

By Representatives Farkas, Kyle, Stansel, C. Green, Peaden  
and Casey

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

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14           Section 1. Subsection (4) of section 455.565, Florida  
15 Statutes, 1998 Supplement, is amended to read:

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

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

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

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

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

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

18 458.319 Renewal of license.--

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

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

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

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

17 459.008 Renewal of licenses and certificates.--

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

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

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

31 460.407 Renewal of license.--

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

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

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

14 461.007 Renewal of license.--

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

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

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



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

\*\*\*\*\*

SENATE SUMMARY

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