any previous revocation or  
2 denial of licensure or certification in any state.

3 d. Two letters of recommendation.

4 (b)1. Notwithstanding subparagraph (a)2. and  
5 sub-subparagraph (a)3.a., the department shall examine each  
6 applicant who the Board of Medicine certifies:

7 a. Has completed the application form and remitted a  
8 nonrefundable application fee not to exceed \$500 and an  
9 examination fee not to exceed \$300, plus the actual cost to  
10 the department to provide the examination. The examination  
11 fee is refundable if the applicant is found to be ineligible  
12 to take the examination. The department shall not require the  
13 applicant to pass a separate practical component of the  
14 examination. For examinations given after July 1, 1998,  
15 competencies measured through practical examinations shall be  
16 incorporated into the written examination through a  
17 multiple-choice format. The department shall translate the  
18 examination into the native language of any applicant who  
19 requests and agrees to pay all costs of such translation,  
20 provided that the translation request is filed with the board  
21 office no later than 9 months before the scheduled examination  
22 and the applicant remits translation fees as specified by the  
23 department no later than 6 months before the scheduled  
24 examination, and provided that the applicant demonstrates to  
25 the department the ability to communicate orally in basic  
26 English. If the applicant is unable to pay translation costs,  
27 the applicant may take the next available examination in  
28 English if the applicant submits a request in writing by the  
29 application deadline and if the applicant is otherwise  
30 eligible under this section. To demonstrate the ability to  
31 communicate orally in basic English, a passing score or grade

1 is required, as determined by the department or organization  
2 that developed it, on one of the following English  
3 examinations:

4 (I) The test for spoken English (TSE) by the  
5 Educational Testing Service (ETS);

6 (II) The test of English as a foreign language  
7 (TOEFL), by ETS;

8 (III) A high school or college level English course;

9 (IV) The English examination for citizenship,  
10 Immigration and Naturalization Service.

11  
12 A notarized copy of an Educational Commission for Foreign  
13 Medical Graduates (ECFMG) certificate may also be used to  
14 demonstrate the ability to communicate in basic English.

15 b. Is an unlicensed physician who graduated from a  
16 foreign medical school listed with the World Health  
17 Organization who has not previously taken and failed the  
18 examination of the National Commission on Certification of  
19 Physician Assistants and who has been certified by the Board  
20 of Medicine as having met the requirements for licensure as a  
21 medical doctor by examination as set forth in s. 458.311(1),  
22 (3), (4), and (5), with the exception that the applicant is  
23 not required to have completed an approved residency of at  
24 least 1 year and the applicant is not required to have passed  
25 the licensing examination specified under s. 458.311 or hold a  
26 valid, active certificate issued by the Educational Commission  
27 for Foreign Medical Graduates.

28 c. Was eligible and made initial application for  
29 certification as a physician assistant in this state between  
30 July 1, 1990, and June 30, 1991.

31

1           d. Was a resident of this state on July 1, 1990, or  
2 was licensed or certified in any state in the United States as  
3 a physician assistant on July 1, 1990.

4           2. The department may grant temporary licensure to an  
5 applicant who meets the requirements of subparagraph 1.  
6 Between meetings of the council, the department may grant  
7 temporary licensure to practice based on the completion of all  
8 temporary licensure requirements. All such administratively  
9 issued licenses shall be reviewed and acted on at the next  
10 regular meeting of the council. A temporary license expires  
11 30 days after ~~upon~~ receipt and notice of scores to the  
12 licenseholder from the first available examination specified  
13 in subparagraph 1. following licensure by the department. An  
14 applicant who fails the proficiency examination is no longer  
15 temporarily licensed, but may apply for a one-time extension  
16 of temporary licensure after reapplying for the next available  
17 examination. Extended licensure shall expire upon failure of  
18 the licenseholder to sit for the next available examination or  
19 upon receipt and notice of scores to the licenseholder from  
20 such examination.

21           3. Notwithstanding any other provision of law, the  
22 examination specified pursuant to subparagraph 1. shall be  
23 administered by the department only five times. Applicants  
24 certified by the board for examination shall receive at least  
25 6 months' notice of eligibility prior to the administration of  
26 the initial examination. Subsequent examinations shall be  
27 administered at 1-year intervals following the reporting of  
28 the scores of the first and subsequent examinations. For the  
29 purposes of this paragraph, the department may develop,  
30 contract for the development of, purchase, or approve an  
31 examination, ~~including a practical component,~~ that adequately



1 measures an applicant's ability to practice with reasonable  
2 skill and safety. The minimum passing score on the  
3 examination shall be established by the department, with the  
4 advice of the board. Those applicants failing to pass that  
5 examination or any subsequent examination shall receive notice  
6 of the administration of the next examination with the notice  
7 of scores following such examination. Any applicant who  
8 passes the examination and meets the requirements of this  
9 section shall be licensed as a physician assistant with all  
10 rights defined thereby.

11 (c) The license must be renewed biennially. Each  
12 renewal must include:

13 1. A renewal fee not to exceed \$500 as set by the  
14 boards.

15 2. A sworn statement of no felony convictions in the  
16 previous 2 years.

17 (d) Each licensed physician assistant shall biennially  
18 complete 100 hours of continuing medical education or shall  
19 hold a current certificate issued by the National Commission  
20 on Certification of Physician Assistants.

21 (e) Upon employment as a physician assistant, a  
22 licensed physician assistant must notify the department in  
23 writing within 30 days after such employment or after any  
24 subsequent changes in the supervising physician. The  
25 notification must include the full name, Florida medical  
26 license number, specialty, and address of the supervising  
27 physician.

28 (f) Notwithstanding subparagraph (a)2., the department  
29 may grant to a recent graduate of an approved program, as  
30 specified in subsection (6), who expects to take the first  
31 examination administered by the National Commission on

1 Certification of Physician Assistants available for  
2 registration after the applicant's graduation, a temporary  
3 license. The temporary license shall to expire 30 days after  
4 ~~upon~~ receipt of scores of the proficiency examination  
5 administered by the National Commission on Certification of  
6 Physician Assistants. Between meetings of the council, the  
7 department may grant a temporary license to practice based on  
8 the completion of all temporary licensure requirements. All  
9 such administratively issued licenses shall be reviewed and  
10 acted on at the next regular meeting of the council. The  
11 recent graduate may be licensed prior to employment, but must  
12 comply with paragraph (e). An applicant who has passed the  
13 proficiency examination may be granted permanent licensure. An  
14 applicant failing the proficiency examination is no longer  
15 temporarily licensed, but may reapply for a 1-year extension  
16 of temporary licensure. An applicant may not be granted more  
17 than two temporary licenses and may not be licensed as a  
18 physician assistant until he or she passes the examination  
19 administered by the National Commission on Certification of  
20 Physician Assistants. As prescribed by board rule, the council  
21 may require an applicant who does not pass the licensing  
22 examination after five or more attempts to complete additional  
23 remedial education or training. The council shall prescribe  
24 the additional requirements in a manner that permits the  
25 applicant to complete the requirements and be reexamined  
26 within 2 years after the date the applicant petitions the  
27 council to retake the examination a sixth or subsequent time.

28 (g) The Board of Medicine may impose any of the  
29 penalties specified in ss. 455.624 and 458.331(2) upon a  
30 physician assistant if the physician assistant or the  
31 supervising physician has been found guilty of or is being

1 investigated for any act that constitutes a violation of this  
2 chapter or part II of chapter 455.

3 Section 101. Section 459.005, Florida Statutes, 1998  
4 Supplement, is amended to read:

5 459.005 Rulemaking authority.--

6 (1) The board has authority to adopt rules pursuant to  
7 ss. 120.536(1) and 120.54 to implement the provisions of this  
8 chapter conferring duties upon it.

9 (2) All physicians who perform level 2 procedures  
10 lasting more than 5 minutes and all level 3 surgical  
11 procedures in an office setting must register the office with  
12 the department unless that office is licensed as a facility  
13 pursuant to chapter 395. The department shall inspect the  
14 physician's office annually unless the office is accredited by  
15 a nationally recognized accrediting agency or an accrediting  
16 organization subsequently approved by the Board of Osteopathic  
17 Medicine. The actual costs for registration and inspection or  
18 accreditation shall be paid by the person seeking to register  
19 and operate the office setting in which office surgery is  
20 performed.

21 Section 102. Subsection (7) is added to section  
22 459.0075, Florida Statutes, to read:

23 459.0075 Limited licenses.--

24 (7) Any person holding an active license to practice  
25 osteopathic medicine in the state may convert that license to  
26 a limited license for the purpose of providing volunteer,  
27 uncompensated care for low-income Floridians. The applicant  
28 must submit a statement from the employing agency or  
29 institution stating that he or she will not receive  
30 compensation for any service involving the practice of  
31 osteopathic medicine. The application and all licensure fees,

1 including neurological injury compensation assessments, shall  
2 be waived.

3 Section 103. Paragraph (oo) is added to subsection (1)  
4 of section 459.015, Florida Statutes, 1998 Supplement, and  
5 subsection (2) of that section is amended to read:

6 459.015 Grounds for disciplinary action by the  
7 board.--

8 (1) The following acts shall constitute grounds for  
9 which the disciplinary actions specified in subsection (2) may  
10 be taken:

11 (oo) Failing to comply with the requirements of ss.  
12 381.026 and 381.0261 to provide patients with information  
13 about their patient rights and how to file a patient  
14 complaint.

15 (2) When the board finds any person guilty of any of  
16 the grounds set forth in subsection (1), it may enter an order  
17 imposing one or more of the following penalties:

18 (a) Refusal to certify, or certify with restrictions,  
19 to the department an application for certification, licensure,  
20 renewal, or reactivation.

21 (b) Revocation or suspension of a license or  
22 certificate.

23 (c) Restriction of practice.

24 (d) Imposition of an administrative fine not to exceed  
25 ~~\$10,000~~~~\$5,000~~ for each count or separate offense.

26 (e) Issuance of a reprimand.

27 (f) Issuance of a letter of concern.

28 (g) Placement of the osteopathic physician on  
29 probation for a period of time and subject to such conditions  
30 as the board may specify, including, but not limited to,  
31 requiring the osteopathic physician to submit to treatment,

1 attend continuing education courses, submit to reexamination,  
2 or work under the supervision of another osteopathic  
3 physician.

4 (h) Corrective action.

5 (i) Refund of fees billed to and collected from the  
6 patient.

7 (j) Imposition of an administrative fine in accordance  
8 with s. 381.0261 for violations regarding patient rights.

9  
10 In determining what action is appropriate, the board must  
11 first consider what sanctions are necessary to protect the  
12 public or to compensate the patient. Only after those  
13 sanctions have been imposed may the disciplining authority  
14 consider and include in the order requirements designed to  
15 rehabilitate the physician. All costs associated with  
16 compliance with orders issued under this subsection are the  
17 obligation of the physician.

18 Section 104. Subsection (6) is added to section  
19 460.402, Florida Statutes, to read:

20 460.402 Exceptions.--The provisions of this chapter  
21 shall not apply to:

22 (6) A chiropractic student enrolled in a chiropractic  
23 college accredited by the Council on Chiropractic Education  
24 and participating in a community-based internship under the  
25 direct supervision of a doctor of chiropractic medicine who is  
26 credentialed as an adjunct faculty member of a chiropractic  
27 college in which the student is enrolled.

28 Section 105. Present subsections (4) through (10) of  
29 section 460.403, Florida Statutes, 1998 Supplement, are  
30 renumbered as subsections (5) through (11), respectively, a  
31

1 new subsection (4) is added to that section, and present  
2 subsections (6) and (9) are amended, to read:

3           460.403 Definitions.--As used in this chapter, the  
4 term:

5           (4) "Community-based internship" means a program in  
6 which a student enrolled in the last year of a chiropractic  
7 college accredited by the Council on Chiropractic Education is  
8 approved to obtain required pregraduation clinical experience  
9 in a chiropractic clinic or practice under the direct  
10 supervision of a doctor of chiropractic medicine approved as  
11 an adjunct faculty member of the chiropractic college in which  
12 the student is enrolled, according to the teaching protocols  
13 for the clinical practice requirements of the college.

14           ~~(7)~~~~(6)~~ "Direct supervision" means responsible  
15 supervision and control, with the licensed chiropractic  
16 physician assuming legal liability for the services rendered  
17 by a registered chiropractic assistant or a chiropractic  
18 student enrolled in a community-based intern program. Except  
19 in cases of emergency, direct supervision shall require the  
20 physical presence of the licensed chiropractic physician for  
21 consultation and direction of the actions of the registered  
22 chiropractic assistant or a chiropractic student enrolled in a  
23 community-based intern program. The board shall further  
24 establish rules as to what constitutes responsible direct  
25 supervision of a registered chiropractic assistant.

26           ~~(10)~~~~(9)~~ "Registered chiropractic assistant" means a  
27 person who is registered by the board to perform chiropractic  
28 services under the direct supervision of a chiropractic  
29 physician or certified chiropractic physician's assistant.

30           Section 106. Subsection (1) of section 460.406,  
31 Florida Statutes, 1998 Supplement, is amended to read:

1           460.406 Licensure by examination.--

2           (1) Any person desiring to be licensed as a  
3 chiropractic physician shall apply to the department to take  
4 the licensure examination. There shall be an application fee  
5 set by the board not to exceed \$100 which shall be  
6 nonrefundable. There shall also be an examination fee not to  
7 exceed \$500 plus the actual per applicant cost to the  
8 department for purchase of portions of the examination from  
9 the National Board of Chiropractic Examiners or a similar  
10 national organization, which may be refundable if the  
11 applicant is found ineligible to take the examination. The  
12 department shall examine each applicant who the board  
13 certifies has:

14           (a) Completed the application form and remitted the  
15 appropriate fee.

16           (b) Submitted proof satisfactory to the department  
17 that he or she is not less than 18 years of age.

18           (c) Submitted proof satisfactory to the department  
19 that he or she is a graduate of a chiropractic college which  
20 is accredited by or has status with the Council on  
21 Chiropractic Education or its predecessor agency. However, any  
22 applicant who is a graduate of a chiropractic college that was  
23 initially accredited by the Council on Chiropractic Education  
24 in 1995, who graduated from such college within the 4 years  
25 immediately preceding such accreditation, and who is otherwise  
26 qualified shall be eligible to take the examination. No  
27 application for a license to practice chiropractic medicine  
28 shall be denied solely because the applicant is a graduate of  
29 a chiropractic college that subscribes to one philosophy of  
30 chiropractic medicine as distinguished from another.

31

1 (d)1. For an applicant who has matriculated in a  
 2 chiropractic college prior to July 2, 1990, completed at least  
 3 2 years of residence college work, consisting of a minimum of  
 4 one-half the work acceptable for a bachelor's degree granted  
 5 on the basis of a 4-year period of study, in a college or  
 6 university accredited by an accrediting agency recognized and  
 7 approved by the United States Department of Education.  
 8 However, prior to being certified by the board to sit for the  
 9 examination, each applicant who has matriculated in a  
 10 chiropractic college after July 1, 1990, shall have been  
 11 granted a bachelor's degree, based upon 4 academic years of  
 12 study, by a college or university accredited by a regional  
 13 accrediting agency which is a member of the Commission on  
 14 Recognition of Postsecondary Accreditation.

15 2. Effective July 1, 2000, completed, prior to  
 16 matriculation in a chiropractic college, at least 3 years of  
 17 residence college work, consisting of a minimum of 90 semester  
 18 hours leading to a bachelor's degree in a liberal arts college  
 19 or university accredited by an accrediting agency recognized  
 20 and approved by the United States Department of Education.  
 21 However, prior to being certified by the board to sit for the  
 22 examination, each applicant who has matriculated in a  
 23 chiropractic college after July 1, 2000, shall have been  
 24 granted a bachelor's degree from an institution holding  
 25 accreditation for that degree from a regional accrediting  
 26 agency which is recognized by the United States Department of  
 27 Education. The applicant's chiropractic degree must consist  
 28 of credits earned in the chiropractic program and may not  
 29 include academic credit for courses from the bachelor's  
 30 degree.

31



1       ~~(e) Completed not less than a 3-month training program~~  
 2 ~~in this state of not less than 300 hours with a chiropractic~~  
 3 ~~physician licensed in this state. The chiropractic physician~~  
 4 ~~candidate may perform all services offered by the licensed~~  
 5 ~~chiropractic physician, but must be under the supervision of~~  
 6 ~~the licensed chiropractic physician until the results of the~~  
 7 ~~first licensure examination for which the candidate has~~  
 8 ~~qualified have been received, at which time the candidate's~~  
 9 ~~training program shall be terminated. However, an applicant~~  
 10 ~~who has practiced chiropractic medicine in any other state,~~  
 11 ~~territory, or jurisdiction of the United States or any foreign~~  
 12 ~~national jurisdiction for at least 5 years as a licensed~~  
 13 ~~chiropractic physician need not be required to complete the~~  
 14 ~~3-month training program as a requirement for licensure.~~

15       (e)(f) Successfully completed the National Board of  
 16 Chiropractic Examiners certification examination in parts I  
 17 and II and clinical competency, with a score approved by the  
 18 board, within 10 years immediately preceding application to  
 19 the department for licensure.

20       (f)(g) Submitted to the department a set of  
 21 fingerprints 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 criminal  
 24 background check of the applicant.

25       Section 107. Paragraphs (p) and (dd) of subsection (1)  
 26 and paragraph (b) of subsection (2) of section 460.413,  
 27 Florida Statutes, 1998 Supplement, are amended to read:

28       460.413 Grounds for disciplinary action; action by the  
 29 board.--  
 30  
 31

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

4 (p) Prescribing, dispensing, or administering any  
5 medicinal drug except as authorized by s. 460.403(9)(c)2.~~s.~~  
6 ~~460.403(8)(c)2.~~, performing any surgery, or practicing  
7 obstetrics.

8 (dd) Using acupuncture without being certified  
9 pursuant to s. 460.403(9)(f)~~s. 460.403(8)(f)~~.

10 (2) When the board finds any person guilty of any of  
11 the grounds set forth in subsection (1), it may enter an order  
12 imposing one or more of the following penalties:

13 (d) Imposition of an administrative fine not to exceed  
14 \$10,000~~\$2,000~~ for each count or separate offense.

15  
16 In determining what action is appropriate, the board must  
17 first consider what sanctions are necessary to protect the  
18 public or to compensate the patient. Only after those  
19 sanctions have been imposed may the disciplining authority  
20 consider and include in the order requirements designed to  
21 rehabilitate the chiropractic physician. All costs associated  
22 with compliance with orders issued under this subsection are  
23 the obligation of the chiropractic physician.

24 Section 108. Section 460.4165, Florida Statutes, is  
25 amended to read:

26 460.4165 Certified chiropractic physician's  
27 assistants.--

28 (1) LEGISLATIVE INTENT.--The purpose of this section  
29 is to encourage the more effective utilization of the skills  
30 of chiropractic physicians by enabling them to delegate health  
31 care tasks to qualified assistants when such delegation is

1 consistent with the patient's health and welfare and to allow  
2 for innovative development of programs for the education of  
3 physician's assistants.

4 (2) PERFORMANCE BY CERTIFIED CHIROPRACTIC PHYSICIAN'S  
5 ASSISTANT.--Notwithstanding any other provision of law, a  
6 certified chiropractic physician's assistant may perform  
7 chiropractic services in the specialty area or areas for which  
8 the certified chiropractic physician's assistant is trained or  
9 experienced when such services are rendered under the  
10 supervision of a licensed chiropractic physician or group of  
11 chiropractic physicians certified by the board. Any certified  
12 chiropractic physician's assistant certified under this  
13 section to perform services may perform those services only:

14 (a) In the office of the chiropractic physician to  
15 whom the certified chiropractic physician's assistant has been  
16 assigned, in which office such physician maintains her or his  
17 primary practice;

18 (b) Under indirect supervision of ~~when~~ the  
19 chiropractic physician to whom she or he is assigned as  
20 defined by rule of the board ~~is present~~;

21 (c) In a hospital in which the chiropractic physician  
22 to whom she or he is assigned is a member of the staff; or

23 (d) On calls outside of the ~~said~~ office of the  
24 chiropractic physician to whom she or he is assigned, on the  
25 direct order of the chiropractic physician to whom she or he  
26 is assigned.

27 (3) THIRD-PARTY PAYOR. This chapter does not prevent  
28 third-party payors from reimbursing employers of chiropractic  
29 physicians' assistants for covered services rendered by  
30 certified chiropractic physicians' assistants.

31

1           ~~(4)~~<sup>(3)</sup> PERFORMANCE BY TRAINEES.--Notwithstanding any  
2 other provision of law, a trainee may perform chiropractic  
3 services when such services are rendered within the scope of  
4 an approved program.

5           ~~(5)~~<sup>(4)</sup> PROGRAM APPROVAL.--The department shall issue  
6 certificates of approval for programs for the education and  
7 training of certified chiropractic physician's assistants  
8 which meet board standards. Any basic program curriculum  
9 certified by the board shall cover a period of 24 months. The  
10 curriculum must consist of at least 200 didactic classroom  
11 hours during those 24 months.

12           (a) In developing criteria for program approval, the  
13 board shall give consideration to, and encourage, the  
14 utilization of equivalency and proficiency testing and other  
15 mechanisms whereby full credit is given to trainees for past  
16 education and experience in health fields.

17           (b) The board shall create groups of specialty  
18 classifications of training for certified chiropractic  
19 physician's assistants. These classifications shall reflect  
20 the training and experience of the certified chiropractic  
21 physician's assistant. The certified chiropractic physician's  
22 assistant may receive training in one or more such  
23 classifications, which shall be shown on the certificate  
24 issued.

25           (c) The board shall adopt and publish standards to  
26 ensure that such programs operate in a manner which does not  
27 endanger the health and welfare of the patients who receive  
28 services within the scope of the program. The board shall  
29 review the quality of the curricula, faculties, and facilities  
30 of such programs; issue certificates of approval; and take  
31

1 whatever other action is necessary to determine that the  
2 purposes of this section are being met.

3 (6)(5) APPLICATION APPROVAL.--Any person desiring to  
4 be licensed as a certified chiropractic physician's assistant  
5 must apply to the department. The department shall issue a  
6 certificate to any person certified by the board as having met  
7 the following requirements:

8 (a) Is at least 18 years of age.

9 (b) Is a graduate of an approved program or its  
10 equivalent and is fully certified by reason of experience and  
11 education, as defined by board rule, to perform chiropractic  
12 services under the responsible supervision of a licensed  
13 chiropractic physician and when the board is satisfied that  
14 the public will be adequately protected by the arrangement  
15 proposed in the application.

16 (c) Has completed the application form and remitted an  
17 application fee set by the board pursuant to this section. An  
18 application for certification made by a chiropractic  
19 physician's assistant must include:

20 1. A certificate of completion of a physician's  
21 assistant training program specified in subsection (5).

22 2. A sworn statement of any prior felony conviction in  
23 any jurisdiction.

24 3. A sworn statement of any previous revocation or  
25 denial of licensure or certification in any state or  
26 jurisdiction.

27 ~~(a) The board shall adopt rules for the consideration~~  
28 ~~of applications by a licensed chiropractic physician or a~~  
29 ~~group of licensed chiropractic physicians to supervise~~  
30 ~~certified chiropractic physician's assistants. Each~~  
31

1 ~~application made by a chiropractic physician or group of~~  
2 ~~chiropractic physicians shall include all of the following:~~

3       1. ~~The qualifications, including related experience,~~  
4 ~~of the certified chiropractic physician's assistant intended~~  
5 ~~to be employed.~~

6       2. ~~The professional background and specialty of the~~  
7 ~~chiropractic physician or the group of chiropractic~~  
8 ~~physicians.~~

9       3. ~~A description by the chiropractic physician of her~~  
10 ~~or his practice, or by the chiropractic physicians of their~~  
11 ~~practice, and of the way in which the assistant or assistants~~  
12 ~~are to be utilized.~~

13  
14 ~~The board shall certify an application by a licensed~~  
15 ~~chiropractic physician to supervise a certified chiropractic~~  
16 ~~physician's assistant when the proposed assistant is a~~  
17 ~~graduate of an approved program or its equivalent and is fully~~  
18 ~~qualified by reason of experience and education to perform~~  
19 ~~chiropractic services under the responsible supervision of a~~  
20 ~~licensed chiropractic physician and when the board is~~  
21 ~~satisfied that the public will be adequately protected by the~~  
22 ~~arrangement proposed in the application.~~

23       (b) ~~The board shall certify no more than two certified~~  
24 ~~chiropractic physician's assistants for any chiropractic~~  
25 ~~physician practicing alone; no more than four chiropractic~~  
26 ~~physician's assistants for two chiropractic physicians~~  
27 ~~practicing together formally or informally; or no more than a~~  
28 ~~ratio of two certified chiropractic physician's assistants to~~  
29 ~~three chiropractic physicians in any group of chiropractic~~  
30 ~~physicians practicing together formally or informally.~~

31

1           ~~(7)~~(6) PENALTY.--Any person who has not been certified  
2 by the board and approved by the department and who represents  
3 herself or himself as a certified chiropractic physician's  
4 assistant or who uses any other term in indicating or implying  
5 that she or he is a certified chiropractic physician's  
6 assistant is guilty of a felony of the third degree,  
7 punishable as provided in s. 775.082 or s. 775.084 or by a  
8 fine not exceeding \$5,000.

9           ~~(8)~~(7) REVOCATION OF APPROVAL.--The certificate of  
10 approval to supervise a certified chiropractic physician's  
11 assistant held by any chiropractic physician or group of  
12 chiropractic physicians may be revoked when the board  
13 determines that the intent of this section is not being  
14 carried out.

15           ~~(9)~~(8) FEES.--

16           (a) A fee not to exceed \$100 set by the board shall  
17 accompany the application by a chiropractic physician for  
18 authorization to supervise a certified chiropractic  
19 physician's assistant.

20           (b) Upon approval of an application for certification  
21 of a certified chiropractic physician's assistant in a  
22 specialty area, the applicant shall be charged an initial  
23 certification fee for the first biennium not to exceed \$250;  
24 and a biennial renewal fee not to exceed \$250 shall accompany  
25 each application for renewal of the certified chiropractic  
26 physician's assistant certificate.

27           ~~(10)~~(9) EXISTING PROGRAMS.--Nothing in this section  
28 shall be construed to eliminate or supersede existing laws  
29 relating to other paramedical professions or services. It is  
30 the intent of this section to supplement all such existing  
31

1 programs relating to the certification and the practice of  
2 paramedical professions as may be authorized by law.

3 (11)(10) LIABILITY.--Each chiropractic physician or  
4 group of chiropractic physicians utilizing certified  
5 chiropractic physician's assistants shall be liable for any  
6 act or omission of any physician's assistant acting under her  
7 or his or its supervision and control.

8 (12) SUPERVISION OF REGISTERED CHIROPRACTIC  
9 ASSISTANT.--A certified chiropractic physician's assistant may  
10 directly supervise a registered chiropractic assistant and  
11 other persons who are not licensed as chiropractic physicians  
12 who are employed or supervised by the chiropractic physician  
13 to whom the certified chiropractic physician's assistant is  
14 assigned.

15 (13) CERTIFIED CHIROPRACTIC ASSISTANT CERTIFICATION  
16 RENEWAL.--The certification must be renewed biennially.

17 (a) Each renewal must include:

18 1. A renewal fee as set by board pursuant to this  
19 section.

20 2. A sworn statement of no felony convictions in the  
21 previous 2 years in any jurisdiction.

22 (b) Each certified chiropractic physician's assistant  
23 shall biennially complete 24 hours of continuing education  
24 courses sponsored by chiropractic colleges accredited by the  
25 Council on Chiropractic Education and approved by the board.  
26 The board shall approve those courses that build upon the  
27 basic courses required for the practice of chiropractic  
28 medicine, and the board may also approve courses in adjunctive  
29 modalities. The board may make exception from the requirements  
30 of this section in emergency or hardship cases. The board may  
31



1 adopt rules within the requirements of this section which are  
2 necessary for its implementation.

3 (c) Upon employment as a certified chiropractic  
4 physician's assistant, a certified chiropractic physician's  
5 assistant must notify the department in writing within 30 days  
6 after such employment or any change of the supervising  
7 chiropractic physician. The notification must include the full  
8 name, Florida chiropractic medical license number, specialty,  
9 and address of the supervising chiropractic physician.

10 Section 109. Persons holding certificates as certified  
11 chiropractic physicians' assistants on the effective date of  
12 this act need not reapply for certification, but must comply  
13 with biennial renewal requirements as provided in section  
14 460.4165(6), Florida Statutes. The requirement for completion  
15 of the continuing education requirements for biennial renewal  
16 of the certificate shall not take effect until the beginning  
17 of the next biennial renewal period following the effective  
18 date of this act.

19 Section 110. Section 460.4166, Florida Statutes, 1998  
20 Supplement, is amended to read:

21 460.4166 Registered chiropractic assistants.--

22 (1) DEFINITION.--As used in this section, "registered  
23 chiropractic assistant" means a professional, multiskilled  
24 person dedicated to assisting in all aspects of chiropractic  
25 medical practice under the direct supervision and  
26 responsibility of a chiropractic physician or certified  
27 chiropractic physician's assistant. A registered chiropractic  
28 assistant assists with patient care management, executes  
29 administrative and clinical procedures, and often performs  
30 managerial and supervisory functions. Competence in the field  
31 also requires that a registered chiropractic assistant adhere

1 to ethical and legal standards of professional practice,  
2 recognize and respond to emergencies, and demonstrate  
3 professional characteristics.

4 (2) DUTIES.--Under the direct supervision and  
5 responsibility of a licensed chiropractic physician or  
6 certified chiropractic physician's assistant, a registered  
7 chiropractic assistant may:

8 (a) Perform clinical procedures, which include:

9 1. Preparing patients for the chiropractic physician's  
10 care.

11 2. Taking vital signs.

12 3. Observing and reporting patients' signs or  
13 symptoms.

14 (b) Administer basic first aid.

15 (c) Assist with patient examinations or treatments  
16 other than manipulations or adjustments.

17 (d) Operate office equipment.

18 (e) Collect routine laboratory specimens as directed  
19 by the chiropractic physician or certified chiropractic  
20 physician's assistant.

21 (f) Administer nutritional supplements as directed by  
22 the chiropractic physician or certified chiropractic  
23 physician's assistant.

24 (g) Perform office procedures required by the  
25 chiropractic physician or certified chiropractic physician's  
26 assistant under direct supervision of the chiropractic  
27 physician or certified chiropractic physician's assistant.

28 (3) REGISTRATION.--Registered chiropractic assistants  
29 may be registered by the board for a biennial fee not to  
30 exceed \$25.

31

1           Section 111. Section 461.003, Florida Statutes, 1998  
2 Supplement, is amended to read:

3           461.003 Definitions.--As used in this chapter:

4           ~~(1) "Department" means the Department of Health.~~

5           (1)(2) "Board" means the Board of Podiatric Medicine  
6 as created in this chapter.

7           (2) "Certified podiatric X-ray assistant" means a  
8 person who is employed by and under the direct supervision of  
9 a licensed podiatric physician to perform only those  
10 radiographic functions that are within the scope of practice  
11 of a podiatric physician licensed under this chapter. For  
12 purposes of this subsection, the term "direct supervision"  
13 means supervision whereby a podiatric physician orders the X  
14 ray, remains on the premises while the X ray is being  
15 performed and exposed, and approves the work performed before  
16 dismissal of the patient.

17           (3) "Department" means the Department of Health.

18           ~~(3) "Practice of podiatric medicine" means the~~  
19 ~~diagnosis or medical, surgical, palliative, and mechanical~~  
20 ~~treatment of ailments of the human foot and leg. The surgical~~  
21 ~~treatment of ailments of the human foot and leg shall be~~  
22 ~~limited anatomically to that part below the anterior tibial~~  
23 ~~tubercle. The practice of podiatric medicine shall include~~  
24 ~~the amputation of the toes or other parts of the foot but~~  
25 ~~shall not include the amputation of the foot or leg in its~~  
26 ~~entirety. A podiatric physician may prescribe drugs that~~  
27 ~~relate specifically to the scope of practice authorized~~  
28 ~~herein.~~

29           (4) "Podiatric physician" means any person licensed to  
30 practice podiatric medicine pursuant to this chapter.

31

1           (5) "Practice of podiatric medicine" means the  
2 diagnosis or medical, surgical, palliative, and mechanical  
3 treatment of ailments of the human foot and leg. The surgical  
4 treatment of ailments of the human foot and leg shall be  
5 limited anatomically to that part below the anterior tibial  
6 tubercle. The practice of podiatric medicine shall include  
7 the amputation of the toes or other parts of the foot but  
8 shall not include the amputation of the foot or leg in its  
9 entirety. A podiatric physician may prescribe drugs that  
10 relate specifically to the scope of practice authorized  
11 herein.

12           Section 112. Paragraph (d) of subsection (1) of  
13 section 461.006, Florida Statutes, 1998 Supplement, is amended  
14 to read:

15           461.006 Licensure by examination.--

16           (1) Any person desiring to be licensed as a podiatric  
17 physician shall apply to the department to take the licensure  
18 examination. The department shall examine each applicant who  
19 the board certifies:

20           (d) ~~Beginning October 1, 1995,~~Has satisfactorily  
21 completed one of the following clinical experience  
22 requirements:

23           1. One year of residency in a residency program  
24 approved by the board, and if it has been 4 or more years  
25 since the completion of that residency, active licensed  
26 practice of podiatric medicine in another jurisdiction for at  
27 least 2 of the immediately preceding 4 years, or successful  
28 completion of a board-approved postgraduate program or  
29 board-approved course within the year preceding the filing of  
30 the application. For the purpose of this subparagraph, "active  
31 licensed practice" means the licensed practice of podiatric

1 medicine as defined in s. 461.003(5) by podiatric physicians,  
2 including podiatric physicians employed by any governmental  
3 entity, on the active teaching faculty of an accredited school  
4 of podiatric medicine, or practicing administrative podiatric  
5 medicine.

6           2. Ten years of continuous, active licensed practice  
7 of podiatric medicine in another state immediately preceding  
8 the submission of the application and completion of at least  
9 the same continuing educational requirements during those 10  
10 years as are required of podiatric physicians licensed in this  
11 state.

12           Section 113. Subsection (1) of section 461.007,  
13 Florida 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, and evidence that the applicant has actively  
18 practiced podiatric medicine or has been on the active  
19 teaching faculty of an accredited school of podiatric medicine  
20 for at least 2 years of the immediately preceding 4 years. If  
21 the licensee has not actively practiced podiatric medicine for  
22 at least 2 years of the immediately preceding 4 years, the  
23 board shall require that the licensee successfully complete a  
24 board-approved course prior to renewal of the license. For  
25 purposes of this subsection, "actively practiced podiatric  
26 medicine" means the licensed practice of podiatric medicine as  
27 defined in s. 461.003(5) by podiatric physicians, including  
28 podiatric physicians employed by any governmental entity, on  
29 the active teaching faculty of an accredited school of  
30 podiatric medicine, or practicing administrative podiatric  
31 medicine. An applicant for a renewed license must also submit

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

1 check upon initial licensure and is renewing his or her  
2 license for the first time, then the applicant need only  
3 submit the information and fee required for a statewide  
4 criminal history check.

5 Section 114. Paragraph (bb) is added to subsection (1)  
6 of section 461.013, Florida Statutes, 1998 Supplement, and  
7 subsection (2) of that section is amended, to read:

8 461.013 Grounds for disciplinary action; action by the  
9 board; investigations by department.--

10 (1) The following acts shall constitute grounds for  
11 which the disciplinary actions specified in subsection (2) may  
12 be taken:

13 (bb) Failing to comply with the requirements of ss.  
14 381.026 and 381.0261 to provide patients with information  
15 about their patient rights and how to file a patient  
16 complaint.

17 (2) When the board finds any person guilty of any of  
18 the grounds set forth in subsection (1), it may enter an order  
19 imposing one or more of the following penalties:

20 (a) Refusal to certify to the department an  
21 application for licensure.

22 (b) Revocation or suspension of a license.

23 (c) Restriction of practice.

24 (d) Imposition of an administrative fine not to exceed  
25 \$10,000~~\$1,000~~ for each count or separate offense.

26 (e) Issuance of a reprimand.

27 (f) Placing the podiatric physician on probation for a  
28 period of time and subject to such conditions as the board may  
29 specify, including requiring the podiatric physician to submit  
30 to treatment, to attend continuing education courses, to  
31

1 submit to reexamination, and to work under the supervision of  
2 another podiatric physician.

3 (g) Imposition of an administrative fine in accordance  
4 with s. 381.0261 for violations regarding patient rights.

5 Section 115. Section 461.0135, Florida Statutes, is  
6 created to read:

7 461.0135 Operation of X-ray machines by podiatric  
8 X-ray assistants.--A licensed podiatric physician may utilize  
9 an X-ray machine, expose X-ray films, and interpret or read  
10 such films. The provision of part IV of chapter 468 to the  
11 contrary notwithstanding, a licensed podiatric physician may  
12 authorize or direct a certified podiatric X-ray assistant to  
13 operate such equipment and expose such films under the  
14 licensed podiatric physician's direction and supervision,  
15 pursuant to rules adopted by the board in accordance with s.  
16 461.004, which ensures that such certified podiatric X-ray  
17 assistant is competent to operate such equipment in a safe and  
18 efficient manner by reason of training, experience, and  
19 passage of a board-approved course which includes an  
20 examination. The board shall issue a certificate to an  
21 individual who successfully completes the board-approved  
22 course and passes the examination to be administered by the  
23 training authority upon completion of such course.

24 Section 116. Subsection (3) is added to section  
25 464.008, Florida Statutes, to read:

26 464.008 Licensure by examination.--

27 (3) Any applicant who fails the examination three  
28 consecutive times, regardless of the jurisdiction in which the  
29 examination is taken, shall be required to complete a  
30 board-approved remedial course before the applicant will be  
31 approved for reexamination. After taking the remedial course,



1 the applicant may be approved to retake the examination up to  
2 three additional times before the applicant is required to  
3 retake remediation. The applicant shall apply for  
4 reexamination within 6 months after completion of remediation.  
5 The board shall by rule establish guidelines for remedial  
6 courses.

7 Section 117. Subsection (13) is added to section  
8 464.022, Florida Statutes, to read:

9 464.022 Exceptions.--No provision of this chapter  
10 shall be construed to prohibit:

11 (13) The practice of nursing by individuals enrolled  
12 in board-approved remedial courses.

13 Section 118. Subsection (12) of section 465.003,  
14 Florida Statutes, is amended, subsections (4) through (14) of  
15 said section are renumbered as subsections (5) through (15),  
16 respectively, and a new subsection (4) is added to said  
17 section, to read:

18 465.003 Definitions.--As used in this chapter, the  
19 term:

20 (4) "Data communication device" means an electronic  
21 device that receives electronic information from one source  
22 and transmits or routes it to another, including, but not  
23 limited to, any such bridge, router, switch, or gateway.

24 (13)~~(12)~~ "Practice of the profession of pharmacy"  
25 includes compounding, dispensing, and consulting concerning  
26 contents, therapeutic values, and uses of any medicinal drug;  
27 and consulting concerning therapeutic values and interactions  
28 of patent or proprietary preparations, whether pursuant to  
29 prescriptions or in the absence and entirely independent of  
30 such prescriptions or orders; and other pharmaceutical  
31 services. For purposes of this subsection, "other

1 pharmaceutical services" means the monitoring of the patient's  
 2 drug therapy and assisting the patient in the management of  
 3 his or her drug therapy, and includes review of the patient's  
 4 drug therapy and communication with the patient's prescribing  
 5 health care provider as licensed under chapter 458, chapter  
 6 459, chapter 461, or chapter 466, or similar statutory  
 7 provision in another jurisdiction, or such provider's agent or  
 8 such other persons as specifically authorized by the patient,  
 9 regarding the drug therapy. However, nothing in this  
 10 subsection may be interpreted to permit an alteration of a  
 11 prescriber's directions, the diagnosis or treatment of any  
 12 disease, the initiation of any drug therapy, the practice of  
 13 medicine, or the practice of osteopathic medicine, unless  
 14 otherwise permitted by law."Practice of the profession of  
 15 pharmacy"~~The phrase~~ also includes any other act, service,  
 16 operation, research, or transaction incidental to, or forming  
 17 a part of, any of the foregoing acts, requiring, involving, or  
 18 employing the science or art of any branch of the  
 19 pharmaceutical profession, study, or training, and shall  
 20 expressly permit a pharmacist to transmit information from  
 21 persons authorized to prescribe medicinal drugs to their  
 22 patients.

23 Section 119. Paragraph (1) of subsection (1) and  
 24 paragraph (c) of subsection (2) of section 465.016, Florida  
 25 Statutes, are amended, and paragraph (q) is added to  
 26 subsection (1) of that section, to read:

27 465.016 Disciplinary actions.--

28 (1) The following acts shall be grounds for  
 29 disciplinary action set forth in this section:

30 (1) Placing in the stock of any pharmacy any part of  
 31 any prescription compounded or dispensed which is returned by

1 a patient; however, in a hospital, nursing home, correctional  
 2 facility, or extended care facility in which unit-dose  
 3 medication is dispensed to inpatients, each dose being  
 4 individually sealed and the individual unit dose or unit-dose  
 5 system labeled with the name of the drug, dosage strength,  
 6 manufacturer's control number, and expiration date, if any,  
 7 the unused unit dose of medication may be returned to the  
 8 pharmacy for redispensing. Each pharmacist shall maintain  
 9 appropriate records for any unused or returned medicinal  
 10 drugs.

11 (g) Using or releasing a patient's records except as  
 12 authorized by this chapter and chapter 455.

13 (2) When the board finds any person guilty of any of  
 14 the grounds set forth in subsection (1), it may enter an order  
 15 imposing one or more of the following penalties:

16 (c) Imposition of an administrative fine not to exceed  
 17 ~~\$5,000~~~~\$1,000~~ for each count or separate offense.

18 Section 120. Section 465.014, Florida Statutes, is  
 19 amended to read:

20 465.014 Pharmacy technician.--No person other than a  
 21 licensed pharmacist or pharmacy intern may engage in the  
 22 practice of the profession of pharmacy, except that a licensed  
 23 pharmacist may delegate to nonlicensed pharmacy technicians  
 24 those duties, tasks, and functions which do not fall within  
 25 the purview of s. 465.003(13)~~(12)~~. All such delegated acts  
 26 shall be performed under the direct supervision of a licensed  
 27 pharmacist who shall be responsible for all such acts  
 28 performed by persons under his or her supervision. A pharmacy  
 29 technician, under the supervision of a pharmacist, may  
 30 initiate or receive communications with a practitioner or his  
 31 or her agent, on behalf of a patient, regarding refill

1 authorization requests. No licensed pharmacist shall  
2 supervise more than one pharmacy technician unless otherwise  
3 permitted by the guidelines adopted by the board. The board  
4 shall establish guidelines to be followed by licensees or  
5 permittees in determining the circumstances under which a  
6 licensed pharmacist may supervise more than one but not more  
7 than three pharmacy technicians.

8 Section 121. Paragraph (c) of subsection (2) of  
9 section 465.015, Florida Statutes, is amended to read:

10 465.015 Violations and penalties.--

11 (2) It is unlawful for any person:

12 (c) To sell or dispense drugs as defined in s.  
13 465.003(8)~~(7)~~ without first being furnished with a  
14 prescription.

15 Section 122. Section 465.0196, Florida Statutes, is  
16 amended to read:

17 465.0196 Special pharmacy permits.--Any person  
18 desiring a permit to operate a pharmacy which does not fall  
19 within the definitions set forth in s. 465.003(11)~~(10)~~(a)1.,  
20 2., and 3. shall apply to the department for a special  
21 pharmacy permit. If the board certifies that the application  
22 complies with the applicable laws and rules of the board  
23 governing the practice of the profession of pharmacy, the  
24 department shall issue the permit. No permit shall be issued  
25 unless a licensed pharmacist is designated to undertake the  
26 professional supervision of the compounding and dispensing of  
27 all drugs dispensed by the pharmacy. The licensed pharmacist  
28 shall be responsible for maintaining all drug records and for  
29 providing for the security of the area in the facility in  
30 which the compounding, storing, and dispensing of medicinal  
31 drugs occurs. The permittee shall notify the department

1 within 10 days of any change of the licensed pharmacist  
2 responsible for such duties.

3 Section 123. Subsection (3) of section 468.812,  
4 Florida Statutes, is amended to read:

5 468.812 Exemptions from licensure.--

6 (3) The provisions of this act relating to orthotics  
7 or pedorthics do not apply to any licensed pharmacist or to  
8 any person acting under the supervision of a licensed  
9 pharmacist. The practice of orthotics or pedorthics by a  
10 pharmacist or any of the pharmacist's employees acting under  
11 the supervision of a pharmacist shall be construed to be  
12 within the meaning of the term "practice of the profession of  
13 pharmacy" as set forth in s. 465.003(13)~~(12)~~, and shall be  
14 subject to regulation in the same manner as any other pharmacy  
15 practice. The Board of Pharmacy shall develop rules regarding  
16 the practice of orthotics and pedorthics by a pharmacist. Any  
17 pharmacist or person under the supervision of a pharmacist  
18 engaged in the practice of orthotics or pedorthics shall not  
19 be precluded from continuing that practice pending adoption of  
20 these rules.

21 Section 124. Subsection (19) of section 499.003,  
22 Florida Statutes, is amended to read:

23 499.003 Definitions of terms used in ss.

24 499.001-499.081.--As used in ss. 499.001-499.081, the term:

25 (19) "Legend drug," "prescription drug," or "medicinal  
26 drug" means any drug, including, but not limited to, finished  
27 dosage forms, or active ingredients subject to, defined by, or  
28 described by s. 503(b) of the Federal Food, Drug, and Cosmetic  
29 Act or s. 465.003(8)~~(7)~~, s. 499.007(12), or s. 499.0122(1)(b)  
30 or (c).

31

1           Section 125. (1) There is created within the  
2 Department of Health a Task Force for the Study of  
3 Collaborative Drug Therapy Management. The department shall  
4 provide staff support for the task force. The task force shall  
5 consist of not more than 13 members nominated by the  
6 associations and entities named in this section and appointed  
7 by the Secretary of Health. Members of the task force shall  
8 not receive compensation, per diem, or reimbursement for  
9 travel expenses for service on the task force. Participation  
10 in the task force is optional and at the discretion of each  
11 identified group or entity. The task force shall include:

12           (a) One representative from each of the following  
13 associations:

- 14           1. Florida Society of Health-System Pharmacists.
- 15           2. Florida Pharmacy Association.
- 16           3. Florida Medical Association.
- 17           4. Florida Osteopathic Medical Association.
- 18           5. Florida Retail Federation.
- 19           6. Florida Nurses Association.
- 20           7. Florida Academy of Family Physicians.
- 21           8. Pharmaceutical Research Manufacturing Association.
- 22           9. American Society of Consultant Pharmacists.
- 23           10. American Society of Health-System Pharmacists.

24           (b) One representative from each of the following  
25 entities:

- 26           1. Department of Health.
- 27           2. Board of Medicine, which representative must be a  
28 member of the board who is licensed under chapter 458, Florida  
29 Statutes.

30  
31

1           3. Board of Osteopathic Medicine, which representative  
2 must be a member of the board who is licensed under chapter  
3 459, Florida Statutes.

4           4. Board of Pharmacy, which representative must be a  
5 member of the board who is licensed under chapter 465, Florida  
6 Statutes.

7           5. Agency for Health Care Administration.

8           (2) The task force shall hold its first meeting no  
9 later than August 1, 1999, and shall report its findings to  
10 the President of the Senate, the Speaker of the House of  
11 Representatives, and the chairs of the applicable legislative  
12 committees of substance not later than December 31, 1999. All  
13 task force meetings must be held in Tallahassee at the  
14 department in order to minimize costs to the state.

15           (3) The task force shall be charged with the  
16 responsibility to:

17           (a) Determine the states in which collaborative drug  
18 therapy management has been enacted by law or administrative  
19 rule and summarize the content of all such laws and rules.

20           (b) Receive testimony from interested parties and  
21 identify the extent to which collaborative drug therapy  
22 management is currently being practiced in this state and  
23 other states.

24           (c) Determine the efficacy of collaborative drug  
25 therapy management in improving health care outcomes of  
26 patients.

27           Section 126. Section 466.021, Florida Statutes, is  
28 amended to read:

29           466.021 Employment of unlicensed persons by dentist;  
30 penalty.--Every duly licensed dentist who uses the services of  
31 any unlicensed person for the purpose of constructing,

1 altering, repairing, or duplicating any denture, partial  
2 denture, bridge splint, or orthodontic or prosthetic appliance  
3 shall be required to furnish such unlicensed person with a  
4 written work order in such form as prescribed ~~shall be~~  
5 ~~approved by rule of the board department. This form shall be~~  
6 ~~supplied to the dentist by the department at a cost not to~~  
7 ~~exceed that of printing and handling. The work order blanks~~  
8 ~~shall be assigned to individual dentists and are not~~  
9 ~~transferable.~~ This form shall be dated and signed by such  
10 dentist and shall include the patient's name or number with  
11 sufficient descriptive information to clearly identify the  
12 case for each separate and individual piece of work. A ~~said~~  
13 ~~work order shall be made in duplicate form, the duplicate copy~~  
14 of such work order shall ~~to~~ be retained in a permanent file in  
15 the dentist's office for a period of 2 years, and the original  
16 work order shall ~~to~~ be retained in a permanent file for a  
17 period of 2 years by such ~~said~~ unlicensed person in her or his  
18 place of business. Such permanent file of work orders to be  
19 kept by such dentist or by such unlicensed person shall be  
20 open to inspection at any reasonable time by the department or  
21 its duly constituted agent. Failure of the dentist to keep  
22 such permanent records of such ~~said~~ work orders shall subject  
23 the dentist to suspension or revocation of her or his license  
24 to practice dentistry. Failure of such unlicensed person to  
25 have in her or his possession a work order as required by this  
26 section ~~above defined~~ shall be admissible evidence of a  
27 violation of this chapter and shall constitute a misdemeanor  
28 of the second degree, punishable as provided in s. 775.082 or  
29 s. 775.083. Nothing in this section shall preclude a  
30 registered dental laboratory from working for another  
31 registered dental laboratory, provided that such work is



1 performed pursuant to written authorization, in a form to be  
2 prescribed by rule of the board ~~department~~, which evidences  
3 that the originating laboratory has obtained a valid work  
4 order and which sets forth the work to be performed.  
5 Furthermore, nothing in this section shall preclude a  
6 registered laboratory from providing its services to dentists  
7 licensed and practicing in another state, provided that such  
8 work is requested or otherwise authorized in written form  
9 which clearly identifies the name and address of the  
10 requesting dentist and which sets forth the work to be  
11 performed.

12 Section 127. Paragraph (b) of subsection (2),  
13 paragraph (b) of subsection (3), and subsection (4) of section  
14 468.1155, Florida Statutes, are amended to read:

15 468.1155 Provisional license; requirements.--

16 (2) The department shall issue a provisional license  
17 to practice speech-language pathology to each applicant who  
18 the board certifies has:

19 (b) Received a master's degree or doctoral degree with  
20 a major emphasis in speech-language pathology from an  
21 institution of higher learning which, at the time the  
22 applicant was enrolled and graduated, was accredited by an  
23 accrediting agency recognized by the Commission on Recognition  
24 of Postsecondary Accreditation or from an institution which is  
25 publicly recognized as a member in good standing with the  
26 Association of Universities and Colleges of Canada. An  
27 applicant who graduated from a program at a university or  
28 college outside the United States or Canada must present  
29 documentation of the determination of equivalency to standards  
30 established by the Commission on Recognition of Postsecondary  
31

1 Accreditation in order to qualify. The applicant must have  
2 completed 60 semester hours that include:

3 1. Fundamental information applicable to the normal  
4 development and use of speech, hearing, and language;  
5 information about training in management of speech, hearing,  
6 and language disorders; and information supplementary to these  
7 fields.

8 2. Six semester hours in audiology.

9 3. Thirty of the required 60 semester hours in courses  
10 acceptable toward a graduate degree by the college or  
11 university in which these courses were taken, of which 24  
12 semester hours must be in speech-language pathology.

13 (3) The department shall issue a provisional license  
14 to practice audiology to each applicant who the board  
15 certifies has:

16 (b) Received a master's degree or doctoral degree with  
17 a major emphasis in audiology from an institution of higher  
18 learning which at the time the applicant was enrolled and  
19 graduated was accredited by an accrediting agency recognized  
20 by the Commission on Recognition of Postsecondary  
21 Accreditation or from an institution which is publicly  
22 recognized as a member in good standing with the Association  
23 of Universities and Colleges of Canada. An applicant who  
24 graduated from a program at a university or college outside  
25 the United States or Canada must present documentation of the  
26 determination of equivalency to standards established by the  
27 Commission on Recognition of Postsecondary Accreditation in  
28 order to qualify. The applicant must have completed 60  
29 semester hours that include:

30 1. Fundamental information applicable to the normal  
31 development and use of speech, hearing, and language;

1 information about training in management of speech, hearing,  
2 and language disorders; and information supplementary to these  
3 fields.

4 2. Six semester hours in speech-language pathology.

5 3. Thirty of the required 60 semester hours in courses  
6 acceptable toward a graduate degree by the college or  
7 university in which these courses were taken, of which 24  
8 semester hours must be in audiology.

9 (4) An applicant for a provisional license who has  
10 received a master's degree or doctoral degree with a major  
11 emphasis in speech-language pathology as provided in  
12 subsection (2), or audiology as provided in subsection (3),  
13 and who seeks licensure in the area in which the applicant is  
14 not currently licensed, must have completed 30 semester hours  
15 in courses acceptable toward a graduate degree and 200  
16 supervised clinical clock hours in the second discipline from  
17 an accredited institution.

18 Section 128. Section 468.1215, Florida Statutes, is  
19 amended to read:

20 468.1215 Speech-language pathology assistant and  
21 audiology assistant; certification.--

22 ~~(1) A person desiring to be certified as a~~  
23 ~~speech-language pathology assistant or audiology assistant~~  
24 ~~shall apply to the department.~~

25 (1)~~(2)~~ The department shall issue a certificate as a  
26 speech-language pathology assistant ~~or as an audiology~~  
27 ~~assistant~~ to each applicant who the board certifies has:

28 (a) Completed the application form and remitted the  
29 required fees, including a nonrefundable application fee.

30 (b) Earned a bachelor's degree from a college or  
31 university accredited by a regional association of colleges

1 and schools recognized by the Department of Education which  
2 includes at least 24 semester hours of coursework as approved  
3 by the board at an institution accredited by an accrediting  
4 agency recognized by the Commission on Recognition of  
5 Postsecondary Accreditation.

6 (2) The department shall issue a certificate as an  
7 audiology assistant to each applicant who the board certifies  
8 has:

9 (a) Completed the application form and remitted the  
10 required fees, including a nonrefundable application fee.

11 (b) Completed at least 24 semester hours of coursework  
12 as approved by the board at an institution accredited by an  
13 accrediting agency recognized by the Commission on Recognition  
14 of Postsecondary Accreditation.

15 (3) The board, by rule, shall establish minimum  
16 education and on-the-job training and supervision requirements  
17 for certification as a speech-language pathology assistant or  
18 audiology assistant.

19 (4) The provisions of this section shall not apply to  
20 any student, intern, or trainee performing speech-language  
21 pathology or audiology services while completing the  
22 supervised clinical clock hours as required in s. 468.1155.

23 Section 129. Subsection (1) of section 468.307,  
24 Florida Statutes, 1998 Supplement, is amended to read:

25 468.307 Certificate; issuance; possession; display.--

26 (1) The department shall issue a certificate to each  
27 candidate who has met the requirements of ss. 468.304 and  
28 468.306 or has qualified under s. 468.3065. The department may  
29 by rule establish a subcategory of a certificate issued under  
30 this part limiting the certificateholder to a specific  
31 procedure or specific type of equipment.

1           Section 130. Section 468.506, Florida Statutes, 1998  
 2 Supplement, is amended to read:  
 3           468.506 Dietetics and Nutrition Practice  
 4 Council.--There is created the Dietetics and Nutrition  
 5 Practice Council under the supervision of the board. The  
 6 council shall consist of four persons licensed under this part  
 7 and one consumer who is 60 years of age or older. Council  
 8 members shall be appointed by the board. Licensed members  
 9 shall be appointed based on the proportion of licensees within  
 10 each of the respective disciplines. Members shall be  
 11 appointed for 4-year staggered terms. In order to be eligible  
 12 for appointment, each licensed member must have been a  
 13 licensee under this part for at least 3 years prior to his or  
 14 her appointment. No council member shall serve more than two  
 15 successive terms. The board may delegate such powers and  
 16 duties to the council as it may deem proper to carry out the  
 17 operations and procedures necessary to effectuate the  
 18 provisions of this part. However, the powers and duties  
 19 delegated to the council by the board must encompass both  
 20 dietetics and nutrition practice and nutrition counseling. Any  
 21 time there is a vacancy on the council, any professional  
 22 association composed of persons licensed under this part may  
 23 recommend licensees to fill the vacancy to the board in a  
 24 number at least twice the number of vacancies to be filled,  
 25 and the board may appoint from the submitted list, in its  
 26 discretion, any of those persons so recommended. Any  
 27 professional association composed of persons licensed under  
 28 this part may file an appeal regarding a council appointment  
 29 with the secretary ~~director~~ of the department ~~agency~~, whose  
 30 decision shall be final. The board shall fix council members'  
 31

1 compensation and pay their expenses in the same manner as  
2 provided in s. 455.534.

3 Section 131. Section 468.701, Florida Statutes, 1998  
4 Supplement, is amended to read:

5 468.701 Definitions.--As used in this part, the term:

6 (1) "Athlete" means a person who participates in an  
7 athletic activity.

8 (2) "Athletic activity" means the participation in an  
9 activity, conducted by an educational institution, a  
10 professional athletic organization, or an amateur athletic  
11 organization, involving exercises, sports, games, or  
12 recreation requiring any of the physical attributes of  
13 strength, agility, flexibility, range of motion, speed, and  
14 stamina.

15 (3) "Athletic injury" means an injury sustained which  
16 affects the athlete's ability to participate or perform in  
17 athletic activity.

18 (4) "Athletic trainer" means a person licensed under  
19 this part.

20 (5) "Athletic training" means the recognition,  
21 prevention, and treatment of athletic injuries.

22 (6) "Board Council" means the Board Council of  
23 Athletic Training.

24 (7) "Department" means the Department of Health.

25 (8) "Direct supervision" means the physical presence  
26 of the supervisor on the premises so that the supervisor is  
27 immediately available to the trainee when needed.

28 ~~(9) "Secretary" means the Secretary of Health.~~

29 (9)~~(10)~~ "Supervision" means the easy availability of  
30 the supervisor to the athletic trainer, which includes the  
31 ability to communicate by telecommunications.

1           Section 132. Section 468.703, Florida Statutes, 1998  
2 Supplement, is amended to read:

3           468.703 Board Council of Athletic Training.--

4           (1) The Board Council of Athletic Training is created  
5 within the department and shall consist of nine ~~seven~~ members  
6 ~~to be~~ appointed by the Governor and confirmed by the Senate  
7 ~~secretary.~~

8           (2) Five ~~Four~~ members of the board must ~~council shall~~  
9 be licensed athletic trainers. One member of the board must  
10 ~~council shall~~ be a physician licensed under chapter 458 or  
11 chapter 459. One member of the board must ~~council shall~~ be a  
12 physician licensed under chapter 460. Two members ~~One member~~  
13 of the board shall be consumer members, each of whom must  
14 ~~council shall~~ be a resident of this state who has never worked  
15 as an athletic trainer, who has no financial interest in the  
16 practice of athletic training, and who has never been a  
17 licensed health care practitioner as defined in s. 455.501(4).  
18 ~~Members of the council shall serve staggered 4-year terms as~~  
19 ~~determined by rule of the department; however, no member may~~  
20 ~~serve more than two consecutive terms.~~

21           (3) For the purpose of staggering terms, the Governor  
22 shall appoint the initial members of the board as follows:

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

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

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

26           (4) As the terms of the members expire, the Governor  
27 shall appoint successors for terms of 4 years and such members  
28 shall serve until their successors are appointed.

29           (5) All provisions of part II of chapter 455 relating  
30 to activities of the board shall apply.

31

1           (6) The board shall maintain its official headquarters  
2 in Tallahassee.

3           ~~(3) The council shall advise and assist the department~~  
4 ~~in:~~

5           ~~(a) Developing rules relating to licensure~~  
6 ~~requirements, the licensure examination, continuing education~~  
7 ~~requirements, fees, records and reports to be filed by~~  
8 ~~licensees, and any other requirements necessary to regulate~~  
9 ~~the practice of athletic training.~~

10           ~~(b) Monitoring the practice of athletic training in~~  
11 ~~other jurisdictions.~~

12           ~~(c) Educating the public about the role of athletic~~  
13 ~~trainers.~~

14           ~~(d) Collecting and reviewing data regarding the~~  
15 ~~licensed practice of athletic training.~~

16           ~~(e) Addressing concerns and problems of athletic~~  
17 ~~trainers in order to promote improved safety in the practice~~  
18 ~~of athletic training.~~

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.~~

23           Section 133. Section 468.705, Florida Statutes, 1998  
24 Supplement, is amended to read:

25           468.705 Rulemaking authority.--The board ~~department~~ is  
26 authorized to adopt rules pursuant to ss. 120.536(1) and  
27 120.54 to implement provisions of this part conferring duties  
28 upon it. Such rules shall include, but not be limited to, the  
29 allowable scope of practice regarding the use of equipment,  
30 procedures, and medication, and requirements for a written  
31 protocol between the athletic trainer and a supervising



1 physician, licensure requirements, licensure examination,  
2 continuing education requirements, fees, records, and reports  
3 to be filed by licensees, protocols, and any other  
4 requirements necessary to regulate the practice of athletic  
5 training.

6 Section 134. Section 468.707, Florida Statutes, 1998  
7 Supplement, is amended to read:

8 468.707 Licensure by examination; requirements.--

9 (1) Any person desiring to be licensed as an athletic  
10 trainer shall apply to the department on a form approved by  
11 the department.

12 (a) The department shall license each applicant who:

13 1. Has completed the application form and remitted the  
14 required fees.

15 2. Is at least 21 years of age.

16 3. Has obtained a baccalaureate degree from a college  
17 or university accredited by an accrediting agency recognized  
18 and approved by the United States Department of Education or  
19 the Commission on Recognition of Postsecondary Accreditation,  
20 or approved by the board ~~department~~.

21 4. Has completed coursework from a college or  
22 university accredited by an accrediting agency recognized and  
23 approved by the United States Department of Education or the  
24 Commission on Recognition of Postsecondary Accreditation, or  
25 approved by the board ~~department~~, in each of the following  
26 areas, as provided by rule: health, human anatomy,  
27 kinesiology/biomechanics, human physiology, physiology of  
28 exercise, basic athletic training, and advanced athletic  
29 training.

30 5. Has current certification in standard first aid and  
31 cardiovascular pulmonary resuscitation from the American Red

1 Cross or an equivalent certification as determined by the  
2 board ~~department~~.

3 6. Has, within 2 of the preceding 5 years, attained a  
4 minimum of 800 hours of athletic training experience under the  
5 direct supervision of a licensed athletic trainer or an  
6 athletic trainer certified by the National Athletic Trainers'  
7 Association or a comparable national athletic standards  
8 organization.

9 7. Has passed an examination administered or approved  
10 by the board ~~department~~.

11 (b) The department shall also license each applicant  
12 who:

13 1. Has completed the application form and remitted the  
14 required fees no later than October 1, 1996.

15 2. Is at least 21 years of age.

16 3. Has current certification in standard first aid and  
17 cardiovascular pulmonary resuscitation from the American Red  
18 Cross or an equivalent certification as determined by the  
19 board ~~department~~.

20 4.a. Has practiced athletic training for at least 3 of  
21 the 5 years preceding application; or

22 b. Is currently certified by the National Athletic  
23 Trainers' Association or a comparable national athletic  
24 standards organization.

25 (2) Pursuant to the requirements of s. 455.607  
26 ~~455.604~~, each applicant shall complete a continuing education  
27 course on human immunodeficiency virus and acquired immune  
28 deficiency syndrome as part of initial licensure.

29 Section 135. Section 468.709, Florida Statutes, is  
30 amended to read:

31 468.709 Fees.--

1           (1) The board ~~department~~ shall, by rule, establish  
2 fees for the following purposes:

3           (a) An application fee, not to exceed \$100.

4           (b) An examination fee, not to exceed \$200.

5           (c) An initial licensure fee, not to exceed \$200.

6           (d) A biennial renewal fee, not to exceed \$200.

7           (e) An inactive fee, not to exceed \$100.

8           (f) A delinquent fee, not to exceed \$100.

9           (g) A reactivation fee, not to exceed \$100.

10          (h) A voluntary inactive fee, not to exceed \$100.

11          (2) The board ~~department~~ shall establish fees at a  
12 level, not to exceed the statutory fee cap, that is adequate  
13 to ensure the continued operation of the regulatory program  
14 under this part. The board ~~department~~ shall neither set nor  
15 maintain the fees at a level that will substantially exceed  
16 this need.

17          Section 136. Subsections (2) and (3) of section  
18 468.711, Florida Statutes, 1998 Supplement, are amended to  
19 read:

20          468.711 Renewal of license; continuing education.--

21          (2) The board ~~department~~ may, by rule, prescribe  
22 continuing education requirements, not to exceed 24 hours  
23 biennially. The criteria for continuing education shall be  
24 approved by the board ~~department~~ and shall include 4 hours in  
25 standard first aid and cardiovascular pulmonary resuscitation  
26 from the American Red Cross or equivalent training as  
27 determined by board ~~department~~.

28          (3) Pursuant to the requirements of s. 455.607  
29 ~~455.604~~, each licensee shall complete a continuing education  
30 course on human immunodeficiency virus and acquired immune  
31 deficiency syndrome as part of biennial relicensure.

1           Section 137. Subsection (2) of section 468.719,  
2 Florida Statutes, 1998 Supplement, is amended to read:

3           468.719 Disciplinary actions.--

4           (2) When the board ~~department~~ finds any person guilty  
5 of any of the acts set forth in subsection (1), the board  
6 ~~department~~ may enter an order imposing one or more of the  
7 penalties provided in s. 455.624.

8           Section 138. Section 468.721, Florida Statutes, is  
9 amended to read:

10          468.721 Saving clause.--

11          ~~(1) An athletic trainer registration which is valid on~~  
12 ~~October 1, 1995, shall become for all purposes an athletic~~  
13 ~~trainer license as required by this part, subject to any~~  
14 ~~disciplinary or administrative action pending on October 1,~~  
15 ~~1995, and shall be subject to all the same terms and~~  
16 ~~conditions as athletic trainer licenses issued after October~~  
17 ~~1, 1995. The department shall retain jurisdiction to impose~~  
18 ~~discipline for any violation of this part which occurred prior~~  
19 ~~to October 1, 1995, but is discovered after October 1, 1995,~~  
20 ~~under the terms of this part prior to October 1, 1995.~~

21          ~~(2) No judicial or administrative proceeding pending~~  
22 ~~on July 1, 1995, shall be abated as a result of enactment of~~  
23 ~~any provision of this act.~~

24          ~~(3) Rules adopted by the department relating to the~~  
25 regulation registration of athletic trainers under this part  
26 prior to July 1, 1999, shall remain in effect until the board  
27 ~~department~~ adopts rules relating to the regulation licensure  
28 of athletic trainers under this part which supersede such  
29 earlier rules.

1           Section 139. Paragraph (g) of subsection (3) of  
2 section 20.43, Florida Statutes, 1998 Supplement, is amended  
3 to read:

4           20.43 Department of Health.--There is created a  
5 Department of Health.

6           (3) The following divisions of the Department of  
7 Health are established:

8           (g) Division of Medical Quality Assurance, which is  
9 responsible for the following boards and professions  
10 established within the division:

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

12           2. Health care services pools, as provided under s.  
13 402.48.

14           3. The Board of Acupuncture, created under chapter  
15 457.

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

17           5. The Board of Osteopathic Medicine, created under  
18 chapter 459.

19           6. The Board of Chiropractic Medicine, created under  
20 chapter 460.

21           7. The Board of Podiatric Medicine, created under  
22 chapter 461.

23           8. Naturopathy, as provided under chapter 462.

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

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

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

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

28           13. Midwifery, as provided under chapter 467.

29           14. The Board of Speech-Language Pathology and  
30 Audiology, created under part I of chapter 468.

31

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

1           30. 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 140. The Council of Athletic Training and the  
11 terms of all council members are terminated on July 1, 1999.  
12 However, such termination in no way precludes the Governor  
13 from considering any former council member for appointment to  
14 the Board of Athletic Training created by this act.

15           Section 141. Section 468.805, Florida Statutes, is  
16 amended to read:

17           468.805 Grandfathering ~~Licensure without examination~~  
18 ~~provisional licensure.--~~

19           (1) A person who has practiced orthotics, prosthetics,  
20 or pedorthics in this state for the required period since July  
21 1, 1990, who, before March 1, 1998, applies to the department  
22 for a license to practice orthotics, prosthetics, or  
23 pedorthics, may be licensed as a prosthetist, orthotist,  
24 prosthetist-orthotist, orthotic fitter, orthotic fitter  
25 assistant, or pedorthist, as determined from the person's  
26 experience, certification, and educational preparation,  
27 without meeting the educational requirements set forth in s.  
28 468.803, upon receipt of the application fee and licensing fee  
29 and after the board has completed an investigation into the  
30 applicant's background and experience. The board shall require  
31 an application fee not to exceed \$500, which shall be

1 nonrefundable. The board shall complete its investigation  
2 within 6 months after receipt of the completed application.  
3 The period of experience required for licensure under this  
4 section ~~subsection~~ is 5 years for a prosthetist; 2 years for  
5 an orthotic fitter, an orthotic fitter assistant, or a  
6 pedorthist; and 5 years for an orthotist whose scope of  
7 practice is defined under s. 468.80(7).

8 (2)(a) A person who has received certification as an  
9 orthotist, a prosthetist, or a prosthetist-orthotist from a  
10 national certifying body and who has practiced orthotics or  
11 prosthetics in this state for at least 2 years but less than 5  
12 years is eligible for a provisional license.

13 (b) An applicant for provisional licensure shall  
14 submit proof that he or she has been actively practicing as a  
15 nationally certified orthotist, prosthetist, or  
16 prosthetist-orthotist, an application fee, and a provisional  
17 license fee.

18 (c) A provisional licensee is required to practice  
19 under supervision of a fully licensed orthotist, prosthetist,  
20 or prosthetist-orthotist for up to 3 years in order to meet  
21 the 5-year experience requirement of subsection (1) to be  
22 licensed as an orthotist, prosthetist, or  
23 prosthetist-orthotist.

24 (d) After appropriate investigation, the board shall  
25 license as an orthotist, prosthetist, or prosthetist-orthotist  
26 the provisional licensee who has successfully completed the  
27 period of experience required and otherwise meets the  
28 requirements of subsection (1).

29 (e) The board shall require an application fee, not to  
30 exceed \$500, which is nonrefundable, and a provisional  
31 licensure fee, not to exceed \$500.



1           (3) An applicant who has received certification as an  
2 orthotist, a prosthetist, a prosthetist-orthotist, or a  
3 pedorthist from a national certifying body which requires the  
4 successful completion of an examination, may be licensed under  
5 this section without taking an additional examination. An  
6 applicant who has not received certification from a national  
7 certifying body which requires the successful completion of an  
8 examination shall be required to take an examination as  
9 determined by the board. This examination shall be designed to  
10 determine if the applicant has the minimum qualifications  
11 needed to be licensed under this section. The board may charge  
12 an examination fee and the actual per applicant cost to the  
13 department for purchase or development of the examination.

14           (4) An applicant who successfully completed prior to  
15 March 1, 1998, at least one-half of the examination required  
16 for national certification and successfully completed the  
17 remaining portion of the examination and became certified  
18 prior to July 1, 1998, shall be considered as nationally  
19 certified by March 1, 1998, for purposes of this section.

20           ~~(5)(4)~~ This section is repealed July 1, 2002.

21           Section 142. Subsection (3) of section 468.806,  
22 Florida Statutes, is amended to read:

23           468.806 Biennial renewal of license.--

24           (3) The board may by rule prescribe continuing  
25 education requirements and approve course criteria, not to  
26 exceed 30 hours biennially, as a condition for license  
27 renewal. The board shall establish a procedure for approving  
28 continuing education courses and providers and may set a fee  
29 for continuing education course and provider approval.

30           Section 143. Subsection (5) of section 478.42, Florida  
31 Statutes, is amended to read:

1           478.42 Definitions.--As used in this chapter, the  
2 term:

3           (5) "Electrolysis or electrology" means the permanent  
4 removal of hair by destroying ~~introducing, into and beneath~~  
5 ~~the skin, ionizing (galvanic current) or nonionizing radiation~~  
6 ~~(thermolysis or high-frequency current) to destroy the~~  
7 hair-producing cells of the skin and vascular system, using  
8 equipment and needle-type epilation devices approved by the  
9 board which have been cleared by and that are registered with  
10 the United States Food and Drug Administration and that are  
11 used pursuant to protocols approved by the ~~council and the~~  
12 board.

13           Section 144. Section 483.041, Florida Statutes, is  
14 amended to read:

15           483.041 Definitions.--As used in this part, the term:

16           (1) "Agency" means the Agency for Health Care  
17 Administration.

18           (2) "Clinical laboratory" means the physical location  
19 in which one or more of the following services ~~a laboratory~~  
20 ~~where examinations are performed on materials or specimens~~  
21 ~~taken from the human body~~ to provide information or materials  
22 for use in the diagnosis, prevention, or treatment of a  
23 disease or the identification or assessment of a medical or  
24 physical condition.

25           (a) Clinical laboratory services are the examinations  
26 of fluids or other materials taken from the human body.

27           (b) Anatomic laboratory services are the examinations  
28 of tissue taken from the human body.

29           (c) Cytology laboratory services are the examinations  
30 of cells from individual tissues or fluid taken from the human  
31 body.

1           (3) "Clinical laboratory examination" means a  
2 procedure performed to deliver the services defined in  
3 subsection (2), including the oversight or interpretation  
4 thereof.

5           ~~(4)(3)~~ "Clinical laboratory proficiency testing  
6 program" means a program approved by the agency for evaluating  
7 the performance of clinical laboratories.

8           ~~(5)(4)~~ "Collection station" or "branch office" means a  
9 facility operated by a clinical laboratory where materials or  
10 specimens are withdrawn or collected from patients or  
11 assembled after being withdrawn or collected from patients  
12 elsewhere, for subsequent delivery to another location for  
13 examination.

14           ~~(6)(5)~~ "Hospital laboratory" means a laboratory  
15 located in a hospital licensed under chapter 395 that provides  
16 services solely to that hospital and that is owned by the  
17 hospital and governed by the hospital medical staff or  
18 governing board.

19           ~~(7)(6)~~ "Licensed practitioner" means a physician  
20 licensed under chapter 458, chapter 459, chapter 460, or  
21 chapter 461; a dentist licensed under chapter 466; a person  
22 licensed under chapter 462; or an advanced registered nurse  
23 practitioner licensed under chapter 464 or a duly licensed  
24 practitioner from another state licensed under similar  
25 statutes who orders examinations on materials or specimens for  
26 non residents of the State of Florida, but who reside in the  
27 same state as the requesting licensed practitioner.

28           ~~(8)(7)~~ "Person" means the State of Florida or any  
29 individual, firm, partnership, association, corporation,  
30 county, municipality, political subdivision, or other entity,  
31 whether organized for profit or not.

1           ~~(9)(8)~~ "Validation inspection" means an inspection of  
2 a clinical laboratory by the agency to assess whether a review  
3 by an accrediting organization has adequately evaluated the  
4 clinical laboratory according to state standards.

5           ~~(10)(9)~~ "Waived test" means a test that the federal  
6 Health Care Financing Administration has determined qualifies  
7 for a certificate of waiver under the federal Clinical  
8 Laboratory Improvement Amendments of 1988, and the federal  
9 rules adopted thereunder.

10           Section 145. Subsections (2), (3), and (7) of section  
11 483.803, Florida Statutes, are amended to read:

12           483.803 Definitions.--As used in this part, the term:

13           (2) "Clinical laboratory" means a clinical laboratory  
14 as defined in s. 483.041~~(2)~~.

15           (3) "Clinical laboratory examination" means a clinical  
16 laboratory examination as defined in s. 483.041 ~~an examination~~  
17 ~~performed on materials or specimens of the human body to~~  
18 ~~provide information or materials for use in the diagnosis,~~  
19 ~~prevention, or treatment of a disease or the identification or~~  
20 ~~assessment of a medical or physical condition.~~

21           (7) "Licensed practitioner of the healing arts" means  
22 a physician licensed under ~~pursuant to~~ chapter 458, chapter  
23 459, or chapter 460, or chapter 461; a dentist licensed under  
24 ~~pursuant to~~ chapter 466; or a person licensed under ~~pursuant~~  
25 ~~to chapter 461 or chapter 462.~~

26           Section 146. Subsection (9) of section 483.807,  
27 Florida Statutes, 1998 Supplement, is amended to read:

28           483.807 Fees; establishment; disposition.--

29           (9) The initial application and renewal fee for  
30 approval as a laboratory training program may not exceed \$300.  
31 The fee for late filing of a renewal application shall be \$50.

1 Section 147. Subsections (2) and (3) of section  
2 483.809, Florida Statutes, are amended to read:

3 483.809 Licensure; examinations; registration of  
4 trainees; approval of curricula.--

5 (2) EXAMINATIONS.--The department shall conduct  
6 examinations required by board rules to determine in part the  
7 qualification of clinical laboratory personnel for licensure.  
8 The board by rule may designate a ~~An approved~~ national  
9 certification examination that may be accepted in lieu of  
10 state examination for clinical laboratory personnel or public  
11 health scientists.

12 (3) REGISTRATION OF TRAINEES.--The department shall  
13 provide for ~~annual~~ registration of clinical laboratory  
14 trainees who are enrolled in a training program ~~employed by~~  
15 ~~laboratories~~ approved pursuant to s. 483.811, which  
16 registration may not be renewed except upon special  
17 authorization of the board.

18 Section 148. Section 483.812, Florida Statutes, is  
19 amended to read:

20 483.812 Public health laboratory scientists;  
21 licensure.--

22 (1) Applicants at the director level in the category  
23 of public health shall qualify under s. 483.824.

24 (2)~~(1)~~ Applicants at the ~~director and~~ supervisor level  
25 in the category of public health who are certified ~~registered~~  
26 by the National Registry in ~~of~~ Clinical Chemistry  
27 ~~certification~~ or the American Society for ~~of~~ Microbiology,  
28 licensed as a technologist, and have 5 years of pertinent  
29 clinical laboratory experience may qualify ~~under board rules~~  
30 by passing the state-administered ~~appropriate~~ supervision and  
31 administration examination.

1           (3)~~(2)~~(a) A technologist applicant for licensure in  
 2 the category of public health microbiology, with a  
 3 baccalaureate degree in one of the biological sciences from an  
 4 accredited institution, may use the American Society for ~~of~~  
 5 Microbiology or the National Registry in ~~of~~ Microbiology  
 6 Certification in Public Health Microbiology to qualify for a  
 7 technologist license in public health microbiology. Such a  
 8 technologist may work in a public health microbiology  
 9 laboratory.

10           (b) A technologist applicant for licensure in the  
 11 category of public health chemistry, with a baccalaureate  
 12 degree in one of the chemical, biological, or physical  
 13 sciences from an accredited institution, may use the National  
 14 Registry of Clinical Chemistry Certification to qualify for a  
 15 technologist license in public health chemistry. Such a  
 16 technologist may work in a public health chemistry laboratory.

17           (c) A technician applicant for licensure in the  
 18 category of public health, with a baccalaureate degree in one  
 19 of the chemical or biological sciences from an accredited  
 20 institution, may obtain a 2-year ~~one-time, 3-year,~~conditional  
 21 public health technician license, which may be renewed once  
 22 ~~pending national certification by the American Society of~~  
 23 ~~Microbiology or the National Registry of Clinical Chemistry~~  
 24 ~~Certification~~. Such a technician may perform testing only  
 25 under the direct supervision of a licensed pathologist,  
 26 director, supervisor, or technologist.

27           (4)~~(3)~~ A person licensed by the Board of Clinical  
 28 Laboratory Personnel may work in a public health laboratory at  
 29 the appropriate level and specialty.

30           Section 149. Section 483.813, Florida Statutes, is  
 31 amended to read:

1           483.813 Clinical laboratory personnel license.--A  
2 person may not conduct a clinical laboratory examination or  
3 report the results of such examination unless such person is  
4 licensed under this part to perform such procedures. However,  
5 this provision does not apply to any practitioner of the  
6 healing arts authorized to practice in this state or to  
7 persons engaged in testing performed by laboratories regulated  
8 under s. 483.035(1) or exempt from regulation under s.  
9 483.031(2). The department may grant a temporary license to  
10 any candidate it deems properly qualified, for a period not to  
11 exceed 1 year, ~~or a conditional license for a period not to~~  
12 ~~exceed 3 years.~~

13           Section 150. Subsection (3) is added to section  
14 483.821, Florida Statutes, to read:

15           483.821 Periodic demonstration of competency;  
16 continuing education or reexamination.--

17           (3) The board may, by rule, provide for continuing  
18 education or retraining requirements for candidates failing an  
19 examination two or more times.

20           Section 151. Section 483.824, Florida Statutes, is  
21 amended to read:

22           483.824 Qualifications of clinical laboratory  
23 director.--A clinical laboratory director must have 4 years of  
24 clinical laboratory experience with 2 years of experience in  
25 the speciality to be directed or be nationally board certified  
26 in the specialty to be directed, and must meet one of the  
27 following requirements:

28           (1) Be a physician licensed under chapter 458 or  
29 chapter 459;

30  
31

1           (2) Hold an earned doctoral degree in a chemical,  
2 physical, or biological science from a regionally accredited  
3 institution and be nationally certified; or

4           (3) For the subspecialty of oral pathology, be a  
5 physician licensed under chapter 458 or chapter 459 or a  
6 dentist licensed under chapter 466.

7           Section 152. Section 483.825, Florida Statutes, is  
8 amended to read:

9           483.825 Grounds for disciplinary action.--The  
10 following acts constitute grounds for which disciplinary  
11 actions specified in s. 483.827 may be taken against  
12 applicants, registrants, and licensees under this part:

13           (1) Attempting to obtain, obtaining, or renewing a  
14 license or registration under this part by bribery, by  
15 fraudulent misrepresentation, or through an error of the  
16 department or the board.

17           (2) Engaging in or attempting to engage in, or  
18 representing herself or himself as entitled to perform, any  
19 clinical laboratory procedure or category of procedures not  
20 authorized pursuant to her or his license.

21           (3) Demonstrating incompetence or making consistent  
22 errors in the performance of clinical laboratory examinations  
23 or procedures or erroneous reporting.

24           (4) Performing a test and rendering a report thereon  
25 to a person not authorized by law to receive such services.

26           (5) Has been convicted or found guilty of, or entered  
27 a plea of nolo contendere to, regardless of adjudication, a  
28 crime in any jurisdiction which directly relates to the  
29 activities of clinical laboratory personnel or involves moral  
30 turpitude or fraudulent or dishonest dealing. The record of a  
31 conviction certified or authenticated in such form as to be



1 admissible in evidence under the laws of the state shall be  
2 admissible as prima facie evidence of such guilt.~~Having been~~  
3 ~~convicted of a felony or of any crime involving moral~~  
4 ~~turpitude under the laws of any state or of the United States.~~  
5 ~~The record of conviction or a certified copy thereof shall be~~  
6 ~~conclusive evidence of such conviction.~~

7 (6) Having been adjudged mentally or physically  
8 incompetent.

9 (7) Violating or aiding and abetting in the violation  
10 of any provision of this part or the rules adopted hereunder.

11 (8) Reporting a test result when no laboratory test  
12 was performed on a clinical specimen.

13 (9) Knowingly advertising false services or  
14 credentials.

15 (10) Having a license revoked, suspended, or otherwise  
16 acted against, including the denial of licensure, by the  
17 licensing authority of another jurisdiction. The licensing  
18 authority's acceptance of a relinquishment of a license,  
19 stipulation, consent order, or other settlement, offered in  
20 response to or in anticipation of the filing of administrative  
21 charges against the licensee, shall be construed as action  
22 against the licensee.

23 (11) Failing to report to the board, in writing,  
24 within 30 days that an if action under subsection (5),  
25 subsection (6), or subsection (10) has been taken against the  
26 licensee or one's license to practice as clinical laboratory  
27 personnel in another state, territory, or country, or other  
28 jurisdiction.

29 (12) Being unable to perform or report clinical  
30 laboratory examinations with reasonable skill and safety to  
31 patients by reason of illness or use of alcohol, drugs,

1 narcotics, chemicals, or any other type of material or as a  
 2 result of any mental or physical condition. In enforcing this  
 3 subsection, the department shall have, upon a finding of the  
 4 secretary or his or her designee that probable cause exists to  
 5 believe that the licensee is unable to practice because of the  
 6 reasons stated in this subsection, the authority to issue an  
 7 order to compel a licensee to submit to a mental or physical  
 8 examination by physicians designated by the department. If  
 9 the licensee refuses to comply with such order, the  
 10 department's order directing such examination may be enforced  
 11 by filing a petition for enforcement in the circuit court  
 12 where the licensee resides or does business. The department  
 13 shall be entitled to the summary procedure provided in s.  
 14 51.011. A licensee affected under this subsection shall at  
 15 reasonable intervals be afforded an opportunity to demonstrate  
 16 that he or she can resume competent practice with reasonable  
 17 skill and safety to patients.

18 (13) Delegating professional responsibilities to a  
 19 person when the licensee delegating such responsibilities  
 20 knows, or has reason to know, that such person is not  
 21 qualified by training, experience, or licensure to perform  
 22 them.

23 (14) Violating a previous order of the board entered  
 24 in a disciplinary proceeding.

25 (15) Failing to report to the department a person or  
 26 other licensee who the licensee knows is in violation of this  
 27 chapter or the rules of the department or board adopted  
 28 hereunder.

29 (16) Making or filing a report which the licensee  
 30 knows to be false, intentionally or negligently failing to  
 31 file a report or record required by state or federal law,

1 willfully impeding or obstructing such filing or inducing  
2 another person to do so, including, but not limited to,  
3 impeding an agent of the state from obtaining a report or  
4 record for investigative purposes. Such reports or records  
5 shall include only those generated in the capacity as a  
6 licensed clinical laboratory personnel.

7 (17) Paying or receiving any commission, bonus,  
8 kickback, or rebate, or engaging in any split-fee arrangement  
9 in any form whatsoever with a physician, organization, agency,  
10 or person, either directly or indirectly for patients referred  
11 to providers of health care goods and services including, but  
12 not limited to, hospitals, nursing homes, clinical  
13 laboratories, ambulatory surgical centers, or pharmacies. The  
14 provisions of this subsection shall not be construed to  
15 prevent a clinical laboratory professional from receiving a  
16 fee for professional consultation services.

17 (18) Exercising influence on a patient or client in  
18 such a manner as to exploit the patient or client for the  
19 financial gain of the licensee or other third party, which  
20 shall include, but not be limited to, the promoting, selling,  
21 or withholding of services, goods, appliances, referrals, or  
22 drugs.

23 (19) Practicing or offering to practice beyond the  
24 scope permitted by law or rule, or accepting or performing  
25 professional services or responsibilities which the licensee  
26 knows or has reason to know that he or she is not competent to  
27 perform.

28 (20) Misrepresenting or concealing a material fact at  
29 any time during any phase of the licensing, investigative, or  
30 disciplinary process, procedure, or proceeding.

31

1           (21) Improperly interfering with an investigation or  
2 any disciplinary proceeding.

3           (22) Engaging in or attempting to engage in sexual  
4 misconduct, causing undue embarrassment or using disparaging  
5 language or language of a sexual nature towards a patient,  
6 exploiting superior/subordinate, professional/patient,  
7 instructor/student relationships for personal gain, sexual  
8 gratification, or advantage.

9           Section 153. Paragraph (g) of subsection (4) and  
10 subsections (6) and (8) of section 483.901, Florida Statutes,  
11 1998 Supplement, are amended to read:

12           483.901 Medical physicists; definitions; licensure.--

13           (4) COUNCIL.--The Advisory Council of Medical  
14 Physicists is created in the Department of Health to advise  
15 the department in regulating the practice of medical physics  
16 in this state.

17           (g) If a vacancy on the council occurs, the secretary  
18 ~~director~~ shall appoint a member to serve for a 4-year term.

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           (a) The department shall adopt rules to administer  
26 this section which specify license application and renewal  
27 fees, continuing education requirements, and standards for  
28 practicing medical physics. The council shall recommend to  
29 the department continuing education requirements that shall be  
30 a condition of license renewal. The department shall require  
31 a minimum of 24 hours per biennium of continuing education

1 offered by an organization recommended by the council and  
2 approved by the department. The department, upon  
3 recommendation of the council, may adopt rules to specify  
4 continuing education requirements for persons who hold a  
5 license in more than one specialty.

6 (b) In order to apply for a medical physicist license  
7 in one or more specialties, a person must file an individual  
8 application for each specialty with the department. The  
9 application must be on a form prescribed by the department and  
10 must be accompanied by a nonrefundable application fee for  
11 each specialty.

12 (c) The department may issue a license to an eligible  
13 applicant if the applicant meets all license requirements. At  
14 any time before the department issues a license, the applicant  
15 may request in writing that the application be withdrawn. To  
16 reapply, the applicant must submit a new application and an  
17 additional nonrefundable application fee and must meet all  
18 current licensure requirements.

19 (d) The department shall review each completed  
20 application for a license which the department receives.

21 (e) On receipt of an application and fee as specified  
22 in this section, the department may issue a license to  
23 practice medical physics in this state:

24 1. Until October 1, 1998, to a person who meets any of  
25 the following requirements:

26 a. Earned from an accredited college or university a  
27 doctoral degree in physics, medical physics, biophysics,  
28 radiological physics, medical health physics, or nuclear  
29 engineering and has at least 2 years' experience in the  
30 practice of the medical physics specialty for which  
31 application is made.

1           b. Earned from an accredited college or university a  
2 master's degree in physics, medical physics, biophysics,  
3 radiological physics, medical health physics, or nuclear  
4 engineering and has at least 3 years' experience in the  
5 practice of the medical physics specialty for which  
6 application is made.

7           c. Earned from an accredited college or university a  
8 bachelor's degree in physics and has at least 5 years'  
9 experience in the practice of the medical physics specialty  
10 for which application is made.

11           d. Has at least 8 years' experience in the practice of  
12 the medical physics specialty for which application is made, 2  
13 years of which must have been earned within the 4 years  
14 immediately preceding application for licensure.

15           e. Is board certified in the medical physics specialty  
16 in which the applicant applies to practice by the American  
17 Board of Radiology for diagnostic radiological physics,  
18 therapeutic radiological physics, or medical nuclear  
19 radiological physics; by the American Board of Medical Physics  
20 or the Canadian Board of Medical Physics for diagnostic  
21 radiological physics, therapeutic radiological physics, or  
22 medical nuclear radiological physics; or by the American Board  
23 of Health Physics or an equivalent certifying body approved by  
24 the agency.

25           2. On or after October 1, 1997, to a person who is  
26 board certified in the medical physics specialty in which the  
27 applicant applies to practice by the American Board of  
28 Radiology for diagnostic radiological physics, therapeutic  
29 radiological physics, or medical nuclear radiological physics;  
30 by the American Board of Medical Physics for diagnostic  
31 radiological physics, therapeutic radiological physics, or

1 medical nuclear radiological physics; or by the American Board  
2 of Health Physics or an equivalent certifying body approved by  
3 the department.

4 (f) A licensee shall:

5 1. Display the license in a place accessible to the  
6 public; and

7 2. Report immediately any change in the licensee's  
8 address or name to the department.

9 (g) The following acts are grounds for which the  
10 disciplinary actions in paragraph (h) may be taken:

11 1. Obtaining or attempting to obtain a license by  
12 bribery, fraud, knowing misrepresentation, or concealment of  
13 material fact or through an error of the department.

14 2. Having a license denied, revoked, suspended, or  
15 otherwise acted against in another jurisdiction.

16 3. Being convicted or found guilty of, or entering a  
17 plea of nolo contendere to, regardless of adjudication, a  
18 crime in any jurisdiction which relates to the practice of, or  
19 the ability to practice, the profession of medical physics.

20 4. Willfully failing to file a report or record  
21 required for medical physics or willfully impeding or  
22 obstructing the filing of a report or record required by this  
23 section or inducing another person to do so.

24 5. Making misleading, deceptive, or fraudulent  
25 representations in or related to the practice of medical  
26 physics.

27 6. Willfully failing to report any known violation of  
28 this section or any rule adopted thereunder.

29 7. Willfully or repeatedly violating a rule adopted  
30 under this section or an order of the department.

31

1           8. Failing to perform any statutory or legal  
2 obligation placed upon a licensee.

3           9. Aiding, assisting, procuring, employing, or  
4 advising any unlicensed person to practice medical physics  
5 contrary to this section or any rule adopted thereunder.

6           10. Delegating or contracting for the performance of  
7 professional responsibilities by a person when the licensee  
8 delegating or contracting such responsibilities knows, or has  
9 reason to know, such person is not qualified by training,  
10 experience, and authorization to perform them.

11           11. Practicing or offering to practice beyond the  
12 scope permitted by law or accepting and performing  
13 professional responsibilities the licensee knows, or has  
14 reason to know, the licensee is not competent to perform.

15           12. Gross or repeated malpractice or the inability to  
16 practice medical physics with reasonable skill and safety.

17           13. Judicially determined mental incompetency.

18           14. Being unable to practice medical physics with  
19 reasonable skill and safety because of a mental or physical  
20 condition or illness or the use of alcohol, controlled  
21 substances, or any other substance which impairs one's ability  
22 to practice.

23           a. The department may, upon probable cause, compel a  
24 licensee to submit to a mental or physical examination by  
25 physicians designated by the department. The cost of an  
26 examination shall be borne by the licensee, and the licensee's  
27 failure to submit to such an examination constitutes an  
28 admission of the allegations against the licensee, consequent  
29 upon which a default and a final order may be entered without  
30 the taking of testimony or presentation of evidence, unless  
31



1 the failure was due to circumstances beyond the licensee's  
2 control.

3         b. A licensee who is disciplined under this  
4 subparagraph shall, at reasonable intervals, be afforded an  
5 opportunity to demonstrate that the licensee can resume the  
6 practice of medical physics with reasonable skill and safety.

7         c. With respect to any proceeding under this  
8 subparagraph, the record of proceedings or the orders entered  
9 by the department may not be used against a licensee in any  
10 other proceeding.

11         (h) When the department finds any person guilty of any  
12 of the grounds set forth in paragraph (g), including conduct  
13 that would constitute a substantial violation of paragraph (g)  
14 which occurred prior to licensure, it may enter an order  
15 imposing one or more of the following penalties:

16             1. Deny the application for licensure.

17             2. Revoke or suspend the license.

18             3. Impose an administrative fine for each count or  
19 separate offense.

20             4. Place the licensee on probation for a specified  
21 time and subject the licensee to such conditions as the  
22 department determines necessary, including requiring  
23 treatment, continuing education courses, or working under the  
24 monitoring or supervision of another licensee.

25             5. Restrict a licensee's practice.

26             6. Issue a reprimand to the licensee.

27         (i) The department may not issue or reinstate a  
28 license to a person it has deemed unqualified until it is  
29 satisfied that such person has complied with the terms and  
30 conditions of the final order and that the licensee can safely  
31 practice medical physics.

1           ~~(j) The department may issue a temporary license to an~~  
2 ~~applicant pending completion of the application process for~~  
3 ~~board certification.~~

4           (j)(k) Upon receipt of a complete application and the  
5 fee set forth by rule, the department may issue a  
6 physicist-in-training certificate to a person qualified to  
7 practice medical physics under direct supervision. The  
8 department may establish by rule requirements for initial  
9 certification and renewal of a physicist-in-training  
10 certificate.

11           (8) DISPOSITION OF FEES.--The department shall deposit  
12 all funds received into the Medical Quality Assurance Health  
13 ~~Care~~ Trust Fund.

14           Section 154. Paragraph (d) of subsection (1) of  
15 section 484.007, Florida Statutes, is amended to read:

16           484.007 Licensure of opticians; permitting of optical  
17 establishments.--

18           (1) Any person desiring to practice opticianry shall  
19 apply to the department, upon forms prescribed by it, to take  
20 a licensure examination. The department shall examine each  
21 applicant who the board certifies:

22           (d)1. Has received an associate degree, or its  
23 equivalent, in opticianry from an educational institution the  
24 curriculum of which is accredited by an accrediting agency  
25 recognized and approved by the United States Department of  
26 Education or the Council on Postsecondary Education or  
27 approved by the board;

28           2. Is an individual licensed to practice the  
29 profession of opticianry pursuant to a regulatory licensing  
30 law of another state, territory, or jurisdiction of the United  
31 States, who has actively practiced in such other state,

1 territory, or jurisdiction for more than 3 years immediately  
2 preceding application, and who meets the examination  
3 qualifications as provided in this subsection;

4 3. Is an individual who has actively practiced in  
5 another state, territory, or jurisdiction of the United States  
6 for more than 5 years immediately preceding application and  
7 who provides tax or business records, affidavits, or other  
8 satisfactory documentation of such practice and who meets the  
9 examination qualifications as provided in this subsection; or

10 4. Has registered as an apprentice with the department  
11 and paid a registration fee not to exceed \$60, as set by rule  
12 of the board. The apprentice shall complete 6,240 hours of  
13 training under the supervision of an optician licensed in this  
14 state for at least 1 year or of~~a physician~~~~or an~~  
15 optometrist licensed under the laws of this state. These  
16 requirements must be met within 5 years after the date of  
17 registration. However, any time spent in a recognized school  
18 may be considered as part of the apprenticeship program  
19 provided herein. The board may establish administrative  
20 processing fees sufficient to cover the cost of administering  
21 apprentice rules as promulgated by the board.

22 Section 155. Subsection (3) is added to section  
23 484.0512, Florida Statutes, to read:

24 484.0512 Thirty-day trial period; purchaser's right to  
25 cancel; notice; refund; cancellation fee.--

26 (3) Within 30 days after the return or attempted  
27 return of the hearing aid, the seller shall refund all moneys  
28 that must be refunded to a purchaser pursuant to this section.

29 Section 156. Section 484.053, Florida Statutes, is  
30 amended to read:

31 484.053 Prohibitions; penalties.--

- 1 (1) A person may not:
- 2 (a) Practice dispensing hearing aids unless the person
- 3 is a licensed hearing aid specialist;
- 4 (b) Use the name or title "hearing aid specialist"
- 5 when the person has not been licensed under this part;
- 6 (c) Present as her or his own the license of another;
- 7 (d) Give false, incomplete, or forged evidence to the
- 8 board or a member thereof for the purposes of obtaining a
- 9 license;
- 10 (e) Use or attempt to use a hearing aid specialist
- 11 license that is delinquent or has been suspended, revoked, or
- 12 placed on inactive ~~or delinquent~~ status;
- 13 (f) Knowingly employ unlicensed persons in the
- 14 practice of dispensing hearing aids; or
- 15 (g) Knowingly conceal information relative to
- 16 violations of this part.
- 17 (2) Any person who violates any of the provisions of
- 18 this section is guilty of a felony ~~misdemeanor~~ of the third
- 19 ~~second degree~~, punishable as provided in s. 775.082 or s.
- 20 775.083.
- 21 (3) If a person licensed under this part allows the
- 22 sale of a hearing aid by an unlicensed person not registered
- 23 as a trainee or fails to comply with the requirements of s.
- 24 484.0445(2) relating to supervision of trainees, the board
- 25 shall, upon determination of that violation, order the full
- 26 refund of moneys paid by the purchaser upon return of the
- 27 hearing aid to the seller's place of business.
- 28 Section 157. Paragraph (a) of subsection (1) of
- 29 section 484.056, Florida Statutes, 1998 Supplement, is amended
- 30 to read:
- 31 484.056 Disciplinary proceedings.--

1           (1) The following acts relating to the practice of  
2 dispensing hearing aids shall be grounds for both disciplinary  
3 action against a hearing aid specialist as set forth in this  
4 section and cease and desist or other related action by the  
5 department as set forth in s. 455.637 against any person  
6 owning or operating a hearing aid establishment who engages  
7 in, aids, or abets any such violation:

8           (a) Violation of any provision of s. 455.624(1), s.  
9 484.0512, or s. 484.053.

10           Section 158. Section 486.041, Florida Statutes, is  
11 amended to read:

12           486.041 Physical therapist; application for license;  
13 ~~fee; temporary permit.--~~

14           ~~(1)~~ A person who desires to be licensed as a physical  
15 therapist shall apply to the department in writing on a form  
16 furnished by the department. She or he shall embody in that  
17 application evidence under oath, satisfactory to the board, of  
18 possession of the qualifications preliminary to examination  
19 required by s. 486.031. The applicant shall pay to the  
20 department at the time of filing the application a fee not to  
21 exceed \$100, as fixed by the board.

22           ~~(2) If a person desires to practice physical therapy~~  
23 ~~before becoming licensed through examination, she or he shall~~  
24 ~~apply for a temporary permit in accordance with rules adopted~~  
25 ~~pursuant to this chapter.~~

26           ~~(a) A temporary permit shall only be issued for a~~  
27 ~~limited period of time, not to exceed 1 year, and shall not be~~  
28 ~~renewable. A temporary permit shall automatically expire if an~~  
29 ~~applicant fails the examination.~~

30  
31

1           ~~(b) An applicant for licensure by examination and~~  
2 ~~practicing under a temporary permit shall do so only under the~~  
3 ~~direct supervision of a licensed physical therapist.~~

4           Section 159. Section 486.081, Florida Statutes, is  
5 amended to read:

6           486.081 Physical therapist; issuance of license  
7 without examination to person passing examination of another  
8 authorized examining board; ~~temporary permit; fee.--~~

9           (1) The board may cause a license to be issued through  
10 the department without examination to any applicant who  
11 presents evidence satisfactory to the board of having passed  
12 the American Registry Examination prior to 1971 or an  
13 examination in physical therapy before a similar lawfully  
14 authorized examining board of another state, the District of  
15 Columbia, a territory, or a foreign country, if the standards  
16 for licensure in physical therapy in such other state,  
17 district, territory, or foreign country are determined by the  
18 board to be as high as those of this state, as established by  
19 rules adopted pursuant to this chapter. Any person who holds a  
20 license pursuant to this section may use the words "physical  
21 therapist" or "physiotherapist," or the letters "P.T.," in  
22 connection with her or his name or place of business to denote  
23 her or his licensure hereunder.

24           (2) At the time of making application for licensure  
25 without examination pursuant to the terms of this section, the  
26 applicant shall pay to the department a fee not to exceed \$175  
27 as fixed by the board, no part of which will be returned.

28           ~~(3) If a person desires to practice physical therapy~~  
29 ~~before becoming licensed through endorsement, she or he shall~~  
30 ~~apply to the board for a temporary permit in accordance with~~  
31 ~~rules adopted pursuant to this chapter. A temporary permit~~

1 ~~shall only be issued for a limited period of time, not to~~  
2 ~~exceed 1 year, and shall not be renewable.~~

3 Section 160. Section 486.103, Florida Statutes, is  
4 amended to read:

5 486.103 Physical therapist assistant; application for  
6 license; ~~fee; temporary permit.--~~

7 ~~(1)~~ A person who desires to be licensed as a physical  
8 therapist assistant shall apply to the department in writing  
9 on a form furnished by the department. She or he shall embody  
10 in that application evidence under oath, satisfactory to the  
11 board, of possession of the qualifications preliminary to  
12 examination required by s. 486.104. The applicant shall pay to  
13 the department at the time of filing the application a fee not  
14 to exceed \$100, as fixed by the board.

15 ~~(2) If a person desires to work as a physical~~  
16 ~~therapist assistant before being licensed through examination,~~  
17 ~~she or he shall apply for a temporary permit in accordance~~  
18 ~~with rules adopted pursuant to this chapter.~~

19 ~~(a) A temporary permit shall only be issued for a~~  
20 ~~limited period of time, not to exceed 1 year, and shall not be~~  
21 ~~renewable. A temporary permit shall automatically expire if an~~  
22 ~~applicant fails the examination.~~

23 ~~(b) An applicant for licensure by examination who is~~  
24 ~~practicing under a temporary permit shall do so only under the~~  
25 ~~direct supervision of a licensed physical therapist.~~

26 Section 161. Section 486.107, Florida Statutes, is  
27 amended to read:

28 486.107 Physical therapist assistant; issuance of  
29 license without examination to person licensed in another  
30 jurisdiction; ~~temporary permit; fee.--~~

31

1           (1) The board may cause a license to be issued through  
2 the department without examination to any applicant who  
3 presents evidence to the board, under oath, of licensure in  
4 another state, the District of Columbia, or a territory, if  
5 the standards for registering as a physical therapist  
6 assistant or licensing of a physical therapist assistant, as  
7 the case may be, in such other state are determined by the  
8 board to be as high as those of this state, as established by  
9 rules adopted pursuant to this chapter. Any person who holds a  
10 license pursuant to this section may use the words "physical  
11 therapist assistant," or the letters "P.T.A.," in connection  
12 with her or his name to denote licensure hereunder.

13           (2) At the time of making application for licensing  
14 without examination pursuant to the terms of this section, the  
15 applicant shall pay to the department a fee not to exceed \$175  
16 as fixed by the board, no part of which will be returned.

17           ~~(3) If a person desires to work as a physical  
18 therapist assistant before being licensed through endorsement,  
19 she or he shall apply for a temporary permit in accordance  
20 with rules adopted pursuant to this chapter. A temporary  
21 permit shall only be issued for a limited period of time, not  
22 to exceed 1 year, and shall not be renewable.~~

23           Section 162. Paragraph (b) of subsection (1) of  
24 section 490.005, Florida Statutes, 1998 Supplement, is amended  
25 to read:

26           490.005 Licensure by examination.--

27           (1) Any person desiring to be licensed as a  
28 psychologist shall apply to the department to take the  
29 licensure examination. The department shall license each  
30 applicant who the board certifies has:

31



1 (b) Submitted proof satisfactory to the board that the  
2 applicant has:

3 1. Received doctoral-level psychological education, as  
4 defined in s. 490.003(3);

5 2. Received the equivalent of a doctoral-level  
6 psychological education, as defined in s. 490.003(3), from a  
7 program at a school or university located outside the United  
8 States of America and Canada, which was officially recognized  
9 by the government of the country in which it is located as an  
10 institution or program to train students to practice  
11 professional psychology. The burden of establishing that the  
12 requirements of this provision have been met shall be upon the  
13 applicant;

14 3. Received and submitted to the board, prior to July  
15 1, 1999, certification of an augmented doctoral-level  
16 psychological education from the program director of a  
17 doctoral-level psychology program accredited by a programmatic  
18 agency recognized and approved by the United States Department  
19 of Education; or

20 4. Received and submitted to the board, prior to  
21 August 31, 2001 ~~July 1, 2001~~, certification of a  
22 doctoral-level program that at the time the applicant was  
23 enrolled and graduated maintained a standard of education and  
24 training comparable to the standard of training of programs  
25 accredited by a programmatic agency recognized and approved by  
26 the United States Department of Education, ~~as such~~  
27 ~~comparability was determined by the Board of Psychological~~  
28 ~~Examiners immediately prior to the amendment of s. 490.005,~~  
29 ~~Florida Statutes, 1994 Supplement, by s. 5, chapter 95-279,~~  
30 Laws of Florida. Such certification of comparability shall be  
31 provided by the program director of a doctoral-level

1 psychology program accredited by a programmatic agency  
2 recognized and approved by the United States Department of  
3 Education.

4 Section 163. Subsection (1) of section 490.006,  
5 Florida Statutes, is amended to read:

6 490.006 Licensure by endorsement.--

7 (1) The department shall license a person as a  
8 psychologist or school psychologist who, upon applying to the  
9 department and remitting the appropriate fee, demonstrates to  
10 the department or, in the case of psychologists, to the board  
11 that the applicant:

12 (a) Holds a valid license or certificate in another  
13 state to practice psychology or school psychology, as  
14 applicable, provided that, when the applicant secured such  
15 license or certificate, the requirements were substantially  
16 equivalent to or more stringent than those set forth in this  
17 chapter at that time; and, if no Florida law existed at that  
18 time, then the requirements in the other state must have been  
19 substantially equivalent to or more stringent than those set  
20 forth in this chapter at the present time; ~~or~~

21 (b) Is a diplomate in good standing with the American  
22 Board of Professional Psychology, Inc.; or

23 (c) Possesses a doctoral degree in psychology as  
24 described in s. 490.003 and has at least 20 years of  
25 experience as a licensed psychologist in any jurisdiction or  
26 territory of the United States within 25 years preceding the  
27 date of application.

28 Section 164. Subsection (2) of section 490.0085,  
29 Florida Statutes, is amended to read:

30 490.0085 Continuing education; approval of providers,  
31 programs, and courses; proof of completion.--

1           (2) The department or, in the case of psychologists,  
2 the board has the authority to set a fee not to exceed \$500  
3 for each applicant who applies for or renews provider status.  
4 Such fees shall be deposited into the Medical Quality  
5 Assurance ~~Health Care~~ Trust Fund.

6           Section 165. Section 491.0045, Florida Statutes, is  
7 amended to read:

8           491.0045 Intern registration; requirements.--

9           (1) Effective January 1, 1998, an individual who  
10 intends to practice in Florida to satisfy the postgraduate or  
11 post-master's level experience requirements, as specified in  
12 s. 491.005(1)(c), (3)(c), or (4)(c), must register as an  
13 intern in the profession for which he or she is seeking  
14 licensure prior to commencing the post-master's experience  
15 requirement or an individual who intends to satisfy part of  
16 the required graduate-level practicum, internship, or field  
17 experience, outside the academic arena for any profession,  
18 must register as an intern in the profession for which he or  
19 she is seeking licensure prior to commencing the practicum,  
20 internship, or field experience.

21           (2) The department shall register as a clinical social  
22 worker intern, marriage and family therapist intern, or mental  
23 health counselor intern each applicant who the board certifies  
24 has:

25           (a) Completed the application form and remitted a  
26 nonrefundable application fee not to exceed \$200, as set by  
27 board rule;

28           (b)1. Completed the education requirements as  
29 specified in s. 491.005(1)(c), (3)(c), or (4)(c)for the  
30 profession for which he or she is applying for licensure, if  
31 needed; and

1           2. Submitted an acceptable supervision plan, as  
2 determined by the board, for meeting the practicum,  
3 internship, or field work required for licensure that was not  
4 satisfied in his or her graduate program.

5           (c) Identified a qualified supervisor.

6           (3) An individual registered under this section must  
7 remain under supervision until he or she is in receipt of a  
8 license or a letter from the department stating that he or she  
9 is licensed to practice the profession for which he or she  
10 applied.

11           (4) An individual who has applied for intern  
12 registration on or before December 31, 2001, and has satisfied  
13 the education requirements of s. 491.005 that are in effect  
14 through December 31, 2000, will have met the educational  
15 requirements for licensure for the profession for which he or  
16 she has applied.

17           (5) Individuals who have commenced the experience  
18 requirement as specified in s. 491.005(1)(c), (3)(c), or  
19 (4)(c) but failed to register as required by subsection (1)  
20 shall register with the department before January 1, 2000.  
21 Individuals who fail to comply with this subsection shall not  
22 be granted a license, and any time spent by the individual  
23 completing the experience requirement prior to registering as  
24 an intern shall not count toward completion of such  
25 requirement.

26           Section 166. Subsections (1) and (2) of section  
27 491.0046, Florida Statutes, are amended to read:

28           491.0046 Provisional license; requirements.--

29           (1) An individual applying for licensure by  
30 examination who has satisfied the clinical experience  
31 requirements of s. 491.005 or an individual applying for

1 licensure by endorsement pursuant to s. 491.006 intending to  
2 provide clinical social work, marriage and family therapy, or  
3 mental health counseling services in Florida while satisfying  
4 coursework or examination requirements for licensure must be  
5 provisionally licensed in the profession for which he or she  
6 is seeking licensure prior to beginning practice.

7 (2) The department shall issue a provisional clinical  
8 social worker license, provisional marriage and family  
9 therapist license, or provisional mental health counselor  
10 license to each applicant who the board certifies has:

11 (a) Completed the application form and remitted a  
12 nonrefundable application fee not to exceed \$100, as set by  
13 board rule; and

14 (b) ~~1. Earned a graduate degree in social work, a~~  
15 ~~graduate degree with a major emphasis in marriage and family~~  
16 ~~therapy or a closely related field, or a graduate degree in a~~  
17 ~~major related to the practice of mental health counseling;~~  
18 ~~and, and satisfied the clinical experience requirements for~~  
19 ~~licensure pursuant to s. 491.005; or~~

20 ~~2. Been approved for examination under the provisions~~  
21 ~~for licensure by endorsement pursuant to s. 491.006.~~

22 (c) Has met the following minimum coursework  
23 requirements:

24 1. For clinical social work, a minimum of 15 semester  
25 hours or 22 quarter hours of the coursework required by s.  
26 491.005(1)(b)2.b.

27 2. For marriage and family therapy, ten of the courses  
28 required by s. 491.005(3)(b)1.a.-c., as determined by the  
29 board, and at least 6 semester hours or 9 quarter hours of the  
30 course credits must have been completed in the area of  
31 marriage and family systems, theories, or techniques.

1           3. For mental health counseling, a minimum of seven of  
2 the courses required under s. 491.005(b)1.a.-c.

3           Section 167. Section 491.005, Florida Statutes, is  
4 amended to read:

5           491.005 Licensure by examination.--

6           (1) CLINICAL SOCIAL WORK.--Upon verification of  
7 documentation and payment of a fee not to exceed \$200, as set  
8 by board rule, plus the actual per applicant cost to the  
9 department for purchase of the examination from the American  
10 Association of State Social Worker's Boards or a similar  
11 national organization, the department shall issue a license as  
12 a clinical social worker to an applicant who the board  
13 certifies:

14           (a) Has made application therefor and paid the  
15 appropriate fee.

16           (b)1. Has received a doctoral degree in social work  
17 from a graduate school of social work which at the time the  
18 applicant graduated was accredited by an accrediting agency  
19 recognized by the United States Department of Education or has  
20 received a master's degree in social work from a graduate  
21 school of social work which at the time the applicant  
22 graduated:

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

25           b. Was accredited by the Canadian Association of  
26 Schools of Social Work; or

27           c. Has been determined to have been a program  
28 equivalent to programs approved by the Council on Social Work  
29 Education by the Foreign Equivalency Determination Service of  
30 the Council on Social Work Education. An applicant who  
31 graduated from a program at a university or college outside of

1 the United States or Canada must present documentation of the  
2 equivalency determination from the council in order to  
3 qualify.

4         2. The applicant's graduate program must have  
5 emphasized direct clinical patient or client health care  
6 services, including, but not limited to, coursework in  
7 clinical social work, psychiatric social work, medical social  
8 work, social casework, psychotherapy, or group therapy. The  
9 applicant's graduate program must have included all of the  
10 following coursework:

11             a. A supervised field placement which was part of the  
12 applicant's advanced concentration in direct practice, during  
13 which the applicant provided clinical services directly to  
14 clients.

15             b. Completion of 24 semester hours or 32 ~~37~~ quarter  
16 hours in theory of human behavior and practice methods as  
17 courses in clinically oriented services, including a minimum  
18 of one course in psychopathology, and no more than one course  
19 in research, taken in a school of social work accredited or  
20 approved pursuant to subparagraph 1.

21             3. If the course title which appears on the  
22 applicant's transcript does not clearly identify the content  
23 of the coursework, the applicant shall be required to provide  
24 additional documentation, including, but not limited to, a  
25 syllabus or catalog description published for the course.

26             (c) Has had not less than 2 years of clinical social  
27 work experience, which took place subsequent to completion of  
28 a graduate degree in social work at an institution meeting the  
29 accreditation requirements of this section, under the  
30 supervision of a licensed clinical social worker or the  
31 equivalent who is a qualified supervisor as determined by the

1 board. An individual who intends to practice in Florida to  
 2 satisfy clinical experience requirements must register  
 3 pursuant to s. 491.0045 prior to commencing practice. If the  
 4 applicant's graduate program was not a program which  
 5 emphasized direct clinical patient or client health care  
 6 services as described in subparagraph (b)2.s. 491.003, the  
 7 supervised experience requirement must take place after the  
 8 applicant has completed a minimum of 15 semester hours or 22  
 9 quarter hours of the coursework required. A doctoral  
 10 internship may be applied toward the clinical social work  
 11 experience requirement. The experience requirement may be met  
 12 by work performed on or off the premises of the supervising  
 13 clinical social worker or the equivalent, provided the  
 14 off-premises work is not the independent private practice  
 15 rendering of clinical social work that does not have a  
 16 licensed mental health professional, as determined by the  
 17 board, on the premises at the same time the intern is  
 18 providing services.

19 (d) Has passed a theory and practice examination  
 20 provided by the department for this purpose.

21 (e) Has demonstrated, in a manner designated by rule  
 22 of the board, knowledge of the laws and rules governing the  
 23 practice of clinical social work, marriage and family therapy,  
 24 and mental health counseling.

25 (2) CLINICAL SOCIAL WORK.--

26 (a) Notwithstanding the provisions of paragraph  
 27 (1)(b), coursework which was taken at a baccalaureate level  
 28 shall not be considered toward completion of education  
 29 requirements for licensure unless an official of the graduate  
 30 program certifies in writing on the graduate school's  
 31 stationery that a specific course, which students enrolled in



1 the same graduate program were ordinarily required to complete  
2 at the graduate level, was waived or exempted based on  
3 completion of a similar course at the baccalaureate level. If  
4 this condition is met, the board shall apply the baccalaureate  
5 course named toward the education requirements.

6 (b) An applicant from a master's or doctoral program  
7 in social work which did not emphasize direct patient or  
8 client services may complete the clinical curriculum content  
9 requirement by returning to a graduate program accredited by  
10 the Council on Social Work Education or the Canadian  
11 Association of Schools of Social Work, or to a clinical social  
12 work graduate program with comparable standards, in order to  
13 complete the education requirements for examination. However,  
14 a maximum of 6 semester or 9 quarter hours of the clinical  
15 curriculum content requirement may be completed by credit  
16 awarded for independent study coursework as defined by board  
17 rule.

18 (3) MARRIAGE AND FAMILY THERAPY.--Upon verification  
19 of documentation and payment of a fee not to exceed \$200, as  
20 set by board rule, plus the actual cost to the department for  
21 the purchase of the examination from the Association of  
22 Marital and Family Therapy Regulatory Board, or similar  
23 national organization, the department shall issue a license as  
24 a marriage and family therapist to an applicant who the board  
25 certifies:

26 (a) Has made application therefor and paid the  
27 appropriate fee.

28 (b)1. Has a minimum of a master's degree with major  
29 emphasis in marriage and family therapy, or a closely related  
30 field, and has completed all of the following requirements:

31

1           a. Twenty-seven semester hours or 41 quarter hours of  
2 graduate coursework, which must include a minimum of 2  
3 semester hours or 3 quarter hours of graduate-level course  
4 credits in each of the following nine areas: dynamics of  
5 marriage and family systems; marriage therapy and counseling  
6 theory and techniques; family therapy and counseling theory  
7 and techniques; individual human development theories  
8 throughout the life cycle; personality theory;  
9 psychopathology; human sexuality theory and counseling  
10 techniques; general counseling theory and techniques; and  
11 psychosocial theory. Content may be combined, provided no more  
12 than two of the nine content areas are included in any one  
13 graduate-level course and the applicant can document that the  
14 equivalent of 2 semester hours of coursework was devoted to  
15 each content area. Courses in research, evaluation, appraisal,  
16 assessment, or testing theories and procedures; thesis or  
17 dissertation work; or practicums, internships, or fieldwork  
18 may not be applied toward this requirement.

19           b. A minimum of one graduate-level course of 2  
20 semester hours or 3 quarter hours in legal, ethical, and  
21 professional standards issues in the practice of marriage and  
22 family therapy or a course determined by the board to be  
23 equivalent.

24           c. A minimum of one graduate-level course of 2  
25 semester hours or 3 quarter hours in diagnosis, appraisal,  
26 assessment, and testing for individual or interpersonal  
27 disorder or dysfunction; and a minimum of one 2-semester-hour  
28 or 3-quarter-hour graduate-level course in behavioral research  
29 which focuses on the interpretation and application of  
30 research data as it applies to clinical practice. Credit for  
31

1 thesis or dissertation work, practicums, internships, or  
 2 fieldwork may not be applied toward this requirement.

3         d. A minimum of one supervised clinical practicum,  
 4 internship, or field experience in a marriage and family  
 5 counseling setting, during which the student provided 180  
 6 direct client contact hours of marriage and family therapy  
 7 services under the supervision of an individual who met the  
 8 requirements for supervision under paragraph (c). This  
 9 requirement may be met by a supervised practice experience  
 10 which took place outside the academic arena, but which is  
 11 certified as equivalent to a graduate-level practicum or  
 12 internship program which required a minimum of 180 direct  
 13 client contact hours of marriage and family therapy services  
 14 currently offered within an academic program of a college or  
 15 university accredited by an accrediting agency approved by the  
 16 United States Department of Education, or an institution which  
 17 is publicly recognized as a member in good standing with the  
 18 Association of Universities and Colleges of Canada or a  
 19 training institution accredited by the Commission on  
 20 Accreditation for Marriage and Family Therapy Education  
 21 recognized by the United States Department of Education.  
 22 Certification shall be required from an official of such  
 23 college, university, or training institution.

24         2. If the course title which appears on the  
 25 applicant's transcript does not clearly identify the content  
 26 of the coursework, the applicant shall be required to provide  
 27 additional documentation, including, but not limited to, a  
 28 syllabus or catalog description published for the course.

29  
 30 The required master's degree must have been received in an  
 31 institution of higher education which at the time the

1 applicant graduated was: fully accredited by a regional  
 2 accrediting body recognized by the Commission on Recognition  
 3 of Postsecondary Accreditation; publicly recognized as a  
 4 member in good standing with the Association of Universities  
 5 and Colleges of Canada; or an institution of higher education  
 6 located outside the United States and Canada, which at the  
 7 time the applicant was enrolled and at the time the applicant  
 8 graduated maintained a standard of training substantially  
 9 equivalent to the standards of training of those institutions  
 10 in the United States which are accredited by a regional  
 11 accrediting body recognized by the Commission on Recognition  
 12 of Postsecondary Accreditation. Such foreign education and  
 13 training must have been received in an institution or program  
 14 of higher education officially recognized by the government of  
 15 the country in which it is located as an institution or  
 16 program to train students to practice as professional marriage  
 17 and family therapists or psychotherapists. The burden of  
 18 establishing that the requirements of this provision have been  
 19 met shall be upon the applicant, and the board shall require  
 20 documentation, such as, but not limited to, an evaluation by a  
 21 foreign equivalency determination service, as evidence that  
 22 the applicant's graduate degree program and education were  
 23 equivalent to an accredited program in this country. An  
 24 applicant with a master's degree from a program which did not  
 25 emphasize marriage and family therapy may complete the  
 26 coursework requirement in a training institution fully  
 27 accredited by the Commission on Accreditation for Marriage and  
 28 Family Therapy Education recognized by the United States  
 29 Department of Education.

30 (c) Has had not less than 2 years of clinical  
 31 experience during which 50 percent of the applicant's clients

1 were receiving marriage and family therapy services, which  
2 must be at the post-master's level under the supervision of a  
3 licensed marriage and family therapist with at least 5 years  
4 of experience, or the equivalent, who is a qualified  
5 supervisor as determined by the board. An individual who  
6 intends to practice in Florida to satisfy the clinical  
7 experience requirements must register pursuant to s. 491.0045  
8 prior to commencing practice. If a graduate has a master's  
9 degree with a major emphasis in marriage and family therapy or  
10 a closely related field that did not include all the  
11 coursework required under sub-subparagraphs (b)1.a.-c., credit  
12 for the post-master's level clinical experience shall not  
13 commence until the applicant has completed a minimum of 10 of  
14 the courses required under sub-subparagraphs (b)1.a.-c., as  
15 determined by the board, and at least 6 semester hours or 9  
16 quarter hours of the course credits must have been completed  
17 in the area of marriage and family systems, theories, or  
18 techniques. Within the 3 years of required experience, the  
19 applicant shall provide direct individual, group, or family  
20 therapy and counseling, to include the following categories of  
21 cases: unmarried dyads, married couples, separating and  
22 divorcing couples, and family groups including children. A  
23 doctoral internship may be applied toward the clinical  
24 experience requirement. The clinical experience requirement  
25 may be met by work performed on or off the premises of the  
26 supervising marriage and family therapist or the equivalent,  
27 provided the off-premises work is not the independent private  
28 practice rendering of marriage and family therapy services  
29 that does not have a licensed mental health professional, as  
30 determined by the board, on the premises at the same time the  
31 intern is providing services.

1 (d) Has passed a theory and practice examination  
2 provided by the department for this purpose.

3 (e) Has demonstrated, in a manner designated by rule  
4 of the board, knowledge of the laws and rules governing the  
5 practice of clinical social work, marriage and family therapy,  
6 and mental health counseling.

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

11 (4) MENTAL HEALTH COUNSELING.--Upon verification of  
12 documentation and payment of a fee not to exceed \$200, as set  
13 by board rule, plus the actual per applicant cost to the  
14 department for purchase of the examination from the  
15 Professional Examination Service for the National Academy of  
16 Certified Clinical Mental Health Counselors or a similar  
17 national organization, the department shall issue a license as  
18 a mental health counselor to an applicant who the board  
19 certifies:

20 (a) Has made application therefor and paid the  
21 appropriate fee.

22 (b)1. Has received a minimum of an earned master's  
23 degree with a major related to the practice of mental health  
24 counseling, and has completed all of the following  
25 requirements:

26 a. Twenty-one semester hours or 32 quarter hours of  
27 graduate coursework, which must include a minimum of 2  
28 semester hours or 3 quarter hours of graduate-level coursework  
29 in each of the following seven content areas: counseling  
30 theories and practice; human development theories; personality  
31 theory; psychopathology or abnormal psychology; human

1 sexuality theories; group theories and practice; and  
 2 individual evaluation and assessment. Content may be  
 3 combined, provided no more than two of the seven content areas  
 4 are included in any one graduate-level course and the  
 5 applicant can document that the equivalent of 2 semester hours  
 6 of content was devoted to each content area. Courses in  
 7 research, thesis or dissertation work, practicums,  
 8 internships, or fieldwork may not be applied toward this  
 9 requirement.

10           b. A minimum of one 2-semester-hour or 3-quarter-hour  
 11 graduate-level course in research or in career or vocational  
 12 counseling. Credit for thesis or dissertation work,  
 13 practicums, internships, or fieldwork may not be applied  
 14 toward this requirement.

15           c. A minimum of 2 semester hours or 3 quarter hours of  
 16 graduate-level coursework in legal, ethical, and professional  
 17 standards issues in the practice of mental health counseling,  
 18 which includes goals and objectives of professional counseling  
 19 organizations, codes of ethics, legal considerations,  
 20 standards of preparation, certifications and licensing, and  
 21 the role identity of counselors. Courses in research, thesis  
 22 or dissertation work, practicums, internships, or fieldwork  
 23 may not be applied toward this requirement.

24           d. A minimum of one supervised practicum, internship,  
 25 or field experience in a counseling setting. This requirement  
 26 may be met by a supervised practice experience which takes  
 27 place outside the academic arena, but which is certified as  
 28 equivalent to a graduate-level practicum in a clinical mental  
 29 health counseling setting currently offered within an academic  
 30 program of a college or university accredited by an  
 31 accrediting agency approved by the United States Department of

1 Education. Such certification shall be required from an  
2 official of such college or university.

3         2. If the course title which appears on the  
4 applicant's transcript does not clearly identify the content  
5 of the coursework, the applicant shall be required to provide  
6 additional documentation, including, but not limited to, a  
7 syllabus or catalog description published for the course.

8  
9 Except as provided in sub-subparagraph 1.d., education and  
10 training in mental health counseling must have been received  
11 in an institution of higher education which at the time the  
12 applicant graduated was: fully accredited by a regional  
13 accrediting body recognized by the Commission on Recognition  
14 of Postsecondary Accreditation; publicly recognized as a  
15 member in good standing with the Association of Universities  
16 and Colleges of Canada; or an institution of higher education  
17 located outside the United States and Canada, which at the  
18 time the applicant was enrolled and at the time the applicant  
19 graduated maintained a standard of training substantially  
20 equivalent to the standards of training of those institutions  
21 in the United States which are accredited by a regional  
22 accrediting body recognized by the Commission on Recognition  
23 of Postsecondary Accreditation. Such foreign education and  
24 training must have been received in an institution or program  
25 of higher education officially recognized by the government of  
26 the country in which it is located as an institution or  
27 program to train students to practice as mental health  
28 counselors. The burden of establishing that the requirements  
29 of this provision have been met shall be upon the applicant,  
30 and the board shall require documentation, such as, but not  
31 limited to, an evaluation by a foreign equivalency



1 determination service, as evidence that the applicant's  
 2 graduate degree program and education were equivalent to an  
 3 accredited program in this country.

4 (c) Has had not less than 2 years of clinical  
 5 experience in mental health counseling, which must be at the  
 6 post-master's level under the supervision of a licensed mental  
 7 health counselor or the equivalent who is a qualified  
 8 supervisor as determined by the board. An individual who  
 9 intends to practice in Florida to satisfy the clinical  
 10 experience requirements must register pursuant to s. 491.0045  
 11 prior to commencing practice. If a graduate has a master's  
 12 degree with a major related to the practice of mental health  
 13 counseling which did not include all the coursework required  
 14 under sub-subparagraphs (b)1.a.-c., credit for the  
 15 post-master's level clinical experience shall not commence  
 16 until the applicant has completed a minimum of seven of the  
 17 courses required under sub-subparagraphs (b)1.a.-c., as  
 18 determined by the board, one of which must be a course in  
 19 psychopathology or abnormal psychology. A doctoral internship  
 20 may be applied toward the clinical experience requirement. The  
 21 clinical experience requirement may be met by work performed  
 22 on or off the premises of the supervising mental health  
 23 counselor or the equivalent, provided the off-premises work is  
 24 not the independent private practice rendering of services  
 25 that does not have a licensed mental health professional, as  
 26 determined by the board, on the premises at the same time the  
 27 intern is providing services.

28 (d) Has passed a theory and practice examination  
 29 provided by the department for this purpose.

30 (e) Has demonstrated, in a manner designated by rule  
 31 of the board, knowledge of the laws and rules governing the

1 practice of clinical social work, marriage and family therapy,  
2 and mental health counseling.

3 (5) INTERNSHIP.--An individual who is registered as an  
4 intern and has satisfied all of the educational requirements  
5 for the profession for which the applicant seeks licensure  
6 shall be certified as having met the educational requirements  
7 for licensure under this section.

8 (6) RULES.--The board may adopt rules necessary to  
9 implement any education or experience requirement of this  
10 section for licensure as a clinical social worker, marriage  
11 and family therapist, or mental health counselor.

12 Section 168. Effective January 1, 2001, paragraph (b)  
13 of subsection (4) of section 491.005, Florida Statutes, as  
14 amended by section 13 of chapter 97-198 and section 205 of  
15 chapter 97-264, Laws of Florida, and as amended by this act,  
16 is amended, and subsection (6) of that section, as created by  
17 this act, is reenacted, to read:

18 491.005 Licensure by examination.--

19 (4) MENTAL HEALTH COUNSELING.--Upon verification of  
20 documentation and payment of a fee not to exceed \$200, as set  
21 by board rule, plus the actual per applicant cost to the  
22 department for purchase of the examination from the  
23 Professional Examination Service for the National Academy of  
24 Certified Clinical Mental Health Counselors or a similar  
25 national organization, the department shall issue a license as  
26 a mental health counselor to an applicant who the board  
27 certifies:

28 (b)1. Has a minimum of an earned master's degree from  
29 a mental health counseling program accredited by the Council  
30 for the Accreditation of Counseling and Related Educational  
31 Programs that consists of at least 60 semester hours or 80

1 quarter hours of clinical and didactic instruction, including  
 2 a course in human sexuality and a course in substance abuse.  
 3 If the master's degree is earned from a program related to the  
 4 practice of mental health counseling that is not accredited by  
 5 the Council for the Accreditation of Counseling and Related  
 6 Educational Programs, then the coursework and practicum,  
 7 internship, or fieldwork must consist of at least 60 semester  
 8 hours or 80 quarter hours and meet the following requirements:  
 9       a. Thirty-three ~~Thirty-six~~ semester hours or 44 ~~48~~  
 10 quarter hours of graduate coursework, which must include a  
 11 minimum of 3 semester hours or 4 quarter hours of  
 12 graduate-level coursework in each of the following 11 ~~12~~  
 13 content areas: counseling theories and practice; human growth  
 14 and development; diagnosis and treatment of psychopathology;  
 15 human sexuality; group theories and practice; individual  
 16 evaluation and assessment; career and lifestyle assessment;  
 17 research and program evaluation; social and cultural  
 18 foundations; ~~foundations of mental health counseling;~~  
 19 counseling in community settings; and substance abuse. Courses  
 20 in research, thesis or dissertation work, practicums,  
 21 internships, or fieldwork may not be applied toward this  
 22 requirement.  
 23       b. A minimum of 3 semester hours or 4 quarter hours of  
 24 graduate-level coursework in legal, ethical, and professional  
 25 standards issues in the practice of mental health counseling,  
 26 which includes goals, objectives, and practices of  
 27 professional counseling organizations, codes of ethics, legal  
 28 considerations, standards of preparation, certifications and  
 29 licensing, and the role identity and professional obligations  
 30 of mental health counselors. Courses in research, thesis or  
 31

1 dissertation work, practicums, internships, or fieldwork may  
2 not be applied toward this requirement.

3 c. The equivalent, as determined by the board, of at  
4 least 1,000 hours of university-sponsored supervised clinical  
5 practicum, internship, or field experience as required in the  
6 accrediting standards of the Council for Accreditation of  
7 Counseling and Related Educational Programs for mental health  
8 counseling programs. ~~If the academic practicum, internship, or~~  
9 ~~field experience was less than 1,000 hours, experience gained~~  
10 ~~outside the academic arena in clinical mental health settings~~  
11 ~~under the supervision of a qualified supervisor as determined~~  
12 ~~by the board may be applied.~~ This experience may not be used  
13 to satisfy the post-master's clinical experience requirement.

14 2. If the course title which appears on the  
15 applicant's transcript does not clearly identify the content  
16 of the coursework, the applicant shall be required to provide  
17 additional documentation, including, but not limited to, a  
18 syllabus or catalog description published for the course.

19  
20 Education and training in mental health counseling must have  
21 been received in an institution of higher education which at  
22 the time the applicant graduated was: fully accredited by a  
23 regional accrediting body recognized by the Commission on  
24 Recognition of Postsecondary Accreditation; publicly  
25 recognized as a member in good standing with the Association  
26 of Universities and Colleges of Canada; or an institution of  
27 higher education located outside the United States and Canada,  
28 which at the time the applicant was enrolled and at the time  
29 the applicant graduated maintained a standard of training  
30 substantially equivalent to the standards of training of those  
31 institutions in the United States which are accredited by a

1 regional accrediting body recognized by the Commission on  
2 Recognition of Postsecondary Accreditation. Such foreign  
3 education and training must have been received in an  
4 institution or program of higher education officially  
5 recognized by the government of the country in which it is  
6 located as an institution or program to train students to  
7 practice as mental health counselors. The burden of  
8 establishing that the requirements of this provision have been  
9 met shall be upon the applicant, and the board shall require  
10 documentation, such as, but not limited to, an evaluation by a  
11 foreign equivalency determination service, as evidence that  
12 the applicant's graduate degree program and education were  
13 equivalent to an accredited program in this country.

14 (6) RULES.--The board may adopt rules necessary to  
15 implement any education or experience requirement of this  
16 section for licensure as a clinical social worker, marriage  
17 and family therapist, or mental health counselor.

18 Section 169. Paragraph (b) of subsection (1) of  
19 section 491.006, Florida Statutes, is amended to read:

20 491.006 Licensure or certification by endorsement.--

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

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

29 2. Meets the education requirements of this chapter  
30 for the profession for which licensure is applied.

31

1           3. Has passed a substantially equivalent licensing  
2 examination in another state or has passed the licensure  
3 examination in this state in the profession for which the  
4 applicant seeks licensure.

5           4. Holds a license in good standing, is not under  
6 investigation for an act which would constitute a violation of  
7 this chapter, and has not been found to have committed any act  
8 which would constitute a violation of this chapter.

9           Section 170. Section 491.0085, Florida Statutes, is  
10 amended to read:

11           491.0085 Continuing education and laws and rules  
12 courses; approval of providers, programs, and courses; proof  
13 of completion.--

14           (1) Continuing education providers, programs, and  
15 courses and laws and rules courses and their providers and  
16 programs shall be approved by the department or the board.

17           (2) The department or the board has the authority to  
18 set a fee not to exceed \$200 for each applicant who applies  
19 for or renews provider status. Such fees shall be deposited  
20 into the Medical Quality Assurance ~~Health Care~~ Trust Fund.

21           (3) Proof of completion of the required number of  
22 hours of continuing education and completion of the laws and  
23 rules course shall be submitted to the department or the board  
24 in the manner and time specified by rule and on forms provided  
25 by the department or the board.

26           (4) The department or the board shall adopt rules and  
27 guidelines to administer and enforce the provisions of this  
28 section.

29           Section 171. Paragraph (d) of subsection (4) of  
30 section 491.014, Florida Statutes, 1998 Supplement, is amended  
31 to read:

1           491.014 Exemptions.--

2           (4) No person shall be required to be licensed,  
3 provisionally licensed, registered, or certified under this  
4 chapter who:

5           (d) Is not a resident of this state but offers  
6 services in this state, provided:

7           1. Such services are performed for no more than ~~5 days~~  
8 ~~in any month and no more than~~ 15 days in any calendar year;  
9 and

10           2. Such nonresident is licensed or certified to  
11 practice the services provided by a state or territory of the  
12 United States or by a foreign country or province.

13           Section 172. Paragraph (a) of subsection (1) and  
14 subsection (5) of section 499.012, Florida Statutes, 1998  
15 Supplement, are amended to read:

16           499.012 Wholesale distribution; definitions; permits;  
17 general requirements.--

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

19           (a) "Wholesale distribution" means distribution of  
20 prescription drugs to persons other than a consumer or  
21 patient, but does not include:

22           1. Any of the following activities, which is not a  
23 violation of s. 499.005(21) if such activity is conducted in  
24 accordance with s. 499.014:

25           a. The purchase or other acquisition by a hospital or  
26 other health care entity that is a member of a group  
27 purchasing organization of a prescription drug for its own use  
28 from the group purchasing organization or from other hospitals  
29 or health care entities that are members of that organization.

30           b. The sale, purchase, or trade of a prescription drug  
31 or an offer to sell, purchase, or trade a prescription drug by

1 a charitable organization described in s. 501(c)(3) of the  
2 Internal Revenue Code of 1986, as amended and revised, to a  
3 nonprofit affiliate of the organization to the extent  
4 otherwise permitted by law.

5 c. The sale, purchase, or trade of a prescription drug  
6 or an offer to sell, purchase, or trade a prescription drug  
7 among hospitals or other health care entities that are under  
8 common control. For purposes of this section, "common control"  
9 means the power to direct or cause the direction of the  
10 management and policies of a person or an organization,  
11 whether by ownership of stock, by voting rights, by contract,  
12 or otherwise.

13 d. The sale, purchase, trade, or other transfer of a  
14 prescription drug from or for any federal, state, or local  
15 government agency or any entity eligible to purchase  
16 prescription drugs at public health services prices pursuant  
17 to s. 602 of Pub. L. No. 102-585 to a contract provider or its  
18 subcontractor for eligible patients of the agency or entity  
19 under the following conditions:

20 (I) The agency or entity must obtain written  
21 authorization for the sale, purchase, trade, or other transfer  
22 of a prescription drug under this sub-subparagraph from the  
23 Secretary of Health or his or her designee.

24 (II) The contract provider or subcontractor must be  
25 authorized by law to administer or dispense prescription  
26 drugs.

27 (III) In the case of a subcontractor, the agency or  
28 entity must be a party to and execute the subcontract.

29 (IV) A contract provider or subcontractor must  
30 maintain separate and apart from other prescription drug  
31



1 inventory any prescription drugs of the agency or entity in  
2 its possession.

3 (V) The contract provider and subcontractor must  
4 maintain and produce immediately for inspection all records of  
5 movement or transfer of all the prescription drugs belonging  
6 to the agency or entity, including, but not limited to, the  
7 records of receipt and disposition of prescription drugs.  
8 Each contractor and subcontractor dispensing or administering  
9 these drugs must maintain and produce records documenting the  
10 dispensing or administration. Records that are required to be  
11 maintained include, but are not limited to, a perpetual  
12 inventory itemizing drugs received and drugs dispensed by  
13 prescription number or administered by patient identifier,  
14 which must be submitted to the agency or entity quarterly.

15 (VI) The contract provider or subcontractor may  
16 administer or dispense the prescription drugs only to the  
17 eligible patients of the agency or entity or must return the  
18 prescription drugs for or to the agency or entity. The  
19 contract provider or subcontractor must require proof from  
20 each person seeking to fill a prescription or obtain treatment  
21 that the person is an eligible patient of the agency or entity  
22 and must, at a minimum, maintain a copy of this proof as part  
23 of the records of the contractor or subcontractor required  
24 under sub-sub-subparagraph (V).

25 (VII) The prescription drugs transferred pursuant to  
26 this sub-subparagraph may not be billed to Medicaid.

27 (VIII) In addition to the departmental inspection  
28 authority set forth in s. 499.051, the establishment of the  
29 contract provider and subcontractor and all records pertaining  
30 to prescription drugs subject to this sub-subparagraph shall  
31 be subject to inspection by the agency or entity. All records

1 relating to prescription drugs of a manufacturer under this  
2 sub-subparagraph shall be subject to audit by the manufacturer  
3 of those drugs, without identifying individual patient  
4 information.

5 2. Any of the following activities, which is not a  
6 violation of s. 499.005(21) if such activity is conducted in  
7 accordance with rules established by the department:

8 a. The sale, purchase, or trade of a prescription drug  
9 among federal, state, or local government health care entities  
10 that are under common control and are authorized to purchase  
11 such prescription drug.

12 b. The sale, purchase, or trade of a prescription drug  
13 or an offer to sell, purchase, or trade a prescription drug  
14 for emergency medical reasons. ~~For purposes of this~~  
15 ~~sub-subparagraph~~ subparagraph, the term "emergency medical  
16 reasons" includes transfers of prescription drugs by a retail  
17 pharmacy to another retail pharmacy to alleviate a temporary  
18 shortage.

19 c. The transfer ~~purchase or acquisition~~ of a  
20 prescription drug acquired by a medical director on behalf of  
21 a licensed an emergency medical services provider to that  
22 ~~medical director for use by~~ emergency medical services  
23 provider and its transport vehicles for use in accordance with  
24 the provider's license under ~~providers acting within the scope~~  
25 ~~of their professional practice pursuant to chapter 401.~~

26 d. The revocation of a sale or the return of a  
27 prescription drug to the person's prescription drug wholesale  
28 supplier.

29 e. The donation of a prescription drug by a health  
30 care entity to a charitable organization that has been granted  
31 an exemption under s. 501(c)(3) of the Internal Revenue Code

1 of 1986, as amended, and that is authorized to possess  
2 prescription drugs.

3 f. The transfer of a prescription drug by a person  
4 authorized to purchase or receive prescription drugs to a  
5 person licensed or permitted to handle reverse distributions  
6 or destruction under the laws of the jurisdiction in which the  
7 person handling the reverse distribution or destruction  
8 receives the drug.

9 ~~3. The dispensing of a prescription drug pursuant to a~~  
10 ~~prescription.~~

11 3.4. The distribution of prescription drug samples by  
12 manufacturers' representatives or distributors'  
13 representatives conducted in accordance with s. 499.028. ~~or~~

14 ~~4.5.~~ The sale, purchase, or trade of blood and blood  
15 components intended for transfusion. As used in this  
16 subparagraph section, the term "blood" means whole blood  
17 collected from a single donor and processed either for  
18 transfusion or further manufacturing, and the term "blood  
19 components" means that part of the blood separated by physical  
20 or mechanical means.

21 5. The lawful dispensing of a prescription drug in  
22 accordance with chapter 465.

23 (5) The department may adopt rules governing the  
24 recordkeeping, storage, and handling with respect to each of  
25 the distributions of prescription drugs specified in  
26 subparagraphs (1)(a)1.-4. ~~(1)(a)1., 2., 4., and 5.~~

27 Section 173. Subsection (6) is added to section  
28 626.883, Florida Statutes, to read:

29 626.883 Administrator as intermediary; collections  
30 held in fiduciary capacity; establishment of account;  
31 disbursement; payments on behalf of insurer.--

1           (6) All payments to a health care provider by a fiscal  
2 intermediary for noncapitated providers must include an  
3 explanation of services being reimbursed which includes, at a  
4 minimum, the patient's name, the date of service, the  
5 procedure code, the amount of reimbursement, and the  
6 identification of the plan on whose behalf the payment is  
7 being made. For capitated providers, the statement of services  
8 must include the number of patients covered by the contract,  
9 the rate per patient, the total amount of the payment, and the  
10 identification of the plan on whose behalf the payment is  
11 being made.

12           Section 174. Paragraph (a) of subsection (2) of  
13 section 641.316, Florida Statutes, 1998 Supplement, is amended  
14 to read:

15           641.316 Fiscal intermediary services.--

16           (2)(a) The term "fiduciary" or "fiscal intermediary  
17 services" means reimbursements received or collected on behalf  
18 of health care professionals for services rendered, patient  
19 and provider accounting, financial reporting and auditing,  
20 receipts and collections management, compensation and  
21 reimbursement disbursement services, or other related  
22 fiduciary services pursuant to health care professional  
23 contracts with health maintenance organizations. All payments  
24 to a health care provider by a fiscal intermediary for  
25 noncapitated providers must include an explanation of services  
26 being reimbursed which includes, at a minimum, the patient's  
27 name, the date of service, the procedure code, the amount of  
28 reimbursement, and the identification of the plan on whose  
29 behalf the payment is being made. For capitated providers, the  
30 statement of services must include the number of patients  
31 covered by the contract, the rate per patient, the total

1 amount of the payment, and the identification of the plan on  
2 whose behalf the payment is being made.

3 Section 175. Task Force on Telehealth.--

4 (1) Because telecommunications technology has made it  
5 possible to provide a wide range of health care services  
6 across state lines between healthcare practitioners and  
7 patients, it is the intent of the Legislature to protect the  
8 health and safety of all patients in this state receiving  
9 services by means of such technology and to ensure the  
10 accountability of the healthcare profession with respect to  
11 unsafe and incompetent practitioners using such technology to  
12 provide health care services to patients in this state.

13 (2) The Secretary of Health shall appoint a task force  
14 consisting of representatives from the affected medical and  
15 allied health professions and other affected health care  
16 industries.

17 (3) The task force shall address the following:

18 (a) Identification of various electronic  
19 communications or telecommunications technologies currently  
20 used within the state and by other states to provide  
21 healthcare information.

22 (b) Identification of laws, regulations, and  
23 reimbursement practices that serve as barriers to  
24 implementation of electronic communications related to health  
25 care.

26 (c) Recommendation of the appropriate level of  
27 regulation of health care professionals necessary to protect  
28 the health and safety of patients in this state, including  
29 analysis of existing provisions governing in-state  
30 professionals such as licensing, financial responsibility, and  
31 medical malpractice insurance requirements.

1           (d) Potential preemption of state regulation by the  
2 Commerce Clause of the United States Constitution.

3           (e) The effect of telehealth on access to health care  
4 in rural and underserved areas.

5           (f) Potential antitrust concerns.

6           (g) The effect of regulations by other states or  
7 jurisdictions on health care professionals in this state who  
8 provide consultative services through telehealth to entities  
9 and patients outside the state.

10           (h) Research on other public and private data and  
11 initiatives related to telehealth.

12           (i) Any other issue affecting the health, safety, and  
13 welfare of patients through telehealth identified by the task  
14 force.

15           (4) The task force shall submit a report of its  
16 findings and recommendations by January 1, 2000, to the  
17 Governor, the President of the Senate, and the Speaker of the  
18 House of Representatives.

19           Section 176. Subsection (1) of section 468.352,  
20 Florida Statutes, is amended to read:

21           468.352 Definitions.--As used in this part, unless the  
22 context otherwise requires, the term:

23           (1) "Board" means the Board of Respiratory Care  
24 Medicine.

25           Section 177. Section 468.353, Florida Statutes, is  
26 amended to read:

27           468.353 Board of Respiratory Care ~~Medicine~~; powers and  
28 duties.--

29           (1) ~~The board, with the assistance of the Advisory~~  
30 ~~Council on Respiratory Care,~~ is authorized to establish  
31 minimum standards for the delivery of respiratory care

1 services and to adopt those rules necessary to administer this  
2 part.

3 (2) The board may administer oaths, summon witnesses,  
4 and take testimony in all matters relating to its duties under  
5 this part.

6 (3) The board may adopt rules to administer this part,  
7 including rules governing the investigation, inspection, and  
8 review of schools and colleges that offer courses in  
9 respiratory care in order to ascertain their compliance with  
10 standards established by the board or appropriate accrediting  
11 agencies ~~delegate such powers and duties to the council as it~~  
12 ~~may deem proper.~~

13 Section 178. Section 468.354, Florida Statutes, is  
14 amended to read:

15 468.354 Board of ~~Advisory Council on~~ Respiratory Care;  
16 organization; function.--

17 (1) There is created within the department, the Board  
18 of ~~Advisory Council on~~ Respiratory Care, composed of seven  
19 members appointed by the Governor and confirmed by the Senate  
20 ~~under the supervision of the board.~~

21 (2) The board council ~~shall consist of five members~~  
22 ~~appointed by the board and shall include:~~

23 (a) A registered respiratory therapist.

24 (b) A certified respiratory therapist ~~care~~  
25 ~~practitioner.~~

26 (c) A respiratory care professional from each of the  
27 following areas:

28 1. Respiratory care education.

29 2. Respiratory care management and supervision.

30 3. Homecare/subacute ~~Cardiopulmonary diagnostics.~~

31

1           (d) Two consumer members, who are residents of this  
2 state and have never been licensed as health care  
3 practitioners.

4  
5 Each ~~member of the council shall be a~~ respiratory care  
6 professional on the board must have ~~who has~~ been actively  
7 engaged in the delivery of respiratory care services in this  
8 state for at least 4 consecutive years prior to appointment.

9           (3)(a) Except as provided in paragraph (b), the term  
10 of office for each board ~~council~~ member shall be 4 years. No  
11 member shall serve for more than two consecutive terms. Any  
12 time there is a vacancy to be filled ~~on the council~~, all  
13 professional organizations dealing with respiratory therapy  
14 incorporated within the state as not for profit which register  
15 their interest ~~with the board~~ shall recommend at least twice  
16 as many persons to fill the vacancy ~~to the council~~ as the  
17 number of vacancies to be filled, and the Governor board may  
18 appoint from the submitted list, in his ~~its~~ discretion, any of  
19 those persons so recommended. The Governor board shall,  
20 insofar as possible, appoint persons from different  
21 geographical areas.

22           (b) ~~In order~~ To achieve staggering of terms, within  
23 120 days after July 1, 1999, ~~October 1, 1984~~, the Governor  
24 ~~board~~ shall appoint the board members ~~of the council~~ as  
25 follows:

26           1. Two members ~~One member~~ shall be appointed for terms  
27 ~~a term~~ of 2 years.

28           2. Two members shall be appointed for terms of 3  
29 years.

30           3. Three ~~Two~~ members shall be appointed for terms of 4  
31 years.



1           (c) All provisions of part II of chapter 455, relating  
2 to boards apply to this part.

3           (4)(a) The board ~~council~~ shall annually elect from  
4 among its members a chair and vice chair.

5           (b) The board ~~council~~ shall meet at least twice a year  
6 and shall hold ~~such~~ additional meetings as are deemed  
7 necessary ~~by the board~~. Four ~~Three~~ members of the council  
8 constitute a quorum.

9           (c) Unless otherwise provided by law, a board ~~council~~  
10 member shall be compensated \$50 for each day he or she attends  
11 an official board meeting ~~of the council~~ and for each day he  
12 or she participates in any other board business ~~involving the~~  
13 ~~council~~. A board ~~council~~ member shall also be entitled to  
14 reimbursement for expenses pursuant to s. 112.061. Travel out  
15 of the state shall require the prior approval of the secretary  
16 of the department.

17           (5)~~(a)~~ The board ~~may council shall~~ recommend to the  
18 department a code of ethics for those persons licensed  
19 pursuant to this part.

20           ~~(b) The council shall make recommendations to the~~  
21 ~~department for the approval of continuing education courses.~~

22           Section 179. Section 468.355, Florida Statutes, is  
23 amended to read:

24           468.355 Eligibility for licensure; temporary  
25 licensure.--

26           (1) To be eligible for licensure by the board as a  
27 respiratory care practitioner, an applicant must:

28           (a) Be at least 18 years old.

29           (b) Possess a high school diploma or a graduate  
30 equivalency diploma.

31           (c) Meet at least one of the following criteria:

1           1. The applicant has successfully completed a training  
2 program for respiratory therapy technicians or respiratory  
3 therapists approved by the Commission on Accreditation of  
4 Allied Health Education Programs, or the equivalent thereof,  
5 as accepted by the board.

6           2. The applicant is currently a "Certified Respiratory  
7 Therapy Technician" certified by the National Board for  
8 Respiratory Care, or the equivalent thereof, as accepted by  
9 the board.

10           3. The applicant is currently a "Registered  
11 Respiratory Therapist" registered by the National Board for  
12 Respiratory Care, or the equivalent thereof, as accepted by  
13 the board.

14           ~~4. The applicant is currently employed in this state  
15 as a respiratory care practitioner or respiratory therapist on  
16 October 1, 1984.~~

17  
18 The criteria set forth in subparagraphs 2. and 3.  
19 notwithstanding, the board shall periodically ~~annually~~ review  
20 the examinations and standards of the National Board for  
21 Respiratory Care and may reject those examinations and  
22 standards if they are deemed inappropriate.

23           (2) To be eligible for licensure by the board as a  
24 respiratory therapist, an applicant must:

25           (a) Be at least 18 years old.

26           (b) Possess a high school diploma or a graduate  
27 equivalency diploma.

28           (c) Meet at least one of the following criteria:

29           1. The applicant has successfully completed a training  
30 program for respiratory therapists approved by the Commission  
31

1 on Accreditation of Allied Health Education Programs, or the  
2 equivalent thereof, as accepted by the board.

3           2. The applicant is currently a "Registered  
4 Respiratory Therapist" registered by the National Board for  
5 Respiratory Care, or the equivalent thereof, as accepted by  
6 the board.

7  
8 The criteria set forth in subparagraphs 1. and 2.  
9 notwithstanding, the board shall periodically ~~annually~~ review  
10 the examinations and standards of the National Board for  
11 Respiratory Care and may reject those examinations and  
12 standards if they are deemed inappropriate.

13           (3) With respect to the delivery of respiratory care  
14 services, the board shall establish procedures for temporary  
15 licensure of eligible individuals entering the state and  
16 temporary licensure of those persons who have graduated from a  
17 program approved by the board. Such temporary licensure shall  
18 be for a period not to exceed 1 year.

19           Section 180. Section 468.357, Florida Statutes, is  
20 amended to read:

21           468.357 Licensure by examination.--

22           (1) A person who desires to be licensed as a  
23 respiratory care practitioner may submit an application ~~to the~~  
24 ~~department~~ to take the examination, in accordance with board  
25 rule to be administered by the department.

26           ~~The department shall examine~~ Each applicant may  
27 take the examination who is determined by the board to have:

28           1. Completed the application form and remitted the  
29 applicable fee set by the board;

30           2. Submitted required documentation as required in s.  
31 468.355; and

1           3. Remitted an examination fee set by the examination  
2 provider board.

3           (b) ~~The department shall conduct~~ Examinations for  
4 licensure of respiratory care practitioners must be conducted  
5 no less than two times a year in such geographical locations  
6 or by such methods as are deemed advantageous to the majority  
7 of the applicants.

8           (c) The examination given for respiratory care  
9 practitioners shall be the same as that given by the National  
10 Board for Respiratory Care for entry-level certification of  
11 respiratory therapy technicians. However, an equivalent  
12 examination may be accepted by the board in lieu of that  
13 examination.

14           (2) Each applicant who passes the examination shall be  
15 entitled to licensure as a respiratory care practitioner, and  
16 the department shall issue a license pursuant to this part to  
17 any applicant who successfully completes the examination in  
18 accordance with this section. However, the department shall  
19 not issue a license to any applicant who is under  
20 investigation in another jurisdiction for an offense which  
21 would constitute a violation of this part. Upon completion of  
22 such an investigation, if the applicant is found guilty of  
23 such an offense, the applicable provisions of s. 468.365 will  
24 apply.

25           ~~(3) Any person who was employed in this state on or~~  
26 ~~before September 30, 1983, as a respiratory therapy technician~~  
27 ~~or respiratory therapist, and who has performed services in~~  
28 ~~such professional capacity for 4 years or more by October 1,~~  
29 ~~1987, under the supervision of a licensed physician or in a~~  
30 ~~hospital or licensed health care facility, shall be issued a~~  
31 ~~license without examination, if such person provides~~

1 ~~acceptable documentation of performance of such services to~~  
2 ~~the board. Such documentation shall include certification by~~  
3 ~~a physician licensed pursuant to chapter 458 or chapter 459~~  
4 ~~who has direct knowledge of the practice of, or who has~~  
5 ~~supervised, the person. If such person is not determined to~~  
6 ~~have performed critical care respiratory services for at least~~  
7 ~~4 years, the board may limit the license of such person to the~~  
8 ~~performance of noncritical care respiratory services.~~

9 Section 181. Section 468.364, Florida Statutes, 1998  
10 Supplement, is amended to read:

11 468.364 Fees; establishment; disposition.--

12 (1) The board shall establish by rule fees for the  
13 following purposes:

14 (a) Application, a fee not to exceed \$50.

15 ~~(b) Examination, a fee not to exceed \$125 plus the~~  
16 ~~actual per applicant cost to the department for purchase of~~  
17 ~~the examination from the National Board for Respiratory Care~~  
18 ~~or a similar national organization.~~

19 (b)(c) Initial licensure, a fee not to exceed \$200.

20 (c)(d) Renewal of licensure, a fee not to exceed \$200  
21 biennially.

22 (d)(e) Renewal of inactive licensure, a fee not to  
23 exceed \$50.

24 (e)(f) Reactivation, a fee not to exceed \$50.

25 (2) The fees established pursuant to subsection (1)  
26 shall be based upon the actual costs incurred by the  
27 department in carrying out its responsibilities under this  
28 part.

29 (3) All moneys collected by the department under this  
30 part shall be deposited as required by s. 455.587.

31

1           Section 182. Paragraph (f) of subsection (1) of  
2 section 468.365, Florida Statutes, 1998 Supplement, is amended  
3 to read:

4           468.365 Disciplinary grounds and actions.--

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

7           (f) Unprofessional conduct, which includes, but is not  
8 limited to, any departure from, or failure to conform to,  
9 acceptable standards related to the delivery of respiratory  
10 care services, as set forth by the board ~~and the Advisory~~  
11 ~~Council on Respiratory Care~~ in rules adopted pursuant to this  
12 part.

13           Section 183. Paragraph (a) of subsection (2) of  
14 section 464.016, Florida Statutes, is amended to read:

15           464.016 Violations and penalties.--

16           (2) Each of the following acts constitutes a  
17 misdemeanor of the first degree, punishable as provided in s.  
18 775.082 or s. 775.083:

19           (a) Using the name or title "Nurse," "Registered  
20 Nurse," "Licensed Practical Nurse," "Advanced Registered Nurse  
21 Practitioner," or any other name or title which implies that a  
22 person was licensed or certified as same, unless such person  
23 is duly licensed or certified.

24           Section 184. Paragraphs (b) and (c) of subsection (1)  
25 of section 458.3115, Florida Statutes, 1998 Supplement, are  
26 amended to read:

27           458.3115 Restricted license; certain foreign-licensed  
28 physicians; United States Medical Licensing Examination  
29 (USMLE) or agency-developed examination; restrictions on  
30 practice; full licensure.--

31           (1)

1 (b) A person who is eligible to take and elects to  
2 take the USMLE who has previously passed part 1 or part 2 of  
3 the previously administered FLEX shall not be required to  
4 retake or pass the equivalent parts of the USMLE up to the  
5 year 2002 ~~2000~~.

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

8 1. Has taken, upon approval by the board, and  
9 completed, in November 1990 or November 1992, one of the  
10 special preparatory medical update courses authorized by the  
11 board and the University of Miami Medical School and  
12 subsequently passed the final course examination; upon  
13 approval by the board to take the course completed in 1990 or  
14 in 1992, has a certificate of successful completion of that  
15 course from the University of Miami or the Stanley H. Kaplan  
16 course; or can document to the department that he or she was  
17 one of the persons who took and successfully completed the  
18 Stanley H. Kaplan course that was approved by the Board of  
19 Medicine and supervised by the University of Miami. At a  
20 minimum, the documentation must include class attendance  
21 records and the test score on the final course examination;

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

25 3. Documents no less than 2 years of the active  
26 practice of medicine in any ~~another~~ jurisdiction;

27 4. Submits an examination fee that is nonrefundable  
28 and equivalent to the fee required for full licensure plus the  
29 actual per-applicant cost to the agency to provide either  
30 examination described in this section;

31

1           5. Has not committed any act or offense in this or any  
2 other jurisdiction that would constitute a substantial basis  
3 for disciplining a physician under this chapter or part II of  
4 chapter 455; and

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

10           Section 185. Subsection (2) of section 458.3124,  
11 Florida Statutes, 1998 Supplement, is amended to read:

12           458.3124 Restricted license; certain experienced  
13 foreign-trained physicians.--

14           (2) A person applying for licensure under this section  
15 must submit to the Department of Health on or before December  
16 31, 2000 ~~1998~~:

17           (a) A completed application and documentation required  
18 by the Board of Medicine to prove compliance with subsection  
19 (1); and

20           (b) A nonrefundable application fee not to exceed \$500  
21 and a nonrefundable examination fee not to exceed \$300 plus  
22 the actual cost to purchase and administer the examination.

23           Section 186. Effective upon this act becoming a law,  
24 section 301 of chapter 98-166, Laws of Florida, is amended to  
25 read:

26           Section 301. The sum of \$1.2 million from the  
27 unallocated balance in the Medical Quality Assurance Trust  
28 Fund is appropriated to the Department of Health to allow the  
29 department to develop the examination required for foreign  
30 licensed physicians in section 458.3115(1)(a), Florida  
31 Statutes, through a contract with the University of South



1 Florida. The department shall charge examinees a fee not to  
2 exceed 25 percent of the cost of the actual costs of the first  
3 examination administered pursuant to section 458.3115, Florida  
4 Statutes, 1998 Supplement, and a fee not to exceed 75 percent  
5 of the actual costs for any subsequent examination  
6 administered pursuant to that section.

7 Section 187. The Agency for Health Care Administration  
8 shall conduct a detailed study and analysis of clinical  
9 laboratory services for kidney dialysis patients in the State  
10 of Florida. The study shall include, but not be limited to, an  
11 analysis of the past and present utilization rates of clinical  
12 laboratory services for dialysis patients, financial  
13 arrangements among kidney dialysis centers, their medical  
14 directors, and any business relationships and affiliations  
15 with clinical laboratories, any self referral to clinical  
16 laboratories, the quality and responsiveness of clinical  
17 laboratory services for dialysis patients in Florida, and the  
18 average annual revenue for dialysis patients for clinical  
19 laboratory services for the past ten years. The agency shall  
20 report back to the President of the Senate, Speaker of the  
21 House of Representatives, and chairs of the appropriate  
22 substantive committees of the Legislature on its findings no  
23 later than February 1, 2000.

24 Section 188. Subsection (3) is added to section  
25 455.651, Florida Statutes, 1998 Supplement, to read:

26 455.651 Disclosure of confidential information.--

27 (1) No officer, employee, or person under contract  
28 with the department, or any board therein, or any subject of  
29 an investigation shall convey knowledge or information to any  
30 person who is not lawfully entitled to such knowledge or  
31 information about any public meeting or public record, which

1 at the time such knowledge or information is conveyed is  
2 exempt from the provisions of s. 119.01, s. 119.07(1), or s.  
3 286.011.

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

10 (3) Any person injured as a result of a willful  
11 violation of this section shall have a civil cause of action  
12 for treble damages, reasonable attorney fees, and costs.

13 Section 189. Section 641.261, Florida Statutes, is  
14 amended to read:

15 641.261 Other reporting requirements.--

16 (1) Each authorized health maintenance organization  
17 shall provide records and information to the Agency for Health  
18 Care Administration ~~Department of Health and Rehabilitative~~  
19 ~~Services~~ pursuant to s. 409.910(20) and (21)~~(22)~~ for the sole  
20 purpose of identifying potential coverage for claims filed  
21 with the agency ~~Department of Health and Rehabilitative~~  
22 ~~Services~~ and its fiscal agents for payment of medical services  
23 under the Medicaid program.

24 (2) Any information provided by a health maintenance  
25 organization under this section to the agency ~~Department of~~  
26 ~~Health and Rehabilitative Services~~ shall not be considered a  
27 violation of any right of confidentiality or contract that the  
28 health maintenance organization may have with covered persons.  
29 The health maintenance organization is immune from any  
30 liability that it may otherwise incur through its release of  
31

1 information to the agency ~~Department of Health and~~  
2 ~~Rehabilitative Services~~ under this section.

3 Section 190. Section 641.411, Florida Statutes, is  
4 amended to read:

5 641.411 Other reporting requirements.--

6 (1) Each prepaid health clinic shall provide records  
7 and information to the Agency for Health Care Administration  
8 ~~Department of Health and Rehabilitative Services~~ pursuant to  
9 s. 409.910(20) and (21)~~(22)~~ for the sole purpose of  
10 identifying potential coverage for claims filed with the  
11 agency ~~Department of Health and Rehabilitative Services~~ and  
12 its fiscal agents for payment of medical services under the  
13 Medicaid program.

14 (2) Any information provided by a prepaid health  
15 clinic under this section to the agency ~~Department of Health~~  
16 ~~and Rehabilitative Services~~ shall not be considered a  
17 violation of any right of confidentiality or contract that the  
18 prepaid health clinic may have with covered persons. The  
19 prepaid health clinic is immune from any liability that it may  
20 otherwise incur through its release of information to the  
21 agency ~~Department of Health and Rehabilitative Services~~ under  
22 this section.

23 Section 191. Paragraph (a) of subsection (4) of  
24 section 733.212, Florida Statutes, is amended to read:

25 733.212 Notice of administration; filing of objections  
26 and claims.--

27 (4)(a) The personal representative shall promptly make  
28 a diligent search to determine the names and addresses of  
29 creditors of the decedent who are reasonably ascertainable and  
30 shall serve on those creditors a copy of the notice within 3  
31 months after the first publication of the notice. Under s.

1 409.9101, the Agency for Health Care Administration is  
 2 considered a reasonably ascertainable creditor in instances  
 3 where the decedent had received Medicaid assistance for  
 4 medical care after reaching 55 years of age. Impracticable and  
 5 extended searches are not required. Service is not required  
 6 on any creditor who has filed a claim as provided in this  
 7 part; a creditor whose claim has been paid in full; or a  
 8 creditor whose claim is listed in a personal representative's  
 9 timely proof of claim if the personal representative notified  
 10 the creditor of that listing.

11 Section 192. (1) There is established a seven-member  
 12 task force to review sources of funds deposited into the  
 13 Public Medical Assistance Trust Fund as created by section  
 14 409.918, Florida Statutes. The task force shall consist of:

15 (a) Two members appointed by the President of the  
 16 Senate, one of whom must be a member of the Senate and one of  
 17 whom must represent a hospital subject to the assessment  
 18 imposed under section 395.701, Florida Statutes, 1998  
 19 Supplement, or section 394.4786, Florida Statutes;

20 (b) Two members appointed by the Speaker of the House  
 21 of Representatives, one of whom must be a member of the House  
 22 and one of whom must represent a health care entity subject to  
 23 the assessment imposed under section 395.7015, Florida  
 24 Statutes, 1998 Supplement;

25 (c) Three members appointed by the Governor, one of  
 26 whom must be the Director of the Agency for Health Care  
 27 Administration, or his or her designee; one of whom must be a  
 28 medical doctor licensed to practice in the state; and one of  
 29 whom must be a consumer who has no employment or investment  
 30 interest in any health care entity subject to the assessment  
 31

1 imposed for deposit into the Public Medical Assistance Trust  
2 Fund and who is a representative of Florida TaxWatch.

3 (2) The Governor shall designate the task force chair  
4 from among the members.

5 (3) The task force shall consider and make specific  
6 recommendations concerning, but not limited to:

7 (a) Whether any provisions of sections 395.701,  
8 395.7015, and 409.918, Florida Statutes, need to be revised;

9 (b) Whether the annual assessments imposed by these  
10 statutes on the various health care entities are imposed  
11 equitably;

12 (c) Whether additional exemptions from, or inclusions  
13 within, the assessments are justified; and

14 (d) The extent to which modifications to other  
15 statutory provisions that require deposit of specified revenue  
16 into the Public Medical Assistance Trust Fund, including, but  
17 not limited to, sections 210.20, 395.1041, 408.040, and  
18 408.08, Florida Statutes, could result in increased revenue  
19 for the trust fund.

20  
21 The task force shall provide an analysis of the budgetary  
22 impact of any recommended exemptions from, inclusions within,  
23 or modifications to existing assessments.

24 (4) The Agency for Health Care Administration shall  
25 provide necessary staff support and technical assistance to  
26 the task force.

27 (5) The task force shall convene by August 1, 1999,  
28 for its first meeting, and shall submit its findings and  
29 recommendations, including any proposed legislation, to the  
30 President of the Senate, the Speaker of the House of  
31 Representatives, and the Governor by December 1, 1999.

1           Section 193. Section 395.40, Florida Statutes, is  
2 created to read:

3           395.40 Legislative findings and intent.--

4           (1) The Legislature finds that there has been a lack  
5 of timely access to trauma care due to the state's fragmented  
6 trauma system. This finding is based on the 1999 Trauma System  
7 Report on Timely Access to Trauma Care submitted by the  
8 department in response to the request of the Legislature.

9           (2) The Legislature finds that it is necessary to plan  
10 for and to establish an inclusive trauma system to meet the  
11 needs of trauma victims. An "inclusive trauma system" means a  
12 system designed to meet the needs of all injured trauma  
13 victims who require care in an acute-care setting and into  
14 which every health care provider or facility with resources to  
15 care for the injured trauma victim is incorporated. The  
16 Legislature deems the benefits of trauma care provided within  
17 an inclusive trauma system to be of vital significance to the  
18 outcome of a trauma victim.

19           (3) It is the intent of the Legislature to place  
20 primary responsibility for the planning and establishment of a  
21 statewide inclusive trauma system with the department. The  
22 department shall undertake the implementation of a statewide  
23 inclusive trauma system as funding is available.

24           (4) The Legislature finds that significant benefits  
25 are to be obtained by directing the coordination of activities  
26 by several state agencies, relative to access to trauma care  
27 and the provision of trauma care to all trauma victims. It is  
28 the intent of the Legislature that the department, the Agency  
29 for Health Care Administration, the Board of Medicine, and the  
30 Board of Nursing establish interagency teams and agreements  
31 for the development of guidelines, standards, and rules for

1 those portions of the inclusive state trauma system within the  
2 statutory authority of each agency. This coordinated approach  
3 will provide the necessary continuum of care for the trauma  
4 victim from injury to final hospital discharge. The department  
5 has the leadership responsibility for this activity.

6 (5) In addition, the agencies listed in subsection (4)  
7 should undertake to:

8 (a) Establish a coordinated methodology for  
9 monitoring, evaluating, and enforcing the requirements of the  
10 state's inclusive trauma system which recognizes the interests  
11 of each agency.

12 (b) Develop appropriate roles for trauma agencies, to  
13 assist in furthering the operation of trauma systems at the  
14 regional level. This should include issues of system  
15 evaluation as well as managed care.

16 (c) Develop and submit appropriate requests for  
17 waivers of federal requirements which will facilitate the  
18 delivery of trauma care.

19 (d) Develop criteria that will become the future basis  
20 for mandatory consultation on the care of trauma victims and  
21 mandatory transfer of appropriate trauma victims to trauma  
22 centers.

23 (e) Develop a coordinated approach to the care of the  
24 trauma victim. This shall include the movement of the trauma  
25 victim through the system of care and the identification of  
26 medical responsibility for each phase of care for  
27 out-of-hospital and in-hospital trauma care.

28 (f) Require the medical director of an emergency  
29 medical services provider to have medical accountability for a  
30 trauma victim during interfacility transfer.

31

1           (6) Furthermore, the Legislature encourages the  
2 department to actively foster the provision of trauma care and  
3 serve as a catalyst for improvements in the process and  
4 outcome of the provision of trauma care in an inclusive trauma  
5 system. Among other considerations, the department is  
6 encouraged to:

7           (a) Promote the development of at least one trauma  
8 center in every trauma service area.

9           (b) Promote the development of a trauma agency for  
10 each trauma region.

11           (c) Update the state trauma system plan by December  
12 2000 and at least every 5th year thereafter.

13           Section 194. Subsection (1) and paragraphs (c) and (n)  
14 of subsection (2) of section 395.401, Florida Statutes, 1998  
15 Supplement, are amended to read:

16           395.401 Trauma services system plans; verification of  
17 trauma centers and pediatric trauma referral centers;  
18 procedures; renewal.--

19           (1) As used in this part, the term:

20           (a) "Agency" means the Agency for Health Care  
21 Administration.

22           (b) "Charity care" or "uncompensated charity care"  
23 means that portion of hospital charges reported to the agency  
24 for which there is no compensation for care provided to a  
25 patient whose family income for the 12 months preceding the  
26 determination is less than or equal to 150 percent of the  
27 federal poverty level, unless the amount of hospital charges  
28 due from the patient exceeds 25 percent of the annual family  
29 income. However, in no case shall the hospital charges for a  
30 patient whose family income exceeds four times the federal  
31 poverty level for a family of four be considered charity.



1 (c) "Department" means the Department of Health.

2 (d) "Level I trauma center" means a hospital that is  
3 determined by the department to be in substantial compliance  
4 with trauma center and pediatric trauma referral center  
5 verification standards as established by rule of the  
6 department, and which:

7 1. Has formal research and education programs for the  
8 enhancement of trauma care.

9 2. Serves as a resource facility to Level II trauma  
10 centers, pediatric trauma referral centers, and community  
11 hospitals.

12 3. Ensures an organized system of trauma care.

13 (e) "Level II trauma center" means a hospital that is  
14 determined by the department to be in substantial compliance  
15 with trauma center verification standards as established by  
16 rule of the department, and which:

17 1. Serves as a resource facility to community  
18 hospitals.

19 2. Ensures an organized system of trauma care.

20 ~~(f) "Local trauma agency" means an agency established  
21 and operated by a county or an entity with which the county  
22 contracts for the purpose of administrative trauma services.~~

23 (f)(g) "Pediatric trauma referral center" means a  
24 hospital that is determined to be in substantial compliance  
25 with pediatric trauma referral center standards as established  
26 by rule of the department.

27 ~~(h) "Regional trauma agency" means an agency created  
28 and operated by two or more counties, or an entity with which  
29 two or more counties contract, for the purpose of  
30 administering trauma services.~~

31

1           ~~(g)(i)~~ "State-approved trauma center" means a hospital  
2 that has successfully completed the state-approved selection  
3 process pursuant to s. 395.4025 and has been approved by the  
4 department to operate as a trauma center in the state.

5           ~~(h)(j)~~ "State-sponsored trauma center" means a  
6 state-approved trauma center that receives state funding for  
7 trauma care services.

8           (i) "Trauma agency" means an agency established and  
9 operated by one or more counties, or an entity with which one  
10 or more counties contract, for the purpose of administering an  
11 inclusive regional trauma system.

12           (j) "Trauma alert victim" means a person who has  
13 incurred a single or multisystem injury due to blunt or  
14 penetrating means or burns; who requires immediate medical  
15 intervention or treatment; and who meets one or more of the  
16 adult or pediatric scorecard criteria established by the  
17 department by rule.

18           (k) "Trauma center" means any hospital that has been  
19 determined by the department to be in substantial compliance  
20 with trauma center verification standards.

21           (l) "Trauma scorecard" means a statewide methodology  
22 adopted by the department by rule under which a person who has  
23 incurred a traumatic injury is graded as to the severity of  
24 his or her injuries or illness and which methodology is used  
25 as the basis for making destination decisions.

26           (m) "Trauma victim" means any person who has incurred  
27 a single or multisystem ~~life-threatening~~ injury due to blunt  
28 or penetrating means or burns and who requires immediate  
29 medical intervention or treatment.

30           (2)

31

1 (c) The department shall receive plans for the  
 2 implementation of inclusive trauma ~~care~~ systems from ~~local and~~  
 3 ~~regional~~ trauma agencies. The department may approve or not  
 4 approve the ~~local or regional~~ trauma agency plans based on the  
 5 conformance of the plan ~~local or regional plans~~ with this  
 6 section and ss. 395.4015, 395.404, and 395.4045 and the rules  
 7 adopted by the department pursuant to those sections. The  
 8 department shall approve or disapprove the plans within 120  
 9 days after the date the plans are submitted to the department.

10 (n) After the submission of the initial ~~local or~~  
 11 ~~regional~~ trauma ~~care~~ system plan, each ~~local or regional~~  
 12 trauma agency shall, every 5th year, annually submit to the  
 13 department for approval an updated plan that ~~which~~ identifies  
 14 the changes, if any, to be made in the regional trauma ~~care~~  
 15 system. ~~The department shall approve or disapprove the updated~~  
 16 ~~plan within 120 days after the date the plan is submitted to~~  
 17 ~~the department. At least 60 days before the local or regional~~  
 18 ~~trauma agency submits a plan for a trauma care system to the~~  
 19 ~~department, the local or regional trauma agency shall hold a~~  
 20 ~~public hearing and give adequate notice of the public hearing~~  
 21 ~~to all hospitals and other interested parties in the area. A~~  
 22 ~~local or regional trauma agency shall submit to the department~~  
 23 ~~written notice of its intent to cease operation of the local~~  
 24 ~~or regional trauma agency at least 90 days before the date on~~  
 25 ~~which the local or regional trauma agency will cease~~  
 26 ~~operation.~~

27 Section 195. Subsections (1) and (3) of section  
 28 395.402, Florida Statutes, are amended to read:

29 395.402 Trauma service areas; number and location of  
 30 trauma centers.--

31

1           (1) ~~The Legislature finds that it is appropriate to~~  
 2 ~~recognize as a trauma patient someone with an injury severity~~  
 3 ~~score (ISS) of 9 or greater.~~ The Legislature also recognizes  
 4 that Level I and Level II trauma centers should each be  
 5 capable of annually treating a minimum of 1,000 and 500  
 6 patients, respectively, with an injury severity score(ISS)of  
 7 9 or greater. Further, the Legislature finds that, based on  
 8 the numbers and locations of trauma victims with these injury  
 9 severity scores, there should be 19 trauma service areas in  
 10 the state, and, at a minimum, there should be at least one  
 11 trauma center in each service area.

12           (3) Trauma service areas are to be used. The  
 13 department shall periodically review the assignment of the 67  
 14 counties to trauma service areas. These assignments are made  
 15 for the purpose of developing a system of trauma centers.  
 16 Revisions made by the department should take into  
 17 consideration the recommendations made as part of the regional  
 18 trauma system plans approved by the department, as well as the  
 19 recommendations made as part of the state trauma system plan.  
 20 These areas must, at a minimum, be reviewed in the year 2000  
 21 and every 5 years thereafter. Until the department completes  
 22 its initial review, the assignment of counties shall remain as  
 23 established pursuant to chapter 90-284, Laws of Florida.~~The~~  
 24 ~~following trauma service areas are to be utilized in~~  
 25 ~~developing a system of state-sponsored trauma centers. These~~  
 26 ~~areas are subject to periodic revision by the Legislature~~  
 27 ~~based on recommendations made as part of local or regional~~  
 28 ~~trauma plans approved by the department pursuant to s.~~  
 29 ~~395.401(2). These areas shall, at a minimum, be reviewed by~~  
 30 ~~the Legislature prior to the next 7-year verification cycle of~~  
 31 ~~state-sponsored trauma centers.~~

- 1 (a) The following trauma service areas are hereby  
2 established:
- 3 1. Trauma service area 1 shall consist of Escambia,  
4 Okaloosa, Santa Rosa, and Walton Counties.
- 5 2. Trauma service area 2 shall consist of Bay, Gulf,  
6 Holmes, and Washington Counties.
- 7 3. Trauma service area 3 shall consist of Calhoun,  
8 Franklin, Gadsden, Jackson, Jefferson, Leon, Liberty, Madison,  
9 Taylor, and Wakulla Counties.
- 10 4. Trauma service area 4 shall consist of Alachua,  
11 Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette,  
12 Levy, Putnam, Suwannee, and Union Counties.
- 13 5. Trauma service area 5 shall consist of Baker, Clay,  
14 Duval, Nassau, and St. Johns Counties.
- 15 6. Trauma service area 6 shall consist of Citrus,  
16 Hernando, and Marion Counties.
- 17 7. Trauma service area 7 shall consist of Flagler and  
18 Volusia Counties.
- 19 8. Trauma service area 8 shall consist of Lake,  
20 Orange, Osceola, Seminole, and Sumter Counties.
- 21 9. Trauma service area 9 shall consist of Pasco and  
22 Pinellas Counties.
- 23 10. Trauma service area 10 shall consist of  
24 Hillsborough County.
- 25 11. Trauma service area 11 shall consist of Hardee,  
26 Highlands, and Polk Counties.
- 27 12. Trauma service area 12 shall consist of Brevard  
28 and Indian River Counties.
- 29 13. Trauma service area 13 shall consist of DeSoto,  
30 Manatee, and Sarasota Counties.
- 31

1           14. Trauma service area 14 shall consist of Martin,  
2 Okeechobee, and St. Lucie Counties.

3           15. Trauma service area 15 shall consist of Charlotte,  
4 Glades, Hendry, and Lee Counties.

5           16. Trauma service area 16 shall consist of Palm Beach  
6 County.

7           17. Trauma service area 17 shall consist of Collier  
8 County.

9           18. Trauma service area 18 shall consist of Broward  
10 County.

11           19. Trauma service area 19 shall consist of Dade and  
12 Monroe Counties.

13           (b) Each trauma service area should have at least one  
14 Level I or Level II trauma center.

15           (c) There shall be no more than a total of 44  
16 state-sponsored trauma centers in the state.

17           Section 196. Subsection (1) of section 395.4045,  
18 Florida Statutes, is amended to read:

19           395.4045 Emergency medical service providers;  
20 transport of trauma victims to trauma centers.--

21           (1) Each emergency medical services provider licensed  
22 under chapter 401 shall transport trauma alert victims to  
23 hospitals approved as trauma centers, except as may be  
24 provided for either in department-approved local or regional  
25 trauma transport protocol or, if no local or regional trauma  
26 transport protocol is in effect, as provided for in a  
27 department-approved provider's trauma transport protocol.  
28 Development of regional trauma protocols shall be through  
29 consultation with interested parties, including, but not  
30 limited to, each approved trauma center; physicians  
31 specializing in trauma care, emergency care, and surgery in

1 the region; each trauma system administrator in the region;  
2 and each emergency medical service provider in the region  
3 licensed under chapter 401. Trauma alert victims shall be  
4 identified through the use of a trauma scoring system. The  
5 department shall specify by rule the subjects to be included  
6 in an emergency medical service provider's trauma transport  
7 protocol and shall approve or disapprove each such protocol.

8 Section 197. Section 458.351, Florida Statutes, is  
9 created to read:

10 458.351 Reports of adverse incidents in office  
11 practice settings.--

12 (1) Any adverse incident that occurs on or after  
13 January 1, 2000, in any office maintained by a physician for  
14 the practice of medicine which is not licensed under chapter  
15 395 must be reported to the department in accordance with the  
16 provisions of this section.

17 (2) Any physician or other licensee under this chapter  
18 practicing in this state must notify the department if the  
19 physician or licensee was involved in an adverse incident that  
20 occurred on or after January 1, 2000, in any office maintained  
21 by a physician for the practice of medicine which is not  
22 licensed under chapter 395.

23 (3) The required notification to the department must  
24 be submitted in writing by certified mail and postmarked  
25 within 15 days after the occurrence of the adverse incident.

26 (4) For purposes of notification to the department  
27 pursuant to this section, the term "adverse incident" means an  
28 event over which the physician or licensee could exercise  
29 control and which is associated in whole or in part with a  
30 medical intervention, rather than the condition for which such  
31

1 intervention occurred, and which results in the following  
2 patient injuries:

3 (a) The death of a patient.

4 (b) Brain or spinal damage to a patient.

5 (c) The performance of a surgical procedure on the  
6 wrong patient.

7 (d)1. The performance of a wrong-site surgical  
8 procedure;

9 2. The performance of a wrong surgical procedure; or

10 3. The surgical repair of damage to a patient  
11 resulting from a planned surgical procedure where the damage  
12 is not a recognized specific risk as disclosed to the patient  
13 and documented through the informed-consent process

14  
15 if it results in: death; brain or spinal damage; permanent  
16 disfigurement not to include the incision scar; fracture or  
17 dislocation of bones or joints; a limitation of neurological,  
18 physical or sensory function; or any condition that required  
19 the transfer of the patient.

20 (e) A procedure to remove unplanned foreign objects  
21 remaining from a surgical procedure.

22 (f) Any condition that required the transfer of a  
23 patient to a hospital licensed under chapter 395 from an  
24 ambulatory surgical center licensed under chapter 395 or any  
25 facility or any office maintained by a physician for the  
26 practice of medicine which is not licensed under chapter 395.

27 (5) The department shall review each incident and  
28 determine whether it potentially involved conduct by a health  
29 care professional who is subject to disciplinary action, in  
30 which case s. 455.621 applies. Disciplinary action, if any,

31



1 shall be taken by the board under which the health care  
2 professional is licensed.

3 (6) The board may adopt rules to administer this  
4 section.

5 Section 198. Section 459.026, Florida Statutes, is  
6 created to read:

7 459.026 Reports of adverse incidents in office  
8 practice settings.--

9 (1) Any adverse incident that occurs on or after  
10 January 1, 2000, in any office maintained by an osteopathic  
11 physician for the practice of osteopathic medicine which is  
12 not licensed under chapter 395 must be reported to the  
13 department in accordance with the provisions of this section.

14 (2) Any osteopathic physician or other licensee under  
15 this chapter practicing in this state must notify the  
16 department if the osteopathic physician or licensee was  
17 involved in an adverse incident that occurred on or after  
18 January 1, 2000, in any office maintained by an osteopathic  
19 physician for the practice of osteopathic medicine which is  
20 not licensed under chapter 395.

21 (3) The required notification to the department must  
22 be submitted in writing by certified mail and postmarked  
23 within 15 days after the occurrence of the adverse incident.

24 (4) For purposes of notification to the department  
25 pursuant to this section, the term "adverse incident" means an  
26 event over which the physician or licensee could exercise  
27 control and which is associated in whole or in part with a  
28 medical intervention, rather than the condition for which such  
29 intervention occurred, and which results in the following  
30 patient injuries:

31 (a) The death of a patient.

- 1           (b) Brain or spinal damage to a patient.
- 2           (c) The performance of a surgical procedure on the  
3 wrong patient.
- 4           (d)1. The performance of a wrong-site surgical  
5 procedure;
- 6                 2. The performance of a wrong surgical procedure; or  
7                 3. The surgical repair of damage to a patient  
8 resulting from a planned surgical procedure where the damage  
9 is not a recognized specific risk as disclosed to the patient  
10 and documented through the informed-consent process  
11
- 12 if it results in: death; brain or spinal damage; permanent  
13 disfigurement not to include the incision scar; fracture or  
14 dislocation of bones or joints; a limitation of neurological,  
15 physical or sensory function; or any condition that required  
16 the transfer of the patient.
- 17           (e) A procedure to remove unplanned foreign objects  
18 remaining from a surgical procedure.
- 19           (f) Any condition that required the transfer of a  
20 patient to a hospital licensed under chapter 395 from an  
21 ambulatory surgical center licensed under chapter 395 or any  
22 facility or any office maintained by a physician for the  
23 practice of medicine which is not licensed under chapter 395.
- 24           (5) The department shall review each incident and  
25 determine whether it potentially involved conduct by a health  
26 care professional who is subject to disciplinary action, in  
27 which case s. 455.621 applies. Disciplinary action, if any,  
28 shall be taken by the board under which the health care  
29 professional is licensed.
- 30           (6) The board may adopt rules to administer this  
31 section.

1           Section 199. (1) The Department of Health shall  
2 establish maximum allowable levels for contaminants in  
3 compressed air used for recreational sport diving in this  
4 state. In developing the standards, the department must take  
5 into consideration the levels of contaminants allowed by the  
6 Grade "E" Recreational Diving Standards of the Compressed Gas  
7 Association.

8           (2) The standards prescribed under this section do not  
9 apply to:

10           (a) Any person providing compressed air for his or her  
11 own use.

12           (b) Any governmental entity using a governmentally  
13 owned compressed air source for work related to the  
14 governmental entity.

15           (c) Foreign registered vessels upon which a compressor  
16 is used to provide compressed air for work related to the  
17 operation of the vessel.

18           (3) A person or entity that, for compensation,  
19 provides compressed air for recreational sport diving in this  
20 state, including compressed air provided as part of a dive  
21 package of equipment rental, dive boat rental, or dive boat  
22 charter, must ensure that the compressed air is tested  
23 quarterly by a laboratory that is accredited by either the  
24 American Industrial Hygiene Association or the American  
25 Association for Laboratory Accreditation and that the results  
26 of such tests are provided quarterly to the Department of  
27 Health. In addition, the person or entity must post the  
28 certificate issued by the laboratory accredited by the  
29 American Industrial Hygiene Association or the American  
30 Association for Laboratory Accreditation in a conspicuous

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1 location where it can readily be seen by any person purchasing  
2 compressed air.

3 (4) The Department of Health shall maintain a record  
4 of all quarterly test results provided under this section.

5 (5) It is a misdemeanor of the second degree for any  
6 person or entity to provide, for compensation, compressed air  
7 for recreational sport diving in this state, including  
8 compressed air provided as part of a dive package of equipment  
9 rental, dive boat rental, or dive boat charter, without:

10 (a) Having received a valid certificate issued by a  
11 laboratory accredited by the American Industrial Hygiene  
12 Association or the American Association for Laboratory  
13 Accreditation which certifies that the compressed air meets  
14 the standards for contaminant levels established by the  
15 Department of Health.

16 (b) Posting the certificate issued by a laboratory  
17 accredited by the American Industrial Hygiene Association or  
18 the American Association for Laboratory Accreditation in a  
19 conspicuous location where it can readily be seen by persons  
20 purchasing compressed air.

21 (6) The department shall adopt rules necessary to  
22 carry out the provisions of this section, which must include:

23 (a) Maximum allowable levels of contaminants in  
24 compressed air used for sport diving.

25 (b) Procedures for the submission of test results to  
26 the department.

27 (7) This section shall take effect January 1, 2000.

28 Section 200. The Minority HIV and AIDS Task Force.--

29 (1) There is created within the Department of Health  
30 the Minority HIV and AIDS Task Force to develop and provide  
31 specific recommendations to the Governor, the Legislature, and

1 the Department of Health on ways to strengthen HIV and AIDS  
2 prevention programs and early intervention and treatment  
3 efforts in the state's black, Hispanic, and other minority  
4 communities, as well as ways to address the many needs of the  
5 state's minorities infected with AIDS and their families.

6 (2) The Secretary of Health shall appoint at least 15  
7 members to the task force. The members must include, but need  
8 not be limited to, representatives from:

9 (a) Persons infected with the human immunodeficiency  
10 virus (HIV) or acquired immune deficiency syndrome (AIDS).

11 (b) Minority community-based support organizations.

12 (c) Minority treatment providers.

13 (d) The religious community within groups of persons  
14 infected with HIV or AIDS.

15 (e) The Department of Health.

16 (3) The task force shall meet as often as necessary to  
17 carry out its duties and responsibilities. Within existing  
18 resources, the Department of Health shall provide support  
19 services to the task force.

20 (4) The members of the task force shall serve without  
21 compensation.

22 (5) The task force shall prepare and submit a report  
23 of its findings and recommendations to the Governor, the  
24 President of the Senate, and the Speaker of the House of  
25 Representatives by February 1, 2001. The report must include:

26 (a) Specific strategies for reducing the risk of HIV  
27 and AIDS in the state's minority communities.

28 (b) A plan for establishing mentor programs and  
29 exchanging information and ideas among minority  
30 community-based organizations that provide HIV and AIDS  
31 prevention services.

1           (c) The needs of prevention and treatment programs  
2 within communities and the resources that are available within  
3 minority communities.

4           (d) Specific strategies for ensuring that minority  
5 persons who are at risk of HIV and AIDS infection seek  
6 testing.

7           (e) Specific strategies for ensuring that persons who  
8 test positive for HIV or AIDS are provided with access to  
9 treatment and secondary prevention services.

10           (f) Specific strategies to help reduce or eliminate  
11 high-risk behaviors in persons who test negative but continue  
12 to practice high-risk behaviors.

13           (g) A plan to evaluate the implementation of the  
14 recommendations of the task force.

15           (6) The task force is abolished on July 1, 2001.

16           Section 201. Statewide HIV and AIDS prevention  
17 campaign.--

18           (1) The Department of Health shall develop and  
19 implement a statewide HIV and AIDS prevention campaign that is  
20 directed towards minorities who are at risk of HIV infection.  
21 The campaign shall include television, radio, and outdoor  
22 advertising; public service announcements; and peer-to-peer  
23 outreach. Each campaign message and concept shall be evaluated  
24 with members of the target group to ensure its effectiveness.  
25 The campaign shall provide information on the risk of HIV and  
26 AIDS infection and strategies to follow for prevention, early  
27 detection, and treatment. The campaign shall use culturally  
28 sensitive literature and educational materials and promote the  
29 development of individual skills for behavior modification.

30           (2) The Department of Health shall establish four  
31 positions within the department for HIV and AIDS regional

1 minority coordinators and one position for a statewide HIV and  
2 AIDS minority coordinator. The coordinators shall facilitate  
3 statewide efforts to implement and coordinate HIV and AIDS  
4 prevention and treatment programs. The statewide coordinator  
5 shall report directly to the chief of the Bureau of HIV and  
6 AIDS within the Department of Health.

7 (3) The Department of Health shall, with assistance  
8 from the Minority HIV and AIDS Task Force and the statewide  
9 coordinator, plan and conduct a statewide Black Leadership  
10 Conference on HIV and AIDS by January 2000. The conference  
11 shall provide workshops for minority organizations in building  
12 skills and improving an organization's capacity to conduct HIV  
13 and AIDS prevention and treatment programs.

14 Section 202. The sum of \$250,000 is appropriated from  
15 the General Revenue Fund to the Department of Health for the  
16 purpose of carrying out the provisions of sections 201 and 202  
17 of this act during the 1999-2000 fiscal year.

18 Section 203. Subsection (9) is added to section 20.41,  
19 Florida Statutes, to read:

20 20.41 Department of Elderly Affairs.--There is created  
21 a Department of Elderly Affairs.

22 (9) Area agencies on aging are subject to chapter 119,  
23 relating to public records, and, when considering any  
24 contracts requiring the expenditure of funds, are subject to  
25 ss. 286.011-286.012, relating to public meetings.

26 Section 204. Effective October 1, 1999, part XV of  
27 chapter 468, Florida Statutes, consisting of sections 468.821,  
28 468.822, 468.823, 468.824, 468.825, 468.826, 468.827, and  
29 468.828, Florida Statutes, is created to read:

30 468.821 Definitions.--As used in this part, the term:

31 (1) "Approved training program" means:

1           (a) A course of training conducted by a public sector  
2 or private sector educational center licensed by the  
3 Department of Education to implement the basic curriculum for  
4 nursing assistants which is approved by the Department of  
5 Education.

6           (b) A training program operated under s. 400.141.

7           (2) "Certified nursing assistant" means a person who  
8 meets the qualifications specified in this part and who is  
9 certified by the department as a certified nursing assistant.

10          (3) "Department" means the Department of Health.

11          (4) "Registry" means the listing of certified nursing  
12 assistants maintained by the department.

13           468.822 Duties and powers of the department.--The  
14 department shall maintain, or contract with or approve another  
15 entity to maintain, a state registry of certified nursing  
16 assistants. The registry must consist of the name of each  
17 certified nursing assistant in this state; other identifying  
18 information defined by department rule; certification status;  
19 the effective date of certification; other information  
20 required by state or federal law; information regarding any  
21 crime or any abuse, neglect, or exploitation as provided under  
22 chapter 435; and any disciplinary action taken against the  
23 certified nursing assistant. The registry shall be accessible  
24 to the public, the certificateholder, employers, and other  
25 state agencies. The department shall adopt by rule testing  
26 procedures for use in certifying nursing assistants and shall  
27 adopt rules regulating the practice of certified nursing  
28 assistants to enforce this part. The department may contract  
29 with or approve another entity or organization to provide the  
30 examination services, including the development and  
31 administration of examinations. The provider shall pay all



1 reasonable costs and expenses incurred by the department in  
2 evaluating the provider's application and performance during  
3 the delivery of services, including examination services and  
4 procedures for maintaining the certified nursing assistant  
5 registry.

6 468.823 Certified nursing assistants; certification  
7 requirement.--

8 (1) The department shall issue a certificate to  
9 practice as a certified nursing assistant to any person who  
10 demonstrates a minimum competency to read and write and meets  
11 one of the following requirements:

12 (a) Has successfully completed an approved training  
13 program and achieved a minimum score, established by rule of  
14 the department, on the nursing assistant competency  
15 examination, which consists of a written portion and  
16 skills-demonstration portion approved by the department and  
17 administered at a site and by personnel approved by the  
18 department.

19 (b) Has achieved a minimum score, established by rule  
20 of the department, on the nursing assistant competency  
21 examination, which consists of a written portion and  
22 skills-demonstration portion, approved by the department and  
23 administered at a site and by personnel approved by the  
24 department and:

- 25 1. Has a high school diploma, or its equivalent; or  
26 2. Is at least 18 years of age.

27 (c) Is currently certified in another state; is listed  
28 on that state's certified nursing assistant registry; has not  
29 been found to have committed abuse, neglect, or exploitation  
30 in that state; and has successfully completed a national  
31

1 nursing assistant evaluation in order to receive certification  
2 in that state.

3 (2) If an applicant fails to pass the nursing  
4 assistant competency examination in three attempts, the  
5 applicant is not eligible for reexamination unless the  
6 applicant completes an approved training program.

7 (3) An oral examination shall be administered as a  
8 substitute for the written portion of the examination upon  
9 request. The oral examination shall be administered at a site  
10 and by personnel approved by the department.

11 (4) The department shall adopt rules to provide for  
12 the initial certification of certified nursing assistants.

13 (5) A certified nursing assistant shall maintain a  
14 current address with the department in accordance with s.  
15 455.717.

16 468.824 Denial, suspension, or revocation of  
17 certification; disciplinary actions.--

18 (1) The following acts constitute grounds for which  
19 the department may impose disciplinary sanctions as specified  
20 in subsection (2):

21 (a) Obtaining or attempting to obtain an exemption, or  
22 possessing or attempting to possess a letter of exemption, by  
23 bribery, misrepresentation, deceit, or through an error of the  
24 department.

25 (b) Intentionally violating any provision of this  
26 chapter, chapter 455, or the rules adopted by the department.

27 (2) When the department finds any person guilty of any  
28 of the grounds set forth in subsection (1), it may enter an  
29 order imposing one or more of the following penalties:

30 (a) Denial, suspension, or revocation of  
31 certification.

1           (b) Imposition of an administrative fine not to exceed  
2 \$150 for each count or separate offense.

3           (c) Imposition of probation or restriction of  
4 certification, including conditions such as corrective actions  
5 as retraining or compliance with an approved treatment program  
6 for impaired practitioners.

7           (3) The department may, upon the request of a  
8 certificateholder, exempt the certificateholder from  
9 disqualification of certification or disqualification of  
10 employment in accordance with chapter 435 and issue a letter  
11 of exemption.

12  
13 After January 1, 2000, the department must notify an applicant  
14 seeking an exemption from disqualification from certification  
15 or employment of its decision to approve or deny the request  
16 within 30 days after the date the department receives all  
17 required documentation.

18           468.825 Availability of disciplinary records and  
19 proceedings.--Pursuant to s. 455.621, any complaint or record  
20 maintained by the Department of Health pursuant to the  
21 discipline of a certified nursing assistant and any proceeding  
22 held by the department to discipline a certified nursing  
23 assistant shall remain open and available to the public.

24           468.826 Exemption from liability.--If an employer  
25 terminates or denies employment to a certified nursing  
26 assistant whose certification is inactive as shown on the  
27 certified nursing assistant registry or whose name appears on  
28 the central abuse registry and tracking system of the  
29 Department of Children and Family Services or on a criminal  
30 screening report of the Department of Law Enforcement, the  
31 employer is not civilly liable for such termination and a

1 cause of action may not be brought against the employer for  
 2 damages, regardless of whether the employee has filed for an  
 3 exemption from the department under s. 468.824(1). There may  
 4 not be any monetary liability on the part of, and a cause of  
 5 action for damages may not arise against, any licensed  
 6 facility, its governing board or members thereof, medical  
 7 staff, disciplinary board, agents, investigators, witnesses,  
 8 employees, or any other person for any action taken in good  
 9 faith without intentional fraud in carrying out this section.

10 468.827 Penalties.--It is a misdemeanor of the first  
 11 degree, punishable as provided under s. 775.082 or s. 775.083,  
 12 for any person, knowingly or intentionally, to fail to  
 13 disclose, by false statement, misrepresentation,  
 14 impersonation, or other fraudulent means, in any application  
 15 for voluntary or paid employment or licensure regulated under  
 16 this part, a material fact used in making a determination as  
 17 to such person's qualifications to be an employee or licensee.

18 468.828 Background screening information; rulemaking  
 19 authority.--

20 (1) The Agency for Health Care Administration shall  
 21 allow the department to electronically access its background  
 22 screening database and records and the Department of Children  
 23 and Families shall allow the department to electronically  
 24 access its central abuse registry and tracking system under  
 25 chapter 415.

26 (2) An employer, or an agent thereof, may not use  
 27 criminal records, juvenile records, or information obtained  
 28 from the central abuse hotline under chapter 415 for any  
 29 purpose other than determining if the person meets the  
 30 requirements of this part. Such records and information

31

1 obtained by the department shall remain confidential and  
2 exempt from s. 119.07(1).

3 (3) If the requirements of the Omnibus Budget  
4 Reconciliation Act of 1987, as amended, for the certification  
5 of nursing assistants are in conflict with this part, the  
6 federal requirements shall prevail for those facilities  
7 certified to provide care under Title XVIII (Medicare) or  
8 Title XIX (Medicaid) of the Social Security Act.

9 (4) The department shall adopt rules to administer  
10 this part.

11 Section 205. Certified nursing assistant registry.--

12 (1) By October 1, 1999, and by October 1 of every year  
13 thereafter, each employer of certified nursing assistants  
14 shall submit to the Department of Health a list of the names  
15 and social security numbers of each person employed by the  
16 employer as a certified nursing assistant in a nursing-related  
17 occupation for a minimum of 8 hours for monetary compensation  
18 during the preceding 24 months. Employers may submit such  
19 information electronically through the department's Internet  
20 site.

21 (2) The department shall update the certified nursing  
22 assistant registry upon receipt of the lists of certified  
23 nursing assistants, and shall complete the first of such  
24 updates by December 31, 1999.

25 (3) Each certified nursing assistant whose name is not  
26 reported to the department under subsection (1) on October 1,  
27 1999, shall be assigned an inactive certification on January  
28 1, 2000. A certified nursing assistant may remove such an  
29 inactive certification by submitting documentation to the  
30 department that he or she was employed for a minimum of 8  
31 hours for monetary compensation as a certified nursing

1 assistant in a nursing-related occupation during the preceding  
2 24 months.

3 (4) This section is repealed October 2, 2001.

4 Section 206. Effective October 1, 1999, section  
5 400.211, Florida Statutes, 1998 Supplement, is amended to  
6 read:

7 400.211 Persons employed as nursing assistants;  
8 certification requirement.--

9 (1) A person must be certified under part XV of  
10 chapter 468 pursuant to this section, except a registered  
11 nurse or practical nurse licensed in accordance with ~~the~~  
12 ~~provisions of~~ chapter 464 or an applicant for such licensure  
13 who is permitted to practice nursing in accordance with rules  
14 adopted promulgated by the Board of Nursing pursuant to  
15 chapter 464, to serve as a nursing assistant in any nursing  
16 home. ~~The Department of Health shall issue a certificate to~~  
17 ~~any person who:~~

18 ~~(a) Has successfully completed a nursing assistant~~  
19 ~~program in a state-approved school and has achieved a minimum~~  
20 ~~score of 75 percent on the written portion of the Florida~~  
21 ~~Nursing Assistant Certification Test approved by the~~  
22 ~~Department of Health and administered by state-approved test~~  
23 ~~site personnel;~~

24 ~~(b) Has achieved a minimum score of 75 percent on the~~  
25 ~~written and performance portions of the Florida Nursing~~  
26 ~~Assistant Certification Test approved by the Department of~~  
27 ~~Health and administered by state-approved test site personnel;~~  
28 or

29 ~~(c) Is currently certified in another state, is on~~  
30 ~~that state's registry, has no findings of abuse, and has~~  
31 ~~achieved a minimum score of 75 percent on the written portion~~

1 ~~of the Florida Nursing Assistant Certification Test approved~~  
2 ~~by the Department of Health and administered by state-approved~~  
3 ~~test site personnel.~~

4  
5 ~~An oral examination shall be administered upon request.~~

6 ~~(2) The agency may deny, suspend, or revoke the~~  
7 ~~certification of any person to serve as a nursing assistant,~~  
8 ~~based upon written notification from a court of competent~~  
9 ~~jurisdiction, law enforcement agency, or administrative agency~~  
10 ~~of any finding of guilt of, regardless of adjudication, or a~~  
11 ~~plea of nolo contendere or guilty to, any offense set forth in~~  
12 ~~the level 1 screening standards of chapter 435 or any~~  
13 ~~confirmed report of abuse of a vulnerable adult.~~

14 ~~(2)(3)~~ (2) The following categories of persons who are not  
15 certified as nursing assistants under this part may be  
16 employed by a nursing facility for a period of 4 months:

17 (a) Persons who are enrolled in a state-approved  
18 nursing assistant program; or

19 (b) Persons who have been positively verified by a  
20 state-approved test site as certified and on the registry in  
21 another state with no findings of abuse, but who have not  
22 completed the written examination required under this section.

23  
24 The certification requirement must be met within 4 months of  
25 initial employment as a nursing assistant in a licensed  
26 nursing facility.

27 ~~(4) A person certified under this section on or after~~  
28 ~~September 30, 1990, who has not worked for pay as a nursing~~  
29 ~~assistant in a nursing-related occupation for a period of time~~  
30 ~~during a consecutive 24-month period must be recertified under~~  
31 ~~this section to be eligible to work in a nursing facility.~~

1           (3)~~(5)~~ Nursing homes shall require persons seeking  
2 employment as a certified nursing assistant to submit an  
3 employment history to the facility. The facility shall verify  
4 the employment history unless, through diligent efforts, such  
5 verification is not possible. There shall be no monetary  
6 liability on the part of, and no cause of action for damages  
7 shall arise against, a former employer who reasonably and in  
8 good faith communicates his or her honest opinion about a  
9 former employee's job performance.

10           ~~(6) If the requirements pursuant to the Omnibus Budget~~  
11 ~~Reconciliation Act of 1987, as amended, for the certification~~  
12 ~~of nursing assistants are in conflict with this section, the~~  
13 ~~federal requirements shall prevail for those facilities~~  
14 ~~certified to provide care under Title XVIII (Medicare) or~~  
15 ~~Title XIX (Medicaid) of the Social Security Act.~~

16           ~~(7) The Department of Health may adopt such rules as~~  
17 ~~are necessary to carry out this section.~~

18           Section 207. Subsection (36) is added to section  
19 409.912, Florida Statutes, 1998 Supplement, to read:

20           409.912 Cost-effective purchasing of health care.--The  
21 agency shall purchase goods and services for Medicaid  
22 recipients in the most cost-effective manner consistent with  
23 the delivery of quality medical care. The agency shall  
24 maximize the use of prepaid per capita and prepaid aggregate  
25 fixed-sum basis services when appropriate and other  
26 alternative service delivery and reimbursement methodologies,  
27 including competitive bidding pursuant to s. 287.057, designed  
28 to facilitate the cost-effective purchase of a case-managed  
29 continuum of care. The agency shall also require providers to  
30 minimize the exposure of recipients to the need for acute  
31



1 inpatient, custodial, and other institutional care and the  
2 inappropriate or unnecessary use of high-cost services.

3 (36) The agency shall enter into agreements with  
4 not-for-profit organizations based in this state for the  
5 purpose of providing vision screening.

6 Section 208. Except as otherwise expressly provided in  
7 this act, this act shall take effect July 1, 1999.

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