

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

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

Representative(s) Fasano offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Subsections (1) and (3) of section 455.564,
Florida Statutes, are amended to read:

455.564 Department; general licensing provisions.--

(1)(a) Any person desiring to be licensed in a
profession within the jurisdiction of the department shall
apply to the department in writing to take the licensure
examination. The application shall be made on a form prepared
and furnished by the department. The application form must be
available on the World Wide Web and the department may accept
electronically submitted applications beginning July 1, 2001.
The application and shall require the social security number
of the applicant, except as provided in paragraph (b). The
form shall be supplemented as needed to reflect any material
change in any circumstance or condition stated in the
application which takes place between the initial filing of

Amendment No. ____ (for drafter's use only)

1 the application and the final grant or denial of the license
2 and which might affect the decision of the department. If an
3 application is submitted electronically, the department may
4 require supplemental materials, including an original
5 signature of the applicant and verification of credentials, to
6 be submitted in a non-electronic format. An incomplete
7 application shall expire 1 year after initial filing. In order
8 to further the economic development goals of the state, and
9 notwithstanding any law to the contrary, the department may
10 enter into an agreement with the county tax collector for the
11 purpose of appointing the county tax collector as the
12 department's agent to accept applications for licenses and
13 applications for renewals of licenses. The agreement must
14 specify the time within which the tax collector must forward
15 any applications and accompanying application fees to the
16 department.

17 (b) If an applicant has not been issued a social
18 security number by the Federal Government at the time of
19 application because the applicant is not a citizen or resident
20 of this country, the department may process the application
21 using a unique personal identification number. If such an
22 applicant is otherwise eligible for licensure, the board, or
23 the department when there is no board, may issue a temporary
24 license to the applicant, which shall expire 30 days after
25 issuance unless a social security number is obtained and
26 submitted in writing to the department. Upon receipt of the
27 applicant's social security number, the department shall issue
28 a new license, which shall expire at the end of the current
29 biennium.

30 (3)(a) The board, or the department when there is no
31 board, may refuse to issue an initial license to any applicant

Amendment No. ____ (for drafter's use only)

1 who is under investigation or prosecution in any jurisdiction
2 for an action that would constitute a violation of this part
3 or the professional practice acts administered by the
4 department and the boards, until such time as the
5 investigation or prosecution is complete, and the time period
6 in which the licensure application must be granted or denied
7 shall be tolled until 15 days after the receipt of the final
8 results of the investigation or prosecution.

9 (b) If an applicant has been convicted of a felony
10 related to the practice or ability to practice any health care
11 profession, the board, or the department when there is no
12 board, may require the applicant to prove that his or her
13 civil rights have been restored.

14 (c) In considering applications for licensure, the
15 board, or the department when there is no board, may require a
16 personal appearance of the applicant. If the applicant is
17 required to appear, the time period in which a licensure
18 application must be granted or denied shall be tolled until
19 such time as the applicant appears. However, if the applicant
20 fails to appear before the board at either of the next two
21 regularly scheduled board meetings, or fails to appear before
22 the department within 30 days if there is no board, the
23 application for licensure shall be denied.

24 Section 2. Paragraph (d) is added to subsection (4) of
25 section 455.565, Florida Statutes, to read:

26 455.565 Designated health care professionals;
27 information required for licensure.--

28 (4)

29 (d) Any applicant for initial licensure or renewal of
30 licensure as a health care practitioner who submits to the
31 Department of Health a set of fingerprints or information

Amendment No. ____ (for drafter's use only)

1 required for the criminal history check required under this
2 section shall not be required to provide a subsequent set of
3 fingerprints or other duplicate information required for a
4 criminal history check to the Agency for Health Care
5 Administration, the Department of Juvenile Justice, or the
6 Department of Children and Family Services for employment or
7 licensure with such agency or department if the applicant has
8 undergone a criminal history check as a condition of initial
9 licensure or licensure renewal as a health care practitioner
10 with the Department of Health or any of its regulatory boards,
11 notwithstanding any other provision of law to the contrary. In
12 lieu of such duplicate submission, the Agency for Health Care
13 Administration, the Department of Juvenile Justice, and the
14 Department of Children and Family Services shall obtain
15 criminal history information for employment or licensure of
16 health care practitioners by such agency and departments from
17 the Department of Health's health care practitioner
18 credentialing system.

19 Section 3. Section 455.5651, Florida Statutes, is
20 amended to read:

21 455.5651 Practitioner profile; creation.--

22 (1) Beginning July 1, 1999, the Department of Health
23 shall compile the information submitted pursuant to s. 455.565
24 into a practitioner profile of the applicant submitting the
25 information, except that the Department of Health may develop
26 a format to compile uniformly any information submitted under
27 s. 455.565(4)(b).

28 (2) On the profile published ~~required~~ under subsection
29 (1), the department shall indicate if the information provided
30 under s. 455.565(1)(a)7. is not corroborated by a criminal
31 history check conducted according to this subsection. If the

Amendment No. ____ (for drafter's use only)

1 information provided under s. 455.565(1)(a)7. is corroborated
2 by the criminal history check, the fact that the criminal
3 history check was performed need not be indicated on the
4 profile. The department, or the board having regulatory
5 authority over the practitioner acting on behalf of the
6 department, shall investigate any information received by the
7 department or the board when it has reasonable grounds to
8 believe that the practitioner has violated any law that
9 relates to the practitioner's practice.

10 (3) The Department of Health may include in each
11 practitioner's practitioner profile that criminal information
12 that directly relates to the practitioner's ability to
13 competently practice his or her profession. The department
14 must include in each practitioner's practitioner profile the
15 following statement: "The criminal history information, if
16 any exists, may be incomplete; federal criminal history
17 information is not available to the public." The department
18 shall not publish a criminal conviction if such conviction has
19 been sealed, expunged, or pardoned.

20 (4) The Department of Health shall include, with
21 respect to a practitioner licensed under chapter 458 or
22 chapter 459, a statement of how the practitioner has elected
23 to comply with the financial responsibility requirements of s.
24 458.320 or s. 459.0085. The department shall include, with
25 respect to practitioners subject to s. 455.694, a statement of
26 how the practitioner has elected to comply with the financial
27 responsibility requirements of that section.The department
28 shall include, with respect to practitioners licensed under
29 chapter 458, chapter 459, or chapter 461, information relating
30 to liability actions which has been reported under s. 455.697
31 or s. 627.912 within the previous 10 years for any paid claim

Amendment No. ____ (for drafter's use only)

1 that exceeds \$5,000. Such claims information shall be reported
2 in the context of comparing an individual practitioner's
3 claims to the experience of other practitioners ~~physicians~~
4 within the same specialty, or profession if the practitioner
5 is not a specialist, to the extent such information is
6 available to the Department of Health. If information relating
7 to a liability action is included in a practitioner's
8 practitioner profile, the profile must also include the
9 following statement: "Settlement of a claim may occur for a
10 variety of reasons that do not necessarily reflect negatively
11 on the professional competence or conduct of the practitioner
12 ~~physician~~. A payment in settlement of a medical malpractice
13 action or claim should not be construed as creating a
14 presumption that medical malpractice has occurred."

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

18 (6) The Department of Health may include in the
19 practitioner's practitioner profile any other information that
20 is a public record of any governmental entity and that relates
21 to a practitioner's ability to competently practice his or her
22 profession. However, the department must consult with the
23 board having regulatory authority over the practitioner before
24 such information is included in his or her profile.

25 (7) Upon the completion of a practitioner profile
26 under this section, the Department of Health shall furnish the
27 practitioner who is the subject of the profile a copy of it.
28 The practitioner has a period of 30 days in which to review
29 the profile and to correct any factual inaccuracies in it. The
30 Department of Health shall make the profile available to the
31 public at the end of the 30-day period. The department shall

Amendment No. ____ (for drafter's use only)

1 make the profiles available to the public through the World
2 Wide Web and other commonly used means of distribution.

3 (8) Making a practitioner profile available to the
4 public under this section does not constitute agency action
5 for which a hearing under s. 120.57 may be sought.

6 Section 4. Section 455.5653, Florida Statutes, is
7 amended to read:

8 455.5653 Practitioner profiles; data
9 storage.--Effective upon this act becoming a law, the
10 Department of Health must develop or contract for a computer
11 system to accommodate the new data collection and storage
12 requirements under this act pending the development and
13 operation of a computer system by the Department of Health for
14 handling the collection, input, revision, and update of data
15 submitted by physicians as a part of their initial licensure
16 or renewal to be compiled into individual practitioner
17 profiles. The Department of Health must incorporate any data
18 required by this act into the computer system used in
19 conjunction with the regulation of health care professions
20 under its jurisdiction. ~~The department must develop, by the~~
21 ~~year 2000, a schedule and procedures for each practitioner~~
22 ~~within a health care profession regulated within the Division~~
23 ~~of Medical Quality Assurance to submit relevant information to~~
24 ~~be compiled into a profile to be made available to the public.~~
25 The Department of Health is authorized to contract with and
26 negotiate any interagency agreement necessary to develop and
27 implement the practitioner profiles. The Department of Health
28 shall have access to any information or record maintained by
29 the Agency for Health Care Administration, including any
30 information or record that is otherwise confidential and
31 exempt from the provisions of chapter 119 and s. 24(a), Art. I

Amendment No. ____ (for drafter's use only)

1 of the State Constitution, so that the Department of Health
2 may corroborate any information that practitioners ~~physicians~~
3 are required to report under s. 455.565.

4 Section 5. Section 455.5654, Florida Statutes, is
5 amended to read:

6 455.5654 Practitioner profiles; rules;
7 workshops.--Effective upon this act becoming a law, the
8 Department of Health shall adopt rules for the form of a
9 practitioner profile that the agency is required to prepare.
10 The Department of Health, pursuant to chapter 120, must hold
11 public workshops for purposes of rule development to implement
12 this section. An agency to which information is to be
13 submitted under this act may adopt by rule a form for the
14 submission of the information required under s. 455.565.

15 Section 6. Subsection (1) of section 455.567, Florida
16 Statutes, is amended to read:

17 455.567 Sexual misconduct; disqualification for
18 license, certificate, or registration.--

19 (1) Sexual misconduct in the practice of a health care
20 profession means violation of the professional relationship
21 through which the health care practitioner uses such
22 relationship to engage or attempt to engage the patient or
23 client, or an immediate family member, guardian, or
24 representative of the patient or client in, or to induce or
25 attempt to induce such person to engage in, verbal or physical
26 sexual activity outside the scope of the professional practice
27 of such health care profession. Sexual misconduct in the
28 practice of a health care profession is prohibited.

29 Section 7. Paragraphs (f) and (u) of subsection (1),
30 paragraph (c) of subsection (2), and subsection (3) of section
31 455.624, Florida Statutes, are amended, and paragraphs (y) and

Amendment No. ____ (for drafter's use only)

1 (z) are added to subsection (1) of said section, to read:

2 455.624 Grounds for discipline; penalties;
3 enforcement.--

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

7 (f) Having a license or the authority to practice any
8 ~~the~~ regulated profession revoked, suspended, or otherwise
9 acted against, including the denial of licensure, by the
10 licensing authority of any jurisdiction, including its
11 agencies or subdivisions, for a violation that would
12 constitute a violation under Florida law. The licensing
13 authority's acceptance of a relinquishment of licensure,
14 stipulation, consent order, or other settlement, offered in
15 response to or in anticipation of the filing of charges
16 against the license, shall be construed as action against the
17 license.

18 (u) Engaging or attempting to engage in sexual
19 misconduct as defined and prohibited in s. 455.567(1)~~a~~
20 ~~patient or client in verbal or physical sexual activity. For~~
21 ~~the purposes of this section, a patient or client shall be~~
22 ~~presumed to be incapable of giving free, full, and informed~~
23 ~~consent to verbal or physical sexual activity.~~

24 (y) Being unable to practice with reasonable skill and
25 safety to patients by reason of illness or use of alcohol,
26 drugs, narcotics, chemicals, or any other type of material or
27 as a result of any mental or physical condition. In enforcing
28 this paragraph, the department shall have, upon a finding of
29 the secretary or the secretary's designee that probable cause
30 exists to believe that the licensee is unable to practice
31 because of the reasons stated in this paragraph, the authority

Amendment No. ____ (for drafter's use only)

1 to issue an order to compel a licensee to submit to a mental
2 or physical examination by physicians designated by the
3 department. If the licensee refuses to comply with such order,
4 the department's order directing such examination may be
5 enforced by filing a petition for enforcement in the circuit
6 court where the licensee resides or does business. The
7 licensee against whom the petition is filed may not be named
8 or identified by initials in any public court records or
9 documents, and the proceedings shall be closed to the public.
10 The department shall be entitled to the summary procedure
11 provided in s. 51.011. A licensee or certificateholder
12 affected under this paragraph shall at reasonable intervals be
13 afforded an opportunity to demonstrate that he or she can
14 resume the competent practice of his or her profession with
15 reasonable skill and safety to patients.

16 (z) Testing positive for any drug, as defined in s.
17 112.0455, on any confirmed preemployment or employer-ordered
18 drug screening when the practitioner does not have a lawful
19 prescription and legitimate medical reason for using such
20 drug.

21 (2) When the board, or the department when there is no
22 board, finds any person guilty of the grounds set forth in
23 subsection (1) or of any grounds set forth in the applicable
24 practice act, including conduct constituting a substantial
25 violation of subsection (1) or a violation of the applicable
26 practice act which occurred prior to obtaining a license, it
27 may enter an order imposing one or more of the following
28 penalties:

29 (c) Restriction of practice or license.
30

31 In determining what action is appropriate, the board, or

Amendment No. ____ (for drafter's use only)

1 department when there is no board, must first consider what
2 sanctions are necessary to protect the public or to compensate
3 the patient. Only after those sanctions have been imposed may
4 the disciplining authority consider and include in the order
5 requirements designed to rehabilitate the practitioner. All
6 costs associated with compliance with orders issued under this
7 subsection are the obligation of the practitioner.

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

19 (b) Notwithstanding subsection (2), if the ground for
20 disciplinary action is the first-time violation of a practice
21 act for unprofessional conduct, as used in ss. 464.018(1)(h),
22 467.203(1)(f), 468.365(1)(f), and 478.52(1)(f), and no actual
23 harm to the patient occurred, the board or department, as
24 applicable, shall issue a citation in accordance with s.
25 455.617 and assess a penalty as determined by rule of the
26 board or department.

27 Section 8. For the purpose of incorporating the
28 amendment to section 455.624, Florida Statutes, in references
29 thereto, the sections or subdivisions of Florida Statutes set
30 forth below are reenacted to read:

31 455.577 Penalty for theft or reproduction of an

Amendment No. ____ (for drafter's use only)

1 examination.--In addition to, or in lieu of, any other
2 discipline imposed pursuant to s. 455.624, the theft of an
3 examination in whole or in part or the act of reproducing or
4 copying any examination administered by the department,
5 whether such examination is reproduced or copied in part or in
6 whole and by any means, constitutes a felony of the third
7 degree, punishable as provided in s. 775.082, s. 775.083, or
8 s. 775.084.

9 455.631 Penalty for giving false information.--In
10 addition to, or in lieu of, any other discipline imposed
11 pursuant to s. 455.624, the act of knowingly giving false
12 information in the course of applying for or obtaining a
13 license from the department, or any board thereunder, with
14 intent to mislead a public servant in the performance of his
15 or her official duties, or the act of attempting to obtain or
16 obtaining a license from the department, or any board
17 thereunder, to practice a profession by knowingly misleading
18 statements or knowing misrepresentations constitutes a felony
19 of the third degree, punishable as provided in s. 775.082, s.
20 775.083, or s. 775.084.

21 455.651 Disclosure of confidential information.--
22 (2) Any person who willfully violates any provision of
23 this section is guilty of a misdemeanor of the first degree,
24 punishable as provided in s. 775.082 or s. 775.083, and may be
25 subject to discipline pursuant to s. 455.624, and, if
26 applicable, shall be removed from office, employment, or the
27 contractual relationship.

28 455.712 Business establishments; requirements for
29 active status licenses.--

30 (1) A business establishment regulated by the Division
31 of Medical Quality Assurance pursuant to this part may provide

Amendment No. ____ (for drafter's use only)

1 regulated services only if the business establishment has an
2 active status license. A business establishment that provides
3 regulated services without an active status license is in
4 violation of this section and s. 455.624, and the board, or
5 the department if there is no board, may impose discipline on
6 the business establishment.

7 458.347 Physician assistants.--

8 (7) PHYSICIAN ASSISTANT LICENSURE.--

9 (g) The Board of Medicine may impose any of the
10 penalties specified in ss. 455.624 and 458.331(2) upon a
11 physician assistant if the physician assistant or the
12 supervising physician has been found guilty of or is being
13 investigated for any act that constitutes a violation of this
14 chapter or part II of chapter 455.

15 459.022 Physician assistants.--

16 (7) PHYSICIAN ASSISTANT LICENSURE.--

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

23 468.1755 Disciplinary proceedings.--

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

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

28 468.719 Disciplinary actions.--

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

31 (a) A violation of any law relating to the practice of

Amendment No. ____ (for drafter's use only)

1 athletic training, including, but not limited to, any
2 violation of this part, s. 455.624, or any rule adopted
3 pursuant thereto.

4 (2) When the board finds any person guilty of any of
5 the acts set forth in subsection (1), the board may enter an
6 order imposing one or more of the penalties provided in s.
7 455.624.

8 468.811 Disciplinary proceedings.--

9 (1) The following acts are grounds for disciplinary
10 action against a licensee and the issuance of cease and desist
11 orders or other related action by the department, pursuant to
12 s. 455.624, against any person who engages in or aids in a
13 violation.

14 (a) Attempting to procure a license by fraudulent
15 misrepresentation.

16 (b) Having a license to practice orthotics,
17 prosthetics, or pedorthics revoked, suspended, or otherwise
18 acted against, including the denial of licensure in another
19 jurisdiction.

20 (c) Being convicted or found guilty of or pleading
21 nolo contendere to, regardless of adjudication, in any
22 jurisdiction, a crime that directly relates to the practice of
23 orthotics, prosthetics, or pedorthics, including violations of
24 federal laws or regulations regarding orthotics, prosthetics,
25 or pedorthics.

26 (d) Filing a report or record that the licensee knows
27 is false, intentionally or negligently failing to file a
28 report or record required by state or federal law, willfully
29 impeding or obstructing such filing, or inducing another
30 person to impede or obstruct such filing. Such reports or
31 records include only reports or records that are signed in a

Amendment No. ____ (for drafter's use only)

1 person's capacity as a licensee under this act.

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

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

6 (g) Violation of an order of the board, agency, or
7 department previously entered in a disciplinary hearing or
8 failure to comply with a subpoena issued by the board, agency,
9 or department.

10 (h) Practicing with a revoked, suspended, or inactive
11 license.

12 (i) Gross or repeated malpractice or the failure to
13 deliver orthotic, prosthetic, or pedorthic services with that
14 level of care and skill which is recognized by a reasonably
15 prudent licensed practitioner with similar professional
16 training as being acceptable under similar conditions and
17 circumstances.

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

21 (2) The board may enter an order imposing one or more
22 of the penalties in s. 455.624(2) against any person who
23 violates any provision of subsection (1).

24 484.056 Disciplinary proceedings.--

25 (1) The following acts relating to the practice of
26 dispensing hearing aids shall be grounds for both disciplinary
27 action against a hearing aid specialist as set forth in this
28 section and cease and desist or other related action by the
29 department as set forth in s. 455.637 against any person
30 owning or operating a hearing aid establishment who engages
31 in, aids, or abets any such violation:

Amendment No. ____ (for drafter's use only)

1 (a) Violation of any provision of s. 455.624(1), s.
2 484.0512, or s. 484.053.

3 Section 9. Section 455.704, Florida Statutes, is
4 repealed.

5 Section 10. Subsections (1), (2), and (3) of section
6 455.707, Florida Statutes, are amended to read:

7 455.707 Treatment programs for impaired
8 practitioners.--

9 (1) For professions that do not have impaired
10 practitioner programs provided for in their practice acts, the
11 department shall, by rule, designate approved impaired
12 practitioner treatment programs under this section. The
13 department may adopt rules setting forth appropriate criteria
14 for approval of treatment providers ~~based on the policies and~~
15 ~~guidelines established by the Impaired Practitioners~~
16 ~~Committee.~~ The rules may ~~must~~ specify the manner in which the
17 consultant, retained as set forth in subsection (2), works
18 with the department in intervention, requirements for
19 evaluating and treating a professional, and requirements for
20 the continued care and monitoring of a professional by the
21 consultant by an approved ~~at a department-approved~~ treatment
22 provider. ~~The department shall not compel any impaired~~
23 ~~practitioner program in existence on October 1, 1992, to serve~~
24 ~~additional professions.~~

25 (2) The department shall retain one or more impaired
26 practitioner consultants ~~as recommended by the committee.~~ A
27 consultant shall be a licensee ~~or recovered licensee~~ under the
28 jurisdiction of the Division of Medical Quality Assurance
29 within the department, and at least one consultant must be a
30 practitioner or recovered practitioner licensed under chapter
31 458, chapter 459, or chapter 464. The consultant shall assist

Amendment No. ____ (for drafter's use only)

1 the probable cause panel and department in carrying out the
2 responsibilities of this section. This shall include working
3 with department investigators to determine whether a
4 practitioner is, in fact, impaired.

5 (3)(a) Whenever the department receives a written or
6 oral legally sufficient complaint alleging that a licensee
7 under the jurisdiction of the Division of Medical Quality
8 Assurance within the department is impaired as a result of the
9 misuse or abuse of alcohol or drugs, or both, or due to a
10 mental or physical condition which could affect the licensee's
11 ability to practice with skill and safety, and no complaint
12 against the licensee other than impairment exists, the
13 reporting of such information shall not constitute grounds for
14 discipline pursuant to s. 455.624 or the corresponding grounds
15 for discipline within the applicable practice act ~~a complaint~~
16 ~~within the meaning of s. 455.624~~ if the probable cause panel
17 of the appropriate board, or the department when there is no
18 board, finds:

- 19 1. The licensee has acknowledged the impairment
20 problem.
- 21 2. The licensee has voluntarily enrolled in an
22 appropriate, approved treatment program.
- 23 3. The licensee has voluntarily withdrawn from
24 practice or limited the scope of practice as required by the
25 consultant determined by the panel, or the department when
26 ~~there is no board~~, in each case, until such time as the panel,
27 or the department when there is no board, is satisfied the
28 licensee has successfully completed an approved treatment
29 program.
- 30 4. The licensee has executed releases for medical
31 records, authorizing the release of all records of

Amendment No. ____ (for drafter's use only)

1 evaluations, diagnoses, and treatment of the licensee,
2 including records of treatment for emotional or mental
3 conditions, to the consultant. The consultant shall make no
4 copies or reports of records that do not regard the issue of
5 the licensee's impairment and his or her participation in a
6 treatment program.

7 (b) If, however, the department has not received a
8 legally sufficient complaint and the licensee agrees to
9 withdraw from practice until such time as the consultant
10 determines the licensee has satisfactorily completed an
11 approved treatment program or evaluation, the probable cause
12 panel, or the department when there is no board, shall not
13 become involved in the licensee's case.

14 (c) Inquiries related to impairment treatment programs
15 designed to provide information to the licensee and others and
16 which do not indicate that the licensee presents a danger to
17 the public shall not constitute a complaint within the meaning
18 of s. 455.621 and shall be exempt from the provisions of this
19 subsection.

20 (d) Whenever the department receives a legally
21 sufficient complaint alleging that a licensee is impaired as
22 described in paragraph (a) and no complaint against the
23 licensee other than impairment exists, the department shall
24 forward all information in its possession regarding the
25 impaired licensee to the consultant. For the purposes of this
26 section, a suspension from hospital staff privileges due to
27 the impairment does not constitute a complaint.

28 (e) The probable cause panel, or the department when
29 there is no board, shall work directly with the consultant,
30 and all information concerning a practitioner obtained from
31 the consultant by the panel, or the department when there is

Amendment No. ____ (for drafter's use only)

1 no board, shall remain confidential and exempt from the
2 provisions of s. 119.07(1), subject to the provisions of
3 subsections (5) and (6).

4 (f) A finding of probable cause shall not be made as
5 long as the panel, or the department when there is no board,
6 is satisfied, based upon information it receives from the
7 consultant and the department, that the licensee is
8 progressing satisfactorily in an approved impaired
9 practitioner treatment program and no other complaint against
10 the licensee exists.

11 Section 11. Subsection (1) of section 310.102, Florida
12 Statutes, is amended to read:

13 310.102 Treatment programs for impaired pilots and
14 deputy pilots.--

15 (1) The department shall, by rule, designate approved
16 treatment programs for impaired pilots and deputy pilots under
17 this section. The department may adopt rules setting forth
18 appropriate criteria for approval of treatment providers ~~based~~
19 ~~on the policies and guidelines established by the Impaired~~
20 ~~Practitioners Committee under s. 455.704.~~

21 Section 12. Section 455.711, Florida Statutes, is
22 amended to read:

23 455.711 Licenses; active and inactive and delinquent
24 status; delinquency.--

25 (1) A licensee may practice a profession only if the
26 licensee has an active status license. A licensee who
27 practices a profession without an active status license is in
28 violation of this section and s. 455.624, and the board, or
29 the department if there is no board, may impose discipline on
30 the licensee.

31 (2) Each board, or the department if there is no

Amendment No. ____ (for drafter's use only)

1 board, shall permit a licensee to choose, at the time of
2 licensure renewal, an active or inactive status. ~~However, a~~
3 ~~licensee who changes from inactive to active status is not~~
4 ~~eligible to return to inactive status until the licensee~~
5 ~~thereafter completes a licensure cycle on active status.~~

6 (3) Each board, or the department if there is no
7 board, shall by rule impose a fee for renewal of an active or
8 inactive status license. The renewal fee for an inactive
9 status license may not exceed ~~which is no greater than the fee~~
10 for an active status license.

11 (4) Notwithstanding any other provision of law to the
12 contrary, a licensee may change licensure status at any time.

13 (a) Active status licensees choosing inactive status
14 at the time of license renewal must pay the inactive status
15 renewal fee, and, if applicable, the delinquency fee and the
16 fee to change licensure status. Active status licensees
17 choosing inactive status at any other time than at the time of
18 license renewal must pay the fee to change licensure status.

19 (b) An inactive status licensee may change to active
20 status at any time, if the licensee meets all requirements for
21 active status, pays any additional licensure fees necessary to
22 equal those imposed on an active status licensee, pays any
23 applicable reactivation fees as set by the board, or the
24 department if there is no board, and meets all continuing
25 education requirements as specified in this section. Inactive
26 status licensees choosing active status at the time of license
27 renewal must pay the active status renewal fee, any applicable
28 reactivation fees as set by the board, or the department if
29 there is no board, and, if applicable, the delinquency fee and
30 the fee to change licensure status. Inactive status licensees
31 choosing active status at any other time than at the time of

Amendment No. ____ (for drafter's use only)

1 license renewal must pay the difference between the inactive
2 status renewal fee and the active status renewal fee, if any
3 exists, any applicable reactivation fees as set by the board,
4 or the department if there is no board, and the fee to change
5 licensure status.

6 (5) A licensee must apply with a complete application,
7 as defined by rule of the board, or the department if there is
8 no board, to renew an active ~~status~~ or inactive status license
9 before the license expires. If a licensee fails to renew
10 before the license expires, the license becomes delinquent in
11 the license cycle following expiration.

12 (6) A delinquent ~~status~~ licensee must affirmatively
13 apply with a complete application, as defined by rule of the
14 board, or the department if there is no board, for active or
15 inactive status during the licensure cycle in which a licensee
16 becomes delinquent. Failure by a delinquent ~~status~~ licensee to
17 become active or inactive before the expiration of the current
18 licensure cycle renders the license null without any further
19 action by the board or the department. Any subsequent
20 licensure shall be as a result of applying for and meeting all
21 requirements imposed on an applicant for new licensure.

22 (7) Each board, or the department if there is no
23 board, shall by rule impose an additional delinquency fee, not
24 to exceed the biennial renewal fee for an active status
25 license, on a delinquent ~~status~~ licensee when such licensee
26 applies for active or inactive status.

27 (8) Each board, or the department if there is no
28 board, shall by rule impose an additional fee, not to exceed
29 the biennial renewal fee for an active status license, for
30 processing a licensee's request to change licensure status at
31 any time other than at the beginning of a licensure cycle.

Amendment No. ____ (for drafter's use only)

1 (9) Each board, or the department if there is no
2 board, may by rule impose reasonable conditions, excluding
3 full reexamination but including part of a national
4 examination or a special purpose examination to assess current
5 competency, necessary to ensure that a licensee who has been
6 on inactive status for more than two consecutive biennial
7 licensure cycles and who applies for active status can
8 practice with the care and skill sufficient to protect the
9 health, safety, and welfare of the public. Reactivation
10 requirements may differ depending on the length of time
11 licensees are inactive. The costs to meet reactivation
12 requirements shall be borne by licensees requesting
13 reactivation.

14 (10) Before reactivation, an inactive status licensee
15 or a delinquent licensee who was inactive prior to becoming
16 delinquent must meet the same continuing education
17 requirements, if any, imposed on an active status licensee for
18 all biennial licensure periods in which the licensee was
19 inactive or delinquent.

20 (11) The status or a change in status of a licensee
21 does not alter in any way the right of the board, or of the
22 department if there is no board, to impose discipline or to
23 enforce discipline previously imposed on a licensee for acts
24 or omissions committed by the licensee while holding a
25 license, whether active, inactive, or delinquent.

26 (12) This section does not apply to a business
27 establishment registered, permitted, or licensed by the
28 department to do business.

29 (13) The board, or the department when there is no
30 board, may adopt rules pursuant to ss. 120.536(1) and 120.54
31 as necessary to implement this section.

Amendment No. ____ (for drafter's use only)

1 Section 13. Subsection (3) of section 455.587, Florida
2 Statutes, is amended to read:

3 455.587 Fees; receipts; disposition.--

4 (3) Each board, or the department if there is no
5 board, may, by rule, assess and collect a one-time fee from
6 each active status licensee and each ~~voluntary~~ inactive status
7 licensee in an amount necessary to eliminate a cash deficit
8 or, if there is not a cash deficit, in an amount sufficient to
9 maintain the financial integrity of the professions as
10 required in this section. Not more than one such assessment
11 may be made in any 4-year period without specific legislative
12 authorization.

13 Section 14. Subsection (1) of section 455.714, Florida
14 Statutes, is amended to read:

15 455.714 Renewal and cancellation notices.--

16 (1) At least 90 days before the end of a licensure
17 cycle, the department shall:

18 (a) Forward a licensure renewal notification to an
19 active or inactive status licensee at the licensee's last
20 known address of record with the department.

21 (b) Forward a notice of pending cancellation of
22 licensure to a delinquent ~~status~~ licensee at the licensee's
23 last known address of record with the department.

24 Section 15. Section 455.719, Florida Statutes, is
25 created to read:

26 455.719 Health care professionals; exemption from
27 disqualification from employment or contracting.--Any other
28 provision of law to the contrary notwithstanding, only the
29 appropriate regulatory board, or the department when there is
30 no board, may grant an exemption from disqualification from
31 employment or contracting as provided in s. 435.07 to a person

Amendment No. ____ (for drafter's use only)

1 under the licensing jurisdiction of that board or the
2 department, as applicable.

3 Section 16. Paragraph (a) of subsection (4) of section
4 943.0585, Florida Statutes, is amended to read:

5 943.0585 Court-ordered expunction of criminal history
6 records.--The courts of this state have jurisdiction over
7 their own procedures, including the maintenance, expunction,
8 and correction of judicial records containing criminal history
9 information to the extent such procedures are not inconsistent
10 with the conditions, responsibilities, and duties established
11 by this section. Any court of competent jurisdiction may
12 order a criminal justice agency to expunge the criminal
13 history record of a minor or an adult who complies with the
14 requirements of this section. The court shall not order a
15 criminal justice agency to expunge a criminal history record
16 until the person seeking to expunge a criminal history record
17 has applied for and received a certificate of eligibility for
18 expunction pursuant to subsection (2). A criminal history
19 record that relates to a violation of chapter 794, s. 800.04,
20 s. 817.034, s. 827.071, chapter 839, s. 893.135, or a
21 violation enumerated in s. 907.041 may not be expunged,
22 without regard to whether adjudication was withheld, if the
23 defendant was found guilty of or pled guilty or nolo
24 contendere to the offense, or if the defendant, as a minor,
25 was found to have committed, or pled guilty or nolo contendere
26 to committing, the offense as a delinquent act. The court may
27 only order expunction of a criminal history record pertaining
28 to one arrest or one incident of alleged criminal activity,
29 except as provided in this section. The court may, at its sole
30 discretion, order the expunction of a criminal history record
31 pertaining to more than one arrest if the additional arrests

Amendment No. ____ (for drafter's use only)

1 directly relate to the original arrest. If the court intends
2 to order the expunction of records pertaining to such
3 additional arrests, such intent must be specified in the
4 order. A criminal justice agency may not expunge any record
5 pertaining to such additional arrests if the order to expunge
6 does not articulate the intention of the court to expunge a
7 record pertaining to more than one arrest. This section does
8 not prevent the court from ordering the expunction of only a
9 portion of a criminal history record pertaining to one arrest
10 or one incident of alleged criminal activity. Notwithstanding
11 any law to the contrary, a criminal justice agency may comply
12 with laws, court orders, and official requests of other
13 jurisdictions relating to expunction, correction, or
14 confidential handling of criminal history records or
15 information derived therefrom. This section does not confer
16 any right to the expunction of any criminal history record,
17 and any request for expunction of a criminal history record
18 may be denied at the sole discretion of the court.

19 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any
20 criminal history record of a minor or an adult which is
21 ordered expunged by a court of competent jurisdiction pursuant
22 to this section must be physically destroyed or obliterated by
23 any criminal justice agency having custody of such record;
24 except that any criminal history record in the custody of the
25 department must be retained in all cases. A criminal history
26 record ordered expunged that is retained by the department is
27 confidential and exempt from the provisions of s. 119.07(1)
28 and s. 24(a), Art. I of the State Constitution and not
29 available to any person or entity except upon order of a court
30 of competent jurisdiction. A criminal justice agency may
31 retain a notation indicating compliance with an order to

Amendment No. ____ (for drafter's use only)

1 expunge.

2 (a) The person who is the subject of a criminal
3 history record that is expunged under this section or under
4 other provisions of law, including former s. 893.14, former s.
5 901.33, and former s. 943.058, may lawfully deny or fail to
6 acknowledge the arrests covered by the expunged record, except
7 when the subject of the record:

8 1. Is a candidate for employment with a criminal
9 justice agency;

10 2. Is a defendant in a criminal prosecution;

11 3. Concurrently or subsequently petitions for relief
12 under this section or s. 943.059;

13 4. Is a candidate for admission to The Florida Bar;

14 5. Is seeking to be employed or licensed by or to
15 contract with the Department of Children and Family Services
16 or the Department of Juvenile Justice or to be employed or
17 used by such contractor or licensee in a sensitive position
18 having direct contact with children, the developmentally
19 disabled, the aged, or the elderly as provided in s.

20 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.
21 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.
22 415.1075(4), s. 985.407, or chapter 400; ~~or~~

23 6. Is seeking to be employed or licensed by the Office
24 of Teacher Education, Certification, Staff Development, and
25 Professional Practices of the Department of Education, any
26 district school board, or any local governmental entity that
27 licenses child care facilities; or

28 7. Is seeking to be employed or licensed by or to
29 contract with the Department of Health or to be employed or
30 used by such contractor or licensee in a sensitive position
31 having direct contact with children, the developmentally

Amendment No. ____ (for drafter's use only)

1 disabled, the aged, or the elderly as provided in s.
2 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.
3 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.
4 415.1075(4), s. 985.407, or chapter 400.

5 Section 17. Paragraph (a) of subsection (4) of section
6 943.059, Florida Statutes, is amended to read:

7 943.059 Court-ordered sealing of criminal history
8 records.--The courts of this state shall continue to have
9 jurisdiction over their own procedures, including the
10 maintenance, sealing, and correction of judicial records
11 containing criminal history information to the extent such
12 procedures are not inconsistent with the conditions,
13 responsibilities, and duties established by this section. Any
14 court of competent jurisdiction may order a criminal justice
15 agency to seal the criminal history record of a minor or an
16 adult who complies with the requirements of this section. The
17 court shall not order a criminal justice agency to seal a
18 criminal history record until the person seeking to seal a
19 criminal history record has applied for and received a
20 certificate of eligibility for sealing pursuant to subsection
21 (2). A criminal history record that relates to a violation of
22 chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839,
23 s. 893.135, or a violation enumerated in s. 907.041 may not be
24 sealed, without regard to whether adjudication was withheld,
25 if the defendant was found guilty of or pled guilty or nolo
26 contendere to the offense, or if the defendant, as a minor,
27 was found to have committed or pled guilty or nolo contendere
28 to committing the offense as a delinquent act. The court may
29 only order sealing of a criminal history record pertaining to
30 one arrest or one incident of alleged criminal activity,
31 except as provided in this section. The court may, at its sole

Amendment No. ____ (for drafter's use only)

1 discretion, order the sealing of a criminal history record
2 pertaining to more than one arrest if the additional arrests
3 directly relate to the original arrest. If the court intends
4 to order the sealing of records pertaining to such additional
5 arrests, such intent must be specified in the order. A
6 criminal justice agency may not seal any record pertaining to
7 such additional arrests if the order to seal does not
8 articulate the intention of the court to seal records
9 pertaining to more than one arrest. This section does not
10 prevent the court from ordering the sealing of only a portion
11 of a criminal history record pertaining to one arrest or one
12 incident of alleged criminal activity. Notwithstanding any law
13 to the contrary, a criminal justice agency may comply with
14 laws, court orders, and official requests of other
15 jurisdictions relating to sealing, correction, or confidential
16 handling of criminal history records or information derived
17 therefrom. This section does not confer any right to the
18 sealing of any criminal history record, and any request for
19 sealing a criminal history record may be denied at the sole
20 discretion of the court.

21 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.--A
22 criminal history record of a minor or an adult which is
23 ordered sealed by a court of competent jurisdiction pursuant
24 to this section is confidential and exempt from the provisions
25 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution
26 and is available only to the person who is the subject of the
27 record, to the subject's attorney, to criminal justice
28 agencies for their respective criminal justice purposes, or to
29 those entities set forth in subparagraphs (a)1., 4., 5., and
30 6. for their respective licensing and employment purposes.

31 (a) The subject of a criminal history record sealed

Amendment No. ____ (for drafter's use only)

1 under this section or under other provisions of law, including
2 former s. 893.14, former s. 901.33, and former s. 943.058, may
3 lawfully deny or fail to acknowledge the arrests covered by
4 the sealed record, except when the subject of the record:
5 1. Is a candidate for employment with a criminal
6 justice agency;
7 2. Is a defendant in a criminal prosecution;
8 3. Concurrently or subsequently petitions for relief
9 under this section or s. 943.0585;
10 4. Is a candidate for admission to The Florida Bar;
11 5. Is seeking to be employed or licensed by or to
12 contract with the Department of Children and Family Services
13 or the Department of Juvenile Justice or to be employed or
14 used by such contractor or licensee in a sensitive position
15 having direct contact with children, the developmentally
16 disabled, the aged, or the elderly as provided in s.
17 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.
18 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.
19 415.103, s. 985.407, or chapter 400; ~~or~~
20 6. Is seeking to be employed or licensed by or to
21 contract with the Department of Health or to be employed or
22 used by such contractor or licensee in a sensitive position
23 having direct contact with children, the developmentally
24 disabled, the aged, or the elderly as provided in s.
25 110.1127(3), s.393.063(15), s. 394.4572(1), s. 397.451, s.
26 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.
27 415.1075(4), s. 985.407, or chapter 400; or
28 ~~7.6~~ Is seeking to be employed or licensed by the
29 Office of Teacher Education, Certification, Staff Development,
30 and Professional Practices of the Department of Education, any
31 district school board, or any local governmental entity which

Amendment No. ____ (for drafter's use only)

1 licenses child care facilities.

2 Section 18. Section 455.637, Florida Statutes, is
3 amended to read:

4 455.637 Unlicensed practice of a health care
5 profession; intent; cease and desist notice; penalties ~~civil~~
6 penalty; enforcement; citations; fees; allocation and
7 disposition of moneys collected.--

8 (1) It is the intent of the Legislature that vigorous
9 enforcement of licensure regulation for all health care
10 professions is a state priority in order to protect Florida
11 residents and visitors from the potentially serious and
12 dangerous consequences of receiving medical and health care
13 services from unlicensed persons whose professional education
14 and training and other relevant qualifications have not been
15 approved through the issuance of a license by the appropriate
16 regulatory board or the department when there is no board. The
17 unlicensed practice of a health care profession or the
18 performance or delivery of medical or health care services to
19 patients in this state without a valid, active license to
20 practice that profession, regardless of the means of the
21 performance or delivery of such services, is strictly
22 prohibited.

23 (2) The penalties for unlicensed practice of a health
24 care profession shall include the following:

25 (a)~~(1)~~ When the department has probable cause to
26 believe that any person not licensed by the department, or the
27 appropriate regulatory board within the department, has
28 violated any provision of this part or any statute that
29 relates to the practice of a profession regulated by the
30 department, or any rule adopted pursuant thereto, the
31 department may issue and deliver to such person a notice to

Amendment No. ____ (for drafter's use only)

1 cease and desist from such violation. In addition, the
2 department may issue and deliver a notice to cease and desist
3 to any person who aids and abets the unlicensed practice of a
4 profession by employing such unlicensed person. The issuance
5 of a notice to cease and desist shall not constitute agency
6 action for which a hearing under ss. 120.569 and 120.57 may be
7 sought. For the purpose of enforcing a cease and desist order,
8 the department may file a proceeding in the name of the state
9 seeking issuance of an injunction or a writ of mandamus
10 against any person who violates any provisions of such order.

11 (b) In addition to the foregoing remedies under
12 paragraph (a), the department may impose by citation an
13 administrative penalty not to exceed \$5,000 per incident
14 pursuant to the provisions of chapter 120 or may issue a
15 citation pursuant to the provisions of subsection (3). The
16 citation shall be issued to the subject and shall contain the
17 subject's name and any other information the department
18 determines to be necessary to identify the subject, a brief
19 factual statement, the sections of the law allegedly violated,
20 and the penalty imposed. If the subject does not dispute the
21 matter in the citation with the department within 30 days
22 after the citation is served, the citation shall become a
23 final order of the department. The department may adopt rules
24 to implement this section. The penalty shall be a fine of not
25 less than \$500 nor more than \$5,000 as established by rule of
26 the department. Each day that the unlicensed practice
27 continues after issuance of a notice to cease and desist
28 constitutes a separate violation. The department shall be
29 entitled to recover the costs of investigation and prosecution
30 in addition to the fine levied pursuant to the citation.
31 Service of a citation may be made by personal service or by

Amendment No. ____ (for drafter's use only)

1 mail to the subject at the subject's last known address or
2 place of practice. If the department is required to seek
3 enforcement of the cease and desist or agency order ~~for a~~
4 ~~penalty pursuant to s. 120.569~~, it shall be entitled to
5 collect its attorney's fees and costs, ~~together with any cost~~
6 ~~of collection.~~

7 (c)(2) In addition to or in lieu of any other
8 administrative remedy ~~provided in subsection (1)~~, the
9 department may seek the imposition of a civil penalty through
10 the circuit court for any violation for which the department
11 may issue a notice to cease and desist ~~under subsection (1)~~.
12 The civil penalty shall be no less than \$500 and no more than
13 \$5,000 for each offense. The court may also award to the
14 prevailing party court costs and reasonable attorney fees and,
15 in the event the department prevails, may also award
16 reasonable costs of investigation and prosecution.

17 (d) In addition to the administrative and civil
18 remedies under paragraphs (b) and (c) and in addition to the
19 criminal violations and penalties listed in the individual
20 health care practice acts:

21 1. It is a felony of the third degree, punishable as
22 provided in s. 775.082, s. 775.083, or s. 775.084, to
23 practice, attempt to practice, or offer to practice a health
24 care profession without an active, valid Florida license to
25 practice that profession. Practicing without an active, valid
26 license also includes practicing on a suspended, revoked, or
27 void license, but does not include practicing, attempting to
28 practice, or offering to practice with an inactive or
29 delinquent license for a period of up to 12 months which is
30 addressed in subparagraph 3. Applying for employment for a
31 position that requires a license without notifying the

Amendment No. ____ (for drafter's use only)

1 employer that the person does not currently possess a valid,
2 active license to practice that profession shall be deemed to
3 be an attempt or offer to practice that health care profession
4 without a license. Holding oneself out, regardless of the
5 means of communication, as able to practice a health care
6 profession or as able to provide services that require a
7 health care license shall be deemed to be an attempt or offer
8 to practice such profession without a license. The minimum
9 penalty for violating this subparagraph shall be a fine of
10 \$1,000 and a minimum mandatory period of incarceration of 1
11 year.

12 2. It is a felony of the second degree, punishable as
13 provided in s. 775.082, s. 775.083, or s. 775.084, to practice
14 a health care profession without an active, valid Florida
15 license to practice that profession when such practice results
16 in serious bodily injury. For purposes of this section,
17 "serious bodily injury" means death; brain or spinal damage;
18 disfigurement; fracture or dislocation of bones or joints;
19 limitation of neurological, physical, or sensory function; or
20 any condition that required subsequent surgical repair. The
21 minimum penalty for violating this subparagraph shall be a
22 fine of \$1,000 and a minimum mandatory period of incarceration
23 of 1 year.

24 3. It is a misdemeanor of the first degree, punishable
25 as provided in s. 775.082 or s. 775.083, to practice, attempt
26 to practice, or offer to practice a health care profession
27 with an inactive or delinquent license for any period of time
28 up to 12 months. However, practicing, attempting to practice,
29 or offering to practice a health care profession when that
30 person's license has been inactive or delinquent for a period
31 of time of 12 months or more shall be a felony of the third

Amendment No. ____ (for drafter's use only)

1 degree, punishable as provided in s. 775.082, s. 775.083, or
2 s. 775.084. The minimum penalty for violating this
3 subparagraph shall be a term of imprisonment of 30 days and a
4 fine of \$500.

5 (3) Because all enforcement costs should be covered by
6 professions regulated by the department, the department shall
7 impose, upon initial licensure and each licensure renewal, a
8 special fee of \$5 per licensee to fund efforts to combat
9 unlicensed activity. Such fee shall be in addition to all
10 other fees collected from each licensee. The board with
11 concurrence of the department, or the department when there is
12 no board, may earmark \$5 of the current licensure fee for this
13 purpose, if such board, or profession regulated by the
14 department, is not in a deficit and has a reasonable cash
15 balance. The department shall make direct charges to the
16 Medical Quality Assurance Trust Fund by profession. The
17 department shall seek board advice regarding enforcement
18 methods and strategies. The department shall directly credit
19 the Medical Quality Assurance Trust Fund, by profession, with
20 the revenues received from the department's efforts to enforce
21 licensure provisions. The department shall include all
22 financial and statistical data resulting from unlicensed
23 activity enforcement as a separate category in the quarterly
24 management report provided for in s. 455.587. For an
25 unlicensed activity account, a balance which remains at the
26 end of a renewal cycle may, with concurrence of the applicable
27 board and the department, be transferred to the operating fund
28 account of that profession. The department shall also use
29 these funds to inform and educate consumers generally on the
30 importance of using licensed health care practitioners.

31 ~~(3)(a) Notwithstanding the provisions of s. 455.621,~~

Amendment No. ____ (for drafter's use only)

1 ~~the department shall adopt rules to permit the issuance of~~
2 ~~citations for unlicensed practice of a profession. The~~
3 ~~citation shall be issued to the subject and shall contain the~~
4 ~~subject's name and any other information the department~~
5 ~~determines to be necessary to identify the subject, a brief~~
6 ~~factual statement, the sections of the law allegedly violated,~~
7 ~~and the penalty imposed. The citation must clearly state that~~
8 ~~the subject may choose, in lieu of accepting the citation, to~~
9 ~~follow the procedure under s. 455.621. If the subject disputes~~
10 ~~the matter in the citation, the procedures set forth in s.~~
11 ~~455.621 must be followed. However, if the subject does not~~
12 ~~dispute the matter in the citation with the department within~~
13 ~~30 days after the citation is served, the citation shall~~
14 ~~become a final order of the department. The penalty shall be a~~
15 ~~fine of not less than \$500 or more than \$5,000 or other~~
16 ~~conditions as established by rule.~~

17 ~~(b) Each day that the unlicensed practice continues~~
18 ~~after issuance of a citation constitutes a separate violation.~~

19 ~~(c) The department shall be entitled to recover the~~
20 ~~costs of investigation, in addition to any penalty provided~~
21 ~~according to department rule as part of the penalty levied~~
22 ~~pursuant to the citation.~~

23 ~~(d) Service of a citation may be made by personal~~
24 ~~service or certified mail, restricted delivery, to the subject~~
25 ~~at the subject's last known address.~~

26 ~~(4) All fines, fees, and costs collected through the~~
27 ~~procedures set forth in this section shall be allocated to the~~
28 ~~professions in the manner provided for in s. 455.641 for the~~
29 ~~allocation of the fees assessed and collected to combat~~
30 ~~unlicensed practice of a profession.~~

31 ~~(4)(5)~~ The provisions of this section apply only to

Amendment No. ____ (for drafter's use only)

1 health care ~~the~~ professional practice acts administered by the
2 department.

3 (5) Nothing herein shall be construed to limit or
4 restrict the sale, use, or recommendation of the use of a
5 dietary supplement, as defined by the Food, Drug, and Cosmetic
6 Act, Title 21, s. 321, so long as the person selling, using,
7 or recommending the dietary supplement does so in compliance
8 with federal and state law and does not hold himself or
9 herself out to be a health care practitioner as defined in s.
10 455.501(4).

11 Section 19. The amendment of s. 455.637, Florida
12 Statutes, by this act applies to offenses committed on or
13 after the effective date of such section.

14 Section 20. Section 455.641, Florida Statutes, is
15 repealed.

16 Section 21. For the purpose of incorporating the
17 amendment to section 455.637, Florida Statutes, in references
18 thereto, the sections or subdivisions of Florida Statutes set
19 forth below are reenacted to read:

20 455.574 Department of Health; examinations.--

21 (1)

22 (d) Each board, or the department when there is no
23 board, shall adopt rules regarding the security and monitoring
24 of examinations. The department shall implement those rules
25 adopted by the respective boards. In order to maintain the
26 security of examinations, the department may employ the
27 procedures set forth in s. 455.637 to seek fines and
28 injunctive relief against an examinee who violates the
29 provisions of s. 455.577 or the rules adopted pursuant to this
30 paragraph. The department, or any agent thereof, may, for the
31 purposes of investigation, confiscate any written,

Amendment No. ____ (for drafter's use only)

1 photographic, or recording material or device in the
2 possession of the examinee at the examination site which the
3 department deems necessary to enforce such provisions or
4 rules.

5 468.1295 Disciplinary proceedings.--

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

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

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

16 (c) 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 directly relates to the
19 practice of speech-language pathology or audiology.

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

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

31 (f) Being proven guilty of fraud or deceit or of

Amendment No. ____ (for drafter's use only)

1 negligence, incompetency, or misconduct in the practice of
2 speech-language pathology or audiology.

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

7 (h) Practicing with a revoked, suspended, inactive, or
8 delinquent license.

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

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

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

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

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

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

Amendment No. ____ (for drafter's use only)

1 (o) Representing, advertising, or implying that a
2 hearing aid or its repair is guaranteed without providing full
3 disclosure of the identity of the guarantor; the nature,
4 extent, and duration of the guarantee; and the existence of
5 conditions or limitations imposed upon the guarantee.

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

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

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

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

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

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

31 (v) Failing to provide all information as described in

Amendment No. ____ (for drafter's use only)

1 ss. 468.1225(5)(b), 468.1245(1), and 468.1246.

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

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

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

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

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

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

Amendment No. ____ (for drafter's use only)

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

16 484.014 Disciplinary actions.--

17 (1) The following acts relating to the practice of
18 opticianry shall be grounds for both disciplinary action
19 against an optician as set forth in this section and cease and
20 desist or other related action by the department as set forth
21 in s. 455.637 against any person operating an optical
22 establishment who engages in, aids, or abets any such
23 violation:

24 (a) Procuring or attempting to procure a license by
25 misrepresentation, bribery, or fraud or through an error of
26 the department or the board.

27 (b) Procuring or attempting to procure a license for
28 any other person by making or causing to be made any false
29 representation.

30 (c) Making or filing a report or record which the
31 licensee knows to be false, intentionally or negligently

Amendment No. ____ (for drafter's use only)

1 failing to file a report or record required by federal or
2 state law, willfully impeding or obstructing such filing, or
3 inducing another person to do so. Such reports or records
4 shall include only those which the person is required to make
5 or file as an optician.

6 (d) Failing to make fee or price information readily
7 available by providing such information upon request or upon
8 the presentation of a prescription.

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

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

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

17 (h) Practicing with a revoked, suspended, inactive, or
18 delinquent license.

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

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

24 (k) Conspiring with another licensee or with any
25 person to commit an act, or committing an act, which would
26 coerce, intimidate, or preclude another licensee from lawfully
27 advertising her or his services.

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

30 (m) Failing to keep written prescription files.

31 (n) Willfully failing to report any person who the

Amendment No. ____ (for drafter's use only)

1 licensee knows is in violation of this part or of rules of the
2 department or the board.

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

6 (p) Gross or repeated malpractice.

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

11 (r) Being convicted or found guilty of, or entering a
12 plea of nolo contendere to, regardless of adjudication, in a
13 court of this state or other jurisdiction, a crime which
14 relates to the ability to practice opticianry or to the
15 practice of opticianry.

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

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

27 484.056 Disciplinary proceedings.--

28 (1) The following acts relating to the practice of
29 dispensing hearing aids shall be grounds for both disciplinary
30 action against a hearing aid specialist as set forth in this
31 section and cease and desist or other related action by the

Amendment No. ____ (for drafter's use only)

1 department as set forth in s. 455.637 against any person
2 owning or operating a hearing aid establishment who engages
3 in, aids, or abets any such violation:

4 (a) Violation of any provision of s. 455.624(1), s.
5 484.0512, or s. 484.053.

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

9 (c) Having a license to dispense hearing aids revoked,
10 suspended, or otherwise acted against, including the denial of
11 licensure, by the licensing authority of another state,
12 territory, or country.

13 (d) Being convicted or found guilty of, or entering a
14 plea of nolo contendere to, regardless of adjudication, a
15 crime in any jurisdiction which directly relates to the
16 practice of dispensing hearing aids or the ability to practice
17 dispensing hearing aids, including violations of any federal
18 laws or regulations regarding hearing aids.

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

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

30 (g) Proof that the licensee is guilty of fraud or
31 deceit or of negligence, incompetency, or misconduct in the

Amendment No. ____ (for drafter's use only)

1 practice of dispensing hearing aids.

2 (h) Violation or repeated violation of this part or of
3 part II of chapter 455, or any rules promulgated pursuant
4 thereto.

5 (i) Violation of a lawful order of the board or
6 department previously entered in a disciplinary hearing or
7 failure to comply with a lawfully issued subpoena of the board
8 or department.

9 (j) Practicing with a revoked, suspended, inactive, or
10 delinquent license.

11 (k) Using, or causing or promoting the use of, any
12 advertising matter, promotional literature, testimonial,
13 guarantee, warranty, label, brand, insignia, or other
14 representation, however disseminated or published, which is
15 misleading, deceiving, or untruthful.

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

19 (m) Misrepresentation of professional services
20 available in the fitting, sale, adjustment, service, or repair
21 of a hearing aid, or use of the terms "doctor," "clinic,"
22 "clinical," "medical audiologist," "clinical audiologist,"
23 "research audiologist," or "audiologic" or any other term or
24 title which might connote the availability of professional
25 services when such use is not accurate.

26 (n) Representation, advertisement, or implication that
27 a hearing aid or its repair is guaranteed without providing
28 full disclosure of the identity of the guarantor; the nature,
29 extent, and duration of the guarantee; and the existence of
30 conditions or limitations imposed upon the guarantee.

31 (o) Representing, directly or by implication, that a

Amendment No. ____ (for drafter's use only)

1 hearing aid utilizing bone conduction has certain specified
2 features, such as the absence of anything in the ear or
3 leading to the ear, or the like, without disclosing clearly
4 and conspicuously that the instrument operates on the bone
5 conduction principle and that in many cases of hearing loss
6 this type of instrument may not be suitable.

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

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

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

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

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

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

29 (v) Failing to provide all information as described in
30 s. 484.051(1).

31 (w) Exercising influence on a client in such a manner

Amendment No. ____ (for drafter's use only)

1 as to exploit the client for financial gain of the licensee or
2 of a third party.

3 Section 22. Paragraphs (a) and (g) of subsection (3)
4 of section 921.0022, Florida Statutes, are amended to read:

5 921.0022 Criminal Punishment Code; offense severity
6 ranking chart.--

7 (3) OFFENSE SEVERITY RANKING CHART

8	9 Florida	Felony	
10	Statute	Degree	Description
11			(a) LEVEL 1
12			
13	24.118(3)(a)	3rd	Counterfeit or altered state
14			lottery ticket.
15	212.054(2)(b)	3rd	Discretionary sales surtax;
16			limitations, administration, and
17			collection.
18	212.15(2)(b)	3rd	Failure to remit sales taxes,
19			amount greater than \$300 but less
20			than \$20,000.
21	319.30(5)	3rd	Sell, exchange, give away
22			certificate of title or
23			identification number plate.
24	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an
25			odometer.
26	320.26(1)(a)	3rd	Counterfeit, manufacture, or sell
27			registration license plates or
28			validation stickers.
29	322.212(1)	3rd	Possession of forged, stolen,
30			counterfeit, or unlawfully issued
31			driver's license; possession of

Amendment No. ____ (for drafter's use only)

1			simulated identification.
2	322.212(4)	3rd	Supply or aid in supplying
3			unauthorized driver's license or
4			identification card.
5	322.212(5)(a)	3rd	False application for driver's
6			license or identification card.
7	370.13(3)(a)	3rd	Molest any stone crab trap, line,
8			or buoy which is property of
9			licenseholder.
10	370.135(1)	3rd	Molest any blue crab trap, line,
11			or buoy which is property of
12			licenseholder.
13	372.663(1)	3rd	Poach any alligator or
14			crocodilia.
15	414.39(2)	3rd	Unauthorized use, possession,
16			forgery, or alteration of food
17			stamps, Medicaid ID, value
18			greater than \$200.
19	414.39(3)(a)	3rd	Fraudulent misappropriation of
20			public assistance funds by
21			employee/official, value more
22			than \$200.
23	443.071(1)	3rd	False statement or representation
24			to obtain or increase
25			unemployment compensation
26			benefits.
27	458.327(1)(a)	3rd	Unlicensed practice of medicine.
28	466.026(1)(a)	3rd	Unlicensed practice of dentistry
29			or dental hygiene.
30	509.151(1)	3rd	Defraud an innkeeper, food or
31			lodging value greater than \$300.

Amendment No. ____ (for drafter's use only)

1	517.302(1)	3rd	Violation of the Florida
2			Securities and Investor
3			Protection Act.
4	562.27(1)	3rd	Possess still or still apparatus.
5	713.69	3rd	Tenant removes property upon
6			which lien has accrued, value
7			more than \$50.
8	812.014(3)(c)	3rd	Petit theft (3rd conviction);
9			theft of any property not
10			specified in subsection (2).
11	812.081(2)	3rd	Unlawfully makes or causes to be
12			made a reproduction of a trade
13			secret.
14	815.04(4)(a)	3rd	Offense against intellectual
15			property (i.e., computer
16			programs, data).
17	817.52(2)	3rd	Hiring with intent to defraud,
18			motor vehicle services.
19	826.01	3rd	Bigamy.
20	828.122(3)	3rd	Fighting or baiting animals.
21	831.04(1)	3rd	Any erasure, alteration, etc., of
22			any replacement deed, map, plat,
23			or other document listed in s.
24			92.28.
25	831.31(1)(a)	3rd	Sell, deliver, or possess
26			counterfeit controlled
27			substances, all but s. 893.03(5)
28			drugs.
29	832.041(1)	3rd	Stopping payment with intent to
30			defraud \$150 or more.
31			

Amendment No. ____ (for drafter's use only)

1	832.05		
2	(2)(b)&(4)(c)	3rd	Knowing, making, issuing
3			worthless checks \$150 or more or
4			obtaining property in return for
5			worthless check \$150 or more.
6	838.015(3)	3rd	Bribery.
7	838.016(1)	3rd	Public servant receiving unlawful
8			compensation.
9	838.15(2)	3rd	Commercial bribe receiving.
10	838.16	3rd	Commercial bribery.
11	843.18	3rd	Fleeing by boat to elude a law
12			enforcement officer.
13	847.011(1)(a)	3rd	Sell, distribute, etc., obscene,
14			lewd, etc., material (2nd
15			conviction).
16	849.01	3rd	Keeping gambling house.
17	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc.,
18			or assist therein, conduct or
19			advertise drawing for prizes, or
20			dispose of property or money by
21			means of lottery.
22	849.23	3rd	Gambling-related machines;
23			"common offender" as to property
24			rights.
25	849.25(2)	3rd	Engaging in bookmaking.
26	860.08	3rd	Interfere with a railroad signal.
27	860.13(1)(a)	3rd	Operate aircraft while under the
28			influence.
29	893.13(2)(a)2.	3rd	Purchase of cannabis.
30	893.13(6)(a)	3rd	Possession of cannabis (more than
31			20 grams).

Amendment No. ____ (for drafter's use only)

1	893.13(7)(a)10.	3rd	Affix false or forged label to
2			package of controlled substance.
3	934.03(1)(a)	3rd	Intercepts, or procures any other
4			person to intercept, any wire or
5			oral communication.
6			(g) LEVEL 7
7	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
8			injury.
9	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
10			bodily injury.
11	402.319(2)	2nd	Misrepresentation and negligence
12			or intentional act resulting in
13			great bodily harm, permanent
14			disfiguration, permanent
15			disability, or death.
16	409.920(2)	3rd	Medicaid provider fraud.
17	<u>455.637(2)</u>	<u>3rd</u>	<u>Practicing a health care</u>
18			<u>profession without a license.</u>
19	<u>455.637(2)</u>	<u>2nd</u>	<u>Practicing a health care</u>
20			<u>profession without a license</u>
21			<u>which results in serious bodily</u>
22			<u>injury.</u>
23	<u>458.327(1)</u>	<u>3rd</u>	<u>Practicing medicine without a</u>
24			<u>license.</u>
25	<u>459.013(1)</u>	<u>3rd</u>	<u>Practicing osteopathic medicine</u>
26			<u>without a license.</u>
27	<u>460.411(1)</u>	<u>3rd</u>	<u>Practicing chiropractic medicine</u>
28			<u>without a license.</u>
29	<u>461.012(1)</u>	<u>3rd</u>	<u>Practicing podiatric medicine</u>
30			<u>without a license.</u>
31			

Amendment No. ____ (for drafter's use only)

1	<u>462.17</u>	<u>3rd</u>	<u>Practicing naturopathy without a</u>
2			<u>license.</u>
3	<u>463.015(1)</u>	<u>3rd</u>	<u>Practicing optometry without a</u>
4			<u>license.</u>
5	<u>464.016(1)</u>	<u>3rd</u>	<u>Practicing nursing without a</u>
6			<u>license.</u>
7	<u>465.015(2)</u>	<u>3rd</u>	<u>Practicing pharmacy without a</u>
8			<u>license.</u>
9	<u>466.026(1)</u>	<u>3rd</u>	<u>Practicing dentistry or dental</u>
10			<u>hygiene without a license.</u>
11	<u>467.201</u>	<u>3rd</u>	<u>Practicing midwifery without a</u>
12			<u>license.</u>
13	<u>468.366</u>	<u>3rd</u>	<u>Delivering respiratory care</u>
14			<u>services without a license.</u>
15	<u>483.828(1)</u>	<u>3rd</u>	<u>Practicing as clinical laboratory</u>
16			<u>personnel without a license.</u>
17	<u>483.901(9)</u>	<u>3rd</u>	<u>Practicing medical physics</u>
18			<u>without a license.</u>
19	<u>484.053</u>	<u>3rd</u>	<u>Dispensing hearing aids without a</u>
20			<u>license.</u>
21	494.0018(2)	1st	Conviction of any violation of
22			ss. 494.001-494.0077 in which the
23			total money and property
24			unlawfully obtained exceeded
25			\$50,000 and there were five or
26			more victims.
27	782.051(3)	2nd	Attempted felony murder of a
28			person by a person other than the
29			perpetrator or the perpetrator of
30			an attempted felony.
31			

Amendment No. ____ (for drafter's use only)

1	782.07(1)	2nd	Killing of a human being by the
2			act, procurement, or culpable
3			negligence of another
4			(manslaughter).
5	782.071	2nd	Killing of human being or viable
6			fetus by the operation of a motor
7			vehicle in a reckless manner
8			(vehicular homicide).
9	782.072	2nd	Killing of a human being by the
10			operation of a vessel in a
11			reckless manner (vessel
12			homicide).
13	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
14			causing great bodily harm or
15			disfigurement.
16	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
17			weapon.
18	784.045(1)(b)	2nd	Aggravated battery; perpetrator
19			aware victim pregnant.
20	784.048(4)	3rd	Aggravated stalking; violation of
21			injunction or court order.
22	784.07(2)(d)	1st	Aggravated battery on law
23			enforcement officer.
24	784.08(2)(a)	1st	Aggravated battery on a person 65
25			years of age or older.
26	784.081(1)	1st	Aggravated battery on specified
27			official or employee.
28	784.082(1)	1st	Aggravated battery by detained
29			person on visitor or other
30			detainee.
31			

Amendment No. ____ (for drafter's use only)

1	784.083(1)	1st	Aggravated battery on code
2			inspector.
3	790.07(4)	1st	Specified weapons violation
4			subsequent to previous conviction
5			of s. 790.07(1) or (2).
6	790.16(1)	1st	Discharge of a machine gun under
7			specified circumstances.
8	796.03	2nd	Procuring any person under 16
9			years for prostitution.
10	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
11			victim less than 12 years of age;
12			offender less than 18 years.
13	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
14			victim 12 years of age or older
15			but less than 16 years; offender
16			18 years or older.
17	806.01(2)	2nd	Maliciously damage structure by
18			fire or explosive.
19	810.02(3)(a)	2nd	Burglary of occupied dwelling;
20			unarmed; no assault or battery.
21	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
22			unarmed; no assault or battery.
23	810.02(3)(d)	2nd	Burglary of occupied conveyance;
24			unarmed; no assault or battery.
25	812.014(2)(a)	1st	Property stolen, valued at
26			\$100,000 or more; property stolen
27			while causing other property
28			damage; 1st degree grand theft.
29	812.019(2)	1st	Stolen property; initiates,
30			organizes, plans, etc., the theft
31			of property and traffics in

Amendment No. ____ (for drafter's use only)

1			stolen property.
2	812.131(2)(a)	2nd	Robbery by sudden snatching.
3	812.133(2)(b)	1st	Carjacking; no firearm, deadly
4			weapon, or other weapon.
5	825.102(3)(b)	2nd	Neglecting an elderly person or
6			disabled adult causing great
7			bodily harm, disability, or
8			disfigurement.
9	825.1025(2)	2nd	Lewd or lascivious battery upon
10			an elderly person or disabled
11			adult.
12	825.103(2)(b)	2nd	Exploiting an elderly person or
13			disabled adult and property is
14			valued at \$20,000 or more, but
15			less than \$100,000.
16	827.03(3)(b)	2nd	Neglect of a child causing great
17			bodily harm, disability, or
18			disfigurement.
19	827.04(3)	3rd	Impregnation of a child under 16
20			years of age by person 21 years
21			of age or older.
22	837.05(2)	3rd	Giving false information about
23			alleged capital felony to a law
24			enforcement officer.
25	872.06	2nd	Abuse of a dead human body.
26	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
27			cocaine (or other drug prohibited
28			under s. 893.03(1)(a), (1)(b),
29			(1)(d), (2)(a), or (2)(b)) within
30			1,000 feet of a child care
31			facility or school.

Amendment No. ____ (for drafter's use only)

1	893.13(1)(e)	1st	Sell, manufacture, or deliver
2			cocaine or other drug prohibited
3			under s. 893.03(1)(a), (1)(b),
4			(1)(d), (2)(a), or (2)(b), within
5			1,000 feet of property used for
6			religious services or a specified
7			business site.
8	893.13(4)(a)	1st	Deliver to minor cocaine (or
9			other s. 893.03(1)(a), (1)(b),
10			(1)(d), (2)(a), or (2)(b) drugs).
11	893.135(1)(a)1.	1st	Trafficking in cannabis, more
12			than 50 lbs., less than 2,000
13			lbs.
14	893.135		
15	(1)(b)1.a.	1st	Trafficking in cocaine, more than
16			28 grams, less than 200 grams.
17	893.135		
18	(1)(c)1.a.	1st	Trafficking in illegal drugs,
19			more than 4 grams, less than 14
20			grams.
21	893.135		
22	(1)(d)1.	1st	Trafficking in phencyclidine,
23			more than 28 grams, less than 200
24			grams.
25	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
26			than 200 grams, less than 5
27			kilograms.
28	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
29			than 14 grams, less than 28
30			grams.
31			

Amendment No. ____ (for drafter's use only)

1 893.135

2 (1)(g)1.a. 1st Trafficking in flunitrazepam, 4
3 grams or more, less than 14
4 grams.

5 Section 23. Subsection (1) of section 458.327, Florida
6 Statutes, reads:

7 458.327 Penalty for violations.--

8 (1) Each of the following acts constitutes a felony of
9 the third degree, punishable as provided in s. 775.082, s.
10 775.083, or s. 775.084:

11 (a) The practice of medicine or an attempt to practice
12 medicine without a license to practice in Florida.

13 (b) The use or attempted use of a license which is
14 suspended or revoked to practice medicine.

15 (c) Attempting to obtain or obtaining a license to
16 practice medicine by knowing misrepresentation.

17 (d) Attempting to obtain or obtaining a position as a
18 medical practitioner or medical resident in a clinic or
19 hospital through knowing misrepresentation of education,
20 training, or experience.

21 Section 24. Subsection (1) of section 459.013, Florida
22 Statutes, reads:

23 459.013 Penalty for violations.--

24 (1) Each of the following acts constitutes a felony of
25 the third degree, punishable as provided in s. 775.082, s.
26 775.083, or s. 775.084:

27 (a) The practice of osteopathic medicine, or an
28 attempt to practice osteopathic medicine, without an active
29 license or certificate issued pursuant to this chapter.

30 (b) The practice of osteopathic medicine by a person
31 holding a limited license, osteopathic faculty certificate, or

Amendment No. ____ (for drafter's use only)

1 other certificate issued under this chapter beyond the scope
2 of practice authorized for such licensee or certificateholder.

3 (c) Attempting to obtain or obtaining a license to
4 practice osteopathic medicine by knowing misrepresentation.

5 (d) Attempting to obtain or obtaining a position as an
6 osteopathic medical practitioner or osteopathic medical
7 resident in a clinic or hospital through knowing
8 misrepresentation of education, training, or experience.

9 Section 25. Subsection (1) of section 460.411, Florida
10 Statutes, reads:

11 460.411 Violations and penalties.--

12 (1) Each of the following acts constitutes a violation
13 of this chapter and is a felony of the third degree,
14 punishable as provided in s. 775.082, s. 775.083, or s.
15 775.084:

16 (a) Practicing or attempting to practice chiropractic
17 medicine without an active license or with a license
18 fraudulently obtained.

19 (b) Using or attempting to use a license to practice
20 chiropractic medicine which has been suspended or revoked.

21 Section 26. Subsection (1) of section 461.012, Florida
22 Statutes, reads:

23 461.012 Violations and penalties.--

24 (1) Each of the following acts constitutes a violation
25 of this chapter and is a felony of the third degree,
26 punishable as provided in s. 775.082, s. 775.083, or s.
27 775.084:

28 (a) Practicing or attempting to practice podiatric
29 medicine without an active license or with a license
30 fraudulently obtained.

31 (b) Advertising podiatric services without an active

Amendment No. ____ (for drafter's use only)

1 license obtained pursuant to this chapter or with a license
2 fraudulently obtained.

3 (c) Using or attempting to use a license to practice
4 podiatric medicine which has been suspended or revoked.

5 Section 27. Section 462.17, Florida Statutes, reads:
6 462.17 Penalty for offenses relating to
7 naturopathy.--Any person who shall:

8 (1) Sell, fraudulently obtain, or furnish any
9 naturopathic diploma, license, record, or registration or aid
10 or abet in the same;

11 (2) Practice naturopathy under the cover of any
12 diploma, license, record, or registration illegally or
13 fraudulently obtained or secured or issued unlawfully or upon
14 fraudulent representations;

15 (3) Advertise to practice naturopathy under a name
16 other than her or his own or under an assumed name;

17 (4) Falsely impersonate another practitioner of a like
18 or different name;

19 (5) Practice or advertise to practice naturopathy or
20 use in connection with her or his name any designation tending
21 to imply or to designate the person as a practitioner of
22 naturopathy without then being lawfully licensed and
23 authorized to practice naturopathy in this state; or

24 (6) Practice naturopathy during the time her or his
25 license is suspended or revoked

26
27 shall be guilty of a felony of the third degree, punishable as
28 provided in s. 775.082, s. 775.083, or s. 775.084.

29 Section 28. Subsection (1) of section 463.015, Florida
30 Statutes, reads:

31 463.015 Violations and penalties.--

Amendment No. ____ (for drafter's use only)

1 (1) Each of the following acts constitutes a felony of
2 the third degree, punishable as provided in s. 775.082, s.
3 775.083, or s. 775.084:

4 (a) Practicing or attempting to practice optometry
5 without a valid active license issued pursuant to this
6 chapter.

7 (b) Attempting to obtain or obtaining a license to
8 practice optometry by fraudulent misrepresentation.

9 (c) Using or attempting to use a license to practice
10 optometry which has been suspended or revoked.

11 Section 29. Subsection (1) of section 464.016, Florida
12 Statutes, reads:

13 464.016 Violations and penalties.--

14 (1) Each of the following acts constitutes a felony of
15 the third degree, punishable as provided in s. 775.082, s.
16 775.083, or s. 775.084:

17 (a) Practicing advanced or specialized, professional
18 or practical nursing, as defined in this chapter, unless
19 holding an active license or certificate to do so.

20 (b) Using or attempting to use a license or
21 certificate which has been suspended or revoked.

22 (c) Knowingly employing unlicensed persons in the
23 practice of nursing.

24 (d) Obtaining or attempting to obtain a license or
25 certificate under this chapter by misleading statements or
26 knowing misrepresentation.

27 Section 30. Subsection (2) of section 465.015, Florida
28 Statutes, reads:

29 465.015 Violations and penalties.--

30 (2) It is unlawful for any person:

31 (a) To make a false or fraudulent statement, either

Amendment No. ____ (for drafter's use only)

1 for herself or himself or for another person, in any
2 application, affidavit, or statement presented to the board or
3 in any proceeding before the board.

4 (b) To fill, compound, or dispense prescriptions or to
5 dispense medicinal drugs if such person does not hold an
6 active license as a pharmacist in this state, is not
7 registered as an intern in this state, or is an intern not
8 acting under the direct and immediate personal supervision of
9 a licensed pharmacist.

10 (c) To sell or dispense drugs as defined in s.
11 465.003(8) without first being furnished with a prescription.

12 (d) To sell samples or complimentary packages of drug
13 products.

14 Section 31. Subsection (1) of section 466.026, Florida
15 Statutes, reads:

16 466.026 Prohibitions; penalties.--

17 (1) Each of the following acts constitutes a felony of
18 the third degree, punishable as provided in s. 775.082, s.
19 775.083, or s. 775.084:

20 (a) Practicing dentistry or dental hygiene unless the
21 person has an appropriate, active license issued by the
22 department pursuant to this chapter.

23 (b) Using or attempting to use a license issued
24 pursuant to this chapter which license has been suspended or
25 revoked.

26 (c) Knowingly employing any person to perform duties
27 outside the scope allowed such person under this chapter or
28 the rules of the board.

29 (d) Giving false or forged evidence to the department
30 or board for the purpose of obtaining a license.

31 (e) Selling or offering to sell a diploma conferring a

Amendment No. ____ (for drafter's use only)

1 degree from a dental college or dental hygiene school or
2 college, or a license issued pursuant to this chapter, or
3 procuring such diploma or license with intent that it shall be
4 used as evidence of that which the document stands for, by a
5 person other than the one upon whom it was conferred or to
6 whom it was granted.

7 Section 32. Section 467.201, Florida Statutes, reads:
8 467.201 Violations and penalties.--Each of the
9 following acts constitutes a felony of the third degree,
10 punishable as provided in s. 775.082, s. 775.083, or s.
11 775.084:

12 (1) Practicing midwifery, unless holding an active
13 license to do so.

14 (2) Using or attempting to use a license which has
15 been suspended or revoked.

16 (3) The willful practice of midwifery by a student
17 midwife without a preceptor present, except in an emergency.

18 (4) Knowingly allowing a student midwife to practice
19 midwifery without a preceptor present, except in an emergency.

20 (5) Obtaining or attempting to obtain a license under
21 this chapter through bribery or fraudulent misrepresentation.

22 (6) Using the name or title "midwife" or "licensed
23 midwife" or any other name or title which implies that a
24 person is licensed to practice midwifery, unless such person
25 is duly licensed as provided in this chapter.

26 (7) Knowingly concealing information relating to the
27 enforcement of this chapter or rules adopted pursuant thereto.

28 Section 33. Section 468.366, Florida Statutes, reads:
29 468.366 Penalties for violations.--

30 (1) It is a violation of law for any person, including
31 any firm, association, or corporation, to:

Amendment No. ____ (for drafter's use only)

1 (a) Sell or fraudulently obtain, attempt to obtain, or
2 furnish to any person a diploma, license, or record, or aid or
3 abet in the sale, procurement, or attempted procurement
4 thereof.

5 (b) Deliver respiratory care services, as defined by
6 this part or by rule of the board, under cover of any diploma,
7 license, or record that was illegally or fraudulently obtained
8 or signed or issued unlawfully or under fraudulent
9 representation.

10 (c) Deliver respiratory care services, as defined by
11 this part or by rule of the board, unless such person is duly
12 licensed to do so under the provisions of this part or unless
13 such person is exempted pursuant to s. 468.368.

14 (d) Use, in connection with his or her name, any
15 designation tending to imply that he or she is a respiratory
16 care practitioner or a respiratory therapist, duly licensed
17 under the provisions of this part, unless he or she is so
18 licensed.

19 (e) Advertise an educational program as meeting the
20 requirements of this part, or conduct an educational program
21 for the preparation of respiratory care practitioners or
22 respiratory therapists, unless such program has been approved
23 by the board.

24 (f) Knowingly employ unlicensed persons in the
25 delivery of respiratory care services, unless exempted by this
26 part.

27 (g) Knowingly conceal information relative to any
28 violation of this part.

29 (2) Any violation of this section is a felony of the
30 third degree, punishable as provided in s. 775.082, s.
31 775.083, or s. 775.084.

Amendment No. ____ (for drafter's use only)

1 Section 34. Subsection (1) of section 483.828, Florida
2 Statutes, reads:

3 483.828 Penalties for violations.--

4 (1) Each of the following acts constitutes a felony of
5 the third degree, punishable as provided in s. 775.082, s.
6 775.083, or s. 775.084:

7 (a) Practicing as clinical laboratory personnel
8 without an active license.

9 (b) Using or attempting to use a license to practice
10 as clinical laboratory personnel which is suspended or
11 revoked.

12 (c) Attempting to obtain or obtaining a license to
13 practice as clinical laboratory personnel by knowing
14 misrepresentation.

15 Section 35. Subsection (9) of section 483.901, Florida
16 Statutes, reads:

17 483.901 Medical physicists; definitions; licensure.--

18 (9) PENALTY FOR VIOLATIONS.--It is a felony of the
19 third degree, punishable as provided in s. 775.082, s.
20 775.083, or s. 775.084, to:

21 (a) Practice or attempt to practice medical physics or
22 hold oneself out to be a licensed medical physicist without
23 holding an active license.

24 (b) Practice or attempt to practice medical physics
25 under a name other than one's own.

26 (c) Use or attempt to use a revoked or suspended
27 license or the license of another.

28 Section 36. Section 484.053, Florida Statutes, reads:

29 484.053 Prohibitions; penalties.--

30 (1) A person may not:

31 (a) Practice dispensing hearing aids unless the person

Amendment No. ____ (for drafter's use only)

1 is a licensed hearing aid specialist;

2 (b) Use the name or title "hearing aid specialist"
3 when the person has not been licensed under this part;

4 (c) Present as her or his own the license of another;

5 (d) Give false, incomplete, or forged evidence to the
6 board or a member thereof for the purposes of obtaining a
7 license;

8 (e) Use or attempt to use a hearing aid specialist
9 license that is delinquent or has been suspended, revoked, or
10 placed on inactive status;

11 (f) Knowingly employ unlicensed persons in the
12 practice of dispensing hearing aids; or

13 (g) Knowingly conceal information relative to
14 violations of this part.

15 (2) Any person who violates any of the provisions of
16 this section is guilty of a felony of the third degree,
17 punishable as provided in s. 775.082 or s. 775.083.

18 (3) If a person licensed under this part allows the
19 sale of a hearing aid by an unlicensed person not registered
20 as a trainee or fails to comply with the requirements of s.
21 484.0445(2) relating to supervision of trainees, the board
22 shall, upon determination of that violation, order the full
23 refund of moneys paid by the purchaser upon return of the
24 hearing aid to the seller's place of business.

25 Section 37. Subsection (1) of section 457.102, Florida
26 Statutes, is amended to read:

27 457.102 Definitions.--As used in this chapter:

28 (1) "Acupuncture" means a form of primary health care,
29 based on traditional Chinese medical concepts and modern
30 oriental medical techniques, that employs acupuncture
31 diagnosis and treatment, as well as adjunctive therapies and

Amendment No. ____ (for drafter's use only)

1 diagnostic techniques, for the promotion, maintenance, and
2 restoration of health and the prevention of disease.
3 Acupuncture shall include, but not be limited to, the
4 insertion of acupuncture needles and the application of
5 moxibustion to specific areas of the human body and the use of
6 electroacupuncture, Qi Gong, oriental massage, herbal therapy,
7 dietary guidelines, and other adjunctive therapies, as defined
8 by board rule.

9 Section 38. Section 457.105, Florida Statutes, is
10 amended to read:

11 457.105 Licensure qualifications and fees.--

12 (1) It is unlawful for any person to practice
13 acupuncture in this state unless such person has been licensed
14 by the board, is in a board-approved course of study, or is
15 otherwise exempted by this chapter.

16 (2) A person may become licensed to practice
17 acupuncture if the person applies to the department and:

18 (a) Is 21 ~~18~~ years of age or older, has good moral
19 character, and has the ability to communicate in English,
20 which is demonstrated by having passed the national written
21 examination in English or, if such examination was passed in a
22 foreign language, by also having passed a nationally
23 recognized English proficiency examination;

24 (b) Has completed 60 college credits from an
25 accredited postsecondary institution as a prerequisite to
26 enrollment in an authorized 3-year course of study in
27 acupuncture and oriental medicine, and has completed a 3-year
28 course of study in acupuncture and oriental medicine, and
29 effective July 31, 2001, a 4-year course of study in
30 acupuncture and oriental medicine, which meets standards
31 established by the board by rule, which standards include, but

Amendment No. ____ (for drafter's use only)

1 are not limited to, successful completion of academic courses
2 in western anatomy, western physiology, western pathology,
3 western biomedical terminology, first aid, and cardiopulmonary
4 resuscitation (CPR). However, any person who enrolled in an
5 authorized course of study in acupuncture before August 1,
6 1997, must have completed only a 2-year course of study which
7 meets standards established by the board by rule, which
8 standards must include, but are not limited to, successful
9 completion of academic courses in western anatomy, western
10 physiology, and western pathology;

11 (c) Has successfully completed a board-approved
12 national certification process, is actively licensed in a
13 state that has examination requirements that are substantially
14 equivalent to or more stringent than those of this state, or
15 passes an examination administered by the department, which
16 examination tests the applicant's competency and knowledge of
17 the practice of acupuncture and oriental medicine. At the
18 request of any applicant, oriental nomenclature for the points
19 shall be used in the examination. The examination shall
20 include a practical examination of the knowledge and skills
21 required to practice modern and traditional acupuncture and
22 oriental medicine, covering diagnostic and treatment
23 techniques and procedures; and

24 (d) Pays the required fees set by the board by rule
25 not to exceed the following amounts:

26 1. Examination fee: \$500 plus the actual per applicant
27 cost to the department for purchase of the written and
28 practical portions of the examination from a national
29 organization approved by the board.

30 2. Application fee: \$300.

31 3. Reexamination fee: \$500 plus the actual per

Amendment No. ____ (for drafter's use only)

1 applicant cost to the department for purchase of the written
2 and practical portions of the examination from a national
3 organization approved by the board.

4 4. Initial biennial licensure fee: \$400, if licensed
5 in the first half of the biennium, and \$200, if licensed in
6 the second half of the biennium.

7 Section 39. Subsection (1) of section 457.107, Florida
8 Statutes, is amended to read:

9 457.107 Renewal of licenses; continuing education.--

10 (1) The department shall renew a license upon receipt
11 of the renewal application and the fee set by the board by
12 rule, not to exceed \$500~~\$700~~.

13 Section 40. Section 483.824, Florida Statutes, is
14 amended to read:

15 483.824 Qualifications of clinical laboratory
16 director.--A clinical laboratory director must have 4 years of
17 clinical laboratory experience with 2 years of experience in
18 the specialty to be directed or be nationally board certified
19 in the specialty to be directed, and must meet one of the
20 following requirements:

21 (1) Be a physician licensed under chapter 458 or
22 chapter 459;

23 (2) Hold an earned doctoral degree in a chemical,
24 physical, or biological science from a regionally accredited
25 institution and maintain national certification requirements
26 equal to those required by the federal Health Care Financing
27 Administration ~~be nationally certified~~; or

28 (3) For the subspecialty of oral pathology, be a
29 physician licensed under chapter 458 or chapter 459 or a
30 dentist licensed under chapter 466.

31 Section 41. February 6th of each year is designated

Amendment No. ____ (for drafter's use only)

1 Florida Alzheimer's Disease Day.

2 Section 42. This act shall take effect July 1, 2000.

3

4

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

6 And the title is amended as follows:

7 On page 1, line 1 through page 5, line 19,
8 remove from the title of the bill: everything before the
9 enacting clause

10

11 and insert in lieu thereof:

12

A bill to be entitled

13

An act relating to regulation of the health
14 care professions; amending s. 455.564, F.S.;

15

revising general licensing provisions for

16

professions under the jurisdiction of the

17

Department of Health; providing for processing

18

of applications from foreign or nonresident

19

applicants not yet having a social security

20

number; providing for temporary licensure of

21

such applicants; revising provisions relating

22

to ongoing criminal investigations or

23

prosecutions; requiring proof of restoration of

24

civil rights under certain circumstances;

25

authorizing requirement for personal appearance

26

prior to grant or denial of a license;

27

providing for tolling of application decision

28

deadlines under certain circumstances; amending

29

s. 455.565, F.S.; eliminating duplicative

30

submission of fingerprints and other

31

information required for criminal history

Amendment No. ____ (for drafter's use only)

1 checks; providing for certain access to
2 criminal history information through the
3 department's health care practitioner
4 credentialing system; amending s. 455.5651,
5 F.S.; authorizing the department to publish
6 certain information in practitioner profiles;
7 amending s. 455.5653, F.S.; deleting obsolete
8 language relating to scheduling and development
9 of practitioner profiles for additional health
10 care practitioners; providing the department
11 access to information on health care
12 practitioners maintained by the Agency for
13 Health Care Administration for corroboration
14 purposes; amending s. 455.5654, F.S.; providing
15 for adoption by rule of a form for submission
16 of profiling information; amending s. 455.567,
17 F.S.; expanding the prohibition against sexual
18 misconduct to cover violations against
19 guardians and representatives of patients or
20 clients; providing penalties; amending s.
21 455.624, F.S.; revising and providing grounds
22 for disciplinary action relating to having a
23 license to practice a regulated health care
24 profession acted against, sexual misconduct,
25 inability to practice properly due to alcohol
26 or substance abuse or a mental or physical
27 condition, and testing positive for a drug
28 without a lawful prescription therefor;
29 providing for restriction of license as a
30 disciplinary action; providing for issuance of
31 a citation and assessment of a fine for certain

Amendment No. ____ (for drafter's use only)

1 first-time violations; reenacting ss. 455.577,
2 455.631, 455.651(2), 455.712(1), 458.347(7)(g),
3 459.022(7)(f), 468.1755(1)(a), 468.719(1)(a)
4 and (2), 468.811, and 484.056(1)(a), F.S.,
5 relating to theft or reproduction of an
6 examination, giving false information,
7 disclosure of confidential information,
8 business establishments providing regulated
9 services without an active status license, and
10 practice violations by physician assistants,
11 nursing home administrators, athletic trainers,
12 orthotists, prosthetists, pedorthists, and
13 hearing aid specialists, to incorporate the
14 amendment to s. 455.624, F.S., in references
15 thereto; repealing s. 455.704, F.S., relating
16 to the Impaired Practitioners Committee;
17 amending s. 455.707, F.S., relating to impaired
18 practitioners, to conform; clarifying
19 provisions relating to complaints against
20 impaired practitioners; amending s. 310.102,
21 F.S.; revising and removing references, to
22 conform; amending s. 455.711, F.S.; revising
23 provisions relating to active and inactive
24 status licensure; eliminating reference to
25 delinquency as a licensure status; providing
26 rulemaking authority; amending ss. 455.587 and
27 455.714, F.S.; revising references, to conform;
28 creating s. 455.719, F.S.; providing that the
29 appropriate medical regulatory board, or the
30 department when there is no board, has
31 exclusive authority to grant exemptions from

Amendment No. ____ (for drafter's use only)

1 disqualification from employment or contracting
2 with respect to persons under the licensing
3 jurisdiction of that board or the department,
4 as applicable; amending s. 943.0585, F.S.;
5 providing expunged criminal history records to
6 the department under certain circumstances;
7 amending s. 943.059, F.S.; providing sealed
8 criminal history records to the department
9 under certain circumstances; amending s.
10 455.637, F.S.; revising provisions relating to
11 sanctions against the unlicensed practice of a
12 health care profession; providing legislative
13 intent; revising and expanding provisions
14 relating to civil and administrative remedies;
15 providing criminal penalties; incorporating and
16 modifying the substance of current provisions
17 that impose a fee to combat unlicensed activity
18 and provide for disposition of the proceeds
19 thereof; providing statutory construction
20 relating to dietary supplements; providing
21 applicability; repealing s. 455.641, F.S.,
22 relating to unlicensed activity fees, to
23 conform; reenacting ss. 455.574(1)(d),
24 468.1295(1), 484.014(1), and 484.056(1), F.S.,
25 relating to violation of security provisions
26 for examinations and violations involving
27 speech-language pathology, audiology,
28 opticianry, and the dispensing of hearing aids,
29 to incorporate the amendment to s. 455.637,
30 F.S., in references thereto; amending s.
31 921.0022, F.S.; modifying the criminal offense

Amendment No. ____ (for drafter's use only)

1 severity ranking chart to add or increase the
2 level of various offenses relating to the
3 practice of a health care profession, the
4 practice of medicine, osteopathic medicine,
5 chiropractic medicine, podiatric medicine,
6 naturopathy, optometry, nursing, pharmacy,
7 dentistry, dental hygiene, midwifery,
8 respiratory therapy, and medical physics,
9 practicing as clinical laboratory personnel,
10 and the dispensing of hearing aids; amending s.
11 457.102, F.S.; revising the definition of
12 "acupuncture"; amending s. 457.105, F.S.;
13 revising licensure qualifications to practice
14 acupuncture; amending s. 457.107, F.S.;
15 modifying the fee for renewal of a license to
16 practice acupuncture; amending s. 483.824,
17 F.S.; revising qualifications of clinical
18 laboratory directors; designating Florida
19 Alzheimer's Disease Day; providing an effective
20 date.

21
22
23
24
25
26
27
28
29
30
31