

1                   A bill to be entitled  
2           An act relating to health care; providing an  
3           appropriation for continued review of clinical  
4           laboratory services for kidney dialysis  
5           patients and requiring a report thereon;  
6           amending s. 455.564, F.S.; revising general  
7           licensing provisions for professions under the  
8           jurisdiction of the Department of Health;  
9           providing for processing of applications from  
10          foreign or nonresident applicants not yet  
11          having a social security number; providing for  
12          temporary licensure of such applicants;  
13          revising provisions relating to ongoing  
14          criminal investigations or prosecutions;  
15          requiring proof of restoration of civil rights  
16          under certain circumstances; authorizing  
17          requirement for personal appearance prior to  
18          grant or denial of a license; providing for  
19          tolling of application decision deadlines under  
20          certain circumstances; creating s. 455.5641,  
21          F.S.; providing legislative findings and  
22          intent; providing a definition; requiring  
23          separate licensure to provide telehealth  
24          services to patients in this state; providing  
25          that telehealth licensure requirements and  
26          responsibilities shall be identical to those  
27          provided for full licensure in the applicable  
28          profession; requiring certain information to be  
29          provided in all telehealth communications;  
30          providing responsibility for confidentiality of  
31          medical records; providing for prosecution of

1           unlicensed and other criminal activity;  
2           authorizing certain consultative services  
3           without a license; requiring licensure to order  
4           out-of-state electronic communications  
5           diagnostic-imaging or treatment services for  
6           persons in this state; providing exemption from  
7           telehealth licensure for health care  
8           practitioners treating visitors to this state  
9           under certain conditions; providing exemption  
10          from telehealth licensure for registered  
11          nonresident pharmacies and their employees;  
12          providing applicability to regulation of  
13          Florida licensees; providing rulemaking  
14          authority; amending s. 766.102, F.S.;  
15          authorizing the bringing of telehealth  
16          malpractice actions in this state regardless of  
17          provider location; amending s. 455.565, F.S.;  
18          eliminating duplicative submission of  
19          fingerprints and other information required for  
20          criminal history checks; providing for certain  
21          access to criminal history information through  
22          the department's health care practitioner  
23          credentialing system; amending s. 455.5651,  
24          F.S.; authorizing the department to publish  
25          certain information in practitioner profiles;  
26          amending s. 455.5653, F.S.; deleting obsolete  
27          language relating to scheduling and development  
28          of practitioner profiles for additional health  
29          care practitioners; providing the department  
30          access to information on health care  
31          practitioners maintained by the Agency for

1 Health Care Administration for corroboration  
2 purposes; amending s. 455.5654, F.S.; providing  
3 for adoption by rule of a form for submission  
4 of profiling information; amending s. 455.567,  
5 F.S.; expanding the prohibition against sexual  
6 misconduct to cover violations against  
7 guardians and representatives of patients or  
8 clients; providing penalties; amending s.  
9 455.624, F.S.; revising and providing grounds  
10 for disciplinary action relating to having a  
11 license to practice a regulated health care  
12 profession acted against, sexual misconduct,  
13 inability to practice properly due to alcohol  
14 or substance abuse or a mental or physical  
15 condition, and testing positive for a drug  
16 without a lawful prescription therefor;  
17 providing for restriction of license as a  
18 disciplinary action; providing for issuance of  
19 a citation and assessment of a fine for certain  
20 first-time violations; reenacting ss. 455.577,  
21 455.631, 455.651(2), 455.712(1), 458.347(7)(g),  
22 459.022(7)(f), 468.1755(1)(a), 468.719(1)(a)  
23 and (2), 468.811, and 484.056(1)(a), F.S.,  
24 relating to theft or reproduction of an  
25 examination, giving false information,  
26 disclosure of confidential information,  
27 business establishments providing regulated  
28 services without an active status license, and  
29 practice violations by physician assistants,  
30 nursing home administrators, athletic trainers,  
31 orthotists, prosthetists, pedorthists, and

1 hearing aid specialists, to incorporate the  
2 amendment to s. 455.624, F.S., in references  
3 thereto; repealing s. 455.704, F.S., relating  
4 to the Impaired Practitioners Committee;  
5 amending s. 455.707, F.S., relating to impaired  
6 practitioners, to conform; clarifying  
7 provisions relating to complaints against  
8 impaired practitioners; amending s. 310.102,  
9 F.S.; revising and removing references, to  
10 conform; amending s. 455.711, F.S.; revising  
11 provisions relating to active and inactive  
12 status licensure; eliminating reference to  
13 delinquency as a licensure status; providing  
14 rulemaking authority; amending ss. 455.587 and  
15 455.714, F.S.; revising references, to conform;  
16 creating s. 455.719, F.S.; providing that the  
17 appropriate medical regulatory board, or the  
18 department when there is no board, has  
19 exclusive authority to grant exemptions from  
20 disqualification from employment or contracting  
21 with respect to persons under the licensing  
22 jurisdiction of that board or the department,  
23 as applicable; amending s. 943.0585, F.S.;  
24 providing expunged criminal history records to  
25 the department under certain circumstances;  
26 amending s. 943.059, F.S.; providing sealed  
27 criminal history records to the department  
28 under certain circumstances; amending s.  
29 455.637, F.S.; revising provisions relating to  
30 sanctions against the unlicensed practice of a  
31 health care profession; providing legislative

1 intent; revising and expanding provisions  
2 relating to civil and administrative remedies;  
3 providing criminal penalties; incorporating and  
4 modifying the substance of current provisions  
5 that impose a fee to combat unlicensed activity  
6 and provide for disposition of the proceeds  
7 thereof; providing statutory construction  
8 relating to dietary supplements; providing  
9 applicability; repealing s. 455.641, F.S.,  
10 relating to unlicensed activity fees, to  
11 conform; reenacting ss. 455.574(1)(d),  
12 468.1295(1), 484.014(1), and 484.056(1), F.S.,  
13 relating to violation of security provisions  
14 for examinations and violations involving  
15 speech-language pathology, audiology,  
16 opticianry, and the dispensing of hearing aids,  
17 to incorporate the amendment to s. 455.637,  
18 F.S., in references thereto; amending s.  
19 921.0022, F.S.; modifying the criminal offense  
20 severity ranking chart to add or increase the  
21 level of various offenses relating to the  
22 practice of a health care profession, the  
23 practice of medicine, osteopathic medicine,  
24 chiropractic medicine, podiatric medicine,  
25 naturopathy, optometry, nursing, pharmacy,  
26 dentistry, dental hygiene, midwifery,  
27 respiratory therapy, and medical physics,  
28 practicing as clinical laboratory personnel,  
29 and the dispensing of hearing aids; amending s.  
30 457.102, F.S.; revising the definition of  
31 "acupuncture"; amending s. 457.105, F.S.;

1 revising licensure qualifications to practice  
2 acupuncture; amending s. 457.107, F.S.;  
3 modifying the fee for renewal of a license to  
4 practice acupuncture; amending s. 458.347,  
5 F.S.; providing authority to the Council on  
6 Physician Assistants to refuse to certify an  
7 applicant for licensure or place restrictions  
8 or conditions on license; amending s. 459.022,  
9 F.S.; providing authority to the Council on  
10 Physician Assistants to refuse to certify an  
11 applicant for licensure or place restrictions  
12 or conditions on license; amending s. 483.824,  
13 F.S.; revising qualifications of clinical  
14 laboratory directors; designating Florida  
15 Alzheimer's Disease Day; amending s. 401.252,  
16 F.S.; exempting certain life support providers  
17 from certain certification requirements in  
18 certain counties; providing an effective date.

19  
20 WHEREAS, streamlining regulation of the health care  
21 professions will enable more qualified health care  
22 practitioners to be available to provide health care services  
23 to the people of Florida to address the current shortage of  
24 certain types of health care practitioners, and

25 WHEREAS, health care consumers desire access to  
26 information about health care practitioners in order for them  
27 to make informed health care decisions, and

28 WHEREAS, Floridians have no tolerance for practitioner  
29 misconduct, because such misconduct erodes public trust and  
30 confidence in health care delivery systems, and

31

1           WHEREAS, the protection of Florida residents and  
2 visitors from death or serious bodily injury that may be  
3 caused by unlicensed health care practitioners is a state  
4 priority, and

5           WHEREAS, the existing criminal prohibitions have not  
6 been vigorously enforced in the past, and

7           WHEREAS, the existing penalties are not severe enough  
8 to deter the unlicensed practice of the health care  
9 professions, and

10           WHEREAS, persons convicted of practicing without a  
11 license should be imprisoned so they cannot continue to hurt  
12 Floridians, and

13           WHEREAS, persons convicted of practicing without a  
14 license who are not citizens of this country should be  
15 deported following incarceration to guarantee that they cannot  
16 continue to endanger Floridians, NOW, THEREFORE,

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20           Section 1. Pursuant to section 187 of chapter 99-397,  
21 Laws of Florida, the Agency for Health Care Administration was  
22 directed to conduct a detailed study and analysis of clinical  
23 laboratory services for kidney dialysis patients in the State  
24 of Florida and to report back to the Legislature no later than  
25 February 1, 2000. The agency reported that additional time and  
26 investigative resources were necessary to adequately respond  
27 to the legislative directives. Therefore, the sum of \$230,000  
28 from the Agency for Health Care Administration Tobacco  
29 Settlement Trust Fund is appropriated to the Agency for Health  
30 Care Administration to contract with the University of South  
31 Florida to conduct a review of laboratory test utilization,

1 any self-referral to clinical laboratories, financial  
2 arrangements among kidney dialysis centers, their medical  
3 directors, referring physicians, and any business  
4 relationships and affiliations with clinical laboratories, and  
5 the quality and effectiveness of kidney dialysis treatment in  
6 this state. A report on the findings from such review shall be  
7 presented to the President of the Senate, the Speaker of the  
8 House of Representatives, and the chairs of the appropriate  
9 substantive committees of the Legislature no later than  
10 February 1, 2001.

11 Section 2. Subsections (1) and (3) of section 455.564,  
12 Florida Statutes, are amended to read:

13 455.564 Department; general licensing provisions.--

14 (1)(a) Any person desiring to be licensed in a  
15 profession within the jurisdiction of the department shall  
16 apply to the department in writing to take the licensure  
17 examination. The application shall be made on a form prepared  
18 and furnished by the department. The application form must be  
19 available on the World Wide Web and the department may accept  
20 electronically submitted applications beginning July 1, 2001.  
21 The application ~~and~~ shall require the social security number  
22 of the applicant, except as provided in paragraph (b). The  
23 form shall be supplemented as needed to reflect any material  
24 change in any circumstance or condition stated in the  
25 application which takes place between the initial filing of  
26 the application and the final grant or denial of the license  
27 and which might affect the decision of the department. If an  
28 application is submitted electronically, the department may  
29 require supplemental materials, including an original  
30 signature of the applicant and verification of credentials, to  
31 be submitted in a non-electronic format.An incomplete



1 application shall expire 1 year after initial filing. In order  
2 to further the economic development goals of the state, and  
3 notwithstanding any law to the contrary, the department may  
4 enter into an agreement with the county tax collector for the  
5 purpose of appointing the county tax collector as the  
6 department's agent to accept applications for licenses and  
7 applications for renewals of licenses. The agreement must  
8 specify the time within which the tax collector must forward  
9 any applications and accompanying application fees to the  
10 department.

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

24 (3)(a) The board, or the department when there is no  
25 board, may refuse to issue an initial license to any applicant  
26 who is under investigation or prosecution in any jurisdiction  
27 for an action that would constitute a violation of this part  
28 or the professional practice acts administered by the  
29 department and the boards, until such time as the  
30 investigation or prosecution is complete, and the time period  
31 in which the licensure application must be granted or denied

1 shall be tolled until 15 days after the receipt of the final  
2 results of the investigation or prosecution.

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

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

18 Section 3. Section 455.5641, Florida Statutes, is  
19 created to read:

20 455.5641 Telehealth; findings and intent; licensure.--

21 (1) The Legislature finds that there is a great and  
22 recognizable potential for harm if persons without the  
23 appropriate level of education, training, experience,  
24 supervision, and competence are allowed to provide health care  
25 services to the people of this state. The potential for harm  
26 could arise through substandard care or fraud, or both. The  
27 Legislature further finds that there is a compelling state  
28 interest in protecting the health, safety, and welfare of the  
29 public from incompetent, impaired, or unscrupulous  
30 practitioners and that no less restrictive means are available  
31 to effectively protect the public than through licensure in

1 this state. Therefore, it is the intent of the Legislature  
2 that the use of untested, ineffective, and potentially harmful  
3 health care services be prohibited and that the delivery of  
4 all health care services to the people of this state be  
5 regulated through the licensure of health care practitioners.

6 (2) The Legislature finds that the methods for  
7 delivering health care services to the people of this state  
8 are rapidly changing due to advances in technology and  
9 telecommunications. However, the Legislature finds that the  
10 compelling state interest in protecting the public health,  
11 safety, and welfare exists regardless of the method of  
12 communication or the method of delivery of services.

13 Therefore, it is the intent of the Legislature that all health  
14 care practitioners providing health care services to the  
15 people of this state should be regulated in a similar manner  
16 regardless of the method of communication or the method of  
17 delivery of services.

18 (3) For purposes of this section, "health care  
19 services" means providing, attempting to provide, or offering  
20 to provide a diagnosis, treatment plan, prescription,  
21 examination, or any other activity limited to persons licensed  
22 or otherwise legally authorized to practice medicine as  
23 defined in s. 458.305(3), practice osteopathic medicine as  
24 defined in s. 459.003(3), practice chiropractic medicine as  
25 defined in s. 460.403(9), practice podiatric medicine as  
26 defined in s. 461.003(5), practice natureopathy or naturopathy  
27 as defined in s. 462.01(1), practice optometry as defined in  
28 s. 463.002(5), practice professional nursing as defined in s.  
29 464.003(3)(a), practice practical nursing as defined in s.  
30 464.003(3)(b), practice advanced or specialized nursing  
31 practice as defined in s. 464.003(3)(c), practice pharmacy as

1 defined in s. 465.003(13), practice dentistry as defined in s.  
2 466.003(3), practice dental hygiene as defined in s.  
3 466.003(4), practice midwifery as defined in s. 467.003(8),  
4 practice audiology as defined in s. 468.1125(6)(a), practice  
5 speech-language pathology as defined in s. 468.1125(7)(a),  
6 practice nursing home administration as defined in s.  
7 468.1655(4), practice occupational therapy as defined in s.  
8 468.203(4), practice respiratory care as defined in s.  
9 468.352(5), practice dietetics and nutrition as defined in s.  
10 468.503(4), practice athletic training as defined in s.  
11 468.701(5), practice orthotics as defined in s. 468.80(7),  
12 practice pedorthics as defined in s. 468.80(10), practice  
13 prosthetics as defined in s. 468.80(13), practice electrolysis  
14 or electrology as defined in s. 478.42(5), practice massage as  
15 defined in s. 480.033(3), practice clinical laboratory  
16 personnel as provided in s. 483.803, practice medical physics  
17 as defined in s. 483.901(3)(j), practice opticianry as defined  
18 s. 484.002(3), dispense hearing aids as defined in s.  
19 484.041(3), practice physical therapy as defined in s.  
20 486.021(11), practice psychology as defined in s. 490.003(4),  
21 practice school psychology as defined in s. 490.003(5),  
22 practice clinical social work as defined in s. 491.003(7),  
23 practice marriage and family therapy as defined in s.  
24 491.003(8), and practice mental health counseling as defined  
25 in s. 490.003(9).

26 (4) A person who is not licensed in this state as a  
27 health care practitioner who wishes to provide health care  
28 services, as defined herein, to patients located in this state  
29 by means of telecommunication only, must apply to the  
30 appropriate regulatory board, or the department when there is  
31 no board, for a Florida telehealth license and subsequently

1 for renewal of such license. The requirements for an initial  
2 telehealth license and subsequent renewal of such license  
3 shall be identical to the requirements for full licensure as  
4 set forth in the appropriate practice act in this state for  
5 the applicable profession, including requirements such as  
6 profiling, credentialing, informed consent, and financial  
7 responsibility and malpractice insurance. Telehealth licensees  
8 must comply with all Florida laws and rules regulating the  
9 practice of that profession.

10 (5) All telehealth communications, including, but not  
11 limited to, Internet web sites, advertisements, e-mail, and  
12 other offers to provide health care services to the people of  
13 this state, must clearly identify the practitioner's Florida  
14 license number and must include a disclaimer which clearly  
15 states that only Florida-licensed health care practitioners  
16 may provide health care services directly to persons located  
17 in this state. The disclaimer must also include the  
18 department's mailing and Internet addresses. It is the  
19 responsibility of the health care practitioner to ensure the  
20 confidentiality of electronic medical records as required by  
21 the laws of this state.

22 (6) The provision of telehealth services to patients  
23 in this state without holding an active Florida license to  
24 practice that profession may be prosecuted as unlicensed  
25 activity in accordance with this chapter. In addition, any act  
26 performed through telehealth communication that would  
27 constitute a criminal violation if performed physically in  
28 this state may be prosecuted under Florida law as if the crime  
29 were physically carried out in this state.

30 (7) Notwithstanding any other provision of law to the  
31 contrary, persons holding a valid, active license to practice

1 in another jurisdiction may provide episodic consultative  
2 services to a Florida licensee without being licensed in this  
3 state so long as the out-of-state practitioner does not  
4 exercise primary authority for the care or diagnosis of the  
5 Florida patient.

6 (8) Only practitioners licensed in this state or  
7 otherwise authorized to practice in this state may order, from  
8 a person located outside this state, electronic communications  
9 diagnostic-imaging or treatment services for a person located  
10 in this state.

11 (9) Nothing in this section shall be construed to  
12 prohibit or restrict a health care practitioner who is not  
13 licensed in Florida from providing health care services  
14 through telecommunications to a patient temporarily visiting  
15 Florida with whom the health care practitioner has an  
16 established practitioner-patient relationship so long as the  
17 treatment provided is for a non-acute chronic or recurrent  
18 illness previously diagnosed and treated by that practitioner  
19 and so long as the practitioner holds an active unrestricted  
20 license to practice in another state or in another recognized  
21 jurisdiction.

22 (10) The provisions of subsection (3) do not apply to  
23 nonresident pharmacies registered pursuant to s. 465.0156 or  
24 the employees thereof.

25 (11) Nothing in this section shall be construed to  
26 prohibit or limit the board, or the department when there is  
27 no board, from regulating Florida licensees regardless of the  
28 location of the patient.

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

1 Section 4. Subsection (7) is added to section 766.102,  
2 Florida Statutes, to read:

3 766.102 Medical negligence; standards of recovery.--

4 (7) If the injury or death is alleged to have resulted  
5 from health care provided to a patient located in this state  
6 through means of telecommunications, the action for recovery  
7 of damages may be brought in this state regardless of the  
8 location of the provider alleged to have caused the injury.

9 Section 5. Paragraph (d) is added to subsection (4) of  
10 section 455.565, Florida Statutes, to read:

11 455.565 Designated health care professionals;  
12 information required for licensure.--

13 (4)

14 (d) Any applicant for initial licensure or renewal of  
15 licensure as a health care practitioner who submits to the  
16 Department of Health a set of fingerprints or information  
17 required for the criminal history check required under this  
18 section shall not be required to provide a subsequent set of  
19 fingerprints or other duplicate information required for a  
20 criminal history check to the Agency for Health Care  
21 Administration, the Department of Juvenile Justice, or the  
22 Department of Children and Family Services for employment or  
23 licensure with such agency or department if the applicant has  
24 undergone a criminal history check as a condition of initial  
25 licensure or licensure renewal as a health care practitioner  
26 with the Department of Health or any of its regulatory boards,  
27 notwithstanding any other provision of law to the contrary. In  
28 lieu of such duplicate submission, the Agency for Health Care  
29 Administration, the Department of Juvenile Justice, and the  
30 Department of Children and Family Services shall obtain  
31 criminal history information for employment or licensure of

1 health care practitioners by such agency and departments from  
2 the Department of Health's health care practitioner  
3 credentialing system.

4 Section 6. Section 455.5651, Florida Statutes, is  
5 amended to read:

6 455.5651 Practitioner profile; creation.--

7 (1) Beginning July 1, 1999, the Department of Health  
8 shall compile the information submitted pursuant to s. 455.565  
9 into a practitioner profile of the applicant submitting the  
10 information, except that the Department of Health may develop  
11 a format to compile uniformly any information submitted under  
12 s. 455.565(4)(b).

13 (2) On the profile published ~~required~~ under subsection  
14 (1), the department shall indicate if the information provided  
15 under s. 455.565(1)(a)7. is not corroborated by a criminal  
16 history check conducted according to this subsection. If the  
17 information provided under s. 455.565(1)(a)7. is corroborated  
18 by the criminal history check, the fact that the criminal  
19 history check was performed need not be indicated on the  
20 profile. The department, or the board having regulatory  
21 authority over the practitioner acting on behalf of the  
22 department, shall investigate any information received by the  
23 department or the board when it has reasonable grounds to  
24 believe that the practitioner has violated any law that  
25 relates to the practitioner's practice.

26 (3) The Department of Health may include in each  
27 practitioner's practitioner profile that criminal information  
28 that directly relates to the practitioner's ability to  
29 competently practice his or her profession. The department  
30 must include in each practitioner's practitioner profile the  
31 following statement: "The criminal history information, if



1 any exists, may be incomplete; federal criminal history  
2 information is not available to the public." The department  
3 shall not publish a criminal conviction if such conviction has  
4 been sealed, expunged, or pardoned.

5 (4) The Department of Health shall include, with  
6 respect to a practitioner licensed under chapter 458 or  
7 chapter 459, a statement of how the practitioner has elected  
8 to comply with the financial responsibility requirements of s.  
9 458.320 or s. 459.0085. The department shall include, with  
10 respect to practitioners subject to s. 455.694, a statement of  
11 how the practitioner has elected to comply with the financial  
12 responsibility requirements of that section.The department  
13 shall include, with respect to practitioners licensed under  
14 chapter 458, chapter 459, or chapter 461, information relating  
15 to liability actions which has been reported under s. 455.697  
16 or s. 627.912 within the previous 10 years for any paid claim  
17 that exceeds \$5,000. Such claims information shall be reported  
18 in the context of comparing an individual practitioner's  
19 claims to the experience of other practitioners ~~physicians~~  
20 within the same specialty, or profession if the practitioner  
21 is not a specialist, to the extent such information is  
22 available to the Department of Health. If information relating  
23 to a liability action is included in a practitioner's  
24 practitioner profile, the profile must also include the  
25 following statement: "Settlement of a claim may occur for a  
26 variety of reasons that do not necessarily reflect negatively  
27 on the professional competence or conduct of the practitioner  
28 ~~physician~~. A payment in settlement of a medical malpractice  
29 action or claim should not be construed as creating a  
30 presumption that medical malpractice has occurred."

31

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

4           (6) The Department of Health may include in the  
5 practitioner's practitioner profile any other information that  
6 is a public record of any governmental entity and that relates  
7 to a practitioner's ability to competently practice his or her  
8 profession. However, the department must consult with the  
9 board having regulatory authority over the practitioner before  
10 such information is included in his or her profile.

11           (7) Upon the completion of a practitioner profile  
12 under this section, the Department of Health shall furnish the  
13 practitioner who is the subject of the profile a copy of it.  
14 The practitioner has a period of 30 days in which to review  
15 the profile and to correct any factual inaccuracies in it. The  
16 Department of Health shall make the profile available to the  
17 public at the end of the 30-day period. The department shall  
18 make the profiles available to the public through the World  
19 Wide Web and other commonly used means of distribution.

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

23           Section 7. Section 455.5653, Florida Statutes, is  
24 amended to read:

25           455.5653 Practitioner profiles; data  
26 storage.--Effective upon this act becoming a law, the  
27 Department of Health must develop or contract for a computer  
28 system to accommodate the new data collection and storage  
29 requirements under this act pending the development and  
30 operation of a computer system by the Department of Health for  
31 handling the collection, input, revision, and update of data

1 submitted by physicians as a part of their initial licensure  
 2 or renewal to be compiled into individual practitioner  
 3 profiles. The Department of Health must incorporate any data  
 4 required by this act into the computer system used in  
 5 conjunction with the regulation of health care professions  
 6 under its jurisdiction. ~~The department must develop, by the~~  
 7 ~~year 2000, a schedule and procedures for each practitioner~~  
 8 ~~within a health care profession regulated within the Division~~  
 9 ~~of Medical Quality Assurance to submit relevant information to~~  
 10 ~~be compiled into a profile to be made available to the public.~~  
 11 The Department of Health is authorized to contract with and  
 12 negotiate any interagency agreement necessary to develop and  
 13 implement the practitioner profiles. The Department of Health  
 14 shall have access to any information or record maintained by  
 15 the Agency for Health Care Administration, including any  
 16 information or record that is otherwise confidential and  
 17 exempt from the provisions of chapter 119 and s. 24(a), Art. I  
 18 of the State Constitution, so that the Department of Health  
 19 may corroborate any information that practitioners ~~physicians~~  
 20 are required to report under s. 455.565.

21 Section 8. Section 455.5654, Florida Statutes, is  
 22 amended to read:

23 455.5654 Practitioner profiles; rules;  
 24 workshops.--Effective upon this act becoming a law, the  
 25 Department of Health shall adopt rules for the form of a  
 26 practitioner profile that the agency is required to prepare.  
 27 The Department of Health, pursuant to chapter 120, must hold  
 28 public workshops for purposes of rule development to implement  
 29 this section. An agency to which information is to be  
 30 submitted under this act may adopt by rule a form for the  
 31 submission of the information required under s. 455.565.

1           Section 9. Subsection (1) of section 455.567, Florida  
2 Statutes, is amended to read:

3           455.567 Sexual misconduct; disqualification for  
4 license, certificate, or registration.--

5           (1) Sexual misconduct in the practice of a health care  
6 profession means violation of the professional relationship  
7 through which the health care practitioner uses such  
8 relationship to engage or attempt to engage the patient or  
9 client, or an immediate family member, guardian, or  
10 representative of the patient or client in, or to induce or  
11 attempt to induce such person to engage in, verbal or physical  
12 sexual activity outside the scope of the professional practice  
13 of such health care profession. Sexual misconduct in the  
14 practice of a health care profession is prohibited.

15           Section 10. Paragraphs (f) and (u) of subsection (1),  
16 paragraph (c) of subsection (2), and subsection (3) of section  
17 455.624, Florida Statutes, are amended, and paragraphs (y) and  
18 (z) are added to subsection (1) of said section, to read:

19           455.624 Grounds for discipline; penalties;  
20 enforcement.--

21           (1) The following acts shall constitute grounds for  
22 which the disciplinary actions specified in subsection (2) may  
23 be taken:

24           (f) Having a license or the authority to practice any  
25 ~~the~~ regulated profession revoked, suspended, or otherwise  
26 acted against, including the denial of licensure, by the  
27 licensing authority of any jurisdiction, including its  
28 agencies or subdivisions, for a violation that would  
29 constitute a violation under Florida law. The licensing  
30 authority's acceptance of a relinquishment of licensure,  
31 stipulation, consent order, or other settlement, offered in

1 response to or in anticipation of the filing of charges  
2 against the license, shall be construed as action against the  
3 license.

4 (u) Engaging or attempting to engage in sexual  
5 misconduct as defined and prohibited in s. 455.567(1)~~a~~  
6 ~~patient or client in verbal or physical sexual activity. For~~  
7 ~~the purposes of this section, a patient or client shall be~~  
8 ~~presumed to be incapable of giving free, full, and informed~~  
9 ~~consent to verbal or physical sexual activity.~~

10 (y) Being unable to practice with reasonable skill and  
11 safety to patients by reason of illness or use of alcohol,  
12 drugs, narcotics, chemicals, or any other type of material or  
13 as a result of any mental or physical condition. In enforcing  
14 this paragraph, the department shall have, upon a finding of  
15 the secretary or the secretary's designee that probable cause  
16 exists to believe that the licensee is unable to practice  
17 because of the reasons stated in this paragraph, the authority  
18 to issue an order to compel a licensee to submit to a mental  
19 or physical examination by physicians designated by the  
20 department. If the licensee refuses to comply with such order,  
21 the department's order directing such examination may be  
22 enforced by filing a petition for enforcement in the circuit  
23 court where the licensee resides or does business. The  
24 licensee against whom the petition is filed may not be named  
25 or identified by initials in any public court records or  
26 documents, and the proceedings shall be closed to the public.  
27 The department shall be entitled to the summary procedure  
28 provided in s. 51.011. A licensee or certificateholder  
29 affected under this paragraph shall at reasonable intervals be  
30 afforded an opportunity to demonstrate that he or she can

31

1 resume the competent practice of his or her profession with  
2 reasonable skill and safety to patients.

3 (z) Testing positive for any drug, as defined in s.  
4 112.0455, on any confirmed preemployment or employer-ordered  
5 drug screening when the practitioner does not have a lawful  
6 prescription and legitimate medical reason for using such  
7 drug.

8 (2) When the board, or the department when there is no  
9 board, finds any person guilty of the grounds set forth in  
10 subsection (1) or of any grounds set forth in the applicable  
11 practice act, including conduct constituting a substantial  
12 violation of subsection (1) or a violation of the applicable  
13 practice act which occurred prior to obtaining a license, it  
14 may enter an order imposing one or more of the following  
15 penalties:

16 (c) Restriction of practice or license.

17  
18 In determining what action is appropriate, the board, or  
19 department when there is no board, must first consider what  
20 sanctions are necessary to protect the public or to compensate  
21 the patient. Only after those sanctions have been imposed may  
22 the disciplining authority consider and include in the order  
23 requirements designed to rehabilitate the practitioner. All  
24 costs associated with compliance with orders issued under this  
25 subsection are the obligation of the practitioner.

26 (3)(a) Notwithstanding subsection (2), if the ground  
27 for disciplinary action is the first-time failure of the  
28 licensee to satisfy continuing education requirements  
29 established by the board, or by the department if there is no  
30 board, the board or department, as applicable, shall issue a  
31 citation in accordance with s. 455.617 and assess a fine, as

1 determined by the board or department by rule. In addition,  
2 for each hour of continuing education not completed or  
3 completed late, the board or department, as applicable, may  
4 require the licensee to take 1 additional hour of continuing  
5 education for each hour not completed or completed late.

6 (b) Notwithstanding subsection (2), if the ground for  
7 disciplinary action is the first-time violation of a practice  
8 act for unprofessional conduct, as used in ss. 464.018(1)(h),  
9 467.203(1)(f), 468.365(1)(f), and 478.52(1)(f), and no actual  
10 harm to the patient occurred, the board or department, as  
11 applicable, shall issue a citation in accordance with s.  
12 455.617 and assess a penalty as determined by rule of the  
13 board or department.

14 Section 11. For the purpose of incorporating the  
15 amendment to section 455.624, Florida Statutes, in references  
16 thereto, the sections or subdivisions of Florida Statutes set  
17 forth below are reenacted to read:

18 455.577 Penalty for theft or reproduction of an  
19 examination.--In addition to, or in lieu of, any other  
20 discipline imposed pursuant to s. 455.624, the theft of an  
21 examination in whole or in part or the act of reproducing or  
22 copying any examination administered by the department,  
23 whether such examination is reproduced or copied in part or in  
24 whole and by any means, constitutes a felony of the third  
25 degree, punishable as provided in s. 775.082, s. 775.083, or  
26 s. 775.084.

27 455.631 Penalty for giving false information.--In  
28 addition to, or in lieu of, any other discipline imposed  
29 pursuant to s. 455.624, the act of knowingly giving false  
30 information in the course of applying for or obtaining a  
31 license from the department, or any board thereunder, with

1 intent to mislead a public servant in the performance of his  
2 or her official duties, or the act of attempting to obtain or  
3 obtaining a license from the department, or any board  
4 thereunder, to practice a profession by knowingly misleading  
5 statements or knowing misrepresentations constitutes a felony  
6 of the third degree, punishable as provided in s. 775.082, s.  
7 775.083, or s. 775.084.

8 455.651 Disclosure of confidential information.--

9 (2) Any person who willfully violates any provision of  
10 this section is guilty of a misdemeanor of the first degree,  
11 punishable as provided in s. 775.082 or s. 775.083, and may be  
12 subject to discipline pursuant to s. 455.624, and, if  
13 applicable, shall be removed from office, employment, or the  
14 contractual relationship.

15 455.712 Business establishments; requirements for  
16 active status licenses.--

17 (1) A business establishment regulated by the Division  
18 of Medical Quality Assurance pursuant to this part may provide  
19 regulated services only if the business establishment has an  
20 active status license. A business establishment that provides  
21 regulated services without an active status license is in  
22 violation of this section and s. 455.624, and the board, or  
23 the department if there is no board, may impose discipline on  
24 the business establishment.

25 458.347 Physician assistants.--

26 (7) PHYSICIAN ASSISTANT LICENSURE.--

27 (g) The Board of Medicine may impose any of the  
28 penalties specified in ss. 455.624 and 458.331(2) upon a  
29 physician assistant if the physician assistant or the  
30 supervising physician has been found guilty of or is being  
31



1 investigated for any act that constitutes a violation of this  
2 chapter or part II of chapter 455.

3 459.022 Physician assistants.--

4 (7) PHYSICIAN ASSISTANT LICENSURE.--

5 (f) The Board of Osteopathic Medicine may impose any  
6 of the penalties specified in ss. 455.624 and 459.015(2) upon  
7 a physician assistant if the physician assistant or the  
8 supervising physician has been found guilty of or is being  
9 investigated for any act that constitutes a violation of this  
10 chapter or part II of chapter 455.

11 468.1755 Disciplinary proceedings.--

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

14 (a) Violation of any provision of s. 455.624(1) or s.  
15 468.1745(1).

16 468.719 Disciplinary actions.--

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

19 (a) A violation of any law relating to the practice of  
20 athletic training, including, but not limited to, any  
21 violation of this part, s. 455.624, or any rule adopted  
22 pursuant thereto.

23 (2) When the board finds any person guilty of any of  
24 the acts set forth in subsection (1), the board may enter an  
25 order imposing one or more of the penalties provided in s.  
26 455.624.

27 468.811 Disciplinary proceedings.--

28 (1) The following acts are grounds for disciplinary  
29 action against a licensee and the issuance of cease and desist  
30 orders or other related action by the department, pursuant to  
31

1 s. 455.624, against any person who engages in or aids in a  
2 violation.

3 (a) Attempting to procure a license by fraudulent  
4 misrepresentation.

5 (b) Having a license to practice orthotics,  
6 prosthetics, or pedorthics revoked, suspended, or otherwise  
7 acted against, including the denial of licensure in another  
8 jurisdiction.

9 (c) Being convicted or found guilty of or pleading  
10 nolo contendere to, regardless of adjudication, in any  
11 jurisdiction, a crime that directly relates to the practice of  
12 orthotics, prosthetics, or pedorthics, including violations of  
13 federal laws or regulations regarding orthotics, prosthetics,  
14 or pedorthics.

15 (d) Filing a report or record that the licensee knows  
16 is false, intentionally or negligently failing to file a  
17 report or record required by state or federal law, willfully  
18 impeding or obstructing such filing, or inducing another  
19 person to impede or obstruct such filing. Such reports or  
20 records include only reports or records that are signed in a  
21 person's capacity as a licensee under this act.

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

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

26 (g) Violation of an order of the board, agency, or  
27 department previously entered in a disciplinary hearing or  
28 failure to comply with a subpoena issued by the board, agency,  
29 or department.

30 (h) Practicing with a revoked, suspended, or inactive  
31 license.

1 (i) Gross or repeated malpractice or the failure to  
2 deliver orthotic, prosthetic, or pedorthic services with that  
3 level of care and skill which is recognized by a reasonably  
4 prudent licensed practitioner with similar professional  
5 training as being acceptable under similar conditions and  
6 circumstances.

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

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

13 484.056 Disciplinary proceedings.--

14 (1) The following acts relating to the practice of  
15 dispensing hearing aids shall be grounds for both disciplinary  
16 action against a hearing aid specialist as set forth in this  
17 section and cease and desist or other related action by the  
18 department as set forth in s. 455.637 against any person  
19 owning or operating a hearing aid establishment who engages  
20 in, aids, or abets any such violation:

21 (a) Violation of any provision of s. 455.624(1), s.  
22 484.0512, or s. 484.053.

23 Section 12. Section 455.704, Florida Statutes, is  
24 repealed.

25 Section 13. Subsections (1), (2), and (3) of section  
26 455.707, Florida Statutes, are amended to read:

27 455.707 Treatment programs for impaired  
28 practitioners.--

29 (1) For professions that do not have impaired  
30 practitioner programs provided for in their practice acts, the  
31 department shall, by rule, designate approved impaired

1 practitioner treatment programs under this section. The  
2 department may adopt rules setting forth appropriate criteria  
3 for approval of treatment providers ~~based on the policies and~~  
4 ~~guidelines established by the Impaired Practitioners~~  
5 ~~Committee~~. The rules may ~~must~~ specify the manner in which the  
6 consultant, retained as set forth in subsection (2), works  
7 with the department in intervention, requirements for  
8 evaluating and treating a professional, and requirements for  
9 the continued care and monitoring of a professional by the  
10 consultant by an approved ~~at a department-approved~~ treatment  
11 provider. ~~The department shall not compel any impaired~~  
12 ~~practitioner program in existence on October 1, 1992, to serve~~  
13 ~~additional professions.~~

14 (2) The department shall retain one or more impaired  
15 practitioner consultants ~~as recommended by the committee~~. A  
16 consultant shall be a licensee ~~or recovered licensee~~ under the  
17 jurisdiction of the Division of Medical Quality Assurance  
18 within the department, and at least one consultant must be a  
19 practitioner or recovered practitioner licensed under chapter  
20 458, chapter 459, or chapter 464. The consultant shall assist  
21 the probable cause panel and department in carrying out the  
22 responsibilities of this section. This shall include working  
23 with department investigators to determine whether a  
24 practitioner is, in fact, impaired.

25 (3)(a) Whenever the department receives a written or  
26 oral legally sufficient complaint alleging that a licensee  
27 under the jurisdiction of the Division of Medical Quality  
28 Assurance within the department is impaired as a result of the  
29 misuse or abuse of alcohol or drugs, or both, or due to a  
30 mental or physical condition which could affect the licensee's  
31 ability to practice with skill and safety, and no complaint

1 against the licensee other than impairment exists, the  
2 reporting of such information shall not constitute grounds for  
3 discipline pursuant to s. 455.624 or the corresponding grounds  
4 for discipline within the applicable practice act ~~a complaint~~  
5 ~~within the meaning of s. 455.621~~ if the probable cause panel  
6 of the appropriate board, or the department when there is no  
7 board, finds:

8 1. The licensee has acknowledged the impairment  
9 problem.

10 2. The licensee has voluntarily enrolled in an  
11 appropriate, approved treatment program.

12 3. The licensee has voluntarily withdrawn from  
13 practice or limited the scope of practice as required by the  
14 consultant ~~determined by the panel, or the department when~~  
15 ~~there is no board~~, in each case, until such time as the panel,  
16 or the department when there is no board, is satisfied the  
17 licensee has successfully completed an approved treatment  
18 program.

19 4. The licensee has executed releases for medical  
20 records, authorizing the release of all records of  
21 evaluations, diagnoses, and treatment of the licensee,  
22 including records of treatment for emotional or mental  
23 conditions, to the consultant. The consultant shall make no  
24 copies or reports of records that do not regard the issue of  
25 the licensee's impairment and his or her participation in a  
26 treatment program.

27 (b) If, however, the department has not received a  
28 legally sufficient complaint and the licensee agrees to  
29 withdraw from practice until such time as the consultant  
30 determines the licensee has satisfactorily completed an  
31 approved treatment program or evaluation, the probable cause

1 panel, or the department when there is no board, shall not  
2 become involved in the licensee's case.

3 (c) Inquiries related to impairment treatment programs  
4 designed to provide information to the licensee and others and  
5 which do not indicate that the licensee presents a danger to  
6 the public shall not constitute a complaint within the meaning  
7 of s. 455.621 and shall be exempt from the provisions of this  
8 subsection.

9 (d) Whenever the department receives a legally  
10 sufficient complaint alleging that a licensee is impaired as  
11 described in paragraph (a) and no complaint against the  
12 licensee other than impairment exists, the department shall  
13 forward all information in its possession regarding the  
14 impaired licensee to the consultant. For the purposes of this  
15 section, a suspension from hospital staff privileges due to  
16 the impairment does not constitute a complaint.

17 (e) The probable cause panel, or the department when  
18 there is no board, shall work directly with the consultant,  
19 and all information concerning a practitioner obtained from  
20 the consultant by the panel, or the department when there is  
21 no board, shall remain confidential and exempt from the  
22 provisions of s. 119.07(1), subject to the provisions of  
23 subsections (5) and (6).

24 (f) A finding of probable cause shall not be made as  
25 long as the panel, or the department when there is no board,  
26 is satisfied, based upon information it receives from the  
27 consultant and the department, that the licensee is  
28 progressing satisfactorily in an approved impaired  
29 practitioner ~~treatment~~ program and no other complaint against  
30 the licensee exists.

31

1           Section 14. Subsection (1) of section 310.102, Florida  
2 Statutes, is amended to read:

3           310.102 Treatment programs for impaired pilots and  
4 deputy pilots.--

5           (1) The department shall, by rule, designate approved  
6 treatment programs for impaired pilots and deputy pilots under  
7 this section. The department may adopt rules setting forth  
8 appropriate criteria for approval of treatment providers ~~based~~  
9 ~~on the policies and guidelines established by the Impaired~~  
10 ~~Practitioners Committee under s. 455.704.~~

11           Section 15. Section 455.711, Florida Statutes, is  
12 amended to read:

13           455.711 Licenses; active and inactive ~~and delinquent~~  
14 ~~status; delinquency~~.--

15           (1) A licensee may practice a profession only if the  
16 licensee has an active status license. A licensee who  
17 practices a profession without an active status license is in  
18 violation of this section and s. 455.624, and the board, or  
19 the department if there is no board, may impose discipline on  
20 the licensee.

21           (2) Each board, or the department if there is no  
22 board, shall permit a licensee to choose, at the time of  
23 licensure renewal, an active or inactive status. ~~However, a~~  
24 ~~licensee who changes from inactive to active status is not~~  
25 ~~eligible to return to inactive status until the licensee~~  
26 ~~thereafter completes a licensure cycle on active status.~~

27           (3) Each board, or the department if there is no  
28 board, shall by rule impose a fee for renewal of an active or  
29 inactive status license. The renewal fee for an inactive  
30 status license may not exceed ~~which is no greater than~~ the fee  
31 for an active status license.

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

3           (a) Active status licensees choosing inactive status  
4 at the time of license renewal must pay the inactive status  
5 renewal fee, and, if applicable, the delinquency fee and the  
6 fee to change licensure status. Active status licensees  
7 choosing inactive status at any other time than at the time of  
8 license renewal must pay the fee to change licensure status.

9           (b) An inactive status licensee may change to active  
10 status at any time, if the licensee meets all requirements for  
11 active status, ~~pays any additional licensure fees necessary to~~  
12 ~~equal those imposed on an active status licensee, pays any~~  
13 ~~applicable reactivation fees as set by the board, or the~~  
14 ~~department if there is no board, and meets all continuing~~  
15 ~~education requirements as specified in this section. Inactive~~  
16 ~~status licensees choosing active status at the time of license~~  
17 ~~renewal must pay the active status renewal fee, any applicable~~  
18 ~~reactivation fees as set by the board, or the department if~~  
19 ~~there is no board, and, if applicable, the delinquency fee and~~  
20 ~~the fee to change licensure status. Inactive status licensees~~  
21 ~~choosing active status at any other time than at the time of~~  
22 ~~license renewal must pay the difference between the inactive~~  
23 ~~status renewal fee and the active status renewal fee, if any~~  
24 ~~exists, any applicable reactivation fees as set by the board,~~  
25 ~~or the department if there is no board, and the fee to change~~  
26 ~~licensure status.~~

27           (5) A licensee must apply with a complete application,  
28 as defined by rule of the board, or the department if there is  
29 no board, to renew an active ~~status~~ or inactive status license  
30 before the license expires. If a licensee fails to renew  
31



1 before the license expires, the license becomes delinquent in  
2 the license cycle following expiration.

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

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

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

23 (9) Each board, or the department if there is no  
24 board, may by rule impose reasonable conditions, excluding  
25 full reexamination but including part of a national  
26 examination or a special purpose examination to assess current  
27 competency, necessary to ensure that a licensee who has been  
28 on inactive status for more than two consecutive biennial  
29 licensure cycles and who applies for active status can  
30 practice with the care and skill sufficient to protect the  
31 health, safety, and welfare of the public. Reactivation

1 requirements may differ depending on the length of time  
2 licensees are inactive. The costs to meet reactivation  
3 requirements shall be borne by licensees requesting  
4 reactivation.

5 (10) Before reactivation, an inactive status licensee  
6 or a delinquent licensee who was inactive prior to becoming  
7 delinquent must meet the same continuing education  
8 requirements, if any, imposed on an active status licensee for  
9 all biennial licensure periods in which the licensee was  
10 inactive or delinquent.

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

17 (12) This section does not apply to a business  
18 establishment registered, permitted, or licensed by the  
19 department to do business.

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

23 Section 16. Subsection (3) of section 455.587, Florida  
24 Statutes, is amended to read:

25 455.587 Fees; receipts; disposition.--

26 (3) Each board, or the department if there is no  
27 board, may, by rule, assess and collect a one-time fee from  
28 each active status licensee and each ~~voluntary~~ inactive status  
29 licensee in an amount necessary to eliminate a cash deficit  
30 or, if there is not a cash deficit, in an amount sufficient to  
31 maintain the financial integrity of the professions as

1 required in this section. Not more than one such assessment  
2 may be made in any 4-year period without specific legislative  
3 authorization.

4 Section 17. Subsection (1) of section 455.714, Florida  
5 Statutes, is amended to read:

6 455.714 Renewal and cancellation notices.--

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

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

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

15 Section 18. Section 455.719, Florida Statutes, is  
16 created to read:

17 455.719 Health care professionals; exemption from  
18 disqualification from employment or contracting.--Any other  
19 provision of law to the contrary notwithstanding, only the  
20 appropriate regulatory board, or the department when there is  
21 no board, may grant an exemption from disqualification from  
22 employment or contracting as provided in s. 435.07 to a person  
23 under the licensing jurisdiction of that board or the  
24 department, as applicable.

25 Section 19. Paragraph (a) of subsection (4) of section  
26 943.0585, Florida Statutes, is amended to read:

27 943.0585 Court-ordered expunction of criminal history  
28 records.--The courts of this state have jurisdiction over  
29 their own procedures, including the maintenance, expunction,  
30 and correction of judicial records containing criminal history  
31 information to the extent such procedures are not inconsistent

1 with the conditions, responsibilities, and duties established  
2 by this section. Any court of competent jurisdiction may  
3 order a criminal justice agency to expunge the criminal  
4 history record of a minor or an adult who complies with the  
5 requirements of this section. The court shall not order a  
6 criminal justice agency to expunge a criminal history record  
7 until the person seeking to expunge a criminal history record  
8 has applied for and received a certificate of eligibility for  
9 expunction pursuant to subsection (2). A criminal history  
10 record that relates to a violation of chapter 794, s. 800.04,  
11 s. 817.034, s. 827.071, chapter 839, s. 893.135, or a  
12 violation enumerated in s. 907.041 may not be expunged,  
13 without regard to whether adjudication was withheld, if the  
14 defendant was found guilty of or pled guilty or nolo  
15 contendere to the offense, or if the defendant, as a minor,  
16 was found to have committed, or pled guilty or nolo contendere  
17 to committing, the offense as a delinquent act. The court may  
18 only order expunction of a criminal history record pertaining  
19 to one arrest or one incident of alleged criminal activity,  
20 except as provided in this section. The court may, at its sole  
21 discretion, order the expunction of a criminal history record  
22 pertaining to more than one arrest if the additional arrests  
23 directly relate to the original arrest. If the court intends  
24 to order the expunction of records pertaining to such  
25 additional arrests, such intent must be specified in the  
26 order. A criminal justice agency may not expunge any record  
27 pertaining to such additional arrests if the order to expunge  
28 does not articulate the intention of the court to expunge a  
29 record pertaining to more than one arrest. This section does  
30 not prevent the court from ordering the expunction of only a  
31 portion of a criminal history record pertaining to one arrest

1 or one incident of alleged criminal activity. Notwithstanding  
2 any law to the contrary, a criminal justice agency may comply  
3 with laws, court orders, and official requests of other  
4 jurisdictions relating to expunction, correction, or  
5 confidential handling of criminal history records or  
6 information derived therefrom. This section does not confer  
7 any right to the expunction of any criminal history record,  
8 and any request for expunction of a criminal history record  
9 may be denied at the sole discretion of the court.

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

24 (a) The person who is the subject of a criminal  
25 history record that is expunged under this section or under  
26 other provisions of law, including former s. 893.14, former s.  
27 901.33, and former s. 943.058, may lawfully deny or fail to  
28 acknowledge the arrests covered by the expunged record, except  
29 when the subject of the record:

30 1. Is a candidate for employment with a criminal  
31 justice agency;

- 1           2. Is a defendant in a criminal prosecution;  
2           3. Concurrently or subsequently petitions for relief  
3 under this section or s. 943.059;  
4           4. Is a candidate for admission to The Florida Bar;  
5           5. Is seeking to be employed or licensed by or to  
6 contract with the Department of Children and Family Services  
7 or the Department of Juvenile Justice or to be employed or  
8 used by such contractor or licensee in a sensitive position  
9 having direct contact with children, the developmentally  
10 disabled, the aged, or the elderly as provided in s.  
11 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.  
12 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.  
13 415.1075(4), s. 985.407, or chapter 400; ~~or~~  
14           6. Is seeking to be employed or licensed by the Office  
15 of Teacher Education, Certification, Staff Development, and  
16 Professional Practices of the Department of Education, any  
17 district school board, or any local governmental entity that  
18 licenses child care facilities; ~~or-~~  
19           7. Is seeking to be employed or licensed by or to  
20 contract with the Department of Health or to be employed or  
21 used by such contractor or licensee in a sensitive position  
22 having direct contact with children, the developmentally  
23 disabled, the aged, or the elderly as provided in s.  
24 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.  
25 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.  
26 415.1075(4), s. 985.407, or chapter 400.

27           Section 20. Paragraph (a) of subsection (4) of section  
28 943.059, Florida Statutes, is amended to read:

29           943.059 Court-ordered sealing of criminal history  
30 records.--The courts of this state shall continue to have  
31 jurisdiction over their own procedures, including the

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

1 prevent the court from ordering the sealing of only a portion  
2 of a criminal history record pertaining to one arrest or one  
3 incident of alleged criminal activity. Notwithstanding any law  
4 to the contrary, a criminal justice agency may comply with  
5 laws, court orders, and official requests of other  
6 jurisdictions relating to sealing, correction, or confidential  
7 handling of criminal history records or information derived  
8 therefrom. This section does not confer any right to the  
9 sealing of any criminal history record, and any request for  
10 sealing a criminal history record may be denied at the sole  
11 discretion of the court.

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

22 (a) The subject of a criminal history record sealed  
23 under this section or under other provisions of law, including  
24 former s. 893.14, former s. 901.33, and former s. 943.058, may  
25 lawfully deny or fail to acknowledge the arrests covered by  
26 the sealed record, except when the subject of the record:

- 27 1. Is a candidate for employment with a criminal  
28 justice agency;
- 29 2. Is a defendant in a criminal prosecution;
- 30 3. Concurrently or subsequently petitions for relief  
31 under this section or s. 943.0585;



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

2 5. Is seeking to be employed or licensed by or to  
3 contract with the Department of Children and Family Services  
4 or the Department of Juvenile Justice or to be employed or  
5 used by such contractor or licensee in a sensitive position  
6 having direct contact with children, the developmentally  
7 disabled, the aged, or the elderly as provided in s.  
8 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.  
9 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.  
10 415.103, s. 985.407, or chapter 400; ~~or~~

11 6. Is seeking to be employed or licensed by or to  
12 contract with the Department of Health or to be employed or  
13 used by such contractor or licensee in a sensitive position  
14 having direct contact with children, the developmentally  
15 disabled, the aged, or the elderly as provided in s.  
16 110.1127(3), s.393.063(15), s. 394.4572(1), s. 397.451, s.  
17 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.  
18 415.1075(4), s. 985.407, or chapter 400; or

19 ~~7.6.~~ Is seeking to be employed or licensed by the  
20 Office of Teacher Education, Certification, Staff Development,  
21 and Professional Practices of the Department of Education, any  
22 district school board, or any local governmental entity which  
23 licenses child care facilities.

24 Section 21. Section 455.637, Florida Statutes, is  
25 amended to read:

26 455.637 Unlicensed practice of a health care  
27 profession; intent; cease and desist notice; penalties civil  
28 penalty; enforcement; citations; fees; allocation and  
29 disposition of moneys collected.--

30 (1) It is the intent of the Legislature that vigorous  
31 enforcement of licensure regulation for all health care

1 professions is a state priority in order to protect Florida  
 2 residents and visitors from the potentially serious and  
 3 dangerous consequences of receiving medical and health care  
 4 services from unlicensed persons whose professional education  
 5 and training and other relevant qualifications have not been  
 6 approved through the issuance of a license by the appropriate  
 7 regulatory board or the department when there is no board. The  
 8 unlicensed practice of a health care profession or the  
 9 performance or delivery of medical or health care services to  
 10 patients in this state without a valid, active license to  
 11 practice that profession, regardless of the means of the  
 12 performance or delivery of such services, is strictly  
 13 prohibited.

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

16 (a)~~(1)~~ When the department has probable cause to  
 17 believe that any person not licensed by the department, or the  
 18 appropriate regulatory board within the department, has  
 19 violated any provision of this part or any statute that  
 20 relates to the practice of a profession regulated by the  
 21 department, or any rule adopted pursuant thereto, the  
 22 department may issue and deliver to such person a notice to  
 23 cease and desist from such violation. In addition, the  
 24 department may issue and deliver a notice to cease and desist  
 25 to any person who aids and abets the unlicensed practice of a  
 26 profession by employing such unlicensed person. The issuance  
 27 of a notice to cease and desist shall not constitute agency  
 28 action for which a hearing under ss. 120.569 and 120.57 may be  
 29 sought. For the purpose of enforcing a cease and desist order,  
 30 the department may file a proceeding in the name of the state

31

1 seeking issuance of an injunction or a writ of mandamus  
2 against any person who violates any provisions of such order.

3 (b) In addition to the ~~foregoing~~ remedies under  
4 paragraph (a), the department may impose by citation an  
5 administrative penalty not to exceed \$5,000 per incident  
6 ~~pursuant to the provisions of chapter 120 or may issue a~~  
7 ~~citation pursuant to the provisions of subsection (3).~~ The  
8 citation shall be issued to the subject and shall contain the  
9 subject's name and any other information the department  
10 determines to be necessary to identify the subject, a brief  
11 factual statement, the sections of the law allegedly violated,  
12 and the penalty imposed. If the subject does not dispute the  
13 matter in the citation with the department within 30 days  
14 after the citation is served, the citation shall become a  
15 final order of the department. The department may adopt rules  
16 to implement this section. The penalty shall be a fine of not  
17 less than \$500 nor more than \$5,000 as established by rule of  
18 the department. Each day that the unlicensed practice  
19 continues after issuance of a notice to cease and desist  
20 constitutes a separate violation. The department shall be  
21 entitled to recover the costs of investigation and prosecution  
22 in addition to the fine levied pursuant to the citation.  
23 Service of a citation may be made by personal service or by  
24 mail to the subject at the subject's last known address or  
25 place of practice. ~~If the department is required to seek~~  
26 ~~enforcement of the cease and desist or agency order for a~~  
27 ~~penalty pursuant to s. 120.569, it shall be entitled to~~  
28 ~~collect its attorney's fees and costs, together with any cost~~  
29 ~~of collection.~~

30 (c)(2) In addition to or in lieu of any other  
31 administrative remedy ~~provided in subsection (1)~~, the

1 department may seek the imposition of a civil penalty through  
2 the circuit court for any violation for which the department  
3 may issue a notice to cease and desist ~~under subsection (1)~~.  
4 The civil penalty shall be no less than \$500 and no more than  
5 \$5,000 for each offense. The court may also award to the  
6 prevailing party court costs and reasonable attorney fees and,  
7 in the event the department prevails, may also award  
8 reasonable costs of investigation and prosecution.

9 (d) In addition to the administrative and civil  
10 remedies under paragraphs (b) and (c) and in addition to the  
11 criminal violations and penalties listed in the individual  
12 health care practice acts:

13 1. It is a felony of the third degree, punishable as  
14 provided in s. 775.082, s. 775.083, or s. 775.084, to  
15 practice, attempt to practice, or offer to practice a health  
16 care profession without an active, valid Florida license to  
17 practice that profession. Practicing without an active, valid  
18 license also includes practicing on a suspended, revoked, or  
19 void license, but does not include practicing, attempting to  
20 practice, or offering to practice with an inactive or  
21 delinquent license for a period of up to 12 months which is  
22 addressed in subparagraph 3. Applying for employment for a  
23 position that requires a license without notifying the  
24 employer that the person does not currently possess a valid,  
25 active license to practice that profession shall be deemed to  
26 be an attempt or offer to practice that health care profession  
27 without a license. Holding oneself out, regardless of the  
28 means of communication, as able to practice a health care  
29 profession or as able to provide services that require a  
30 health care license shall be deemed to be an attempt or offer  
31 to practice such profession without a license. The minimum

1 penalty for violating this subparagraph shall be a fine of  
2 \$1,000 and a minimum mandatory period of incarceration of 1  
3 year.

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

16 3. It is a misdemeanor of the first degree, punishable  
17 as provided in s. 775.082 or s. 775.083, to practice, attempt  
18 to practice, or offer to practice a health care profession  
19 with an inactive or delinquent license for any period of time  
20 up to 12 months. However, practicing, attempting to practice,  
21 or offering to practice a health care profession when that  
22 person's license has been inactive or delinquent for a period  
23 of time of 12 months or more shall be a felony of the third  
24 degree, punishable as provided in s. 775.082, s. 775.083, or  
25 s. 775.084. The minimum penalty for violating this  
26 subparagraph shall be a term of imprisonment of 30 days and a  
27 fine of \$500.

28 (3) Because all enforcement costs should be covered by  
29 professions regulated by the department, the department shall  
30 impose, upon initial licensure and each licensure renewal, a  
31 special fee of \$5 per licensee to fund efforts to combat

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

23 ~~(3)(a) Notwithstanding the provisions of s. 455.621,~~  
24 ~~the department shall adopt rules to permit the issuance of~~  
25 ~~citations for unlicensed practice of a profession. The~~  
26 ~~citation shall be issued to the subject and shall contain the~~  
27 ~~subject's name and any other information the department~~  
28 ~~determines to be necessary to identify the subject, a brief~~  
29 ~~factual statement, the sections of the law allegedly violated,~~  
30 ~~and the penalty imposed. The citation must clearly state that~~  
31 ~~the subject may choose, in lieu of accepting the citation, to~~

1 ~~follow the procedure under s. 455.621. If the subject disputes~~  
2 ~~the matter in the citation, the procedures set forth in s.~~  
3 ~~455.621 must be followed. However, if the subject does not~~  
4 ~~dispute the matter in the citation with the department within~~  
5 ~~30 days after the citation is served, the citation shall~~  
6 ~~become a final order of the department. The penalty shall be a~~  
7 ~~fine of not less than \$500 or more than \$5,000 or other~~  
8 ~~conditions as established by rule.~~

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

11 ~~(c) The department shall be entitled to recover the~~  
12 ~~costs of investigation, in addition to any penalty provided~~  
13 ~~according to department rule as part of the penalty levied~~  
14 ~~pursuant to the citation.~~

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

18 ~~(4) All fines, fees, and costs collected through the~~  
19 ~~procedures set forth in this section shall be allocated to the~~  
20 ~~professions in the manner provided for in s. 455.641 for the~~  
21 ~~allocation of the fees assessed and collected to combat~~  
22 ~~unlicensed practice of a profession.~~

23 ~~(4)(5) The provisions of this section apply only to~~  
24 ~~health care the professional practice acts administered by the~~  
25 ~~department.~~

26 ~~(5) Nothing herein shall be construed to limit or~~  
27 ~~restrict the sale, use, or recommendation of the use of a~~  
28 ~~dietary supplement, as defined by the Food, Drug, and Cosmetic~~  
29 ~~Act, Title 21, s. 321, so long as the person selling, using,~~  
30 ~~or recommending the dietary supplement does so in compliance~~  
31 ~~with federal and state law.~~

1           Section 22. The amendment of s. 455.637, Florida  
2 Statutes, by this act applies to offenses committed on or  
3 after the effective date of such section.

4           Section 23. Section 455.641, Florida Statutes, is  
5 repealed.

6           Section 24. For the purpose of incorporating the  
7 amendment to section 455.637, Florida Statutes, in references  
8 thereto, the sections or subdivisions of Florida Statutes set  
9 forth below are reenacted to read:

10           455.574 Department of Health; examinations.--

11           (1)

12           (d) Each board, or the department when there is no  
13 board, shall adopt rules regarding the security and monitoring  
14 of examinations. The department shall implement those rules  
15 adopted by the respective boards. In order to maintain the  
16 security of examinations, the department may employ the  
17 procedures set forth in s. 455.637 to seek fines and  
18 injunctive relief against an examinee who violates the  
19 provisions of s. 455.577 or the rules adopted pursuant to this  
20 paragraph. The department, or any agent thereof, may, for the  
21 purposes of investigation, confiscate any written,  
22 photographic, or recording material or device in the  
23 possession of the examinee at the examination site which the  
24 department deems necessary to enforce such provisions or  
25 rules.

26           468.1295 Disciplinary proceedings.--

27           (1) The following acts constitute grounds for both  
28 disciplinary actions as set forth in subsection (2) and cease  
29 and desist or other related actions by the department as set  
30 forth in s. 455.637:



1 (a) Procuring or attempting to procure a license by  
2 bribery, by fraudulent misrepresentation, or through an error  
3 of the department or the board.

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

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

11 (d) Making or filing a report or record which the  
12 licensee knows to be false, intentionally or negligently  
13 failing to file a report or records required by state or  
14 federal law, willfully impeding or obstructing such filing, or  
15 inducing another person to impede or obstruct such filing.  
16 Such report or record shall include only those reports or  
17 records which are signed in one's capacity as a licensed  
18 speech-language pathologist or audiologist.

19 (e) Advertising goods or services in a manner which is  
20 fraudulent, false, deceptive, or misleading in form or  
21 content.

22 (f) Being proven guilty of fraud or deceit or of  
23 negligence, incompetency, or misconduct in the practice of  
24 speech-language pathology or audiology.

25 (g) Violating a lawful order of the board or  
26 department previously entered in a disciplinary hearing, or  
27 failing to comply with a lawfully issued subpoena of the board  
28 or department.

29 (h) Practicing with a revoked, suspended, inactive, or  
30 delinquent license.

31

1           (i) Using, or causing or promoting the use of, any  
2 advertising matter, promotional literature, testimonial,  
3 guarantee, warranty, label, brand, insignia, or other  
4 representation, however disseminated or published, which is  
5 misleading, deceiving, or untruthful.

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

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

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

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

19           (n) Misrepresenting the professional services  
20 available in the fitting, sale, adjustment, service, or repair  
21 of a hearing aid, or using any other term or title which might  
22 connote the availability of professional services when such  
23 use is not accurate.

24           (o) Representing, advertising, or implying that a  
25 hearing aid or its repair is guaranteed without providing full  
26 disclosure of the identity of the guarantor; the nature,  
27 extent, and duration of the guarantee; and the existence of  
28 conditions or limitations imposed upon the guarantee.

29           (p) Representing, directly or by implication, that a  
30 hearing aid utilizing bone conduction has certain specified  
31 features, such as the absence of anything in the ear or

1 leading to the ear, or the like, without disclosing clearly  
2 and conspicuously that the instrument operates on the bone  
3 conduction principle and that in many cases of hearing loss  
4 this type of instrument may not be suitable.

5 (q) Stating or implying that the use of any hearing  
6 aid will improve or preserve hearing or prevent or retard the  
7 progression of a hearing impairment or that it will have any  
8 similar or opposite effect.

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

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

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

20 (u) Failing to notify the department in writing of a  
21 change in current mailing and place-of-practice address within  
22 30 days after such change.

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

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

28 (x) Practicing or offering to practice beyond the  
29 scope permitted by law or accepting and performing  
30 professional responsibilities the licensee or  
31

1 certificateholder knows, or has reason to know, the licensee  
2 or certificateholder is not competent to perform.

3 (y) Aiding, assisting, procuring, or employing any  
4 unlicensed person to practice speech-language pathology or  
5 audiology.

6 (z) Delegating or contracting for the performance of  
7 professional responsibilities by a person when the licensee  
8 delegating or contracting for performance of such  
9 responsibilities knows, or has reason to know, such person is  
10 not qualified by training, experience, and authorization to  
11 perform them.

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

15 (bb) Being unable to practice the profession for which  
16 he or she is licensed or certified under this chapter with  
17 reasonable skill or competence as a result of any mental or  
18 physical condition or by reason of illness, drunkenness, or  
19 use of drugs, narcotics, chemicals, or any other substance. In  
20 enforcing this paragraph, upon a finding by the secretary, his  
21 or her designee, or the board that probable cause exists to  
22 believe that the licensee or certificateholder is unable to  
23 practice the profession because of the reasons stated in this  
24 paragraph, the department shall have the authority to compel a  
25 licensee or certificateholder to submit to a mental or  
26 physical examination by a physician, psychologist, clinical  
27 social worker, marriage and family therapist, or mental health  
28 counselor designated by the department or board. If the  
29 licensee or certificateholder refuses to comply with the  
30 department's order directing the examination, such order may  
31 be enforced by filing a petition for enforcement in the

1 circuit court in the circuit in which the licensee or  
2 certificateholder resides or does business. The department  
3 shall be entitled to the summary procedure provided in s.  
4 51.011. A licensee or certificateholder affected under this  
5 paragraph shall at reasonable intervals be afforded an  
6 opportunity to demonstrate that he or she can resume the  
7 competent practice for which he or she is licensed or  
8 certified with reasonable skill and safety to patients.

9 484.014 Disciplinary actions.--

10 (1) The following acts relating to the practice of  
11 opticianry shall be grounds for both disciplinary action  
12 against an optician as set forth in this section and cease and  
13 desist or other related action by the department as set forth  
14 in s. 455.637 against any person operating an optical  
15 establishment who engages in, aids, or abets any such  
16 violation:

17 (a) Procuring or attempting to procure a license by  
18 misrepresentation, bribery, or fraud or through an error of  
19 the department or the board.

20 (b) Procuring or attempting to procure a license for  
21 any other person by making or causing to be made any false  
22 representation.

23 (c) Making or filing a report or record which the  
24 licensee knows to be false, intentionally or negligently  
25 failing to file a report or record required by federal or  
26 state law, willfully impeding or obstructing such filing, or  
27 inducing another person to do so. Such reports or records  
28 shall include only those which the person is required to make  
29 or file as an optician.

30  
31

1 (d) Failing to make fee or price information readily  
2 available by providing such information upon request or upon  
3 the presentation of a prescription.

4 (e) Advertising goods or services in a manner which is  
5 fraudulent, false, deceptive, or misleading in form or  
6 content.

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

9 (g) Violation or repeated violation of this part or of  
10 part II of chapter 455 or any rules promulgated pursuant  
11 thereto.

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

14 (i) Violation of a lawful order of the board or  
15 department previously entered in a disciplinary hearing or  
16 failing to comply with a lawfully issued subpoena of the  
17 department.

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

19 (k) Conspiring with another licensee or with any  
20 person to commit an act, or committing an act, which would  
21 coerce, intimidate, or preclude another licensee from lawfully  
22 advertising her or his services.

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

25 (m) Failing to keep written prescription files.

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

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

1 (p) Gross or repeated malpractice.

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

6 (r) Being convicted or found guilty of, or entering a  
7 plea of nolo contendere to, regardless of adjudication, in a  
8 court of this state or other jurisdiction, a crime which  
9 relates to the ability to practice opticianry or to the  
10 practice of opticianry.

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

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

22 484.056 Disciplinary proceedings.--

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

30 (a) Violation of any provision of s. 455.624(1), s.  
31 484.0512, or s. 484.053.

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

4           (c) Having a license to dispense hearing aids revoked,  
5 suspended, or otherwise acted against, including the denial of  
6 licensure, by the licensing authority of another state,  
7 territory, or country.

8           (d) Being convicted or found guilty of, or entering a  
9 plea of nolo contendere to, regardless of adjudication, a  
10 crime in any jurisdiction which directly relates to the  
11 practice of dispensing hearing aids or the ability to practice  
12 dispensing hearing aids, including violations of any federal  
13 laws or regulations regarding hearing aids.

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

22           (f) Advertising goods or services in a manner which is  
23 fraudulent, false, deceptive, or misleading in form or  
24 content.

25           (g) Proof that the licensee is guilty of fraud or  
26 deceit or of negligence, incompetency, or misconduct in the  
27 practice of dispensing hearing aids.

28           (h) Violation or repeated violation of this part or of  
29 part II of chapter 455, or any rules promulgated pursuant  
30 thereto.

31



1 (i) Violation of a lawful order of the board or  
2 department previously entered in a disciplinary hearing or  
3 failure to comply with a lawfully issued subpoena of the board  
4 or department.

5 (j) Practicing with a revoked, suspended, inactive, or  
6 delinquent license.

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

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

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

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

27 (o) Representing, directly or by implication, that a  
28 hearing aid utilizing bone conduction has certain specified  
29 features, such as the absence of anything in the ear or  
30 leading to the ear, or the like, without disclosing clearly  
31 and conspicuously that the instrument operates on the bone

1 conduction principle and that in many cases of hearing loss  
2 this type of instrument may not be suitable.

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

6 (q) Stating or implying that the use of any hearing  
7 aid will improve or preserve hearing or prevent or retard the  
8 progression of a hearing impairment or that it will have any  
9 similar or opposite effect.

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

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

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

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

25 (v) Failing to provide all information as described in  
26 s. 484.051(1).

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

30 Section 25. Paragraphs (a) and (g) of subsection (3)  
31 of section 921.0022, Florida Statutes, are amended to read:

1           921.0022 Criminal Punishment Code; offense severity  
 2 ranking chart.--  
 3           (3) OFFENSE SEVERITY RANKING CHART  
 4  
 5 Florida           Felony  
 6 Statute           Degree           Description  
 7  
 8                                   (a) LEVEL 1  
 9 24.118(3)(a)       3rd       Counterfeit or altered state  
 10                                   lottery ticket.  
 11 212.054(2)(b)     3rd       Discretionary sales surtax;  
 12                                   limitations, administration, and  
 13                                   collection.  
 14 212.15(2)(b)     3rd       Failure to remit sales taxes,  
 15                                   amount greater than \$300 but less  
 16                                   than \$20,000.  
 17 319.30(5)         3rd       Sell, exchange, give away  
 18                                   certificate of title or  
 19                                   identification number plate.  
 20 319.35(1)(a)     3rd       Tamper, adjust, change, etc., an  
 21                                   odometer.  
 22 320.26(1)(a)     3rd       Counterfeit, manufacture, or sell  
 23                                   registration license plates or  
 24                                   validation stickers.  
 25 322.212(1)       3rd       Possession of forged, stolen,  
 26                                   counterfeit, or unlawfully issued  
 27                                   driver's license; possession of  
 28                                   simulated identification.  
 29 322.212(4)       3rd       Supply or aid in supplying  
 30                                   unauthorized driver's license or  
 31                                   identification card.

1	322.212(5)(a)	3rd	False application for driver's
2			license or identification card.
3	370.13(3)(a)	3rd	Molest any stone crab trap, line,
4			or buoy which is property of
5			licenseholder.
6	370.135(1)	3rd	Molest any blue crab trap, line,
7			or buoy which is property of
8			licenseholder.
9	372.663(1)	3rd	Poach any alligator or
10			crocodilia.
11	414.39(2)	3rd	Unauthorized use, possession,
12			forgery, or alteration of food
13			stamps, Medicaid ID, value
14			greater than \$200.
15	414.39(3)(a)	3rd	Fraudulent misappropriation of
16			public assistance funds by
17			employee/official, value more
18			than \$200.
19	443.071(1)	3rd	False statement or representation
20			to obtain or increase
21			unemployment compensation
22			benefits.
23	<del>458.327(1)(a)</del>	<del>3rd</del>	<del>Unlicensed practice of medicine.</del>
24	<del>466.026(1)(a)</del>	<del>3rd</del>	<del>Unlicensed practice of dentistry</del>
25			<del>or dental hygiene.</del>
26	509.151(1)	3rd	Defraud an innkeeper, food or
27			lodging value greater than \$300.
28	517.302(1)	3rd	Violation of the Florida
29			Securities and Investor
30			Protection Act.
31	562.27(1)	3rd	Possess still or still apparatus.

1	713.69	3rd	Tenant removes property upon
2			which lien has accrued, value
3			more than \$50.
4	812.014(3)(c)	3rd	Petit theft (3rd conviction);
5			theft of any property not
6			specified in subsection (2).
7	812.081(2)	3rd	Unlawfully makes or causes to be
8			made a reproduction of a trade
9			secret.
10	815.04(4)(a)	3rd	Offense against intellectual
11			property (i.e., computer
12			programs, data).
13	817.52(2)	3rd	Hiring with intent to defraud,
14			motor vehicle services.
15	826.01	3rd	Bigamy.
16	828.122(3)	3rd	Fighting or baiting animals.
17	831.04(1)	3rd	Any erasure, alteration, etc., of
18			any replacement deed, map, plat,
19			or other document listed in s.
20			92.28.
21	831.31(1)(a)	3rd	Sell, deliver, or possess
22			counterfeit controlled
23			substances, all but s. 893.03(5)
24			drugs.
25	832.041(1)	3rd	Stopping payment with intent to
26			defraud \$150 or more.
27	832.05		
28	(2)(b)&(4)(c)	3rd	Knowing, making, issuing
29			worthless checks \$150 or more or
30			obtaining property in return for
31			worthless check \$150 or more.

1	838.015(3)	3rd	Bribery.
2	838.016(1)	3rd	Public servant receiving unlawful
3			compensation.
4	838.15(2)	3rd	Commercial bribe receiving.
5	838.16	3rd	Commercial bribery.
6	843.18	3rd	Fleeing by boat to elude a law
7			enforcement officer.
8	847.011(1)(a)	3rd	Sell, distribute, etc., obscene,
9			lewd, etc., material (2nd
10			conviction).
11	849.01	3rd	Keeping gambling house.
12	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc.,
13			or assist therein, conduct or
14			advertise drawing for prizes, or
15			dispose of property or money by
16			means of lottery.
17	849.23	3rd	Gambling-related machines;
18			"common offender" as to property
19			rights.
20	849.25(2)	3rd	Engaging in bookmaking.
21	860.08	3rd	Interfere with a railroad signal.
22	860.13(1)(a)	3rd	Operate aircraft while under the
23			influence.
24	893.13(2)(a)2.	3rd	Purchase of cannabis.
25	893.13(6)(a)	3rd	Possession of cannabis (more than
26			20 grams).
27	893.13(7)(a)10.	3rd	Affix false or forged label to
28			package of controlled substance.
29	934.03(1)(a)	3rd	Intercepts, or procures any other
30			person to intercept, any wire or
31			oral communication.

1			(g) LEVEL 7
2	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
3			injury.
4	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
5			bodily injury.
6	402.319(2)	2nd	Misrepresentation and negligence
7			or intentional act resulting in
8			great bodily harm, permanent
9			disfiguration, permanent
10			disability, or death.
11	409.920(2)	3rd	Medicaid provider fraud.
12	<u>455.637(2)</u>	<u>3rd</u>	<u>Practicing a health care</u>
13			<u>profession without a license.</u>
14	<u>455.637(2)</u>	<u>2nd</u>	<u>Practicing a health care</u>
15			<u>profession without a license</u>
16			<u>which results in serious bodily</u>
17			<u>injury.</u>
18	<u>458.327(1)</u>	<u>3rd</u>	<u>Practicing medicine without a</u>
19			<u>license.</u>
20	<u>459.013(1)</u>	<u>3rd</u>	<u>Practicing osteopathic medicine</u>
21			<u>without a license.</u>
22	<u>460.411(1)</u>	<u>3rd</u>	<u>Practicing chiropractic medicine</u>
23			<u>without a license.</u>
24	<u>461.012(1)</u>	<u>3rd</u>	<u>Practicing podiatric medicine</u>
25			<u>without a license.</u>
26	<u>462.17</u>	<u>3rd</u>	<u>Practicing naturopathy without a</u>
27			<u>license.</u>
28	<u>463.015(1)</u>	<u>3rd</u>	<u>Practicing optometry without a</u>
29			<u>license.</u>
30	<u>464.016(1)</u>	<u>3rd</u>	<u>Practicing nursing without a</u>
31			<u>license.</u>

1	<u>465.015(2)</u>	<u>3rd</u>	<u>Practicing pharmacy without a</u>
2			<u>license.</u>
3	<u>466.026(1)</u>	<u>3rd</u>	<u>Practicing dentistry or dental</u>
4			<u>hygiene without a license.</u>
5	<u>467.201</u>	<u>3rd</u>	<u>Practicing midwifery without a</u>
6			<u>license.</u>
7	<u>468.366</u>	<u>3rd</u>	<u>Delivering respiratory care</u>
8			<u>services without a license.</u>
9	<u>483.828(1)</u>	<u>3rd</u>	<u>Practicing as clinical laboratory</u>
10			<u>personnel without a license.</u>
11	<u>483.901(9)</u>	<u>3rd</u>	<u>Practicing medical physics</u>
12			<u>without a license.</u>
13	<u>484.053</u>	<u>3rd</u>	<u>Dispensing hearing aids without a</u>
14			<u>license.</u>
15	494.0018(2)	1st	Conviction of any violation of
16			ss. 494.001-494.0077 in which the
17			total money and property
18			unlawfully obtained exceeded
19			\$50,000 and there were five or
20			more victims.
21	782.051(3)	2nd	Attempted felony murder of a
22			person by a person other than the
23			perpetrator or the perpetrator of
24			an attempted felony.
25	782.07(1)	2nd	Killing of a human being by the
26			act, procurement, or culpable
27			negligence of another
28			(manslaughter).
29			
30			
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1	782.071	2nd	Killing of human being or viable
2			fetus by the operation of a motor
3			vehicle in a reckless manner
4			(vehicular homicide).
5	782.072	2nd	Killing of a human being by the
6			operation of a vessel in a
7			reckless manner (vessel
8			homicide).
9	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
10			causing great bodily harm or
11			disfigurement.
12	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
13			weapon.
14	784.045(1)(b)	2nd	Aggravated battery; perpetrator
15			aware victim pregnant.
16	784.048(4)	3rd	Aggravated stalking; violation of
17			injunction or court order.
18	784.07(2)(d)	1st	Aggravated battery on law
19			enforcement officer.
20	784.08(2)(a)	1st	Aggravated battery on a person 65
21			years of age or older.
22	784.081(1)	1st	Aggravated battery on specified
23			official or employee.
24	784.082(1)	1st	Aggravated battery by detained
25			person on visitor or other
26			detainee.
27	784.083(1)	1st	Aggravated battery on code
28			inspector.
29	790.07(4)	1st	Specified weapons violation
30			subsequent to previous conviction
31			of s. 790.07(1) or (2).

1	790.16(1)	1st	Discharge of a machine gun under
2			specified circumstances.
3	796.03	2nd	Procuring any person under 16
4			years for prostitution.
5	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
6			victim less than 12 years of age;
7			offender less than 18 years.
8	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
9			victim 12 years of age or older
10			but less than 16 years; offender
11			18 years or older.
12	806.01(2)	2nd	Maliciously damage structure by
13			fire or explosive.
14	810.02(3)(a)	2nd	Burglary of occupied dwelling;
15			unarmed; no assault or battery.
16	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
17			unarmed; no assault or battery.
18	810.02(3)(d)	2nd	Burglary of occupied conveyance;
19			unarmed; no assault or battery.
20	812.014(2)(a)	1st	Property stolen, valued at
21			\$100,000 or more; property stolen
22			while causing other property
23			damage; 1st degree grand theft.
24	812.019(2)	1st	Stolen property; initiates,
25			organizes, plans, etc., the theft
26			of property and traffics in
27			stolen property.
28	812.131(2)(a)	2nd	Robbery by sudden snatching.
29	812.133(2)(b)	1st	Carjacking; no firearm, deadly
30			weapon, or other weapon.
31			

1	825.102(3)(b)	2nd	Neglecting an elderly person or
2			disabled adult causing great
3			bodily harm, disability, or
4			disfigurement.
5	825.1025(2)	2nd	Lewd or lascivious battery upon
6			an elderly person or disabled
7			adult.
8	825.103(2)(b)	2nd	Exploiting an elderly person or
9			disabled adult and property is
10			valued at \$20,000 or more, but
11			less than \$100,000.
12	827.03(3)(b)	2nd	Neglect of a child causing great
13			bodily harm, disability, or
14			disfigurement.
15	827.04(3)	3rd	Impregnation of a child under 16
16			years of age by person 21 years
17			of age or older.
18	837.05(2)	3rd	Giving false information about
19			alleged capital felony to a law
20			enforcement officer.
21	872.06	2nd	Abuse of a dead human body.
22	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
23			cocaine (or other drug prohibited
24			under s. 893.03(1)(a), (1)(b),
25			(1)(d), (2)(a), or (2)(b)) within
26			1,000 feet of a child care
27			facility or school.
28			
29			
30			
31			

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			

1 893.135

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

5 Section 26. 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 27. 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

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 28. 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 29. 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

1 (b) Advertising podiatric services without an active  
2 license obtained pursuant to this chapter or with a license  
3 fraudulently obtained.

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

6 Section 30. Section 462.17, Florida Statutes, reads:  
7 462.17 Penalty for offenses relating to  
8 naturopathy.--Any person who shall:

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

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

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

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

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

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

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

30 Section 31. Subsection (1) of section 463.015, Florida  
31 Statutes, reads:

1           463.015 Violations and penalties.--

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

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

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

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

12           Section 32. Subsection (1) of section 464.016, Florida  
13 Statutes, reads:

14           464.016 Violations and penalties.--

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

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

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

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

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

28           Section 33. Subsection (2) of section 465.015, Florida  
29 Statutes, reads:

30           465.015 Violations and penalties.--

31           (2) It is unlawful for any person:



1 (a) To make a false or fraudulent statement, either  
2 for herself or himself or for another person, in any  
3 application, affidavit, or statement presented to the board or  
4 in any proceeding before the board.

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

11 (c) To sell or dispense drugs as defined in s.  
12 465.003(8) without first being furnished with a prescription.

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

15 Section 34. Subsection (1) of section 466.026, Florida  
16 Statutes, reads:

17 466.026 Prohibitions; penalties.--

18 (1) Each of the following acts constitutes a felony of  
19 the third degree, punishable as provided in s. 775.082, s.  
20 775.083, or s. 775.084:

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

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

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

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

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

8           Section 35. Section 467.201, Florida Statutes, reads:

9           467.201 Violations and penalties.--Each of the  
10 following acts constitutes a felony of the third degree,  
11 punishable as provided in s. 775.082, s. 775.083, or s.  
12 775.084:

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

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

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

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

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

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

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

29           Section 36. Section 468.366, Florida Statutes, reads:

30           468.366 Penalties for violations.--

31

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

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

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

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

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

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

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

29           (g) Knowingly conceal information relative to any  
30 violation of this part.

31

1           (2) Any violation of this section is a felony of the  
2 third degree, punishable as provided in s. 775.082, s.  
3 775.083, or s. 775.084.

4           Section 37. Subsection (1) of section 483.828, Florida  
5 Statutes, reads:

6           483.828 Penalties for violations.--

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

10          (a) Practicing as clinical laboratory personnel  
11 without an active license.

12          (b) Using or attempting to use a license to practice  
13 as clinical laboratory personnel which is suspended or  
14 revoked.

15          (c) Attempting to obtain or obtaining a license to  
16 practice as clinical laboratory personnel by knowing  
17 misrepresentation.

18           Section 38. Subsection (9) of section 483.901, Florida  
19 Statutes, reads:

20           483.901 Medical physicists; definitions; licensure.--

21           (9) PENALTY FOR VIOLATIONS.--It is a felony of the  
22 third degree, punishable as provided in s. 775.082, s.  
23 775.083, or s. 775.084, to:

24          (a) Practice or attempt to practice medical physics or  
25 hold oneself out to be a licensed medical physicist without  
26 holding an active license.

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

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

31           Section 39. Section 484.053, Florida Statutes, reads:

1 484.053 Prohibitions; penalties.--

2 (1) A person may not:

3 (a) Practice dispensing hearing aids unless the person  
4 is a licensed hearing aid specialist;

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

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

8 (d) Give false, incomplete, or forged evidence to the  
9 board or a member thereof for the purposes of obtaining a  
10 license;

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

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

16 (g) Knowingly conceal information relative to  
17 violations of this part.

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

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

28 Section 40. Subsection (1) of section 457.102, Florida  
29 Statutes, is amended to read:

30 457.102 Definitions.--As used in this chapter:

31

1           (1) "Acupuncture" means a form of primary health care,  
2 based on traditional Chinese medical concepts and modern  
3 oriental medical techniques, that employs acupuncture  
4 diagnosis and treatment, as well as adjunctive therapies and  
5 diagnostic techniques, for the promotion, maintenance, and  
6 restoration of health and the prevention of disease.  
7 Acupuncture shall include, but not be limited to, the  
8 insertion of acupuncture needles and the application of  
9 moxibustion to specific areas of the human body and the use of  
10 electroacupuncture, Qi Gong, oriental massage, herbal therapy,  
11 dietary guidelines, and other adjunctive therapies, as defined  
12 by board rule.

13           Section 41. Section 457.105, Florida Statutes, is  
14 amended to read:

15           457.105 Licensure qualifications and fees.--

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

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

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

28           (b) Has completed 60 college credits from an  
29 accredited postsecondary institution as a prerequisite to  
30 enrollment in an authorized 3-year course of study in  
31 acupuncture and oriental medicine, and has completed a 3-year

1 course of study in acupuncture and oriental medicine, and  
2 effective July 31, 2001, a 4-year course of study in  
3 acupuncture and oriental medicine, which meets standards  
4 established by the board by rule, which standards include, but  
5 are not limited to, successful completion of academic courses  
6 in western anatomy, western physiology, western pathology,  
7 western biomedical terminology, first aid, and cardiopulmonary  
8 resuscitation (CPR). However, any person who enrolled in an  
9 authorized course of study in acupuncture before August 1,  
10 1997, must have completed only a 2-year course of study which  
11 meets standards established by the board by rule, which  
12 standards must include, but are not limited to, successful  
13 completion of academic courses in western anatomy, western  
14 physiology, and western pathology;

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

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

30 1. Examination fee: \$500 plus the actual per applicant  
31 cost to the department for purchase of the written and

1 practical portions of the examination from a national  
2 organization approved by the board.

3 2. Application fee: \$300.

4 3. Reexamination fee: \$500 plus the actual per  
5 applicant cost to the department for purchase of the written  
6 and practical portions of the examination from a national  
7 organization approved by the board.

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

11 Section 42. Subsection (1) of section 457.107, Florida  
12 Statutes, is amended to read:

13 457.107 Renewal of licenses; continuing education.--

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

17 Section 43. Paragraph (d) is added to subsection (9)  
18 of section 458.347, Florida Statutes, to read:

19 458.347 Physician assistants.--

20 (9) COUNCIL ON PHYSICIAN ASSISTANTS.--The Council on  
21 Physician Assistants is created within the department.

22 (a) The council shall consist of five members  
23 appointed as follows:

24 1. The chairperson of the Board of Medicine shall  
25 appoint three members who are physicians and members of the  
26 Board of Medicine. One of the physicians must supervise a  
27 physician assistant in the physician's practice.

28 2. The chairperson of the Board of Osteopathic  
29 Medicine shall appoint one member who is a physician and a  
30 member of the Board of Osteopathic Medicine.

31



1           3. The secretary of the department or his or her  
2 designee shall appoint a fully licensed physician assistant  
3 licensed under this chapter or chapter 459.

4           (b) Two of the members appointed to the council must  
5 be physicians who supervise physician assistants in their  
6 practice. Members shall be appointed to terms of 4 years,  
7 except that of the initial appointments, two members shall be  
8 appointed to terms of 2 years, two members shall be appointed  
9 to terms of 3 years, and one member shall be appointed to a  
10 term of 4 years, as established by rule of the boards.  
11 Council members may not serve more than two consecutive terms.  
12 The council shall annually elect a chairperson from among its  
13 members.

14           (c) The council shall:

15           1. Recommend to the department the licensure of  
16 physician assistants.

17           2. Develop all rules regulating the use of physician  
18 assistants by physicians under this chapter and chapter 459,  
19 except for rules relating to the formulary developed under  
20 paragraph (4)(f). The council shall also develop rules to  
21 ensure that the continuity of supervision is maintained in  
22 each practice setting. The boards shall consider adopting a  
23 proposed rule developed by the council at the regularly  
24 scheduled meeting immediately following the submission of the  
25 proposed rule by the council. A proposed rule submitted by  
26 the council may not be adopted by either board unless both  
27 boards have accepted and approved the identical language  
28 contained in the proposed rule. The language of all proposed  
29 rules submitted by the council must be approved by both boards  
30 pursuant to each respective board's guidelines and standards  
31 regarding the adoption of proposed rules. If either board

1 rejects the council's proposed rule, that board must specify  
2 its objection to the council with particularity and include  
3 any recommendations it may have for the modification of the  
4 proposed rule.

5         3. Make recommendations to the boards regarding all  
6 matters relating to physician assistants.

7         4. Address concerns and problems of practicing  
8 physician assistants in order to improve safety in the  
9 clinical practices of licensed physician assistants.

10         (d) When the Council finds that an applicant for  
11 licensure has failed to meet, to the Council's satisfaction,  
12 each of the requirements for licensure set forth in this  
13 section, the Council may enter an order to:

14             1. Refuse to certify the applicant for licensure;

15             2. Approve the applicant for licensure with  
16 restrictions on the scope of practice or license; or

17             3. Approve the applicant for conditional licensure.

18 Such conditions may include placement of the licensee on  
19 probation for a period of time and subject to such conditions  
20 as the Council may specify, including but not limited to,  
21 requiring the licensee to undergo treatment, to attend  
22 continuing education courses, to work under the direct  
23 supervision of a physician licensed in this state, or to take  
24 corrective action.

25         Section 44. Paragraph (d) is added to subsection (9)  
26 of section 459.022, Florida Statutes, to read:

27         459.022 Physician assistants.--

28         (9) COUNCIL ON PHYSICIAN ASSISTANTS.--The Council on  
29 Physician Assistants is created within the department.

30         (a) The council shall consist of five members  
31 appointed as follows:

1           1. The chairperson of the Board of Medicine shall  
2 appoint three members who are physicians and members of the  
3 Board of Medicine. One of the physicians must supervise a  
4 physician assistant in the physician's practice.

5           2. The chairperson of the Board of Osteopathic  
6 Medicine shall appoint one member who is a physician and a  
7 member of the Board of Osteopathic Medicine.

8           3. The secretary of the department or her or his  
9 designee shall appoint a fully licensed physician assistant  
10 licensed under chapter 458 or this chapter.

11           (b) Two of the members appointed to the council must  
12 be physicians who supervise physician assistants in their  
13 practice. Members shall be appointed to terms of 4 years,  
14 except that of the initial appointments, two members shall be  
15 appointed to terms of 2 years, two members shall be appointed  
16 to terms of 3 years, and one member shall be appointed to a  
17 term of 4 years, as established by rule of the boards.  
18 Council members may not serve more than two consecutive terms.  
19 The council shall annually elect a chairperson from among its  
20 members.

21           (c) The council shall:

22           1. Recommend to the department the licensure of  
23 physician assistants.

24           2. Develop all rules regulating the use of physician  
25 assistants by physicians under chapter 458 and this chapter,  
26 except for rules relating to the formulary developed under s.  
27 458.347(4)(f). The council shall also develop rules to ensure  
28 that the continuity of supervision is maintained in each  
29 practice setting. The boards shall consider adopting a  
30 proposed rule developed by the council at the regularly  
31 scheduled meeting immediately following the submission of the

1 proposed rule by the council. A proposed rule submitted by  
2 the council may not be adopted by either board unless both  
3 boards have accepted and approved the identical language  
4 contained in the proposed rule. The language of all proposed  
5 rules submitted by the council must be approved by both boards  
6 pursuant to each respective board's guidelines and standards  
7 regarding the adoption of proposed rules. If either board  
8 rejects the council's proposed rule, that board must specify  
9 its objection to the council with particularity and include  
10 any recommendations it may have for the modification of the  
11 proposed rule.

12 3. Make recommendations to the boards regarding all  
13 matters relating to physician assistants.

14 4. Address concerns and problems of practicing  
15 physician assistants in order to improve safety in the  
16 clinical practices of licensed physician assistants.

17 (d) When the Council finds that an applicant for  
18 licensure has failed to meet, to the Council's satisfaction,  
19 each of the requirements for licensure set forth in this  
20 section, the Council may enter an order to:

21 1. Refuse to certify the applicant for licensure;

22 2. Approve the applicant for licensure with  
23 restrictions on the scope of practice or license; or

24 3. Approve the applicant for conditional licensure.

25 Such conditions may include placement of the licensee on  
26 probation for a period of time and subject to such conditions  
27 as the Council may specify, including but not limited to,  
28 requiring the licensee to undergo treatment, to attend  
29 continuing education courses, to work under the direct  
30 supervision of a physician licensed in this state, or to take  
31 corrective action.

1 Section 45. Section 483.824, Florida Statutes, is  
2 amended to read:

3 483.824 Qualifications of clinical laboratory  
4 director.--A clinical laboratory director must have 4 years of  
5 clinical laboratory experience with 2 years of experience in  
6 the specialty to be directed or be nationally board certified  
7 in the specialty to be directed, and must meet one of the  
8 following requirements:

9 (1) Be a physician licensed under chapter 458 or  
10 chapter 459;

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

16 (3) For the subspecialty of oral pathology, be a  
17 physician licensed under chapter 458 or chapter 459 or a  
18 dentist licensed under chapter 466.

19 Section 46. February 6th of each year is designated  
20 Florida Alzheimer's Disease Day.

21 Section 47. Subsection (5) is added to section  
22 401.252, Florida Statutes, to read:

23 401.252 Interfacility transfer.--

24 (5) A licensed basic or advanced life support provider  
25 shall not be required to obtain a certificate of public  
26 convenience and necessity from a county, which has a  
27 population greater than 1.5 million and is not a  
28 constitutional charter county, in order to provide  
29 interfacility transfers, nor shall any state license preclude  
30 the provision of interfacility transfers so long as the  
31

1 licensed basic and advanced life support provider meets the  
2 requirements of this section.

3           Section 48. This act shall take effect July 1, 2000.  
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