

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 The Committee on Health & Human Services Appropriations
12 offered the following:

14 **Amendment (with title amendment)**

15 Remove from the bill: Everything after the enacting clause
16
17 and insert in lieu thereof:

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

20 455.564 Department; general licensing provisions.--

21 (1)(a) Any person desiring to be licensed in a
22 profession within the jurisdiction of the department shall
23 apply to the department in writing to take the licensure
24 examination. The application shall be made on a form prepared
25 and furnished by the department. The application form must be
26 available on the World Wide Web and the department may accept
27 electronically submitted applications beginning July 1, 2001.
28 The application and shall require the social security number
29 of the applicant, except as provided in paragraph (b). The
30 form shall be supplemented as needed to reflect any material
31 change in any circumstance or condition stated in the

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

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

31 (3)(a) The board, or the department when there is no

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

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

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

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

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

29 (4)

30 (d) Any applicant for initial licensure or renewal of
31 licensure as a health care practitioner who submits to the

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

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

22 455.5651 Practitioner profile; creation.--

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

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

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

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

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

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1 or s. 627.912 within the previous 10 years for any paid claim
2 that exceeds \$5,000. Such claims information shall be reported
3 in the context of comparing an individual practitioner's
4 claims to the experience of other practitioners ~~physicians~~
5 within the same specialty, or profession if the practitioner
6 is not a specialist, to the extent such information is
7 available to the Department of Health. If information relating
8 to a liability action is included in a practitioner's
9 practitioner profile, the profile must also include the
10 following statement: "Settlement of a claim may occur for a
11 variety of reasons that do not necessarily reflect negatively
12 on the professional competence or conduct of the practitioner
13 ~~physician~~. A payment in settlement of a medical malpractice
14 action or claim should not be construed as creating a
15 presumption that medical malpractice has occurred."

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

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

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

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1 public at the end of the 30-day period. The department shall
2 make the profiles available to the public through the World
3 Wide Web and other commonly used means of distribution.

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

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

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

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1 exempt from the provisions of chapter 119 and s. 24(a), Art. I
2 of the State Constitution, so that the Department of Health
3 may corroborate any information that practitioners ~~physicians~~
4 are required to report under s. 455.565.

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

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

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

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

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

30 Section 7. Paragraphs (f) and (u) of subsection (1),
31 paragraph (c) of subsection (2), and subsection (3) of section

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1 455.624, Florida Statutes, are amended, and paragraphs (y) and
2 (z) are added to subsection (1) of said section, to read:

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

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

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

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

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

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

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

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

30 (c) Restriction of practice or license.

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

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

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

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

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1 455.577 Penalty for theft or reproduction of an
2 examination.--In addition to, or in lieu of, any other
3 discipline imposed pursuant to s. 455.624, the theft of an
4 examination in whole or in part or the act of reproducing or
5 copying any examination administered by the department,
6 whether such examination is reproduced or copied in part or in
7 whole and by any means, constitutes a felony of the third
8 degree, punishable as provided in s. 775.082, s. 775.083, or
9 s. 775.084.

10 455.631 Penalty for giving false information.--In
11 addition to, or in lieu of, any other discipline imposed
12 pursuant to s. 455.624, the act of knowingly giving false
13 information in the course of applying for or obtaining a
14 license from the department, or any board thereunder, with
15 intent to mislead a public servant in the performance of his
16 or her official duties, or the act of attempting to obtain or
17 obtaining a license from the department, or any board
18 thereunder, to practice a profession by knowingly misleading
19 statements or knowing misrepresentations constitutes a felony
20 of the third degree, punishable as provided in s. 775.082, s.
21 775.083, or s. 775.084.

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

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

31 (1) A business establishment regulated by the Division

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

8 458.347 Physician assistants.--

9 (7) PHYSICIAN ASSISTANT LICENSURE.--

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

16 459.022 Physician assistants.--

17 (7) PHYSICIAN ASSISTANT LICENSURE.--

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

24 468.1755 Disciplinary proceedings.--

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

27 (a) Violation of any provision of s. 455.624(1) or s.
28 468.1745(1).

29 468.719 Disciplinary actions.--

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

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1 (a) A violation of any law relating to the practice of
2 athletic training, including, but not limited to, any
3 violation of this part, s. 455.624, or any rule adopted
4 pursuant thereto.

5 (2) When the board finds any person guilty of any of
6 the acts set forth in subsection (1), the board may enter an
7 order imposing one or more of the penalties provided in s.
8 455.624.

9 468.811 Disciplinary proceedings.--

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

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

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

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

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

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1 records include only reports or records that are signed in a
2 person's capacity as a licensee under this act.

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

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

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

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

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

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

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

25 484.056 Disciplinary proceedings.--

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

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1 in, aids, or abets any such violation:

2 (a) Violation of any provision of s. 455.624(1), s.
3 484.0512, or s. 484.053.

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

6 Section 10. Subsections (1), (2), and (3) of section
7 455.707, Florida Statutes, are amended to read:

8 455.707 Treatment programs for impaired
9 practitioners.--

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

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

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1 458, chapter 459, or chapter 464. The consultant shall assist
2 the probable cause panel and department in carrying out the
3 responsibilities of this section. This shall include working
4 with department investigators to determine whether a
5 practitioner is, in fact, impaired.

6 (3)(a) Whenever the department receives a written or
7 oral legally sufficient complaint alleging that a licensee
8 under the jurisdiction of the Division of Medical Quality
9 Assurance within the department is impaired as a result of the
10 misuse or abuse of alcohol or drugs, or both, or due to a
11 mental or physical condition which could affect the licensee's
12 ability to practice with skill and safety, and no complaint
13 against the licensee other than impairment exists, the
14 reporting of such information shall not constitute grounds for
15 discipline pursuant to s. 455.624 or the corresponding grounds
16 for discipline within the applicable practice act ~~a complaint~~
17 ~~within the meaning of s. 455.621~~ if the probable cause panel
18 of the appropriate board, or the department when there is no
19 board, finds:

20 1. The licensee has acknowledged the impairment
21 problem.

22 2. The licensee has voluntarily enrolled in an
23 appropriate, approved treatment program.

24 3. The licensee has voluntarily withdrawn from
25 practice or limited the scope of practice as required by the
26 consultant determined by the panel, or the department when
27 ~~there is no board~~, in each case, until such time as the panel,
28 or the department when there is no board, is satisfied the
29 licensee has successfully completed an approved treatment
30 program.

31 4. The licensee has executed releases for medical

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

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

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

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

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

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1 the consultant by the panel, or the department when there is
2 no board, shall remain confidential and exempt from the
3 provisions of s. 119.07(1), subject to the provisions of
4 subsections (5) and (6).

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

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

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

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

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

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

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

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1 (2) Each board, or the department if there is no
2 board, shall permit a licensee to choose, at the time of
3 licensure renewal, an active or inactive status. ~~However, a~~
4 ~~licensee who changes from inactive to active status is not~~
5 ~~eligible to return to inactive status until the licensee~~
6 ~~thereafter completes a licensure cycle on active status.~~

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

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

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

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

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

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

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

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

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

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1 any time other than at the beginning of a licensure cycle.

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

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

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

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

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

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1 as necessary to implement this section.

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

4 455.587 Fees; receipts; disposition.--

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

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

16 455.714 Renewal and cancellation notices.--

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

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

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

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

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

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1 employment or contracting as provided in s. 435.07 to a person
2 under the licensing jurisdiction of that board or the
3 department, as applicable.

4 Section 16. Paragraph (a) of subsection (4) of section
5 943.0585, Florida Statutes, is amended to read:

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

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

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

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1 retain a notation indicating compliance with an order to
2 expunge.

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

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

11 2. Is a defendant in a criminal prosecution;

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

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

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

21 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.
22 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.
23 415.1075(4), s. 985.407, or chapter 400; ~~or~~

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

29 7. Is seeking to be employed or licensed by or to
30 contract with the Department of Health or to be employed or
31 used by such contractor or licensee in a sensitive position

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1 having direct contact with children, the developmentally
2 disabled, the aged, or the elderly as provided in s.
3 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.
4 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.
5 415.1075(4), s. 985.407, or chapter 400.

6 Section 17. Paragraph (a) of subsection (4) of section
7 943.059, Florida Statutes, is amended to read:

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

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

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

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

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1 district school board, or any local governmental entity which
2 licenses child care facilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 of time of 12 months or more shall be a felony of the third
2 degree, punishable as provided in s. 775.082, s. 775.083, or
3 s. 775.084. The minimum penalty for violating this
4 subparagraph shall be a term of imprisonment of 30 days and a
5 fine of \$500.

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

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

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

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

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

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

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1 ~~(4)(5)~~ The provisions of this section apply only to
2 health care ~~the~~ professional practice acts administered by the
3 department.

4 (5) Nothing herein shall be construed to limit or
5 restrict the sale, use, or recommendation of the use of a
6 dietary supplement, as defined by the Food, Drug, and Cosmetic
7 Act, Title 21, s. 321, so long as the person selling, using,
8 or recommending the dietary supplement does so in compliance
9 with federal and state law and does not hold himself or
10 herself out to be a health care practitioner as defined in s.
11 455.501(4).

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

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

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

21 455.574 Department of Health; examinations.--

22 (1)

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

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

6 468.1295 Disciplinary proceedings.--

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

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

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

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

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

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

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1 (f) Being proven guilty of fraud or deceit or of
2 negligence, incompetency, or misconduct in the practice of
3 speech-language pathology or audiology.

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

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

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

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

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

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

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

28 (n) Misrepresenting the professional services
29 available in the fitting, sale, adjustment, service, or repair
30 of a hearing aid, or using any other term or title which might
31 connote the availability of professional services when such

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1 use is not accurate.

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

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

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

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

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

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

29 (u) Failing to notify the department in writing of a
30 change in current mailing and place-of-practice address within
31 30 days after such change.

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

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

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

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

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

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

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

17 484.014 Disciplinary actions.--

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

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

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

31 (c) Making or filing a report or record which the

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

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

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

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

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

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

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

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

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

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

31 (m) Failing to keep written prescription files.

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

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

7 (p) Gross or repeated malpractice.

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

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

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

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

28 484.056 Disciplinary proceedings.--

29 (1) The following acts relating to the practice of
30 dispensing hearing aids shall be grounds for both disciplinary
31 action against a hearing aid specialist as set forth in this

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1 section and cease and desist or other related action by the
2 department as set forth in s. 455.637 against any person
3 owning or operating a hearing aid establishment who engages
4 in, aids, or abets any such violation:

5 (a) Violation of any provision of s. 455.624(1), s.
6 484.0512, or s. 484.053.

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

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

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

20 (e) 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 record 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 reports or records shall include only those reports or
26 records which are signed in one's capacity as a licensed
27 hearing aid specialist.

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

31 (g) Proof that the licensee is guilty of fraud or

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1 deceit or of negligence, incompetency, or misconduct in the
2 practice of dispensing hearing aids.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (3) OFFENSE SEVERITY RANKING CHART

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

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

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1	509.151(1)	3rd	Defraud an innkeeper, food or
2			lodging value greater than \$300.
3	517.302(1)	3rd	Violation of the Florida
4			Securities and Investor
5			Protection Act.
6	562.27(1)	3rd	Possess still or still apparatus.
7	713.69	3rd	Tenant removes property upon
8			which lien has accrued, value
9			more than \$50.
10	812.014(3)(c)	3rd	Petit theft (3rd conviction);
11			theft of any property not
12			specified in subsection (2).
13	812.081(2)	3rd	Unlawfully makes or causes to be
14			made a reproduction of a trade
15			secret.
16	815.04(4)(a)	3rd	Offense against intellectual
17			property (i.e., computer
18			programs, data).
19	817.52(2)	3rd	Hiring with intent to defraud,
20			motor vehicle services.
21	826.01	3rd	Bigamy.
22	828.122(3)	3rd	Fighting or baiting animals.
23	831.04(1)	3rd	Any erasure, alteration, etc., of
24			any replacement deed, map, plat,
25			or other document listed in s.
26			92.28.
27	831.31(1)(a)	3rd	Sell, deliver, or possess
28			counterfeit controlled
29			substances, all but s. 893.03(5)
30			drugs.
31			

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1	832.041(1)	3rd	Stopping payment with intent to
2			defraud \$150 or more.
3	832.05		
4	(2)(b)&(4)(c)	3rd	Knowing, making, issuing
5			worthless checks \$150 or more or
6			obtaining property in return for
7			worthless check \$150 or more.
8	838.015(3)	3rd	Bribery.
9	838.016(1)	3rd	Public servant receiving unlawful
10			compensation.
11	838.15(2)	3rd	Commercial bribe receiving.
12	838.16	3rd	Commercial bribery.
13	843.18	3rd	Fleeing by boat to elude a law
14			enforcement officer.
15	847.011(1)(a)	3rd	Sell, distribute, etc., obscene,
16			lewd, etc., material (2nd
17			conviction).
18	849.01	3rd	Keeping gambling house.
19	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc.,
20			or assist therein, conduct or
21			advertise drawing for prizes, or
22			dispose of property or money by
23			means of lottery.
24	849.23	3rd	Gambling-related machines;
25			"common offender" as to property
26			rights.
27	849.25(2)	3rd	Engaging in bookmaking.
28	860.08	3rd	Interfere with a railroad signal.
29	860.13(1)(a)	3rd	Operate aircraft while under the
30			influence.
31	893.13(2)(a)2.	3rd	Purchase of cannabis.

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

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1	<u>461.012(1)</u>	<u>3rd</u>	<u>Practicing podiatric medicine</u>
2			<u>without a license.</u>
3	<u>462.17</u>	<u>3rd</u>	<u>Practicing naturopathy without a</u>
4			<u>license.</u>
5	<u>463.015(1)</u>	<u>3rd</u>	<u>Practicing optometry without a</u>
6			<u>license.</u>
7	<u>464.016(1)</u>	<u>3rd</u>	<u>Practicing nursing without a</u>
8			<u>license.</u>
9	<u>465.015(2)</u>	<u>3rd</u>	<u>Practicing pharmacy without a</u>
10			<u>license.</u>
11	<u>466.026(1)</u>	<u>3rd</u>	<u>Practicing dentistry or dental</u>
12			<u>hygiene without a license.</u>
13	<u>467.201</u>	<u>3rd</u>	<u>Practicing midwifery without a</u>
14			<u>license.</u>
15	<u>468.366</u>	<u>3rd</u>	<u>Delivering respiratory care</u>
16			<u>services without a license.</u>
17	<u>483.828(1)</u>	<u>3rd</u>	<u>Practicing as clinical laboratory</u>
18			<u>personnel without a license.</u>
19	<u>483.901(9)</u>	<u>3rd</u>	<u>Practicing medical physics</u>
20			<u>without a license.</u>
21	<u>484.053</u>	<u>3rd</u>	<u>Dispensing hearing aids without a</u>
22			<u>license.</u>
23	<u>494.0018(2)</u>	<u>1st</u>	Conviction of any violation of
24			ss. 494.001-494.0077 in which the
25			total money and property
26			unlawfully obtained exceeded
27			\$50,000 and there were five or
28			more victims.
29	<u>782.051(3)</u>	<u>2nd</u>	Attempted felony murder of a
30			person by a person other than the
31			perpetrator or the perpetrator of

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

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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

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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.

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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			

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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

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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

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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.--

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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

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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

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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:

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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.

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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

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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

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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

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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

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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

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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
care professions; amending s. 455.564, F.S.;

14

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

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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

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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

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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

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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.

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