

By the Committee on Health Regulation and Representatives  
Farkas, Harrell, Wishner, Fiorentino and Rubio

1                                   A bill to be entitled  
2           An act relating to health care practitioner  
3           regulation; providing legislative intent and  
4           findings with respect to the Medical Quality  
5           Assurance Trust Fund and function administered  
6           by the Department of Health; requiring the  
7           Auditor General to do a followup Medical  
8           Quality Assurance audit and issue a report to  
9           the Legislature; requiring the Office of  
10          Program Policy Analysis and Government  
11          Accountability to study the feasibility of  
12          maintaining the Medical Quality Assurance  
13          function within a single department and issue a  
14          report to the Legislature; capping indirect  
15          costs allowable under contracts the department  
16          has with private entity vendors or other state  
17          agencies; exempting the Medical Quality  
18          Assurance Trust Fund from the general revenue  
19          service charge for a specified period; amending  
20          s. 456.004, F.S.; providing requirements for  
21          rules relating to biennial renewal of licenses;  
22          amending s. 456.025, F.S.; revising  
23          requirements relating to the setting and use of  
24          fees for the regulation of health care  
25          professions and practitioners, including  
26          continuing education fees; providing for an  
27          electronic continuing education tracking  
28          system; amending s. 456.065, F.S.; requiring  
29          the unlicensed activity fee to be in addition  
30          to all other fees collected from each licensee;  
31          amending ss. 456.015, 457.105, 457.107,

1 457.108, 458.311, 458.313, 458.3135, 458.314,  
2 458.3145, 458.315, 458.316, 458.3165, 458.317,  
3 458.319, 458.345, 458.347, 459.009, 459.0092,  
4 459.021, 459.022, 460.406, 460.407, 460.4165,  
5 460.4166, 461.006, 461.007, 461.008, 462.08,  
6 462.16, 462.19, 463.0057, 463.006, 463.007,  
7 463.008, 464.008, 464.009, 464.012, 464.014,  
8 464.019, 464.0205, 465.007, 465.008, 465.012,  
9 465.0125, 465.0126, 465.0156, 465.022,  
10 465.0276, 466.004, 466.006, 466.007, 466.008,  
11 466.009, 466.013, 466.015, 466.017, 466.032,  
12 467.0125, 467.0135, 468.1145, 468.1695,  
13 468.1705, 468.1725, 468.1735, 468.209, 468.211,  
14 468.221, 468.357, 468.361, 468.364, 468.508,  
15 468.509, 468.513, 468.705, 468.709, 468.803,  
16 468.805, 468.806, 478.45, 478.47, 478.50,  
17 478.51, 478.55, 480.043, 480.044, 483.807,  
18 483.819, 483.901, 484.002, 484.007, 484.008,  
19 484.009, 484.0447, 486.041, 486.061, 486.081,  
20 486.085, 486.103, 486.106, 486.107, 486.108,  
21 490.005, 490.0051, 490.007, 491.0045, 491.0046,  
22 491.005, 491.007, 491.008, and 491.0145, F.S.;  
23 conforming provisions relating to fees;  
24 repealing s. 458.31151, F.S., relating to  
25 development of the examination for  
26 foreign-trained physicians and the fees  
27 therefor; amending s. 456.011, F.S.; requiring  
28 board meetings to be conducted through  
29 teleconferencing or other technological means  
30 except under certain circumstances; amending s.  
31 456.013, F.S.; requiring the department to

1 charge initial license fees; amending s.  
2 456.017, F.S.; providing for administration of  
3 national examinations and termination of  
4 state-administered written examinations;  
5 providing for administration of  
6 state-administered practical or clinical  
7 examinations if paid for in advance by the  
8 examination candidates; providing legislative  
9 intent with respect to the use of national  
10 examinations and the removal of  
11 state-administered examinations as a barrier to  
12 licensure; providing for electronic access to  
13 and posting of examination scores under certain  
14 conditions; providing for the sharing of  
15 examinations or examination item banks with  
16 certain entities; providing for review of  
17 questions by legal counsel under certain  
18 circumstances; providing for electronic  
19 administration of all laws and rules  
20 examinations; amending s. 456.035, F.S.;  
21 providing for electronic notification of a  
22 licensee's current mailing address and place of  
23 practice; amending s. 456.036, F.S.; conforming  
24 fee provisions; amending s. 456.037, F.S.;  
25 including optical establishments and optometry  
26 branch offices among provisions relating to  
27 active status requirements of business  
28 establishments; amending s. 456.073, F.S.;  
29 authorizing a letter of guidance in lieu of a  
30 finding of probable cause under certain  
31 conditions; amending s. 456.081, F.S.;

1 providing for the posting of newsletters on the  
2 department's website; amending s. 456.072,  
3 F.S.; revising and providing grounds for  
4 discipline of licensees; revising and providing  
5 disciplinary actions; amending s. 456.079,  
6 F.S.; requiring mitigating or aggravating  
7 circumstances to be in the final order to be  
8 considered in the imposition of penalties;  
9 amending ss. 457.109, 458.320, 458.331,  
10 459.0085, 459.015, 460.413, 461.013, 462.14,  
11 463.016, 464.018, 465.016, 466.028, 466.037,  
12 467.203, 468.1295, 468.1755, 468.217, 468.365,  
13 468.518, 468.719, 468.811, 478.52, 480.046,  
14 483.825, 483.901, 484.014, 484.056, 486.125,  
15 490.009, and 491.009, F.S.; conforming  
16 provisions relating to disciplinary actions;  
17 repealing s. 483.827, F.S., relating to  
18 administrative penalties applicable to clinical  
19 laboratory personnel; amending s. 456.074,  
20 F.S.; providing for immediate suspension of  
21 license for violations relating to fraudulent  
22 practices; amending s. 464.005, F.S.; providing  
23 for future relocation of the headquarters of  
24 the Board of Nursing; providing effective  
25 dates.

26  
27 Be It Enacted by the Legislature of the State of Florida:

28  
29 Section 1. It is the intent of the Legislature that  
30 the Medical Quality Assurance Trust Fund should be  
31 administered in a fiscally responsible manner. It is also the

1 intent of the Legislature that the Department of Health reduce  
2 expenses wherever possible to ensure that the cost of  
3 regulation is reasonable and fair and does not serve as a  
4 barrier to licensure in this state. The Legislature adopts  
5 findings 1, 2, 4, 5, and 8 and all three recommendations of  
6 the Auditor General's Medical Quality Assurance Operational  
7 Audit Report Number 01-063. In addition, the Legislature  
8 adopts recommendations 1, 2, 4, 5, and 7 of the Florida Senate  
9 Committee on Fiscal Policy Interim Project Report 2001-016,  
10 except where such recommendations require the fees to be set  
11 by the boards.

12           Section 2. The Auditor General shall conduct a  
13 followup audit to the Medical Quality Assurance Operational  
14 Audit Report Number 01-063 to determine if the Department of  
15 Health has implemented the recommendations of that report. The  
16 Auditor General shall complete the followup audit and issue a  
17 report to the President of the Senate and the Speaker of the  
18 House of Representatives no later than January 31, 2002.

19           Section 3. The Office of Program Policy Analysis and  
20 Government Accountability shall study the feasibility of  
21 maintaining the entire Medical Quality Assurance function,  
22 including enforcement, within a single department. The study  
23 shall be completed and a report issued to the President of the  
24 Senate and the Speaker of the House of Representatives no  
25 later than November 30, 2001.

26           Section 4. Notwithstanding any other provision of law,  
27 if the Department of Health contracts with any private entity  
28 vendor or other state agency to perform any duties statutorily  
29 under the jurisdiction of the department, the contract shall  
30 require that the maximum amount of indirect costs to be paid  
31 under the agreement shall not exceed 5 percent of the total

1 cost, in accordance with s. 216.346, Florida Statutes. This  
2 section applies to all contracts in effect on the effective  
3 date of this act and all contracts entered into by the  
4 department after the effective date of this act.

5 Section 5. Notwithstanding s. 215.20, Florida  
6 Statutes, or any other provision of law, the Medical Quality  
7 Assurance Trust Fund shall be exempt from the general revenue  
8 service charge for fiscal years 2001-2002 and 2002-2003.

9 Section 6. Subsection (1) of section 456.004, Florida  
10 Statutes, is amended, and subsection (10) is added to said  
11 section, to read:

12 456.004 Department; powers and duties.--The  
13 department, for the professions under its jurisdiction, shall:

14 (1) Adopt rules establishing a procedure for the  
15 biennial renewal of licenses; however, the department may  
16 issue up to a 4-year license to selected licensees  
17 notwithstanding any other provisions of law to the contrary.  
18 The rules shall include the renewal fees for each profession,  
19 the expiration dates of licenses, and the process for tracking  
20 compliance with continuing education requirements, financial  
21 responsibility requirements, and any other conditions of  
22 renewal set forth in statute or rule.~~Fees for such renewal~~  
23 ~~shall not exceed the fee caps for individual professions on an~~  
24 ~~annualized basis as authorized by law.~~

25 (10) Set fees, in accordance with s. 456.025, for  
26 application, examination, reexamination, initial licensure,  
27 licensure renewal, or other purpose required by law. The  
28 examination fee shall include all costs to develop, validate,  
29 administer, and defend the examination and shall be defined as  
30 an amount certain to cover all administrative costs plus the  
31 actual per applicant cost of the examination.

1           Section 7. Section 456.025, Florida Statutes, is  
2 amended to read:

3           456.025 Fees; receipts; disposition.--

4           (1) It is the intent of the Legislature that all costs  
5 of regulating health care professions and practitioners shall  
6 be borne solely by licensees and licensure applicants. It is  
7 also the intent of the Legislature that fees should be  
8 reasonable and not serve as a barrier to licensure. Moreover,  
9 it is the intent of the Legislature that the department  
10 operate as efficiently as possible and regularly report to the  
11 Legislature additional methods to streamline operational  
12 costs. Therefore, the department shall set fees in  
13 consultation with the boards every 2 years for the professions  
14 regulated by the Division of Medical Quality Assurance. The  
15 fees shall be based on revenue projections prepared by the  
16 department using generally accepted accounting procedures and  
17 shall be adequate to cover all anticipated costs and to  
18 maintain a reasonable cash balance. In setting the fees, the  
19 department shall calculate the anticipated costs and revenues  
20 based on the following categories of licensees:

21           (a) Allopathic physicians, osteopathic physicians,  
22 chiropractic physicians, podiatric physicians, naturopaths,  
23 optometrists, psychologists, dentists, and acupuncturists.

24           (b) Pharmacists, physician assistants, advanced  
25 registered nurse practitioners, clinical laboratory directors,  
26 medical physicists, nursing home administrators, midwives,  
27 orthotists, prosthetists, pedorthists, speech-language  
28 pathologists, audiologists, certified master social workers,  
29 clinical social workers, marriage and family therapists, and  
30 mental health counselors.

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1       (c) Respiratory therapists, physical therapists,  
2 occupational therapists, athletic trainers, dental hygienists,  
3 electrologists, dieticians, nutritional counselors, hearing  
4 aid specialists, massage therapists, opticians, non-director  
5 clinical laboratory personnel, and school psychologists.

6       (d) Nurses, chiropractic physician assistants,  
7 physical therapy assistants, and all other licensed health  
8 care practitioners not otherwise specified in this subsection.

9       (e) Pharmacies, dental laboratories, electrolysis  
10 facilities, massage establishments, optical establishments,  
11 optometry branch offices, and all other licensed health care  
12 establishments not otherwise specified in this subsection.

13       ~~(1) Each board within the jurisdiction of the~~  
14 ~~department, or the department when there is no board, shall~~  
15 ~~determine by rule the amount of license fees for the~~  
16 ~~profession it regulates, based upon long-range estimates~~  
17 ~~prepared by the department of the revenue required to~~  
18 ~~implement laws relating to the regulation of professions by~~  
19 ~~the department and the board. Each board, or the department~~  
20 ~~if there is no board, shall ensure that license fees are~~  
21 ~~adequate to cover all anticipated costs and to maintain a~~  
22 ~~reasonable cash balance, as determined by rule of the agency,~~  
23 ~~with advice of the applicable board. If sufficient action is~~  
24 ~~not taken by a board within 1 year after notification by the~~  
25 ~~department that license fees are projected to be inadequate,~~  
26 ~~the department shall set license fees on behalf of the~~  
27 ~~applicable board to cover anticipated costs and to maintain~~  
28 ~~the required cash balance. The department shall include~~  
29 ~~recommended fee cap increases in its annual report to the~~  
30 ~~Legislature. Further, it is the legislative intent that no~~  
31 ~~regulated profession operate with a negative cash balance. The~~



1 ~~department may provide by rule for advancing sufficient funds~~  
2 ~~to any profession operating with a negative cash balance. The~~  
3 ~~advancement may be for a period not to exceed 2 consecutive~~  
4 ~~years, and the regulated profession must pay interest.~~  
5 ~~Interest shall be calculated at the current rate earned on~~  
6 ~~investments of a trust fund used by the department to~~  
7 ~~implement this chapter. Interest earned shall be allocated to~~  
8 ~~the various funds in accordance with the allocation of~~  
9 ~~investment earnings during the period of the advance.~~

10 (2) ~~Each board, or the department if there is no~~  
11 ~~board,~~ may charge a fee not to exceed \$25, as determined by  
12 rule, for the issuance of a wall certificate pursuant to s.  
13 456.013(2) requested by a licensee who was licensed prior to  
14 July 1, 1998, or for the issuance of a duplicate wall  
15 certificate requested by any licensee.

16 (3) ~~Each board, or The department if there is no~~  
17 ~~board,~~ may, by rule, assess and collect a one-time fee from  
18 each active status licensee and each inactive status licensee  
19 in an amount necessary to eliminate a cash deficit or, if  
20 there is not a cash deficit, in an amount sufficient to  
21 maintain the financial integrity of the professions as  
22 required in this section. Not more than one such assessment  
23 may be made in any 4-year period without specific legislative  
24 authorization.

25 (4) If the cash balance of the trust fund at the end  
26 of any fiscal year exceeds the appropriation provided for the  
27 regulation of the health care professions in the prior fiscal  
28 year, the department shall lower the fees imposed pursuant to  
29 this section.

30 (5)~~(4)~~ Each board ~~authorized to approve continuing~~  
31 ~~education providers,~~ or the department if there is no board,

1 shall ~~may~~ establish, by rule, a fee not to exceed \$250 for  
2 anyone seeking approval to provide continuing education  
3 courses or programs and shall ~~may~~ establish by rule a biennial  
4 renewal fee not to exceed \$250 for the renewal of providership  
5 of such courses. The fees collected from continuing education  
6 providers shall be used for the purposes of reviewing course  
7 provider applications, monitoring the integrity of the courses  
8 provided, covering legal expenses incurred as a result of not  
9 granting or renewing a providership, and developing and  
10 maintaining an electronic continuing education tracking  
11 system. The department shall implement an electronic  
12 continuing education tracking system for each new biennial  
13 renewal cycle after the effective date of this act and shall  
14 integrate such system into the licensure and renewal system.  
15 All approved continuing education providers shall provide  
16 information on course attendance to the department necessary  
17 to implement the electronic tracking system. The department  
18 shall, by rule, specify the form and procedures by which the  
19 information is to be submitted.~~This subsection does not apply~~  
20 ~~to continuing education courses or providers approved by the~~  
21 ~~board under chapter 465.~~

22 (6)~~(5)~~ All moneys collected by the department from  
23 fees or fines or from costs awarded to the agency by a court  
24 shall be paid into a trust fund used by the department to  
25 implement this chapter. The Legislature shall appropriate  
26 funds from this trust fund sufficient to carry out this  
27 chapter and the provisions of law with respect to professions  
28 regulated by the Division of Medical Quality Assurance within  
29 the department and the boards. The department may contract  
30 with public and private entities to receive and deposit  
31 revenue pursuant to this section. The department shall

1 maintain separate accounts in the trust fund used by the  
2 department to implement this chapter for every profession  
3 within the department. To the maximum extent possible, the  
4 department shall directly charge all expenses to the account  
5 of each regulated profession. For the purpose of this  
6 subsection, direct charge expenses include, but are not  
7 limited to, costs for investigations, examinations, and legal  
8 services. For expenses that cannot be charged directly, the  
9 department shall provide for the proportionate allocation  
10 among the accounts of expenses incurred by the department in  
11 the performance of its duties with respect to each regulated  
12 profession. The regulation by the department of professions,  
13 as defined in this chapter, shall be financed solely from  
14 revenue collected by it from fees and other charges and  
15 deposited in the Medical Quality Assurance Trust Fund, and all  
16 such revenue is hereby appropriated to the department.  
17 However, it is legislative intent that each profession shall  
18 operate within its anticipated fees. ~~The department may not~~  
19 ~~expend funds from the account of a profession to pay for the~~  
20 ~~expenses incurred on behalf of another profession, except that~~  
21 ~~the Board of Nursing must pay for any costs incurred in the~~  
22 ~~regulation of certified nursing assistants. The department~~  
23 ~~shall maintain adequate records to support its allocation of~~  
24 ~~agency expenses. The department shall provide any board with~~  
25 ~~reasonable access to these records upon request. On or before~~  
26 ~~September 1 of each year,the department shall provide each~~  
27 ~~board an annual report of revenue and direct and allocated~~  
28 ~~expenses related to the operation of that profession. ~~The~~~~  
29 ~~board shall use these reports and the department's adopted~~  
30 ~~long-range plan to determine the amount of license fees. A~~  
31 condensed version of this information, with the department's

1 recommendations, shall be included in the annual report to the  
2 Legislature prepared under s. 456.026.

3 (7)~~(6)~~ The department shall provide a condensed  
4 management report of budgets, finances, performance  
5 statistics, and recommendations to each board at least once a  
6 quarter. The department shall identify and include in such  
7 presentations any changes, or projected changes, made to the  
8 board's budget since the last presentation.

9 (8)~~(7)~~ If a duplicate license is required or requested  
10 by the licensee, the board or, if there is no board, the  
11 department may charge a fee as determined by rule not to  
12 exceed \$25 before issuance of the duplicate license.

13 (9)~~(8)~~ The department or the appropriate board shall  
14 charge a fee not to exceed \$25 for the certification of a  
15 public record. The fee shall be determined by rule of the  
16 department. The department or the appropriate board shall  
17 assess a fee for duplicating a public record as provided in s.  
18 119.07(1)(a) and (b).

19 Section 8. Subsection (3) of section 456.065, Florida  
20 Statutes, is amended to read:

21 456.065 Unlicensed practice of a health care  
22 profession; intent; cease and desist notice; penalties;  
23 enforcement; citations; fees; allocation and disposition of  
24 moneys collected.--

25 (3) Because all enforcement costs should be covered by  
26 professions regulated by the department, the department shall  
27 impose, upon initial licensure and each licensure renewal, a  
28 special fee of \$5 per licensee to fund efforts to combat  
29 unlicensed activity. Such fee shall be in addition to all  
30 other fees collected from each licensee. ~~The board, with~~  
31 ~~concurrence of the department, or the department when there is~~

1 ~~no board, may earmark \$5 of the current licensure fee for this~~  
2 ~~purpose, if such board, or profession regulated by the~~  
3 ~~department, is not in a deficit and has a reasonable cash~~  
4 ~~balance.~~The department shall make direct charges to the  
5 Medical Quality Assurance Trust Fund by profession. The  
6 department shall seek board advice regarding enforcement  
7 methods and strategies. The department shall directly credit  
8 the Medical Quality Assurance Trust Fund, by profession, with  
9 the revenues received from the department's efforts to enforce  
10 licensure provisions. The department shall include all  
11 financial and statistical data resulting from unlicensed  
12 activity enforcement as a separate category in the quarterly  
13 management report provided for in s. 456.025. For an  
14 unlicensed activity account, a balance which remains at the  
15 end of a renewal cycle may, with concurrence of the applicable  
16 board and the department, be transferred to the operating fund  
17 account of that profession. The department shall also use  
18 these funds to inform and educate consumers generally on the  
19 importance of using licensed health care practitioners.

20 Section 9. Subsection (2) of section 456.015, Florida  
21 Statutes, is amended to read:

22 456.015 Limited licenses.--

23 (2) Any person desiring to obtain a limited license,  
24 when permitted by rule, shall submit to the board, or the  
25 department when there is no board, an application and fee set  
26 by the department, not to exceed \$300,and an affidavit  
27 stating that the applicant has been licensed to practice in  
28 any jurisdiction in the United States for at least 10 years in  
29 the profession for which the applicant seeks a limited  
30 license. The affidavit shall also state that the applicant has  
31 retired or intends to retire from the practice of that

1 profession and intends to practice only pursuant to the  
2 restrictions of the limited license granted pursuant to this  
3 section. If the applicant for a limited license submits a  
4 notarized statement from the employer stating that the  
5 applicant will not receive monetary compensation for any  
6 service involving the practice of her or his profession, the  
7 application and all licensure fees shall be waived.

8 Section 10. Subsection (2) of section 457.105, Florida  
9 Statutes, is amended to read:

10 457.105 Licensure qualifications and fees.--

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

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

19 (b) Has completed 60 college credits from an  
20 accredited postsecondary institution as a prerequisite to  
21 enrollment in an authorized 3-year course of study in  
22 acupuncture and oriental medicine, and has completed a 3-year  
23 course of study in acupuncture and oriental medicine, and  
24 effective July 31, 2001, a 4-year course of study in  
25 acupuncture and oriental medicine, which meets standards  
26 established by the board by rule, which standards include, but  
27 are not limited to, successful completion of academic courses  
28 in western anatomy, western physiology, western pathology,  
29 western biomedical terminology, first aid, and cardiopulmonary  
30 resuscitation (CPR). However, any person who enrolled in an  
31 authorized course of study in acupuncture before August 1,

1 1997, must have completed only a 2-year course of study which  
2 meets standards established by the board by rule, which  
3 standards must include, but are not limited to, successful  
4 completion of academic courses in western anatomy, western  
5 physiology, and western pathology;

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

19 (d) Pays the required fees set by the board by rule  
20 ~~not to exceed the following amounts:~~

21 1. ~~Examination fee: \$500 plus the actual per applicant~~  
22 ~~cost to the department for purchase of the written and~~  
23 ~~practical portions of the examination from a national~~  
24 ~~organization approved by the board.~~

25 2. ~~Application fee: \$300.~~

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

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1           ~~4. Initial biennial licensure fee: \$400, if licensed~~  
2 ~~in the first half of the biennium, and \$200, if licensed in~~  
3 ~~the second half of the biennium.~~

4           Section 11. Subsections (1) and (3) of section  
5 457.107, Florida Statutes, are amended to read:

6           457.107 Renewal of licenses; continuing education.--

7           (1) The department shall renew a license upon receipt  
8 of the renewal application and the required fee ~~set by the~~  
9 ~~board by rule, not to exceed \$500.~~

10           (3) The board shall by rule prescribe continuing  
11 education requirements, not to exceed 30 hours biennially, as  
12 a condition for renewal of a license. All education programs  
13 that contribute to the advancement, extension, or enhancement  
14 of professional skills and knowledge related to the practice  
15 of acupuncture, whether conducted by a nonprofit or  
16 profitmaking entity, are eligible for approval. The continuing  
17 professional education requirements must be in acupuncture or  
18 oriental medicine subjects, including, but not limited to,  
19 anatomy, biological sciences, adjunctive therapies, sanitation  
20 and sterilization, emergency protocols, and diseases. ~~The~~  
21 ~~board shall have the authority to set a fee, not to exceed~~  
22 ~~\$100, for each continuing education provider.~~ The licensee  
23 shall retain in his or her records the certificates of  
24 completion of continuing professional education requirements  
25 to prove compliance with this subsection. The board may  
26 request such documentation without cause from applicants who  
27 are selected at random. All national and state acupuncture and  
28 oriental medicine organizations and acupuncture and oriental  
29 medicine schools are approved to provide continuing  
30 professional education in accordance with this subsection.

31



1           Section 12. Subsection (2) of section 457.108, Florida  
2 Statutes, is amended to read:

3           457.108 Inactive status; expiration; reactivation of  
4 licenses.--

5           (2) The board shall adopt rules relating to  
6 application procedures for inactive status, renewal of  
7 inactive licenses, and reactivation of licenses. The  
8 department board shall prescribe ~~by rule~~ an application fee  
9 for inactive status, a renewal fee for inactive status, a  
10 delinquency fee, and a fee for the reactivation of a license.  
11 None of these fees may exceed the biennial renewal fee  
12 ~~established by the board~~ for an active license.

13           Section 13. Paragraph (a) of subsection (1) of section  
14 458.311, Florida Statutes, is amended to read:

15           458.311 Licensure by examination; requirements;  
16 fees.--

17           (1) Any person desiring to be licensed as a physician,  
18 who does not hold a valid license in any state, shall apply to  
19 the department on forms furnished by the department. The  
20 department shall license each applicant who the board  
21 certifies:

22           (a) Has completed the application form and remitted  
23 the a nonrefundable application fee ~~not to exceed \$500~~.

24           Section 14. Section 458.31151, Florida Statutes, is  
25 repealed.

26           Section 15. Subsection (1) of section 458.313, Florida  
27 Statutes, is amended to read:

28           458.313 Licensure by endorsement; requirements;  
29 fees.--

30           (1) The department shall issue a license by  
31 endorsement to any applicant who, upon applying to the

1 department on forms furnished by the department and remitting  
2 the appropriate ~~a fee set by the board not to exceed \$500~~, the  
3 board certifies:

4 (a) Has met the qualifications for licensure in s.  
5 458.311(1)(b)-(g) or in s. 458.311(1)(b)-(e) and (g) and (3);

6 (b) Prior to January 1, 2000, has obtained a passing  
7 score, as established by rule of the board, on the licensure  
8 examination of the Federation of State Medical Boards of the  
9 United States, Inc. (FLEX), on the United States Medical  
10 Licensing Examination (USMLE), or on the examination of the  
11 National Board of Medical Examiners, or on a combination  
12 thereof, and on or after January 1, 2000, has obtained a  
13 passing score on the United States Medical Licensing  
14 Examination (USMLE); and

15 (c) Has submitted evidence of the active licensed  
16 practice of medicine in another jurisdiction, for at least 2  
17 of the immediately preceding 4 years, or evidence of  
18 successful completion of either a board-approved postgraduate  
19 training program within 2 years preceding filing of an  
20 application or a board-approved clinical competency  
21 examination within the year preceding the filing of an  
22 application for licensure. For purposes of this paragraph,  
23 "active licensed practice of medicine" means that practice of  
24 medicine by physicians, including those employed by any  
25 governmental entity in community or public health, as defined  
26 by this chapter, medical directors under s. 641.495(11) who  
27 are practicing medicine, and those on the active teaching  
28 faculty of an accredited medical school.

29 Section 16. Subsection (2) of section 458.3135,  
30 Florida Statutes, is amended to read:

31

1           458.3135 Temporary certificate for visiting physicians  
2 to practice in approved cancer centers.--  
3           (2) A temporary certificate for practice in an  
4 approved cancer center may be issued without examination to an  
5 individual who:  
6           (a) Is a graduate of an accredited medical school or  
7 its equivalent, or is a graduate of a foreign medical school  
8 listed with the World Health Organization;  
9           (b) Holds a valid and unencumbered license to practice  
10 medicine in another country;  
11           (c) Has completed the application form adopted by the  
12 board and remitted the a nonrefundable application fee ~~not to~~  
13 ~~exceed \$300~~;  
14           (d) Has not committed any act in this or any other  
15 jurisdiction which would constitute the basis for disciplining  
16 a physician under s. 455.624 or s. 458.331;  
17           (e) Meets the financial responsibility requirements of  
18 s. 458.320; and  
19           (f) Has been accepted for a course of training by a  
20 cancer center approved by the board.  
21           Section 17. Subsections (6) and (7) of section  
22 458.314, Florida Statutes, are amended to read:  
23           458.314 Certification of foreign educational  
24 institutions.--  
25           (6) A school shall pay a registration fee established  
26 by ~~rule of the department, not to exceed \$1,000,~~at the time  
27 of application for certification and shall pay all reasonable  
28 costs and expenses the department expects to incur, ~~in an~~  
29 ~~amount not to exceed \$40,000,~~for the conduct of the  
30 certification survey.  
31

1           (7) The department shall renew a certification upon  
2 receipt of a renewal application from an institution and a fee  
3 set by the department ~~not to exceed \$500~~. Each fully  
4 certified institution shall provide a renewal application  
5 every 7 years. Any certification which is not renewed shall  
6 expire.

7           Section 18. Subsections (1) and (6) of section  
8 458.3145, Florida Statutes, are amended to read:

9           458.3145 Medical faculty certificate.--

10          (1) A medical faculty certificate may be issued  
11 without examination to an individual who:

12           (a) Is a graduate of an accredited medical school or  
13 its equivalent, or is a graduate of a foreign medical school  
14 listed with the World Health Organization;

15           (b) Holds a valid, current license to practice  
16 medicine in another jurisdiction;

17           (c) Has completed the application form and remitted  
18 the a nonrefundable application fee ~~not to exceed \$500~~;

19           (d) Has completed an approved residency or fellowship  
20 of at least 1 year or has received training which has been  
21 determined by the board to be equivalent to the 1-year  
22 residency requirement;

23           (e) Is at least 21 years of age;

24           (f) Is of good moral character;

25           (g) Has not committed any act in this or any other  
26 jurisdiction which would constitute the basis for disciplining  
27 a physician under s. 458.331;

28           (h) For any applicant who has graduated from medical  
29 school after October 1, 1992, has completed, before entering  
30 medical school, the equivalent of 2 academic years of  
31 preprofessional, postsecondary education, as determined by

1 rule of the board, which must include, at a minimum, courses  
2 in such fields as anatomy, biology, and chemistry; and  
3 (i) Has been offered and has accepted a full-time  
4 faculty appointment to teach in a program of medicine at:  
5 1. The University of Florida,  
6 2. The University of Miami,  
7 3. The University of South Florida,  
8 4. The Florida State University, or  
9 5. The Mayo Medical School at the Mayo Clinic in  
10 Jacksonville, Florida.  
11 (6) Notwithstanding subsection (1), any physician,  
12 when providing medical care or treatment in connection with  
13 the education of students, residents, or faculty at the  
14 request of the dean of an accredited medical school within  
15 this state or at the request of the medical director of a  
16 statutory teaching hospital as defined in s. 408.07, may do so  
17 upon registration with the board and demonstration of  
18 financial responsibility pursuant to s. 458.320(1) or (2)  
19 unless such physician is exempt under s. 458.320(5)(a). The  
20 performance of such medical care or treatment must be limited  
21 to a single period of time, which may not exceed 180  
22 consecutive days, and must be rendered within a facility  
23 registered under subsection (2) or within a statutory teaching  
24 hospital as defined in s. 408.07. A registration fee ~~not to~~  
25 ~~exceed \$300~~, as set by the department board, is required of  
26 each physician registered under this subsection. However, no  
27 more than three physicians per year per institution may be  
28 registered under this subsection, and an exemption under this  
29 subsection may not be granted to a physician more than once in  
30 any given 5-year period.  
31

1           Section 19. Section 458.315, Florida Statutes, is  
2 amended to read:

3           458.315 Temporary certificate for practice in areas of  
4 critical need.--Any physician who is licensed to practice in  
5 any other state, whose license is currently valid, and who  
6 pays the ~~an~~ application fee of ~~\$300~~ may be issued a temporary  
7 certificate to practice in communities of Florida where there  
8 is a critical need for physicians. A certificate may be  
9 issued to a physician who will be employed by a county health  
10 department, correctional facility, community health center  
11 funded by s. 329, s. 330, or s. 340 of the United States  
12 Public Health Services Act, or other entity that provides  
13 health care to indigents and that is approved by the State  
14 Health Officer. The Board of Medicine may issue this  
15 temporary certificate with the following restrictions:

16           (1) The board shall determine the areas of critical  
17 need, and the physician so certified may practice in any of  
18 those areas for a time to be determined by the board. Such  
19 areas shall include, but not be limited to, health  
20 professional shortage areas designated by the United States  
21 Department of Health and Human Services.

22           (a) A recipient of a temporary certificate for  
23 practice in areas of critical need may use the license to work  
24 for any approved employer in any area of critical need  
25 approved by the board.

26           (b) The recipient of a temporary certificate for  
27 practice in areas of critical need shall, within 30 days after  
28 accepting employment, notify the board of all approved  
29 institutions in which the licensee practices and of all  
30 approved institutions where practice privileges have been  
31 denied.

1           (2) The board may administer an abbreviated oral  
2 examination to determine the physician's competency, but no  
3 written regular examination is necessary.

4           (3) Any certificate issued under this section shall be  
5 valid only so long as the area for which it is issued remains  
6 an area of critical need. The Board of Medicine shall review  
7 the service within said area not less than annually to  
8 ascertain that the minimum requirements of the Medical  
9 Practice Act and the rules and regulations promulgated  
10 thereunder are being complied with. If it is determined that  
11 such minimum requirements are not being met, the board shall  
12 forthwith revoke such certificate.

13           (4) The board shall not issue a temporary certificate  
14 for practice in an area of critical need to any physician who  
15 is under investigation in another state for an act which would  
16 constitute a violation of this chapter until such time as the  
17 investigation is complete, at which time the provisions of s.  
18 458.331 shall apply.

19           (5) The application fee and all licensure fees,  
20 including neurological injury compensation assessments, shall  
21 be waived for those persons obtaining a temporary certificate  
22 to practice in areas of critical need for the purpose of  
23 providing volunteer, uncompensated care for low-income  
24 Floridians. The applicant must submit an affidavit from the  
25 employing agency or institution stating that the physician  
26 will not receive any compensation for any service involving  
27 the practice of medicine.

28           Section 20. Subsection (1) of section 458.316, Florida  
29 Statutes, is amended to read:

30           458.316 Public health certificate.--

31

1           (1) Any person desiring to obtain a public health  
2 certificate shall submit the ~~an~~ application fee ~~not to exceed~~  
3 ~~\$300~~ and shall demonstrate to the board that he or she is a  
4 graduate of an accredited medical school and holds a master of  
5 public health degree or is board eligible or certified in  
6 public health or preventive medicine, or is licensed to  
7 practice medicine without restriction in another jurisdiction  
8 in the United States and holds a master of public health  
9 degree or is board eligible or certified in public health or  
10 preventive medicine, and shall meet the requirements in s.  
11 458.311(1)(a)-(g) and (5).

12           Section 21. Section 458.3165, Florida Statutes, is  
13 amended to read:

14           458.3165 Public psychiatry certificate.--The board  
15 shall issue a public psychiatry certificate to an individual  
16 who remits the ~~an~~ application fee ~~not to exceed \$300, as set~~  
17 ~~by the board~~, who is a board-certified psychiatrist, who is  
18 licensed to practice medicine without restriction in another  
19 state, and who meets the requirements in s. 458.311(1)(a)-(g)  
20 and (5). A recipient of a public psychiatry certificate may  
21 use the certificate to work at any public mental health  
22 facility or program funded in part or entirely by state funds.

23           (1) Such certificate shall:

24           (a) Authorize the holder to practice only in a public  
25 mental health facility or program funded in part or entirely  
26 by state funds.

27           (b) Be issued and renewable biennially if the  
28 secretary of the Department of Health and the chair of the  
29 department of psychiatry at one of the public medical schools  
30 or the chair of the department of psychiatry at the accredited  
31



1 medical school at the University of Miami recommend in writing  
2 that the certificate be issued or renewed.

3 (c) Automatically expire if the holder's relationship  
4 with a public mental health facility or program expires.

5 (d) Not be issued to a person who has been adjudged  
6 unqualified or guilty of any of the prohibited acts in this  
7 chapter.

8 (2) The board may take disciplinary action against a  
9 certificateholder for noncompliance with any part of this  
10 section or for any reason for which a regular licensee may be  
11 subject to discipline.

12 Section 22. Paragraph (a) of subsection (1) of section  
13 458.317, Florida Statutes, is amended to read:

14 458.317 Limited licenses.--

15 (1)(a) Any person desiring to obtain a limited license  
16 shall:

17 1. Submit to the board, with the an application and  
18 fee ~~not to exceed \$300~~, an affidavit stating that he or she  
19 has been licensed to practice medicine in any jurisdiction in  
20 the United States for at least 10 years and intends to  
21 practice only pursuant to the restrictions of a limited  
22 license granted pursuant to this section. However, a  
23 physician who is not fully retired in all jurisdictions may  
24 use a limited license only for noncompensated practice. If the  
25 person applying for a limited license submits a notarized  
26 statement from the employing agency or institution stating  
27 that he or she will not receive compensation for any service  
28 involving the practice of medicine, the application fee and  
29 all licensure fees shall be waived. However, any person who  
30 receives a waiver of fees for a limited license shall pay such  
31

1 fees if the person receives compensation for the practice of  
2 medicine.

3           2. Meet the requirements in s. 458.311(1)(b)-(g) and  
4 (5). If the applicant graduated from medical school prior to  
5 1946, the board or its appropriate committee may accept  
6 military medical training or medical experience as a  
7 substitute for the approved 1-year residency requirement in s.  
8 458.311(1)(f).

9  
10 Nothing herein limits in any way any policy by the board,  
11 otherwise authorized by law, to grant licenses to physicians  
12 duly licensed in other states under conditions less  
13 restrictive than the requirements of this section.  
14 Notwithstanding the other provisions of this section, the  
15 board may refuse to authorize a physician otherwise qualified  
16 to practice in the employ of any agency or institution  
17 otherwise qualified if the agency or institution has caused or  
18 permitted violations of the provisions of this chapter which  
19 it knew or should have known were occurring.

20           Section 23. Subsection (1) and paragraph (b) of  
21 subsection (5) of section 458.319, Florida Statutes, are  
22 amended to read:

23           458.319 Renewal of license.--

24           (1) The department shall renew a license upon receipt  
25 of the renewal application, evidence that the applicant has  
26 actively practiced medicine or has been on the active teaching  
27 faculty of an accredited medical school for at least 2 years  
28 of the immediately preceding 4 years, and the appropriate a  
29 ~~fee not to exceed \$500; provided, however, that if the~~  
30 ~~licensee is either a resident physician, assistant resident~~  
31 ~~physician, fellow, house physician, or intern in an approved~~

1 ~~postgraduate training program, as defined by the board by~~  
2 ~~rule, the fee shall not exceed \$100 per annum.~~ If the  
3 licensee has not actively practiced medicine for at least 2  
4 years of the immediately preceding 4 years, the board shall  
5 require that the licensee successfully complete a  
6 board-approved clinical competency examination prior to  
7 renewal of the license. "Actively practiced medicine" means  
8 that practice of medicine by physicians, including those  
9 employed by any governmental entity in community or public  
10 health, as defined by this chapter, including physicians  
11 practicing administrative medicine. An applicant for a renewed  
12 license must also submit the information required under s.  
13 456.039 to the department on a form and under procedures  
14 specified by the department, along with payment in an amount  
15 equal to the costs incurred by the Department of Health for  
16 the statewide criminal background check of the applicant. The  
17 applicant must submit a set of fingerprints to the Department  
18 of Health on a form and under procedures specified by the  
19 department, along with payment in an amount equal to the costs  
20 incurred by the department for a national criminal background  
21 check of the applicant for the initial renewal of his or her  
22 license after January 1, 2000. If the applicant fails to  
23 submit either the information required under s. 456.039 or a  
24 set of fingerprints to the department as required by this  
25 section, the department shall issue a notice of noncompliance,  
26 and the applicant will be given 30 additional days to comply.  
27 If the applicant fails to comply within 30 days after the  
28 notice of noncompliance is issued, the department or board, as  
29 appropriate, may issue a citation to the applicant and may  
30 fine the applicant up to \$50 for each day that the applicant  
31 is not in compliance with the requirements of s. 456.039. The

1 citation must clearly state that the applicant may choose, in  
2 lieu of accepting the citation, to follow the procedure under  
3 s. 456.073. If the applicant disputes the matter in the  
4 citation, the procedures set forth in s. 456.073 must be  
5 followed. However, if the applicant does not dispute the  
6 matter in the citation with the department within 30 days  
7 after the citation is served, the citation becomes a final  
8 order and constitutes discipline. Service of a citation may be  
9 made by personal service or certified mail, restricted  
10 delivery, to the subject at the applicant's last known  
11 address. If an applicant has submitted fingerprints to the  
12 department for a national criminal history check upon initial  
13 licensure and is renewing his or her license for the first  
14 time, then the applicant need only submit the information and  
15 fee required for a statewide criminal history check.

16 (5)

17 (b) At any time during the licensee's legislative term  
18 of office and during the period of 60 days after the licensee  
19 ceases to be a member of the Legislature, the licensee may  
20 file a completed renewal application that shall consist solely  
21 of:

22 1. A license renewal fee set by the department ~~of \$250~~  
23 for each year the licensee's license renewal has been  
24 continued and extended pursuant to the terms of this  
25 subsection since the last otherwise regularly scheduled  
26 biennial renewal year and each year during which the renewed  
27 license shall be effective until the next regularly scheduled  
28 biennial renewal date;

29 2. Documentation of the completion by the licensee of  
30 10 hours of continuing medical education credits for each year  
31

1 from the effective date of the last renewed license for the  
2 licensee until the year in which the application is filed;

3 3. The information from the licensee expressly  
4 required in s. 455.565(1)(a)1.-8. and (b), and (4)(a), (b),  
5 and (c).

6 Section 24. Subsections (1), (2), and (4) of section  
7 458.345, Florida Statutes, are amended to read:

8 458.345 Registration of resident physicians, interns,  
9 and fellows; list of hospital employees; prescribing of  
10 medicinal drugs; penalty.--

11 (1) Any person desiring to practice as a resident  
12 physician, assistant resident physician, house physician,  
13 intern, or fellow in fellowship training which leads to  
14 subspecialty board certification in this state, or any person  
15 desiring to practice as a resident physician, assistant  
16 resident physician, house physician, intern, or fellow in  
17 fellowship training in a teaching hospital in this state as  
18 defined in s. 408.07(44) or s. 395.805(2), who does not hold a  
19 valid, active license issued under this chapter shall apply to  
20 the department to be registered and shall remit a fee ~~not to~~  
21 ~~exceed \$300~~ as set by the department board. The department  
22 shall register any applicant the board certifies has met the  
23 following requirements:

24 (a) Is at least 21 years of age.

25 (b) Has not committed any act or offense within or  
26 without the state which would constitute the basis for refusal  
27 to certify an application for licensure pursuant to s.  
28 458.331.

29 (c) Is a graduate of a medical school or college as  
30 specified in s. 458.311(1)(f).

31

1           (2) The board shall not certify to the department for  
2 registration any applicant who is under investigation in any  
3 state or jurisdiction for an act which would constitute  
4 grounds ~~the basis~~ for ~~imposing a~~ disciplinary action under  
5 ~~penalty specified in s. 458.331(2)(b)~~ until such time as the  
6 investigation is completed, at which time the provisions of s.  
7 458.331 shall apply.

8           (4) Registration under this section shall  
9 automatically expire after 2 years without further action by  
10 the board or the department unless an application for renewal  
11 is approved by the board. No person registered under this  
12 section may be employed or utilized as a house physician or  
13 act as a resident physician, an assistant resident physician,  
14 an intern, or a fellow in fellowship training in a hospital or  
15 teaching hospital of this state for more than 2 years without  
16 a valid, active license or renewal of registration under this  
17 section. Requirements for renewal of registration shall be  
18 established by rule of the board. An application fee ~~not to~~  
19 ~~exceed \$300~~ as set by the department board shall accompany the  
20 application for renewal, except that resident physicians,  
21 assistant resident physicians, interns, and fellows in  
22 fellowship training registered under this section shall be  
23 exempt from payment of any renewal fees.

24           Section 25. Paragraph (f) of subsection (4) and  
25 paragraphs (a), (b), (c), and (g) of subsection (7) of section  
26 458.347, Florida Statutes, are amended to read:

27           458.347 Physician assistants.--

28           (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.--

29           (f)1. There is created a five-member committee  
30 appointed by the Secretary of Health. The committee must be  
31 composed of one fully licensed physician assistant licensed

1 pursuant to this section or s. 459.022, two physicians  
2 licensed pursuant to this chapter, one of whom supervises a  
3 fully licensed physician assistant, one osteopathic physician  
4 licensed pursuant to chapter 459, and one pharmacist licensed  
5 pursuant to chapter 465 who is not licensed pursuant to this  
6 chapter or chapter 459. The committee shall establish a  
7 formulary of medicinal drugs for which a fully licensed  
8 physician assistant may prescribe. The formulary may not  
9 include controlled substances as defined in chapter 893,  
10 antineoplastics, antipsychotics, radiopharmaceuticals, general  
11 anesthetics or radiographic contrast materials, or any  
12 parenteral preparations except insulin and epinephrine.

13         2. Only the committee shall add to, delete from, or  
14 modify the formulary. Any person who requests an addition,  
15 deletion, or modification of a medicinal drug listed on such  
16 formulary has the burden of proof to show cause why such  
17 addition, deletion, or modification should be made.

18         3. The boards shall adopt the formulary required by  
19 this paragraph, and each addition, deletion, or modification  
20 to the formulary, by rule. Notwithstanding any provision of  
21 chapter 120 to the contrary, the formulary rule shall be  
22 effective 60 days after the date it is filed with the  
23 Secretary of State. Upon adoption of the formulary, the  
24 department shall mail a copy of such formulary to each fully  
25 licensed physician assistant and to each pharmacy licensed by  
26 the state. The department boards shall establish, ~~by rule,~~ a  
27 fee ~~not to exceed \$200~~ to fund the provisions of this  
28 paragraph and paragraph (e).

29         (7) PHYSICIAN ASSISTANT LICENSURE.--

30         (a) Any person desiring to be licensed as a physician  
31 assistant must apply to the department. The department shall

1 issue a license to any person certified by the council as  
2 having met the following requirements:

- 3 1. Is at least 18 years of age.
- 4 2. Has satisfactorily passed a proficiency examination  
5 by an acceptable score established by the National Commission  
6 on Certification of Physician Assistants. If an applicant  
7 does not hold a current certificate issued by the National  
8 Commission on Certification of Physician Assistants and has  
9 not actively practiced as a physician assistant within the  
10 immediately preceding 4 years, the applicant must retake and  
11 successfully complete the entry-level examination of the  
12 National Commission on Certification of Physician Assistants  
13 to be eligible for licensure.
- 14 3. Has completed the application form and remitted an  
15 application fee ~~not to exceed \$300~~ as set by the department  
16 ~~boards~~. An application for licensure made by a physician  
17 assistant must include:
  - 18 a. A certificate of completion of a physician  
19 assistant training program specified in subsection (6).
  - 20 b. A sworn statement of any prior felony convictions.
  - 21 c. A sworn statement of any previous revocation or  
22 denial of licensure or certification in any state.
  - 23 d. Two letters of recommendation.

24 (b)1. Notwithstanding subparagraph (a)2. and  
25 sub-subparagraph (a)3.a., the department shall examine each  
26 applicant who the Board of Medicine certifies:

- 27 a. Has completed the application form and remitted the  
28 ~~a nonrefundable application fee not to exceed \$500~~ and the an  
29 ~~examination fee not to exceed \$300, plus the actual cost to~~  
30 ~~the department to provide the examination~~. The examination fee  
31 is refundable if the applicant is found to be ineligible to



1 take the examination. The department shall not require the  
2 applicant to pass a separate practical component of the  
3 examination. For examinations given after July 1, 1998,  
4 competencies measured through practical examinations shall be  
5 incorporated into the written examination through a  
6 multiple-choice format. The department shall translate the  
7 examination into the native language of any applicant who  
8 requests and agrees to pay all costs of such translation,  
9 provided that the translation request is filed with the board  
10 office no later than 9 months before the scheduled examination  
11 and the applicant remits translation fees as specified by the  
12 department no later than 6 months before the scheduled  
13 examination, and provided that the applicant demonstrates to  
14 the department the ability to communicate orally in basic  
15 English. If the applicant is unable to pay translation costs,  
16 the applicant may take the next available examination in  
17 English if the applicant submits a request in writing by the  
18 application deadline and if the applicant is otherwise  
19 eligible under this section. To demonstrate the ability to  
20 communicate orally in basic English, a passing score or grade  
21 is required, as determined by the department or organization  
22 that developed it, on the test for spoken English (TSE) by the  
23 Educational Testing Service (ETS), the test of English as a  
24 foreign language (TOEFL) by ETS, a high school or college  
25 level English course, or the English examination for  
26 citizenship, Immigration and Naturalization Service. A  
27 notarized copy of an Educational Commission for Foreign  
28 Medical Graduates (ECFMG) certificate may also be used to  
29 demonstrate the ability to communicate in basic English; and  
30       b.(I) Is an unlicensed physician who graduated from a  
31 foreign medical school listed with the World Health

1 Organization who has not previously taken and failed the  
2 examination of the National Commission on Certification of  
3 Physician Assistants and who has been certified by the Board  
4 of Medicine as having met the requirements for licensure as a  
5 medical doctor by examination as set forth in s. 458.311(1),  
6 (3), (4), and (5), with the exception that the applicant is  
7 not required to have completed an approved residency of at  
8 least 1 year and the applicant is not required to have passed  
9 the licensing examination specified under s. 458.311 or hold a  
10 valid, active certificate issued by the Educational Commission  
11 for Foreign Medical Graduates; was eligible and made initial  
12 application for certification as a physician assistant in this  
13 state between July 1, 1990, and June 30, 1991; and was a  
14 resident of this state on July 1, 1990, or was licensed or  
15 certified in any state in the United States as a physician  
16 assistant on July 1, 1990; or

17 (II) Completed all coursework requirements of the  
18 Master of Medical Science Physician Assistant Program offered  
19 through the Florida College of Physician's Assistants prior to  
20 its closure in August of 1996. Prior to taking the  
21 examination, such applicant must successfully complete any  
22 clinical rotations that were not completed under such program  
23 prior to its termination and any additional clinical rotations  
24 with an appropriate physician assistant preceptor, not to  
25 exceed 6 months, that are determined necessary by the council.  
26 The boards shall determine, based on recommendations from the  
27 council, the facilities under which such incomplete or  
28 additional clinical rotations may be completed and shall also  
29 determine what constitutes successful completion thereof,  
30 provided such requirements are comparable to those established  
31

1 by accredited physician assistant programs. This  
2 sub-sub-subparagraph is repealed July 1, 2001.

3           2. The department may grant temporary licensure to an  
4 applicant who meets the requirements of subparagraph 1.  
5 Between meetings of the council, the department may grant  
6 temporary licensure to practice based on the completion of all  
7 temporary licensure requirements. All such administratively  
8 issued licenses shall be reviewed and acted on at the next  
9 regular meeting of the council. A temporary license expires 30  
10 days after receipt and notice of scores to the licenseholder  
11 from the first available examination specified in subparagraph  
12 1. following licensure by the department. An applicant who  
13 fails the proficiency examination is no longer temporarily  
14 licensed, but may apply for a one-time extension of temporary  
15 licensure after reapplying for the next available examination.  
16 Extended licensure shall expire upon failure of the  
17 licenseholder to sit for the next available examination or  
18 upon receipt and notice of scores to the licenseholder from  
19 such examination.

20           3. Notwithstanding any other provision of law, the  
21 examination specified pursuant to subparagraph 1. shall be  
22 administered by the department only five times. Applicants  
23 certified by the board for examination shall receive at least  
24 6 months' notice of eligibility prior to the administration of  
25 the initial examination. Subsequent examinations shall be  
26 administered at 1-year intervals following the reporting of  
27 the scores of the first and subsequent examinations. For the  
28 purposes of this paragraph, the department may develop,  
29 contract for the development of, purchase, or approve an  
30 examination that adequately measures an applicant's ability to  
31 practice with reasonable skill and safety. The minimum passing

1 score on the examination shall be established by the  
2 department, with the advice of the board. Those applicants  
3 failing to pass that examination or any subsequent examination  
4 shall receive notice of the administration of the next  
5 examination with the notice of scores following such  
6 examination. Any applicant who passes the examination and  
7 meets the requirements of this section shall be licensed as a  
8 physician assistant with all rights defined thereby.

9 (c) The license must be renewed biennially. Each  
10 renewal must include:

11 1. A renewal fee ~~not to exceed \$500~~ as set by the  
12 department boards.

13 2. A sworn statement of no felony convictions in the  
14 previous 2 years.

15 (g) The Board of Medicine may impose any of the  
16 penalties authorized under ~~specified in~~ ss. 456.072 and  
17 458.331~~(2)~~ upon a physician assistant if the physician  
18 assistant or the supervising physician has been found guilty  
19 of or is being investigated for any act that constitutes a  
20 violation of this chapter or chapter 456.

21 Section 26. Paragraph (b) of subsection (3) of section  
22 459.009, Florida Statutes, is amended to read:

23 459.009 Inactive status.--

24 (3)

25 (b) The department board shall prescribe ~~by rule~~ an  
26 application fee for inactive status, a biennial renewal fee  
27 for inactive status, a delinquency fee, and a fee for the  
28 reactivation of a license or certificate. None of these fees  
29 may exceed the biennial renewal fee ~~established by the board~~  
30 for an active license or certificate.

31

1           Section 27. Section 459.0092, Florida Statutes, is  
2 amended to read:

3           459.0092 Fees.--The department ~~board~~ shall set the  
4 following fees ~~according to the following schedule~~:

5           (1) The fee for application or certification pursuant  
6 to ss. 459.007, 459.0075, and 459.0077 ~~shall not exceed \$500.~~

7           (2) The fee for application and examination pursuant  
8 to s. 459.006 ~~shall not exceed \$175 plus the actual per~~  
9 ~~applicant cost to the department for purchase of the~~  
10 ~~examination from the National Board of Osteopathic Medical~~  
11 ~~Examiners or a similar national organization.~~

12           (3) The fee for biennial renewal of licensure or  
13 certification ~~shall not exceed \$500.~~

14           Section 28. Subsection (1) of section 459.021, Florida  
15 Statutes, is amended to read:

16           459.021 Registration of resident physicians, interns,  
17 and fellows; list of hospital employees; penalty.--

18           (1) Any person who holds a degree of Doctor of  
19 Osteopathic Medicine from a college of osteopathic medicine  
20 recognized and approved by the American Osteopathic  
21 Association who desires to practice as a resident physician,  
22 assistant resident physician, house physician, intern, or  
23 fellow in fellowship training which leads to subspecialty  
24 board certification in this state, or any person desiring to  
25 practice as a resident physician, assistant resident  
26 physician, house physician, intern, or fellow in fellowship  
27 training in a teaching hospital in this state as defined in s.  
28 408.07(44) or s. 395.805(2), who does not hold an active  
29 license issued under this chapter shall apply to the  
30 department to be registered, on an application provided by the  
31 department, within 30 days of commencing such a training

1 program and shall remit a fee ~~not to exceed \$300~~ as set by the  
2 department board.

3 Section 29. Paragraph (f) of subsection (4) and  
4 paragraphs (a), (b), and (f) of subsection (7) of section  
5 459.022, Florida Statutes, are amended to read:

6 459.022 Physician assistants.--

7 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.--

8 (f)1. There is created a five-member committee  
9 appointed by the Secretary of Health. The committee must be  
10 composed of one fully licensed physician assistant licensed  
11 pursuant to this section or s. 458.347, two physicians  
12 licensed pursuant to chapter 458, one of whom supervises a  
13 fully licensed physician assistant, one osteopathic physician  
14 licensed pursuant to this chapter, and one pharmacist licensed  
15 pursuant to chapter 465 who is not licensed pursuant to this  
16 chapter or chapter 458. The committee shall establish a  
17 formulary of medicinal drugs for which a fully licensed  
18 physician assistant may prescribe. The formulary may not  
19 include controlled substances as defined in chapter 893,  
20 antineoplastics, antipsychotics, radiopharmaceuticals, general  
21 anesthetics or radiographic contrast materials, or any  
22 parenteral preparations except insulin and epinephrine.

23 2. Only the committee shall add to, delete from, or  
24 modify the formulary. Any person who requests an addition,  
25 deletion, or modification of a medicinal drug listed on such  
26 formulary has the burden of proof to show cause why such  
27 addition, deletion, or modification should be made.

28 3. The boards shall adopt the formulary required by  
29 this paragraph, and each addition, deletion, or modification  
30 to the formulary, by rule. Notwithstanding any provision of  
31 chapter 120 to the contrary, the formulary rule shall be

1 effective 60 days after the date it is filed with the  
2 Secretary of State. Upon adoption of the formulary, the  
3 department shall mail a copy of such formulary to each fully  
4 licensed physician assistant and to each pharmacy licensed by  
5 the state. The department boards shall establish, ~~by rule,~~ a  
6 fee ~~not to exceed \$200~~ to fund the provisions of this  
7 paragraph and paragraph (e).

8 (7) PHYSICIAN ASSISTANT LICENSURE.--

9 (a) Any person desiring to be licensed as a physician  
10 assistant must apply to the department. The department shall  
11 issue a license to any person certified by the council as  
12 having met the following requirements:

13 1. Is at least 18 years of age.

14 2. Has satisfactorily passed a proficiency examination  
15 by an acceptable score established by the National Commission  
16 on Certification of Physician Assistants. If an applicant  
17 does not hold a current certificate issued by the National  
18 Commission on Certification of Physician Assistants and has  
19 not actively practiced as a physician assistant within the  
20 immediately preceding 4 years, the applicant must retake and  
21 successfully complete the entry-level examination of the  
22 National Commission on Certification of Physician Assistants  
23 to be eligible for licensure.

24 3. Has completed the application form and remitted an  
25 application fee ~~not to exceed \$300~~ as set by the department  
26 ~~boards~~. An application for licensure made by a physician  
27 assistant must include:

28 a. A certificate of completion of a physician  
29 assistant training program specified in subsection (6).

30 b. A sworn statement of any prior felony convictions.

31

1           c. A sworn statement of any previous revocation or  
2 denial of licensure or certification in any state.

3           d. Two letters of recommendation.

4           (b) The licensure must be renewed biennially. Each  
5 renewal must include:

6           1. A renewal fee ~~not to exceed \$500~~ as set by the  
7 department boards.

8           2. A sworn statement of no felony convictions in the  
9 previous 2 years.

10           (f) The Board of Osteopathic Medicine may impose any  
11 of the penalties authorized under ~~specified in~~ ss. 456.072 and  
12 459.015(2) upon a physician assistant if the physician  
13 assistant or the supervising physician has been found guilty  
14 of or is being investigated for any act that constitutes a  
15 violation of this chapter or chapter 456.

16           Section 30. Subsection (1) of section 460.406, Florida  
17 Statutes, is amended to read:

18           460.406 Licensure by examination.--

19           (1) Any person desiring to be licensed as a  
20 chiropractic physician shall apply to the department to take  
21 the licensure examination. There shall be an application fee  
22 set by the department board ~~not to exceed \$100~~ which shall be  
23 nonrefundable. There shall also be an examination fee set by  
24 the department ~~not to exceed \$500~~ plus the actual per  
25 applicant cost to the department for purchase of portions of  
26 the examination from the National Board of Chiropractic  
27 Examiners or a similar national organization, which may be  
28 refundable if the applicant is found ineligible to take the  
29 examination. The department shall examine each applicant who  
30 the board certifies has:

31



1           (a) Completed the application form and remitted the  
2 appropriate fee.

3           (b) Submitted proof satisfactory to the department  
4 that he or she is not less than 18 years of age.

5           (c) Submitted proof satisfactory to the department  
6 that he or she is a graduate of a chiropractic college which  
7 is accredited by or has status with the Council on  
8 Chiropractic Education or its predecessor agency. However, any  
9 applicant who is a graduate of a chiropractic college that was  
10 initially accredited by the Council on Chiropractic Education  
11 in 1995, who graduated from such college within the 4 years  
12 immediately preceding such accreditation, and who is otherwise  
13 qualified shall be eligible to take the examination. No  
14 application for a license to practice chiropractic medicine  
15 shall be denied solely because the applicant is a graduate of  
16 a chiropractic college that subscribes to one philosophy of  
17 chiropractic medicine as distinguished from another.

18           (d)1. For an applicant who has matriculated in a  
19 chiropractic college prior to July 2, 1990, completed at least  
20 2 years of residence college work, consisting of a minimum of  
21 one-half the work acceptable for a bachelor's degree granted  
22 on the basis of a 4-year period of study, in a college or  
23 university accredited by an accrediting agency recognized and  
24 approved by the United States Department of Education.  
25 However, prior to being certified by the board to sit for the  
26 examination, each applicant who has matriculated in a  
27 chiropractic college after July 1, 1990, shall have been  
28 granted a bachelor's degree, based upon 4 academic years of  
29 study, by a college or university accredited by a regional  
30 accrediting agency which is a member of the Commission on  
31 Recognition of Postsecondary Accreditation.

1           2. Effective July 1, 2000, completed, prior to  
2 matriculation in a chiropractic college, at least 3 years of  
3 residence college work, consisting of a minimum of 90 semester  
4 hours leading to a bachelor's degree in a liberal arts college  
5 or university accredited by an accrediting agency recognized  
6 and approved by the United States Department of Education.  
7 However, prior to being certified by the board to sit for the  
8 examination, each applicant who has matriculated in a  
9 chiropractic college after July 1, 2000, shall have been  
10 granted a bachelor's degree from an institution holding  
11 accreditation for that degree from a regional accrediting  
12 agency which is recognized by the United States Department of  
13 Education. The applicant's chiropractic degree must consist  
14 of credits earned in the chiropractic program and may not  
15 include academic credit for courses from the bachelor's  
16 degree.

17           (e) Successfully completed the National Board of  
18 Chiropractic Examiners certification examination in parts I  
19 and II and clinical competency, with a score approved by the  
20 board, within 10 years immediately preceding application to  
21 the department for licensure.

22           (f) Submitted to the department a set of fingerprints  
23 on a form and under procedures specified by the department,  
24 along with payment in an amount equal to the costs incurred by  
25 the Department of Health for the criminal background check of  
26 the applicant.

27           Section 31. Subsection (1) of section 460.407, Florida  
28 Statutes, is amended to read:

29           460.407 Renewal of license.--

30           (1) The department shall renew a license upon receipt  
31 of the renewal application and the application fee ~~set by the~~

1 ~~board not to exceed \$500.~~ An applicant for a renewed license  
2 must also submit the information required under s. 456.039 to  
3 the department on a form and under procedures specified by the  
4 department, along with payment in an amount equal to the costs  
5 incurred by the Department of Health for the statewide  
6 criminal background check of the applicant. The applicant must  
7 submit a set of fingerprints to the Department of Health on a  
8 form and under procedures specified by the department, along  
9 with payment in an amount equal to the costs incurred by the  
10 department for a national criminal background check of the  
11 applicant for the initial renewal of his or her license after  
12 January 1, 2000. If the applicant fails to submit either the  
13 information required under s. 456.039 or a set of fingerprints  
14 to the department as required by this section, the department  
15 shall issue a notice of noncompliance, and the applicant will  
16 be given 30 additional days to comply. If the applicant fails  
17 to comply within 30 days after the notice of noncompliance is  
18 issued, the department or board, as appropriate, may issue a  
19 citation to the applicant and may fine the applicant up to \$50  
20 for each day that the applicant is not in compliance with the  
21 requirements of s. 456.039. The citation must clearly state  
22 that the applicant may choose, in lieu of accepting the  
23 citation, to follow the procedure under s. 456.073. If the  
24 applicant disputes the matter in the citation, the procedures  
25 set forth in s. 456.073 must be followed. However, if the  
26 applicant does not dispute the matter in the citation with the  
27 department within 30 days after the citation is served, the  
28 citation becomes a final order and constitutes discipline.  
29 Service of a citation may be made by personal service or  
30 certified mail, restricted delivery, to the subject at the  
31 applicant's last known address. If an applicant has submitted

1 fingerprints to the department for a national criminal history  
2 check upon initial licensure and is renewing his or her  
3 license for the first time, then the applicant need only  
4 submit the information and fee required for a statewide  
5 criminal history check.

6 Section 32. Paragraph (c) of subsection (6),  
7 subsection (9), and paragraph (a) of subsection (13) of  
8 section 460.4165, Florida Statutes, are amended to read:

9 460.4165 Certified chiropractic physician's  
10 assistants.--

11 (6) APPLICATION APPROVAL.--Any person desiring to be  
12 licensed as a certified chiropractic physician's assistant  
13 must apply to the department. The department shall issue a  
14 certificate to any person certified by the board as having met  
15 the following requirements:

16 (c) Has completed the application form and remitted an  
17 application fee set by the department ~~board pursuant to this~~  
18 ~~section~~. An application for certification made by a  
19 chiropractic physician's assistant must include:

20 1. A certificate of completion of a physician's  
21 assistant training program specified in subsection (5).

22 2. A sworn statement of any prior felony conviction in  
23 any jurisdiction.

24 3. A sworn statement of any previous revocation or  
25 denial of licensure or certification in any state or  
26 jurisdiction.

27 (9) FEES.--

28 (a) A fee ~~not to exceed \$100~~ set by the department  
29 ~~board~~ shall accompany the application by a chiropractic  
30 physician for authorization to supervise a certified  
31 chiropractic physician's assistant.

1 (b) Upon approval of an application for certification  
2 of a certified chiropractic physician's assistant in a  
3 specialty area, the applicant shall be charged the ~~an~~ initial  
4 certification fee for the first biennium ~~not to exceed \$250~~;  
5 and the ~~a~~ biennial renewal fee ~~not to exceed \$250~~ shall  
6 accompany each application for renewal of the certified  
7 chiropractic physician's assistant certificate.

8 (13) CERTIFIED CHIROPRACTIC ASSISTANT CERTIFICATION  
9 RENEWAL.--The certification must be renewed biennially.

10 (a) Each renewal must include:

11 1. A renewal fee as set by the department board  
12 ~~pursuant to this section.~~

13 2. A sworn statement of no felony convictions in the  
14 previous 2 years in any jurisdiction.

15 Section 33. Subsection (3) of section 460.4166,  
16 Florida Statutes, is amended to read:

17 460.4166 Registered chiropractic assistants.--

18 (3) REGISTRATION.--Registered chiropractic assistants  
19 may be registered by the board for a biennial fee set by the  
20 department ~~not to exceed \$25.~~

21 Section 34. Paragraph (a) of subsection (1) of section  
22 461.006, Florida Statutes, is amended to read:

23 461.006 Licensure by examination.--

24 (1) Any person desiring to be licensed as a podiatric  
25 physician shall apply to the department to take the licensure  
26 examination. The department shall examine each applicant who  
27 the board certifies:

28 (a) Has completed the application form and remitted  
29 the ~~a~~ nonrefundable application fee ~~set by the board not to~~  
30 ~~exceed \$100~~ and the ~~an~~ examination fee ~~set by the board not to~~  
31 ~~exceed \$350.~~

1           Section 35. Subsection (1) of section 461.007, Florida  
2 Statutes, is amended to read:  
3           461.007 Renewal of license.--  
4           (1) The department shall renew a license upon receipt  
5 of the renewal application and ~~a fee not to exceed \$350 set by~~  
6 ~~the board~~, and evidence that the applicant has actively  
7 practiced podiatric medicine or has been on the active  
8 teaching faculty of an accredited school of podiatric medicine  
9 for at least 2 years of the immediately preceding 4 years. If  
10 the licensee has not actively practiced podiatric medicine for  
11 at least 2 years of the immediately preceding 4 years, the  
12 board shall require that the licensee successfully complete a  
13 board-approved course prior to renewal of the license. For  
14 purposes of this subsection, "actively practiced podiatric  
15 medicine" means the licensed practice of podiatric medicine as  
16 defined in s. 461.003(5) by podiatric physicians, including  
17 podiatric physicians employed by any governmental entity, on  
18 the active teaching faculty of an accredited school of  
19 podiatric medicine, or practicing administrative podiatric  
20 medicine. An applicant for a renewed license must also submit  
21 the information required under s. 456.039 to the department on  
22 a form and under procedures specified by the department, along  
23 with payment in an amount equal to the costs incurred by the  
24 Department of Health for the statewide criminal background  
25 check of the applicant. The applicant must submit a set of  
26 fingerprints to the Department of Health on a form and under  
27 procedures specified by the department, along with payment in  
28 an amount equal to the costs incurred by the department for a  
29 national criminal background check of the applicant for the  
30 initial renewal of his or her license after January 1, 2000.  
31 If the applicant fails to submit either the information

1 required under s. 456.039 or a set of fingerprints to the  
2 department as required by this section, the department shall  
3 issue a notice of noncompliance, and the applicant will be  
4 given 30 additional days to comply. If the applicant fails to  
5 comply within 30 days after the notice of noncompliance is  
6 issued, the department or board, as appropriate, may issue a  
7 citation to the applicant and may fine the applicant up to \$50  
8 for each day that the applicant is not in compliance with the  
9 requirements of s. 456.039. The citation must clearly state  
10 that the applicant may choose, in lieu of accepting the  
11 citation, to follow the procedure under s. 456.073. If the  
12 applicant disputes the matter in the citation, the procedures  
13 set forth in s. 456.073 must be followed. However, if the  
14 applicant does not dispute the matter in the citation with the  
15 department within 30 days after the citation is served, the  
16 citation becomes a final order and constitutes discipline.  
17 Service of a citation may be made by personal service or  
18 certified mail, restricted delivery, to the subject at the  
19 applicant's last known address. If an applicant has submitted  
20 fingerprints to the department for a national criminal history  
21 check upon initial licensure and is renewing his or her  
22 license for the first time, then the applicant need only  
23 submit the information and fee required for a statewide  
24 criminal history check.

25 Section 36. Subsection (1) of section 461.008, Florida  
26 Statutes, is amended to read:

27 461.008 Inactive status.--

28 (1) The board shall adopt rules relating to  
29 application procedures for inactive status, to the renewal of  
30 inactive licenses, and to the reactivation of licenses. The  
31 department board shall prescribe ~~by rule~~ an application fee

1 for inactive status, a renewal fee for inactive status, a  
2 delinquency fee, and a fee for the reactivation of a license.  
3 None of these fees may exceed the biennial renewal fee  
4 ~~established by the board~~ for an active license.

5 Section 37. Section 462.08, Florida Statutes, is  
6 amended to read:

7 462.08 Renewal of license to practice  
8 naturopathy.--Each licenseholder shall biennially renew her or  
9 his license to practice naturopathy. The applicant must  
10 furnish to the department such evidence as it requires of the  
11 applicant's compliance with s. 462.18, relating to educational  
12 requirements. The biennial renewal fee, the amount of which  
13 shall be determined by the department ~~but which may not exceed~~  
14 ~~\$1,000~~, must be paid at the time the application for renewal  
15 of the license is filed.

16 Section 38. Section 462.16, Florida Statutes, is  
17 amended to read:

18 462.16 Reissue of license.--Any person who shall  
19 practice naturopathy after her or his license has been revoked  
20 and registration annulled shall be deemed to have practiced  
21 naturopathy without a license; provided, however, at any time  
22 after 6 months after the date of said conviction, the  
23 department may grant a license to the person affected,  
24 restoring to her or him all the rights and privileges of and  
25 pertaining to the practice of naturopathy as defined and  
26 regulated by this chapter. The fee therefor shall be set by  
27 the department ~~not exceed \$250~~.

28 Section 39. Subsection (3) of section 462.19, Florida  
29 Statutes, is amended to read:

30 462.19 Renewal of license; inactive status.--  
31



1           (3) A licensee may request that her or his license be  
2 placed in an inactive status by making application to the  
3 department and paying a fee in an amount set by the department  
4 ~~not to exceed \$50.~~

5           Section 40. Subsection (1) of section 463.0057,  
6 Florida Statutes, is amended to read:

7           463.0057 Optometric faculty certificate.--

8           (1) The department may issue an optometric faculty  
9 certificate without examination to an individual who remits a  
10 nonrefundable application fee set by, ~~not to exceed \$100 plus~~  
11 ~~the actual per applicant cost to the department~~, and who  
12 demonstrates to the board that she or he meets the following  
13 requirements:

14           (a) Is a graduate of an accredited school or college  
15 of optometry approved by an accrediting agency recognized by  
16 the United States Office of Education.

17           (b) Holds a valid current license to practice  
18 optometry in another jurisdiction in the United States.

19           (c) Is at least 21 years of age and of good moral  
20 character.

21           (d) Has not committed any act or offense in any  
22 jurisdiction which would constitute the basis for disciplining  
23 an optometrist.

24           (e) Has been offered and has accepted a full-time  
25 faculty appointment to teach in a program of optometry at a  
26 Florida-based college of optometry.

27           (f) Provides a certification from the dean of the  
28 college that she or he has accepted the offer of the full-time  
29 faculty appointment to teach at the Florida-based college of  
30 optometry.

31

1           Section 41. Paragraph (a) of subsection (1) of section  
2 463.006, Florida Statutes, is amended to read:

3           463.006 Licensure and certification by examination.--

4           (1) Any person desiring to be a licensed practitioner  
5 pursuant to this chapter shall apply to the department to take  
6 the licensure and certification examinations. The department  
7 shall examine each applicant who the board determines has:

8           (a) Completed the application forms as required by the  
9 board, remitted an application fee for certification ~~not to~~  
10 ~~exceed \$250~~, remitted an examination fee for certification ~~not~~  
11 ~~to exceed \$250~~, and remitted an examination fee for licensure  
12 ~~not to exceed \$325~~, all as set by the department board.

13           Section 42. Subsection (1) of section 463.007, Florida  
14 Statutes, is amended to read:

15           463.007 Renewal of license; continuing education.--

16           (1) The department shall renew a license upon receipt  
17 of the renewal application and ~~the fee set by the board not to~~  
18 ~~exceed \$300~~.

19           Section 43. Subsection (1) of section 463.008, Florida  
20 Statutes, is amended to read:

21           463.008 Inactive status.--

22           (1) The board shall adopt rules relating to  
23 application procedures for inactive status, for the biennial  
24 renewal of inactive licenses, and for the reactivation of  
25 licenses. The department board shall prescribe ~~by rule~~ an  
26 application fee for inactive status, a renewal fee for  
27 inactive status, a delinquency fee, and a fee for the  
28 reactivation of a license. None of these fees may exceed the  
29 biennial renewal fee ~~established by the board~~ for an active  
30 license.

31

1           Section 44. Paragraph (a) of subsection (1) of section  
2 464.008, Florida Statutes, is amended to read:

3           464.008 Licensure by examination.--

4           (1) Any person desiring to be licensed as a registered  
5 nurse or licensed practical nurse shall apply to the  
6 department to take the licensure examination. The department  
7 shall examine each applicant who:

8           (a) Has completed the application form and remitted a  
9 fee set by the department ~~board not to exceed \$150~~ and has  
10 remitted an examination fee set by the department ~~board not to~~  
11 ~~exceed \$75~~ plus the actual per applicant cost to the  
12 department for purchase of the examination from the National  
13 Council of State Boards of Nursing or a similar national  
14 organization.

15           Section 45. Subsection (1) of section 464.009, Florida  
16 Statutes, is amended to read:

17           464.009 Licensure by endorsement.--

18           (1) The department shall issue the appropriate license  
19 by endorsement to practice professional or practical nursing  
20 to an applicant who, upon applying to the department and  
21 remitting the appropriate ~~a fee set by the board not to exceed~~  
22 ~~\$100~~, demonstrates to the board that he or she:

23           (a) Holds a valid license to practice professional or  
24 practical nursing in another state of the United States,  
25 provided that, when the applicant secured his or her original  
26 license, the requirements for licensure were substantially  
27 equivalent to or more stringent than those existing in Florida  
28 at that time; or

29           (b) Meets the qualifications for licensure in s.  
30 464.008 and has successfully completed a state, regional, or  
31

1 national examination which is substantially equivalent to or  
2 more stringent than the examination given by the department.

3 Section 46. Subsection (5) of section 464.012, Florida  
4 Statutes, is amended to read:

5 464.012 Certification of advanced registered nurse  
6 practitioners; fees.--

7 (5) The board shall certify, and the department shall  
8 issue a certificate to, any nurse meeting the qualifications  
9 in this section. The department ~~board~~ shall establish an  
10 application fee ~~not to exceed \$100~~ and a biennial renewal fee  
11 ~~not to exceed \$50~~. The board is authorized to adopt such  
12 other rules as are necessary to implement the provisions of  
13 this section.

14 Section 47. Subsection (1) of section 464.014, Florida  
15 Statutes, is amended to read:

16 464.014 Inactive status.--

17 (1) The board shall adopt rules relating to  
18 application procedures for inactive status, to the biennial  
19 renewal of inactive licenses, and to the reactivation of  
20 licenses. The department ~~board~~ shall prescribe ~~by rule~~ an  
21 application fee for inactive status, a renewal fee for  
22 inactive status, a delinquency fee, and a fee for the  
23 reactivation of a license. None of these fees may exceed the  
24 biennial renewal fee ~~established by the board~~ for biennial  
25 renewal of an active license.

26 Section 48. Subsection (1) of section 464.019, Florida  
27 Statutes, is amended to read:

28 464.019 Approval of nursing programs.--

29 (1) An institution desiring to conduct an approved  
30 program for the education of professional or practical nurses  
31 shall apply to the department and submit such evidence as may

1 be required to show that it complies with the provisions of  
2 this part and with the rules of the board. The application  
3 shall include a program review fee, as set by the department  
4 ~~board, not to exceed \$1,000.~~

5 Section 49. Paragraph (b) of subsection (1) of section  
6 464.0205, Florida Statutes, is amended to read:

7 464.0205 Retired volunteer nurse certificate.--

8 (1) Any retired practical or registered nurse desiring  
9 to serve indigent, underserved, or critical need populations  
10 in this state may apply to the department for a retired  
11 volunteer nurse certificate by providing:

12 (b) An application and processing fee set by the  
13 department ~~of \$25.~~

14 Section 50. Paragraph (a) of subsection (1) of section  
15 465.007, Florida Statutes, is amended to read:

16 465.007 Licensure by examination.--

17 (1) Any person desiring to be licensed as a pharmacist  
18 shall apply to the department to take the licensure  
19 examination. The department shall examine each applicant who  
20 the board certifies has:

21 (a) Completed the application form and remitted an  
22 examination fee set by the department ~~board not to exceed \$100~~  
23 plus the actual per applicant cost to the department for  
24 purchase of portions of the examination from the National  
25 Association of Boards of Pharmacy or a similar national  
26 organization. The fees authorized under this section shall be  
27 established in sufficient amounts to cover administrative  
28 costs.

29 Section 51. Section 465.008, Florida Statutes, is  
30 amended to read:

31 465.008 Renewal of license.--

1           (1) The department shall renew a license upon receipt  
2 of the renewal application, verification of compliance with s.  
3 465.009, and receipt of a fee set by the department ~~board not~~  
4 ~~to exceed \$250.~~

5           (2) The department shall adopt rules establishing a  
6 procedure for the biennial renewal of licenses.

7           ~~(3) Sixty days prior to the end of the biennium the~~  
8 ~~department shall mail a notice of renewal to the last known~~  
9 ~~address of the licensee.~~

10           (3)~~(4)~~ Any person licensed under this chapter for 50  
11 years or more is exempt from the payment of the renewal or  
12 delinquent fee, and the department shall issue a lifetime  
13 license to such a person.

14           Section 52. Subsection (2) of section 465.012, Florida  
15 Statutes, is amended to read:

16           465.012 Reactivation of license; continuing  
17 education.--

18           (2) The board shall adopt rules relating to  
19 application procedures for inactive status, to the biennial  
20 renewal of inactive licenses, and to the reactivation of  
21 licenses. The department ~~board~~ shall prescribe ~~by rule~~ an  
22 application fee for inactive status, a renewal fee for  
23 inactive status, a delinquency fee, and a fee for the  
24 reactivation of a license. None of these fees may exceed the  
25 biennial renewal fee ~~established by the board~~ for an active  
26 license. The department may not reactivate a license unless  
27 the inactive or delinquent licensee has paid any applicable  
28 biennial renewal or delinquency fee, or both, and a  
29 reactivation fee.

30           Section 53. Subsection (1) of section 465.0125,  
31 Florida Statutes, is amended to read:

1           465.0125 Consultant pharmacist license; application,  
2 renewal, fees; responsibilities; rules.--

3           (1) The department shall issue or renew a consultant  
4 pharmacist license upon receipt of an initial or renewal  
5 application which conforms to the requirements for consultant  
6 pharmacist initial licensure or renewal as promulgated by the  
7 board by rule and a fee set by the department ~~board not to~~  
8 ~~exceed \$250~~. The consultant pharmacist shall be responsible  
9 for maintaining all drug records required by law and for  
10 establishing drug handling procedures for the safe handling  
11 and storage of drugs. The consultant pharmacist may also be  
12 responsible for ordering and evaluating any laboratory or  
13 clinical testing when, in the judgment of the consultant  
14 pharmacist, such activity is necessary for the proper  
15 performance of the consultant pharmacist's responsibilities.  
16 Such laboratory or clinical testing may be ordered only with  
17 regard to patients residing in a nursing home facility, and  
18 then only when authorized by the medical director of the  
19 nursing home facility. The consultant pharmacist must have  
20 completed such additional training and demonstrate such  
21 additional qualifications in the practice of institutional  
22 pharmacy as shall be required by the board in addition to  
23 licensure as a registered pharmacist.

24           Section 54. Section 465.0126, Florida Statutes, is  
25 amended to read:

26           465.0126 Nuclear pharmacist license; application,  
27 renewal, fees.--The department shall issue or renew a nuclear  
28 pharmacist license upon receipt of an initial or renewal  
29 application which conforms to the requirements for nuclear  
30 pharmacist initial licensure or biennial renewal as  
31 established by the board by rule and receipt of a fee

1 established by the department ~~board by rule not to exceed~~  
2 ~~\$250~~, which fee shall be in addition to the initial licensure  
3 or biennial renewal fee for pharmacists. The nuclear  
4 pharmacist shall be responsible for the compounding and the  
5 dispensing of nuclear pharmaceuticals, for maintaining all  
6 drug records required by law, for establishing drug handling  
7 procedures for the safe handling and storage of  
8 radiopharmaceuticals and medicinal drugs, for providing the  
9 security of the prescription department, and for complying  
10 with such other rules as relate to the practice of the  
11 profession of pharmacy. The nuclear pharmacist must have  
12 completed such additional training and must demonstrate such  
13 additional qualifications in the practice of nuclear pharmacy  
14 as is required by the board by rule in addition to licensure  
15 as a registered pharmacist. The board shall adopt rules  
16 necessary to implement and administer this section. The  
17 requirements of this section do not apply to hospitals  
18 licensed under chapter 395 or the nuclear medicine facilities  
19 of such hospitals.

20 Section 55. Subsection (3) of section 465.0156,  
21 Florida Statutes, is amended to read:

22 465.0156 Registration of nonresident pharmacies.--

23 (3) The registration fee and the biennial renewal fee  
24 shall be set by the department pursuant to the fee specified  
25 ~~in~~ s. 465.022.

26 Section 56. Subsection (8) of section 465.022, Florida  
27 Statutes, is amended to read:

28 465.022 Pharmacies; general requirements; fees.--

29 (8) The department ~~board~~ shall set the fees for the  
30 following:

31 (a) Initial permit fee ~~not to exceed \$250~~.



1 (b) Biennial permit renewal ~~not to exceed \$250.~~  
2 (c) Delinquent fee ~~not to exceed \$100.~~  
3 (d) Change of location fee ~~not to exceed \$100.~~  
4 Section 57. Paragraph (a) of subsection (2) of section  
5 465.0276, Florida Statutes, is amended to read:  
6 465.0276 Dispensing practitioner.--  
7 (2) A practitioner who dispenses medicinal drugs for  
8 human consumption for fee or remuneration of any kind, whether  
9 direct or indirect, must:  
10 (a) Register with her or his professional licensing  
11 board as a dispensing practitioner and pay a fee ~~not to exceed~~  
12 ~~\$100~~ at the time of such registration and upon each renewal of  
13 her or his license. The department ~~Each appropriate board~~  
14 shall establish such fee ~~by rule.~~  
15 Section 58. Subsection (4) of section 466.004, Florida  
16 Statutes, is amended to read:  
17 466.004 Board of Dentistry.--  
18 (4) The board is authorized to adopt rules pursuant to  
19 ss. 120.536(1) and 120.54 to implement the provisions of this  
20 chapter and chapter 456, ~~including the establishment of a fee~~  
21 ~~to defray the cost of duplicating any license certification or~~  
22 ~~permit, not to exceed \$10 per duplication.~~  
23 Section 59. Subsection (1) of section 466.006, Florida  
24 Statutes, is amended to read:  
25 466.006 Examination of dentists.--  
26 (1) Any person desiring to be licensed as a dentist  
27 shall apply to the department to take the licensure  
28 examinations and shall verify the information required on the  
29 application by oath. The application shall include two recent  
30 photographs. There shall be an application fee, set by the  
31 ~~board not to exceed \$100~~ which shall be nonrefundable. There

1 shall also be an examination fee ~~set by the board, which shall~~  
2 ~~not exceed \$425 plus the actual per applicant cost to the~~  
3 ~~department for purchase of portions of the examination from~~  
4 ~~the Northeast Regional Board of Dental Examiners or a similar~~  
5 ~~national organization, which may be refundable if the~~  
6 applicant is found ineligible to take the examinations.

7 Section 60. Subsection (1) of section 466.007, Florida  
8 Statutes, is amended to read:

9 466.007 Examination of dental hygienists.--

10 (1) Any person desiring to be licensed as a dental  
11 hygienist shall apply to the department to take the licensure  
12 examinations and shall verify the information required on the  
13 application by oath. The application shall include two recent  
14 photographs of the applicant. There shall be a nonrefundable  
15 application fee ~~set by the board not to exceed \$100~~ and an  
16 examination fee ~~set by the board which shall not be more than~~  
17 ~~\$225~~. The examination fee may be refunded if the applicant is  
18 found ineligible to take the examinations.

19 Section 61. Subsections (6) and (7) of section  
20 466.008, Florida Statutes, are amended to read:

21 466.008 Certification of foreign educational  
22 institutions.--

23 (6) A school shall pay a registration fee established  
24 by ~~rule of the department, not to exceed \$1,000,~~ at the time  
25 of application for certification and shall pay all reasonable  
26 costs and expenses the department expects to incur, ~~in an~~  
27 ~~amount not to exceed \$40,000,~~ for the conduct of the  
28 certification survey.

29 (7) The department shall renew a certification upon  
30 receipt of a renewal application, accompanied by a fee set by  
31 the department ~~not to exceed \$500~~. Each fully certified

1 institution shall submit a renewal application every 7 years.  
2 Any certification which is not renewed shall automatically  
3 expire.

4 Section 62. Subsection (1) of section 466.009, Florida  
5 Statutes, is amended to read:

6 466.009 Reexamination.--

7 (1) The department shall permit any person who fails  
8 an examination which is required under s. 466.006 or s.  
9 466.007 to retake the examination. If the examination to be  
10 retaken is a practical or clinical examination, the applicant  
11 shall pay a reexamination fee set by ~~rule of the~~ department  
12 ~~board~~ in an amount not to exceed the original examination fee.

13 Section 63. Subsection (1) of section 466.013, Florida  
14 Statutes, is amended to read:

15 466.013 Renewal of license.--

16 (1) The department shall renew a license upon receipt  
17 of the renewal application and ~~the fee set by the board not to~~  
18 ~~exceed \$300.~~

19 Section 64. Subsection (1) of section 466.015, Florida  
20 Statutes, is amended to read:

21 466.015 Inactive status.--

22 (1) The board shall adopt rules relating to  
23 application procedures for inactive status, to the renewal of  
24 inactive licenses, and to the reactivation of licenses. The  
25 department board shall prescribe ~~by rule~~ an application fee  
26 for inactive status, a biennial renewal fee for inactive  
27 status, a delinquency fee, and a fee for the reactivation of a  
28 license. None of these fees may exceed the biennial renewal  
29 fee ~~established by the board~~ for an active license.

30  
31

1           Section 65. Paragraph (e) of subsection (3) and  
2 subsection (5) of section 466.017, Florida Statutes, are  
3 amended to read:

4           466.017 Prescription of drugs; anesthesia.--

5           (3) The board shall adopt rules which:

6           (e) Establish an administrative mechanism enabling the  
7 board to verify compliance with training, education,  
8 experience, equipment, or certification requirements of  
9 dentists, dental hygienists, and dental assistants adopted  
10 pursuant to this subsection. The board may charge a fee set  
11 by the department to defray the cost of verifying compliance  
12 with requirements adopted pursuant to this paragraph.

13           (5) A licensed dentist may utilize an X-ray machine,  
14 expose dental X-ray films, and interpret or read such films.  
15 The provisions of part IV of chapter 468 to the contrary  
16 notwithstanding, a licensed dentist may authorize or direct a  
17 dental assistant to operate such equipment and expose such  
18 films under her or his direction and supervision, pursuant to  
19 rules adopted by the board in accordance with s. 466.024 which  
20 ensure that said assistant is competent by reason of training  
21 and experience to operate said equipment in a safe and  
22 efficient manner. The board may charge a fee set by the  
23 department ~~not to exceed \$35~~ to defray the cost of verifying  
24 compliance with requirements adopted pursuant to this section.

25           Section 66. Subsections (1) and (3) of section  
26 466.032, Florida Statutes, are amended to read:

27           466.032 Registration.--

28           (1) Every person, firm, or corporation operating a  
29 dental laboratory in this state shall register biennially with  
30 the department on forms to be provided by the department and,  
31 at the same time, pay to the department a registration fee ~~not~~

1 ~~to exceed \$300~~ for which the department shall issue a  
2 registration certificate entitling the holder to operate a  
3 dental laboratory for a period of 2 years.

4 (3) Any dental laboratory operator who has not  
5 complied with subsection (1) within 3 months after the  
6 registration renewal date shall be required to pay a  
7 delinquency fee set by the department ~~of \$40~~ in addition to  
8 the regular registration fee.

9 Section 67. Paragraph (f) of subsection (2) of section  
10 467.0125, Florida Statutes, is amended to read:

11 467.0125 Licensure by endorsement.--

12 (2) The department may issue a temporary certificate  
13 to practice in areas of critical need to any midwife who is  
14 qualifying for licensure by endorsement under subsection (1),  
15 with the following restrictions:

16 (f) The fee for a temporary certificate shall be set  
17 by the department ~~not exceed \$50~~ and shall be in addition to  
18 the fee required for licensure.

19 Section 68. Section 467.0135, Florida Statutes, is  
20 amended to read:

21 467.0135 Fees.--The department shall establish fees  
22 for application, examination, initial licensure, renewal of  
23 licensure, licensure by endorsement, inactive status,  
24 delinquent status, and reactivation of an inactive license.  
25 The appropriate fee must be paid at the time of application  
26 and is payable to the Department of Health, in accordance with  
27 rules adopted by the department. A fee is nonrefundable,  
28 unless otherwise provided by rule. ~~A fee may not exceed:~~

29 ~~(1) Five hundred dollars for examination.~~

30 ~~(2) Five hundred dollars for initial licensure.~~

31 ~~(3) Five hundred dollars for renewal of licensure.~~

1           ~~(4) Two hundred dollars for application, which fee is~~  
2 ~~nonrefundable.~~

3           ~~(5) Five hundred dollars for reactivation of an~~  
4 ~~inactive license.~~

5           ~~(6) Five hundred dollars for licensure by endorsement.~~

6  
7 A fee for inactive status, reactivation of an inactive  
8 license, or delinquency may not exceed the fee established by  
9 the department for biennial renewal of an active license. All  
10 fees collected under this section shall be deposited in the  
11 Medical Quality Assurance Trust Fund.

12           Section 69. Section 468.1145, Florida Statutes, is  
13 amended to read:

14           468.1145 Fees; establishment; disposition.--

15           (1) The department board, ~~by rule~~, shall establish  
16 fees to be paid for application, examination, reexamination,  
17 licensing and renewal, reinstatement, and recordmaking and  
18 recordkeeping. The department board may also establish, ~~by~~  
19 ~~rule~~, a late renewal penalty. The board shall establish fees  
20 which are adequate to ensure continued operation of the board  
21 and to fund the proportionate expenses incurred by the  
22 department in carrying out its licensure and other related  
23 responsibilities under this part. Fees shall be based on  
24 department estimates of the revenue required to implement this  
25 part and the provisions of law with respect to the regulation  
26 of speech-language pathologists and audiologists.

27           ~~(2) The application fee shall not exceed \$200 and~~  
28 ~~shall be nonrefundable.~~

29           ~~(3) The examination fee shall be in an amount which~~  
30 ~~covers the costs of obtaining and administering the~~  
31 ~~examination and shall be refunded if the applicant is found~~

1 ~~ineligible to sit for the examination. The combined fees for~~  
2 ~~initial application and examination shall not exceed \$200 plus~~  
3 ~~the actual per applicant cost to the department for developing~~  
4 ~~or procuring the licensure examination.~~

5 ~~(4) The initial license fee shall not exceed \$500.~~

6 ~~(5) The provisional license fee shall not exceed \$200.~~

7 ~~(6) The fee for licensure by endorsement shall not~~  
8 ~~exceed \$200.~~

9 ~~(7) The fee for certification as a speech-language~~  
10 ~~pathology assistant or an audiology assistant shall not exceed~~  
11 ~~\$50.~~

12 ~~(8) The biennial renewal fee shall not exceed \$500.~~

13 ~~(9) The fee for application for an inactive status~~  
14 ~~license or for reactivation of an inactive status license~~  
15 ~~shall not exceed \$100.~~

16 (2)~~(10)~~ All moneys derived from fees and fines imposed  
17 pursuant to this part shall be deposited as required by s.  
18 456.025.

19 Section 70. Subsections (2) and (4) of section  
20 468.1695, Florida Statutes, are amended to read:

21 468.1695 Licensure by examination.--

22 (2) The department shall examine each applicant who  
23 the board certifies has completed the application form and  
24 remitted an examination fee set by the department ~~board~~ not to  
25 exceed \$250 and who:

26 (a)1. Holds a baccalaureate degree from an accredited  
27 college or university and majored in health care  
28 administration or has credit for at least 60 semester hours in  
29 subjects, as prescribed by rule of the board, which prepare  
30 the applicant for total management of a nursing home; and  
31

1           2. Has fulfilled the requirements of a  
2 college-affiliated or university-affiliated internship in  
3 nursing home administration or of a 1,000-hour nursing home  
4 administrator-in-training program prescribed by the board; or  
5           (b)1. Holds a baccalaureate degree from an accredited  
6 college or university; and  
7           2.a. Has fulfilled the requirements of a 2,000-hour  
8 nursing home administrator-in-training program prescribed by  
9 the board; or  
10           b. Has 1 year of management experience allowing for  
11 the application of executive duties and skills, including the  
12 staffing, budgeting, and directing of resident care, dietary,  
13 and bookkeeping departments within a skilled nursing facility,  
14 hospital, hospice, assisted living facility with a minimum of  
15 60 licensed beds, or geriatric residential treatment program  
16 and, if such experience is not in a skilled nursing facility,  
17 has fulfilled the requirements of a 1,000-hour nursing home  
18 administrator-in-training program prescribed by the board.  
19           (4) The department board may ~~by rule~~ establish a  
20 preceptor certification and recertification fee, ~~not to exceed~~  
21 ~~\$100~~ which shall be remitted by those individuals seeking  
22 board approval to act as preceptors in  
23 administrator-in-training programs as prescribed by the board.  
24 Said fee may be charged at the time of application for initial  
25 certification and at the time of application for  
26 recertification. The department board may ~~by rule~~ establish a  
27 trainee application fee ~~not to exceed \$500~~ to defray the costs  
28 of the board's supervision of the administrator-in-training  
29 program, to be remitted by those individuals seeking to  
30 undergo a board prescribed administrator-in-training program.  
31



1           Section 71. Subsections (1) and (4) of section  
2 468.1705, Florida Statutes, are amended to read:

3           468.1705 Licensure by endorsement; temporary  
4 license.--

5           (1) The department shall issue a license by  
6 endorsement to any applicant who, upon applying to the  
7 department and remitting a fee set by the department ~~board not~~  
8 ~~to exceed \$500~~, demonstrates to the board that he or she:

9           (a) Meets one of the following requirements:

10           1. Holds a valid active license to practice nursing  
11 home administration in another state of the United States,  
12 provided that the current requirements for licensure in that  
13 state are substantially equivalent to, or more stringent than,  
14 current requirements in this state; or

15           2. Meets the qualifications for licensure in s.  
16 468.1695; and

17           (b)1. Has successfully completed a national  
18 examination which is substantially equivalent to, or more  
19 stringent than, the examination given by the department;

20           2. Has passed an examination on the laws and rules of  
21 this state governing the administration of nursing homes; and

22           3. Has worked as a fully licensed nursing home  
23 administrator for 2 years within the 5-year period immediately  
24 preceding the application by endorsement.

25           (4) A temporary license may be issued one time only to  
26 an applicant who has filed an application for licensure by  
27 endorsement and has paid the fee for the next laws and rules  
28 examination offered in this state, and who meets all of the  
29 following requirements:

30           (a) Has filed an application for a temporary license  
31 and paid a fee set by the department ~~not to exceed \$750~~.

1 (b) Meets the requirements of subsection (1) or s.  
2 468.1695.

3 (c) Has worked as a fully licensed nursing home  
4 administrator for 2 years within the 5-year period immediately  
5 preceding application for a temporary license.

6  
7 A temporary license shall be valid for the nursing home  
8 administrator applicant only at the facility for which it is  
9 issued and shall not be transferred to another facility or to  
10 another applicant. An applicant shall not be eligible to  
11 reapply for a temporary license or an extension of a temporary  
12 license. The applicant must take and pass the next laws and  
13 rules examination offered in this state following issuance of  
14 a temporary license. The temporary license is valid until the  
15 results of the examination are certified by the board and the  
16 applicant is notified.

17 Section 72. Subsection (2) of section 468.1725,  
18 Florida Statutes, is amended to read:

19 468.1725 Inactive status.--

20 (2) The board shall adopt rules relating to  
21 application procedures for inactive status, for the renewal of  
22 inactive licenses, and for the reactivation of licenses. The  
23 department board shall prescribe ~~by rule~~ an application fee  
24 for inactive status, a renewal fee for inactive status, a  
25 delinquency fee, and a fee for the reactivation of a license.  
26 None of these fees may exceed the biennial renewal fee  
27 ~~established by the board~~ for an active license.

28 Section 73. Section 468.1735, Florida Statutes, is  
29 amended to read:

30 468.1735 Provisional license.--The board may establish  
31 by rule requirements for issuance of a provisional license. A

1 provisional license shall be issued only to fill a position of  
2 nursing home administrator that unexpectedly becomes vacant  
3 due to illness, sudden death of the administrator, or  
4 abandonment of position and shall be issued for one single  
5 period as provided by rule not to exceed 6 months. The  
6 department shall not issue a provisional license to any  
7 applicant who is under investigation in this state or another  
8 jurisdiction for an offense which would constitute a violation  
9 of s. 468.1745 or s. 468.1755. Upon completion of the  
10 investigation, the provisions of s. 468.1755 shall apply. The  
11 provisional license may be issued to a person who does not  
12 meet all of the licensing requirements established by this  
13 part, but the board shall by rule establish minimal  
14 requirements to ensure protection of the public health,  
15 safety, and welfare. The provisional license shall be issued  
16 to the person who is designated as the responsible person next  
17 in command in the event of the administrator's departure. The  
18 department board may set an application fee ~~not to exceed \$500~~  
19 for a provisional license.

20 Section 74. Subsection (1) of section 468.209, Florida  
21 Statutes, is amended to read:

22 468.209 Requirements for licensure.--

23 (1) An applicant applying for a license as an  
24 occupational therapist or as an occupational therapy assistant  
25 shall file a written application, accompanied by the  
26 application ~~for licensure~~ fee set by the department ~~prescribed~~  
27 ~~in s. 468.221~~, on forms provided by the department, showing to  
28 the satisfaction of the board that she or he:

29 (a) Is of good moral character.

30 (b) Has successfully completed the academic  
31 requirements of an educational program in occupational therapy

1 recognized by the board, with concentration in biologic or  
2 physical science, psychology, and sociology, and with  
3 education in selected manual skills. Such a program shall be  
4 accredited by the American Occupational Therapy Association's  
5 Accreditation Council for Occupational Therapy Education, or  
6 its successor.

7 (c) Has successfully completed a period of supervised  
8 fieldwork experience at a recognized educational institution  
9 or a training program approved by the educational institution  
10 where she or he met the academic requirements. For an  
11 occupational therapist, a minimum of 6 months of supervised  
12 fieldwork experience is required. For an occupational therapy  
13 assistant, a minimum of 2 months of supervised fieldwork  
14 experience is required.

15 (d) Has passed an examination conducted or adopted by  
16 the board as provided in s. 468.211.

17 Section 75. Subsection (1) of section 468.211, Florida  
18 Statutes, is amended to read:

19 468.211 Examination for licensure.--

20 (1) Any person applying for licensure shall, in  
21 addition to demonstrating his or her eligibility in accordance  
22 with the requirements of s. 468.209, make application to the  
23 board or the appropriate examining entity for examination,  
24 upon a form and in such a manner as the board or the examining  
25 entity prescribes. Such application shall be accompanied by  
26 the nonrefundable fee set by the department ~~prescribed by s.~~  
27 ~~468.221 or by a fee established by the examining entity.~~ A  
28 person who fails an examination may make application for  
29 reexamination accompanied by the prescribed fee; such person  
30 shall also reapply to the board for licensure in the manner  
31 prescribed in s. 468.209.

1           Section 76. Subsection (1) of section 468.221, Florida  
2 Statutes, is amended to read:

3           468.221 Fees.--

4           (1) The department shall set fees ~~board shall~~  
5 ~~prescribe, and publish in the manner established by its rules,~~  
6 ~~fees in amounts determined by the board~~ for the following  
7 purposes:

8           (a) Application for license.

9           (b) Examination fee.

10          (c) Initial license fee.

11          (d) Renewal of active license fee.

12          (e) Delinquency fee.

13          (f) Application for inactive license fee.

14          (g) Renewal of inactive license fee.

15          (h) Reactivation fee.

16          Section 77. Paragraph (a) of subsection (1) of section  
17 468.357, Florida Statutes, is amended to read:

18          468.357 Licensure by examination.--

19          (1) A person who desires to be licensed as a  
20 respiratory care practitioner may submit an application to  
21 take the examination, in accordance with board rule.

22          (a) Each applicant may take the examination who is  
23 determined by the board to have:

24           1. Completed the application form and remitted the  
25 applicable fee set by the department ~~board~~;

26           2. Submitted required documentation as required in s.  
27 468.355; and

28           3. Remitted an examination fee set by the department  
29 ~~examination provider~~.

30          Section 78. Subsection (1) of section 468.361, Florida  
31 Statutes, is amended to read:

1           468.361 Renewal of licensure; continuing education.--  
2           (1) The department shall provide by rule a method for  
3 the biennial renewal of licensure at fees set by the  
4 department board.

5           Section 79. Subsection (1) of section 468.364, Florida  
6 Statutes, is amended to read:

7           468.364 Fees; establishment; disposition.--

8           (1) The department board shall establish ~~by rule~~ fees  
9 for the following purposes:

10           (a) Application, ~~a fee not to exceed \$50.~~

11           (b) Initial licensure, ~~a fee not to exceed \$200.~~

12           (c) Renewal of licensure, ~~a fee not to exceed \$200~~  
13 ~~biennially.~~

14           (d) Renewal of inactive licensure, ~~a fee not to exceed~~  
15 ~~\$50.~~

16           (e) Reactivation, ~~a fee not to exceed \$50.~~

17           Section 80. Section 468.508, Florida Statutes, is  
18 amended to read:

19           468.508 Fees.--The department board shall, ~~by rule,~~  
20 establish fees to be paid for applications and examination,  
21 reexamination, licensing and renewal, licensure by  
22 endorsement, temporary permits, renewal, renewal of inactive  
23 licenses, reactivation of inactive licenses, recordmaking, and  
24 recordkeeping. The department board shall establish fees which  
25 are adequate to administer and implement the provisions of  
26 this part.

27           ~~(1) The application fee shall not exceed \$100 and~~  
28 ~~shall not be refundable.~~

29           ~~(2) The examination fee shall not exceed \$500 and~~  
30 ~~shall be refundable if the applicant is found to be ineligible~~  
31 ~~to take the licensure examination.~~

- 1           ~~(3) The initial licensure fee shall not exceed \$500.~~  
2           ~~(4) The fee for reexamination shall not exceed \$250.~~  
3           ~~(5) The biennial renewal fee shall not exceed \$500.~~  
4           ~~(6) The fee for licensure by endorsement shall not~~  
5 ~~exceed \$350.~~  
6           ~~(7) The fee for a temporary permit shall not exceed~~  
7 ~~\$200.~~  
8           ~~(8) The fee for reactivation of an inactive license~~  
9 ~~shall not exceed \$50.~~

10           Section 81. Subsection (2) of section 468.509, Florida  
11 Statutes, is amended to read:

12           468.509 Dietitian/nutritionist; requirements for  
13 licensure.--

14           (2) The agency shall examine any applicant who the  
15 board certifies has completed the application form and  
16 remitted the application and examination fees set by the  
17 department specified in s. 468.508 and who:

18           (a)1. Possesses a baccalaureate or postbaccalaureate  
19 degree with a major course of study in human nutrition, food  
20 and nutrition, dietetics, or food management, or an equivalent  
21 major course of study, from a school or program accredited, at  
22 the time of the applicant's graduation, by the appropriate  
23 accrediting agency recognized by the Commission on Recognition  
24 of Postsecondary Accreditation and the United States  
25 Department of Education; and

26           2. Has completed a preprofessional experience  
27 component of not less than 900 hours or has education or  
28 experience determined to be equivalent by the board; or

29           (b)1. Has an academic degree, from a foreign country,  
30 that has been validated by an accrediting agency approved by  
31 the United States Department of Education as equivalent to the

1 baccalaureate or postbaccalaureate degree conferred by a  
2 regionally accredited college or university in the United  
3 States;

4         2. Has completed a major course of study in human  
5 nutrition, food and nutrition, dietetics, or food management;  
6 and

7         3. Has completed a preprofessional experience  
8 component of not less than 900 hours or has education or  
9 experience determined to be equivalent by the board.

10         Section 82. Subsection (1) of section 468.513, Florida  
11 Statutes, is amended to read:

12             468.513 Dietitian/nutritionist; licensure by  
13 endorsement.--

14             (1) The agency shall issue a license to practice  
15 dietetics and nutrition by endorsement to any applicant who  
16 the board certifies as qualified, upon receipt of a completed  
17 application and the fee set by the department ~~specified in s.~~  
18 ~~468.508~~.

19         Section 83. Section 468.705, Florida Statutes, is  
20 amended to read:

21             468.705 Rulemaking authority.--The board is authorized  
22 to adopt rules pursuant to ss. 120.536(1) and 120.54 to  
23 implement provisions of this part conferring duties upon it.  
24 The provisions of s. 456.011(5) shall apply to the board's  
25 activity. Such rules shall include, but not be limited to, the  
26 allowable scope of practice regarding the use of equipment,  
27 procedures, and medication, requirements for a written  
28 protocol between the athletic trainer and a supervising  
29 physician, licensure requirements, licensure examination,  
30 continuing education requirements, ~~fees,~~ records, and reports  
31 to be filed by licensees, protocols, and any other



1 requirements necessary to regulate the practice of athletic  
2 training.

3 Section 84. Section 468.709, Florida Statutes, is  
4 amended to read:

5 468.709 Fees.--

6 ~~(1)~~ The department board shall, ~~by rule,~~ establish  
7 fees for the following purposes:

8 (1)~~(a)~~ An application fee, ~~not to exceed \$100.~~

9 (2)~~(b)~~ An examination fee, ~~not to exceed \$200.~~

10 (3)~~(c)~~ An initial licensure fee, ~~not to exceed \$200.~~

11 (4)~~(d)~~ A biennial renewal fee, ~~not to exceed \$200.~~

12 (5)~~(e)~~ An inactive fee, ~~not to exceed \$100.~~

13 (6)~~(f)~~ A delinquent fee, ~~not to exceed \$100.~~

14 (7)~~(g)~~ A reactivation fee, ~~not to exceed \$100.~~

15 (8)~~(h)~~ A voluntary inactive fee, ~~not to exceed \$100.~~

16 ~~(2) The board shall establish fees at a level, not to~~  
17 ~~exceed the statutory fee cap, that is adequate to ensure the~~  
18 ~~continued operation of the regulatory program under this part.~~  
19 ~~The board shall neither set nor maintain the fees at a level~~  
20 ~~that will substantially exceed this need.~~

21 Section 85. Subsection (2) of section 468.803, Florida  
22 Statutes, is amended to read:

23 468.803 Licensure requirements.--

24 (2) An applicant for licensure must apply to the  
25 department on a form prescribed by it in order to take the  
26 appropriate licensure examination, including a practical  
27 examination demonstrating clinical patient management, when  
28 appropriate, and written examinations, one of which  
29 demonstrates orthotic, prosthetic, or pedorthic  
30 problem-solving skills. The board may accept the examination  
31 results of a national orthotic, prosthetic, or pedorthic

1 standards organization in lieu of administering the state  
2 examination. In such cases, the department shall set fees  
3 appropriate to the level of practitioner and shall examine  
4 each applicant who the board verifies:

5 (a) Has completed the application form and paid an  
6 application fee, ~~not to exceed \$500~~, which shall be  
7 nonrefundable, an examination fee and the actual per applicant  
8 costs to the department for purchase or development of the  
9 examination, and a license fee ~~not to exceed \$500~~;

10 (b) Is of good moral character;

11 (c) Is 18 years of age or older;

12 (d) Has completed the appropriate educational  
13 preparation, including practical training requirements; and

14 (e) Has successfully completed an appropriate clinical  
15 internship in the professional area for which the license is  
16 sought.

17 Section 86. Subsection (1), paragraph (e) of  
18 subsection (2), and subsection (3) of section 468.805, Florida  
19 Statutes, are amended to read:

20 468.805 Grandfathering.--

21 (1) A person who has practiced orthotics, prosthetics,  
22 or pedorthics in this state for the required period since July  
23 1, 1990, who, before March 1, 1998, applies to the department  
24 for a license to practice orthotics, prosthetics, or  
25 pedorthics, may be licensed as a prosthetist, orthotist,  
26 prosthetist-orthotist, orthotic fitter, orthotic fitter  
27 assistant, or pedorthist, as determined from the person's  
28 experience, certification, and educational preparation,  
29 without meeting the educational requirements set forth in s.  
30 468.803, upon receipt of the application fee and licensing fee  
31 and after the board has completed an investigation into the

1 applicant's background and experience. The ~~board shall require~~  
2 ~~an application fee not to exceed \$500, which shall be set by~~  
3 ~~the department and is nonrefundable.~~ The board shall complete  
4 its investigation within 6 months after receipt of the  
5 completed application. The period of experience required for  
6 licensure under this section is 5 years for a prosthetist; 2  
7 years for an orthotic fitter, an orthotic fitter assistant, or  
8 a pedorthist; and 5 years for an orthotist whose scope of  
9 practice is defined under s. 468.80(7).

10 (2)

11 (e) The board shall require an application fee, ~~not to~~  
12 ~~exceed \$500,~~ which is nonrefundable, and a provisional  
13 licensure fee, each to be set by the department ~~not to exceed~~  
14 ~~\$500.~~

15 (3) An applicant who has received certification as an  
16 orthotist, a prosthetist, a prosthetist-orthotist, or a  
17 pedorthist from a national certifying body which requires the  
18 successful completion of an examination, may be licensed under  
19 this section without taking an additional examination. An  
20 applicant who has not received certification from a national  
21 certifying body which requires the successful completion of an  
22 examination shall be required to take an examination as  
23 determined by the board. This examination shall be designed to  
24 determine if the applicant has the minimum qualifications  
25 needed to be licensed under this section. The board may charge  
26 an examination fee set by the department and the actual per  
27 applicant cost to the department for purchase or development  
28 of the examination.

29 Section 87. Subsection (1) of section 468.806, Florida  
30 Statutes, is amended to read:

31 468.806 Biennial renewal of license.--

1           (1) The department shall renew a license upon receipt  
2 of the renewal application fee, ~~not to exceed \$500,~~ as set by  
3 the department board.

4           Section 88. Subsections (1) and (4) of section 478.45,  
5 Florida Statutes, are amended to read:

6           478.45 Requirements for licensure.--

7           (1) An applicant applying for licensure as an  
8 electrologist shall file a written application, accompanied by  
9 the application ~~for licensure~~ fee set by the department  
10 ~~prescribed in s. 478.55,~~ on a form provided by the board,  
11 showing to the satisfaction of the board that the applicant:

12           (a) Is at least 18 years old.

13           (b) Is of good moral character.

14           (c) Possesses a high school diploma or a graduate  
15 equivalency diploma.

16           (d) Has not committed an act in any jurisdiction which  
17 would constitute grounds for disciplining an electrologist in  
18 this state.

19           (e) Has successfully completed the academic  
20 requirements of an electrolysis training program, not to  
21 exceed 120 hours, and the practical application thereof as  
22 approved by the board.

23           (4) The department shall issue a license to practice  
24 electrology to any applicant who passes the examination, pays  
25 the licensure fee ~~as set by the department~~ forth in s. 478.55,  
26 and otherwise meets the requirements of this chapter.

27           Section 89. Section 478.47, Florida Statutes, is  
28 amended to read:

29           478.47 Licensure by endorsement.--The department shall  
30 issue a license by endorsement to any applicant who submits an  
31 application and the required fees ~~as set forth in s. 478.55~~

1 and who holds an active license or other authority to practice  
2 electrology in a jurisdiction whose licensure requirements are  
3 determined by the board to be equivalent to the requirements  
4 for licensure in this state.

5 Section 90. Subsections (1) and (2) of section 478.50,  
6 Florida Statutes, are amended to read:

7 478.50 Renewal of license; delinquent status; address  
8 notification; continuing education requirements.--

9 (1) The department shall provide, by rule, a method  
10 for biennial license renewal at fees set by the department  
11 ~~forth in s. 478.55.~~

12 (2) A license that is not renewed at the end of the  
13 biennium prescribed by the department automatically reverts to  
14 delinquent status. The board shall adopt rules establishing  
15 procedures and ~~criteria, and fees as set forth in s. 478.55~~  
16 for reactivation of an inactive license.

17 Section 91. Subsection (4) of section 478.51, Florida  
18 Statutes, is amended to read:

19 478.51 Electrology facilities; requisites; facility  
20 licensure; inspection.--

21 (4) Any person, firm, or corporation desiring to  
22 operate an electrology facility in the state shall submit to  
23 the department an application and the ~~necessary~~ application  
24 fee as set by the department ~~forth in s. 478.55.~~

25 Section 92. Section 478.55, Florida Statutes, is  
26 amended to read:

27 478.55 Fees; facility; disposition.--

28 ~~(1)~~ The department ~~board~~ shall establish ~~by rule~~ the  
29 collection of fees for the following purposes:

30 (1) ~~(a)~~ License application fee: ~~a fee not to exceed~~  
31 ~~\$100.~~

1           ~~(2)(b)~~ Examination fee: ~~a fee not to exceed \$300.~~

2           ~~(3)(c)~~ Initial licensure fee: ~~a fee not to exceed~~  
3 ~~\$100.~~

4           ~~(4)(d)~~ Renewal fee: ~~a fee not to exceed \$100~~  
5 ~~biennially.~~

6           ~~(5)(e)~~ Reactivation fee: ~~a fee not to exceed \$100.~~

7           ~~(6)(f)~~ Inspection fee for facility: ~~a fee not to~~  
8 ~~exceed \$100 biennially.~~

9           ~~(2)~~ ~~In no case shall the department charge more than~~  
10 ~~the actual cost incurred for the implementation of this~~  
11 ~~chapter.~~

12           Section 93. Paragraphs (b) and (c) of subsection (7)  
13 and subsection (8) of section 480.043, Florida Statutes, are  
14 amended to read:

15           480.043 Massage establishments; requisites; licensure;  
16 inspection.--

17           (7)

18           (b) A license may be transferred from one location to  
19 another only after inspection and approval by the board and  
20 receipt of an application and inspection fee set by ~~rule of~~  
21 ~~the department board, not to exceed \$125.~~

22           (c) A license may be transferred from one business  
23 name to another after approval by the board and receipt of an  
24 application fee set by ~~rule of the department board, not to~~  
25 ~~exceed \$25.~~

26           (8) Renewal of license registration for massage  
27 establishments shall be accomplished pursuant to rules adopted  
28 by the board. The board is further authorized to adopt rules  
29 governing delinquent renewal of licenses and may impose  
30 penalty fees set by the department for delinquent renewal.

31

1           Section 94. Subsections (1), (2), and (3) of section  
2 480.044, Florida Statutes, are amended to read:  
3           480.044 Fees; disposition.--  
4           (1) The department board shall set the following fees  
5 ~~according to the following schedule:~~  
6           (a) Massage therapist application and examination fee+  
7 ~~not to exceed \$250.~~  
8           (b) Massage therapist initial licensure fee+ ~~not to~~  
9 ~~exceed \$150.~~  
10           (c) Establishment application fee+ ~~not to exceed~~  
11 ~~\$200.~~  
12           (d) Establishment licensure fee+ ~~not to exceed \$150.~~  
13           (e) Biennial establishment renewal fee+ ~~not to exceed~~  
14 ~~\$150.~~  
15           (f) Biennial massage therapist licensure renewal fee+  
16 ~~not to exceed \$200.~~  
17           (g) Massage therapist reexamination fee+ ~~not to~~  
18 ~~exceed \$250.~~  
19           (h) Fee for apprentice+ ~~not to exceed \$100.~~  
20           (i) Colonics examination fee+ ~~not to exceed \$100.~~  
21           (j) Colonics reexamination fee+ ~~not to exceed \$100.~~  
22           (k) Application and reactivation for inactive status  
23 of a massage therapist license fee+ ~~not to exceed \$250.~~  
24           (1) Renewal fee for inactive status+ ~~not to exceed~~  
25 ~~\$250.~~  
26           (2) The department shall impose a late fee ~~not to~~  
27 ~~exceed \$150~~ on a delinquent renewal of a massage establishment  
28 license.  
29           (3) The board may establish by rule an application fee  
30 ~~not to exceed \$100~~ for anyone seeking approval to provide  
31

1 continuing education courses and may provide by rule for a fee  
2 ~~not to exceed \$50~~ for renewal of providership.

3 Section 95. Section 483.807, Florida Statutes, is  
4 amended to read:

5 483.807 Fees; establishment; disposition.--

6 (1) The department board, ~~by rule~~, shall establish  
7 fees to be paid for application, examination, reexamination,  
8 licensing and renewal, registration, laboratory training  
9 program application, reinstatement, and recordmaking and  
10 recordkeeping. The department board may also establish, ~~by~~  
11 ~~rule~~, a delinquency fee. The department board shall establish  
12 fees that are adequate to ensure the continued operation of  
13 the board and to fund the proportionate expenses incurred by  
14 the department in carrying out its licensure and other related  
15 responsibilities under this part. ~~Fees shall be based on~~  
16 ~~departmental estimates of the revenue required to implement~~  
17 ~~this part and the provisions of law with respect to the~~  
18 ~~regulation of clinical laboratory personnel.~~

19 ~~(2) The nonrefundable application fee may not exceed~~  
20 ~~\$200.~~

21 ~~(2)(3)~~ (2) The examination fee shall be in an amount which  
22 covers the costs of obtaining and administering the  
23 examination and shall be refunded if the applicant is found  
24 ineligible to sit for the examination. ~~The combined fees for~~  
25 ~~initial application and examination may not exceed \$200 plus~~  
26 ~~the actual per applicant cost to the department for~~  
27 ~~developing, administering, or procuring the licensure~~  
28 ~~examination.~~

29 ~~(4) The initial license fee may not exceed \$100.~~

30 ~~(5) The fee for licensure by endorsement may not~~  
31 ~~exceed \$100.~~



- 1           ~~(6) The biennial renewal fee may not exceed \$150.~~  
2           ~~(7) The fee for application for an inactive status~~  
3 ~~license or for reactivation of an inactive status license may~~  
4 ~~not exceed \$50.~~  
5           ~~(8) The initial application fee for registration of a~~  
6 ~~trainee shall not exceed \$20.~~  
7           ~~(9) The initial application and renewal fee for~~  
8 ~~approval as a laboratory training program may not exceed \$300.~~  
9 ~~The fee for late filing of a renewal application shall be \$50.~~  
10           (3)~~(10)~~ All fees shall be established, collected, and  
11 deposited in accordance with s. 456.025.

12           Section 96. Subsection (1) of section 483.819, Florida  
13 Statutes, is amended to read:

14           483.819 Inactive status.--

15           (1) A licensee may request that her or his license be  
16 placed in an inactive status by making application to the  
17 department and paying a fee in an amount set by the department  
18 board.

19           Section 97. Subsection (7) of section 483.901, Florida  
20 Statutes, is amended to read:

21           483.901 Medical physicists; definitions; licensure.--

22           (7) FEES.--The fee for the initial license application  
23 shall be set by the department~~\$500~~ and is nonrefundable. The  
24 fee for license renewal shall be set by the department ~~may not~~  
25 ~~be more than \$500~~. These fees may cover only the costs  
26 incurred by the department and the council to administer this  
27 section. By July 1 each year, the department shall advise the  
28 council if the fees are insufficient to administer this  
29 section.

30           Section 98. Subsection (6) of section 484.002, Florida  
31 Statutes, is amended to read:

1           484.002 Definitions.--As used in this part:  
2           (6) "Board-certified optician" means an optician  
3 licensed in this state who:  
4           (a) Has passed the National Contact Lens Registry  
5 Examination;  
6           (b) Has successfully completed a board-approved course  
7 of at least 20 contact hours covering the competencies  
8 required in fitting, adapting, and dispensing of contact  
9 lenses;  
10           (c) Has met any other requirements established by the  
11 board to assure competence in the fitting, adapting, and  
12 dispensing of contact lenses;  
13           (d) Has completed the application form and remitted a  
14 nonrefundable application fee set by the department board ~~not~~  
15 ~~to exceed \$100~~; and  
16           (e) Has been issued a certificate by the department.  
17           Section 99. Subsection (1) and paragraph (a) of  
18 subsection (3) of section 484.007, Florida Statutes, are  
19 amended to read:  
20           484.007 Licensure of opticians; permitting of optical  
21 establishments.--  
22           (1) Any person desiring to practice opticianry shall  
23 apply to the department, upon forms prescribed by it, to take  
24 a licensure examination. The department shall examine each  
25 applicant who the board certifies:  
26           (a) Has completed the application form and remitted a  
27 nonrefundable application fee set by the department board, ~~in~~  
28 ~~the amount of \$100 or less~~, and an examination fee set by the  
29 department board, ~~in the amount of \$325 plus the actual per~~  
30 ~~applicant cost to the department for purchase of portions of~~  
31 ~~the examination from the American Board of Opticianry or a~~

1 ~~similar national organization, or less, and refundable if the~~  
2 ~~board finds the applicant ineligible to take the examination;~~  
3 (b) Is not less than 18 years of age;  
4 (c) Is a graduate of an accredited high school or  
5 possesses a certificate of equivalency of a high school  
6 education; and  
7 (d)1. Has received an associate degree, or its  
8 equivalent, in opticianry from an educational institution the  
9 curriculum of which is accredited by an accrediting agency  
10 recognized and approved by the United States Department of  
11 Education or the Council on Postsecondary Education or  
12 approved by the board;  
13 2. Is an individual licensed to practice the  
14 profession of opticianry pursuant to a regulatory licensing  
15 law of another state, territory, or jurisdiction of the United  
16 States, who has actively practiced in such other state,  
17 territory, or jurisdiction for more than 3 years immediately  
18 preceding application, and who meets the examination  
19 qualifications as provided in this subsection;  
20 3. Is an individual who has actively practiced in  
21 another state, territory, or jurisdiction of the United States  
22 for more than 5 years immediately preceding application and  
23 who provides tax or business records, affidavits, or other  
24 satisfactory documentation of such practice and who meets the  
25 examination qualifications as provided in this subsection; or  
26 4. Has registered as an apprentice with the department  
27 and paid a registration fee ~~not to exceed \$60~~, as set by the  
28 department rule of the board. The apprentice shall complete  
29 6,240 hours of training under the supervision of an optician  
30 licensed in this state for at least 1 year or of a physician  
31 or optometrist licensed under the laws of this state. These

1 requirements must be met within 5 years after the date of  
2 registration. However, any time spent in a recognized school  
3 may be considered as part of the apprenticeship program  
4 provided herein. The board may establish administrative  
5 processing fees sufficient to cover the cost of administering  
6 apprentice rules as promulgated by the board.

7 (3) Any person desiring to operate an optical  
8 establishment shall apply to the department, upon forms  
9 prescribed by the department, for a permit. The department  
10 shall issue a permit to each applicant who:

11 (a) Has completed the permit form and remitted a  
12 nonrefundable application fee set by the department ~~in an~~  
13 ~~amount not to exceed \$500.~~

14 Section 100. Subsections (1) and (3) of section  
15 484.008, Florida Statutes, are amended to read:

16 484.008 Renewal of license.--

17 (1) The department shall renew a license upon receipt  
18 of the renewal application and the fee set by the department  
19 ~~board not to exceed \$350.~~

20 (3) The board may by rule prescribe continuing  
21 education, not to exceed 20 hours biennially, as a condition  
22 for renewal of a license or certificate. The criteria for such  
23 programs or courses shall be approved by the board. All  
24 education programs which contribute to the advancement,  
25 extension, or enhancement of professional skills and  
26 knowledge, whether conducted by a nonprofit or a profitmaking  
27 entity, are eligible for approval. The department board may  
28 establish ~~by rule~~ an application fee ~~not to exceed \$200~~ for  
29 anyone seeking approval to provide continuing education  
30 courses and may provide ~~by rule~~ for a fee ~~not to exceed \$200~~  
31 for renewal of providership.

1           Section 101. Subsection (2) of section 484.009,  
2 Florida Statutes, is amended to read:  
3           484.009 Inactive status.--  
4           (2) The board shall promulgate rules relating to  
5 licenses which have become inactive and for the renewal of  
6 inactive licenses. The department board shall prescribe ~~by~~  
7 ~~rule~~ a fee ~~not to exceed \$200~~ for the reactivation of an  
8 inactive license and a fee ~~not to exceed \$50~~ for the renewal  
9 of an inactive license.

10           Section 102. Section 484.0447, Florida Statutes, is  
11 amended to read:

12           484.0447 Fees.--The department board shall ~~by rule~~  
13 establish the following fees to be paid as follows:

- 14           (1) Examination application fee, ~~not to exceed \$150;~~  
15           (2) Examination fee, ~~not to exceed \$175,~~ which is  
16 refundable if the applicant is found to be ineligible to take  
17 the examination;  
18           (3) Reexamination fee, ~~not to exceed \$175;~~  
19           (4) Initial licensure fee, ~~not to exceed \$600;~~  
20           (5) Trainee registration fee, ~~not to exceed \$100;~~ and  
21           (6) Biennial renewal fee, ~~not to exceed \$600.~~

22           Section 103. Section 486.041, Florida Statutes, is  
23 amended to read:

24           486.041 Physical therapist; application for license;  
25 fee.--A person who desires to be licensed as a physical  
26 therapist shall apply to the department in writing on a form  
27 furnished by the department. She or he shall embody in that  
28 application evidence under oath, satisfactory to the board, of  
29 possession of the qualifications preliminary to examination  
30 required by s. 486.031. The applicant shall pay to the  
31 department at the time of filing the application a fee

1 established ~~not to exceed \$100, as fixed~~ by the department  
2 board.

3 Section 104. Section 486.061, Florida Statutes, is  
4 amended to read:

5 486.061 Physical therapist; issuance of license.--The  
6 board shall cause a license to be issued through the  
7 department to each applicant who successfully establishes  
8 eligibility under the terms of this chapter and remits the  
9 initial license fee set by the department board, ~~not to exceed~~  
10 ~~\$150~~. Any person who holds a license pursuant to this section  
11 may engage in the practice of physical therapy and use the  
12 words "physical therapist" or "physiotherapist," or the  
13 letters "P.T.," in connection with her or his name or place of  
14 business to denote her or his licensure hereunder.

15 Section 105. Subsection (2) of section 486.081,  
16 Florida Statutes, is amended to read:

17 486.081 Physical therapist; issuance of license  
18 without examination to person passing examination of another  
19 authorized examining board; fee.--

20 (2) At the time of making application for licensure  
21 without examination pursuant to the terms of this section, the  
22 applicant shall pay to the department a fee established not to  
23 ~~exceed \$175 as fixed~~ by the department board, no part of which  
24 will be returned.

25 Section 106. Subsections (1) and (4) of section  
26 486.085, Florida Statutes, are amended to read:

27 486.085 Physical therapist; renewal of license;  
28 inactive status; reactivation of license; fees.--

29 (1) The department shall renew a license upon receipt  
30 of the renewal application and the fee set by the department  
31 ~~board not to exceed \$200~~.

1           (4)(a) The board shall adopt rules relating to  
2 application procedures for inactive status, for renewal of  
3 inactive licenses, and for the reactivation of licenses. The  
4 department board shall prescribe ~~by rule~~ an application fee  
5 for inactive status, a renewal fee for inactive status, a  
6 delinquency fee, and a fee for the reactivation of a license.  
7 None of these fees may exceed the biennial renewal fee  
8 ~~established by the board~~ for an active license.

9           (b) The department may not reactivate a license unless  
10 the inactive or delinquent licensee has paid any applicable  
11 biennial renewal or delinquency fee, or both, and a  
12 reactivation fee.

13           (c) The department may not reactivate a license unless  
14 the inactive licensee has met the continuing education  
15 requirements of subsection (3) or has fulfilled one of the  
16 following requirements for reactivation of a license:

17           1. Provides evidence satisfactory to the board that  
18 she or he has actively engaged in the practice of physical  
19 therapy in good standing in another state for the 4 years  
20 immediately preceding the filing of an application for  
21 reactivation; or

22           2. Makes application for and passes the examination as  
23 provided by s. 486.051 and pays the fee therefor as set by the  
24 department ~~provided in s. 486.041.~~

25           Section 107. Section 486.103, Florida Statutes, is  
26 amended to read:

27           486.103 Physical therapist assistant; application for  
28 license; fee.--A person who desires to be licensed as a  
29 physical therapist assistant shall apply to the department in  
30 writing on a form furnished by the department. She or he  
31 shall embody in that application evidence under oath,

1 satisfactory to the board, of possession of the qualifications  
2 preliminary to examination required by s. 486.104. The  
3 applicant shall pay to the department at the time of filing  
4 the application a fee established ~~not to exceed \$100, as fixed~~  
5 by the department ~~board~~.

6 Section 108. Section 486.106, Florida Statutes, is  
7 amended to read:

8 486.106 Physical therapist assistant; issuance of  
9 license.--The board shall issue a license to each applicant  
10 who successfully establishes eligibility under the terms of  
11 this chapter and remits the initial license fee set by the  
12 department ~~board, not to exceed \$100~~. Any person who holds a  
13 license pursuant to this section may use the words "physical  
14 therapist assistant," or the letters "P.T.A.," in connection  
15 with her or his name to denote licensure hereunder.

16 Section 109. Subsection (2) of section 486.107,  
17 Florida Statutes, is amended to read:

18 486.107 Physical therapist assistant; issuance of  
19 license without examination to person licensed in another  
20 jurisdiction; fee.--

21 (2) At the time of making application for licensing  
22 without examination pursuant to the terms of this section, the  
23 applicant shall pay to the department a fee ~~not to exceed \$175~~  
24 as fixed by the department ~~board~~, no part of which will be  
25 returned.

26 Section 110. Subsections (1) and (4) of section  
27 486.108, Florida Statutes, are amended to read:

28 486.108 Physical therapist assistant; renewal of  
29 license; inactive status; reactivation of license; fees.--

30  
31



1           (1) The department shall renew a license upon receipt  
2 of the renewal application and the fee set by the department  
3 ~~board not to exceed \$150.~~

4           (4)(a) The department ~~board~~ shall prescribe ~~by rule~~ an  
5 application fee for inactive status, a renewal fee for  
6 inactive status, a delinquency fee, and a fee for the  
7 reactivation of a license. None of these fees may exceed the  
8 biennial renewal fee established ~~by the board~~ for an active  
9 license.

10           (b) The department may not reactivate a license unless  
11 the inactive or delinquent licensee has paid any applicable  
12 biennial renewal or delinquency fee, or both, and a  
13 reactivation fee.

14           (c) The department may not reactivate a license unless  
15 the inactive licensee has met the continuing education  
16 requirements of subsection (3) or has fulfilled one of the  
17 following requirements for reactivation of a license:

18           1. Provides evidence satisfactory to the board that  
19 she or he has actively engaged in the practice of physical  
20 therapy in good standing in another state for the 4 years  
21 immediately preceding the filing of an application for  
22 reinstatement; or

23           2. Makes application for and passes the examination as  
24 provided by s. 486.104 and pays the fee therefor as set by the  
25 department ~~provided in s. 486.103.~~

26           Section 111. Paragraph (a) of subsection (1) and  
27 paragraph (a) of subsection (2) of section 490.005, Florida  
28 Statutes, are amended to read:

29           490.005 Licensure by examination.--

30           (1) Any person desiring to be licensed as a  
31 psychologist shall apply to the department to take the

1 licensure examination. The department shall license each  
2 applicant who the board certifies has:

3 (a) Completed the application form and remitted a  
4 nonrefundable application fee ~~not to exceed \$500~~ and an  
5 examination fee set by the department ~~board sufficient to~~  
6 ~~cover the actual per applicant cost to the department for~~  
7 ~~development, purchase, and administration of the examination,~~  
8 ~~but not to exceed \$500.~~

9 (2) Any person desiring to be licensed as a school  
10 psychologist shall apply to the department to take the  
11 licensure examination. The department shall license each  
12 applicant who the department certifies has:

13 (a) Satisfactorily completed the application form and  
14 submitted a nonrefundable application fee ~~not to exceed \$250~~  
15 and an examination fee ~~sufficient to cover the per applicant~~  
16 ~~cost to the department for development, purchase, and~~  
17 ~~administration of the examination, but not to exceed \$250 as~~  
18 set by the department rule.

19 Section 112. Paragraph (a) of subsection (1) of  
20 section 490.0051, Florida Statutes, is amended to read:

21 490.0051 Provisional licensure; requirements.--

22 (1) The department shall issue a provisional  
23 psychology license to each applicant who the board certifies  
24 has:

25 (a) Completed the application form and remitted a  
26 nonrefundable application fee ~~not to exceed \$250~~, as set by  
27 the department ~~board rule~~.

28 Section 113. Subsection (1) of section 490.007,  
29 Florida Statutes, is amended to read:

30 490.007 Renewal of license.--

31

1           (1) The department ~~or, in the case of psychologists,~~  
2 ~~the board~~ shall prescribe ~~by rule~~ a method for the biennial  
3 renewal of a license at a fee set by the department rule, ~~not~~  
4 ~~to exceed \$500.~~

5           Section 114. Subsection (2) of section 491.0045,  
6 Florida Statutes, is amended to read:

7           491.0045 Intern registration; requirements.--

8           (2) The department shall register as a clinical social  
9 worker intern, marriage and family therapist intern, or mental  
10 health counselor intern each applicant who the board certifies  
11 has:

12           (a) Completed the application form and remitted a  
13 nonrefundable application fee ~~not to exceed \$200~~, as set by  
14 the department board rule;

15           (b)1. Completed the education requirements as  
16 specified in s. 491.005(1)(c), (3)(c), or (4)(c) for the  
17 profession for which he or she is applying for licensure, if  
18 needed; and

19           2. Submitted an acceptable supervision plan, as  
20 determined by the board, for meeting the practicum,  
21 internship, or field work required for licensure that was not  
22 satisfied in his or her graduate program.

23           (c) Identified a qualified supervisor.

24           Section 115. Subsection (2) of section 491.0046,  
25 Florida Statutes, is amended to read:

26           491.0046 Provisional license; requirements.--

27           (2) The department shall issue a provisional clinical  
28 social worker license, provisional marriage and family  
29 therapist license, or provisional mental health counselor  
30 license to each applicant who the board certifies has:  
31

- 1           (a) Completed the application form and remitted a  
2 nonrefundable application fee ~~not to exceed \$100~~, as set by  
3 the department board rule; and
- 4           (b) Earned a graduate degree in social work, a  
5 graduate degree with a major emphasis in marriage and family  
6 therapy or a closely related field, or a graduate degree in a  
7 major related to the practice of mental health counseling; and
- 8           (c) Has met the following minimum coursework  
9 requirements:
- 10           1. For clinical social work, a minimum of 15 semester  
11 hours or 22 quarter hours of the coursework required by s.  
12 491.005(1)(b)2.b.
- 13           2. For marriage and family therapy, 10 of the courses  
14 required by s. 491.005(3)(b)1.a.-c., as determined by the  
15 board, and at least 6 semester hours or 9 quarter hours of the  
16 course credits must have been completed in the area of  
17 marriage and family systems, theories, or techniques.
- 18           3. For mental health counseling, a minimum of seven of  
19 the courses required under s. 491.005(b)1.a.-c.
- 20           Section 116. Subsections (1), (3), and (4) of section  
21 491.005, Florida Statutes, are amended to read:
- 22           491.005 Licensure by examination.--
- 23           (1) CLINICAL SOCIAL WORK.--Upon verification of  
24 documentation and payment of a fee set by the department ~~not~~  
25 ~~to exceed \$200, as set by board rule, plus the actual per~~  
26 ~~applicant cost to the department for purchase of the~~  
27 ~~examination from the American Association of State Social~~  
28 ~~Worker's Boards or a similar national organization, the~~  
29 department shall issue a license as a clinical social worker  
30 to an applicant who the board certifies:  
31

- 1           (a) Has made application therefor and paid the  
2 appropriate fee.
- 3           (b)1. Has received a doctoral degree in social work  
4 from a graduate school of social work which at the time the  
5 applicant graduated was accredited by an accrediting agency  
6 recognized by the United States Department of Education or has  
7 received a master's degree in social work from a graduate  
8 school of social work which at the time the applicant  
9 graduated:
- 10           a. Was accredited by the Council on Social Work  
11 Education;
- 12           b. Was accredited by the Canadian Association of  
13 Schools of Social Work; or
- 14           c. Has been determined to have been a program  
15 equivalent to programs approved by the Council on Social Work  
16 Education by the Foreign Equivalency Determination Service of  
17 the Council on Social Work Education. An applicant who  
18 graduated from a program at a university or college outside of  
19 the United States or Canada must present documentation of the  
20 equivalency determination from the council in order to  
21 qualify.
- 22           2. The applicant's graduate program must have  
23 emphasized direct clinical patient or client health care  
24 services, including, but not limited to, coursework in  
25 clinical social work, psychiatric social work, medical social  
26 work, social casework, psychotherapy, or group therapy. The  
27 applicant's graduate program must have included all of the  
28 following coursework:
- 29           a. A supervised field placement which was part of the  
30 applicant's advanced concentration in direct practice, during  
31

1 which the applicant provided clinical services directly to  
2 clients.

3           b. Completion of 24 semester hours or 32 quarter hours  
4 in theory of human behavior and practice methods as courses in  
5 clinically oriented services, including a minimum of one  
6 course in psychopathology, and no more than one course in  
7 research, taken in a school of social work accredited or  
8 approved pursuant to subparagraph 1.

9           3. If the course title which appears on the  
10 applicant's transcript does not clearly identify the content  
11 of the coursework, the applicant shall be required to provide  
12 additional documentation, including, but not limited to, a  
13 syllabus or catalog description published for the course.

14           (c) Has had not less than 2 years of clinical social  
15 work experience, which took place subsequent to completion of  
16 a graduate degree in social work at an institution meeting the  
17 accreditation requirements of this section, under the  
18 supervision of a licensed clinical social worker or the  
19 equivalent who is a qualified supervisor as determined by the  
20 board. An individual who intends to practice in Florida to  
21 satisfy clinical experience requirements must register  
22 pursuant to s. 491.0045 prior to commencing practice. If the  
23 applicant's graduate program was not a program which  
24 emphasized direct clinical patient or client health care  
25 services as described in subparagraph (b)2., the supervised  
26 experience requirement must take place after the applicant has  
27 completed a minimum of 15 semester hours or 22 quarter hours  
28 of the coursework required. A doctoral internship may be  
29 applied toward the clinical social work experience  
30 requirement. The experience requirement may be met by work  
31 performed on or off the premises of the supervising clinical

1 social worker or the equivalent, provided the off-premises  
2 work is not the independent private practice rendering of  
3 clinical social work that does not have a licensed mental  
4 health professional, as determined by the board, on the  
5 premises at the same time the intern is providing services.

6 (d) Has passed a theory and practice examination  
7 provided by the department for this purpose.

8 (e) Has demonstrated, in a manner designated by rule  
9 of the board, knowledge of the laws and rules governing the  
10 practice of clinical social work, marriage and family therapy,  
11 and mental health counseling.

12 (3) MARRIAGE AND FAMILY THERAPY.--Upon verification of  
13 documentation and payment of a fee set by the department ~~not~~  
14 ~~to exceed \$200, as set by board rule, plus the actual cost to~~  
15 ~~the department for the purchase of the examination from the~~  
16 ~~Association of Marital and Family Therapy Regulatory Board, or~~  
17 ~~similar national organization,~~ the department shall issue a  
18 license as a marriage and family therapist to an applicant who  
19 the board certifies:

20 (a) Has made application therefor and paid the  
21 appropriate fee.

22 (b)1. Has a minimum of a master's degree with major  
23 emphasis in marriage and family therapy, or a closely related  
24 field, and has completed all of the following requirements:

25 a. Thirty-six semester hours or 48 quarter hours of  
26 graduate coursework, which must include a minimum of 3  
27 semester hours or 4 quarter hours of graduate-level course  
28 credits in each of the following nine areas: dynamics of  
29 marriage and family systems; marriage therapy and counseling  
30 theory and techniques; family therapy and counseling theory  
31 and techniques; individual human development theories

1 throughout the life cycle; personality theory or general  
2 counseling theory and techniques; psychopathology; human  
3 sexuality theory and counseling techniques; psychosocial  
4 theory; and substance abuse theory and counseling techniques.  
5 Courses in research, evaluation, appraisal, assessment, or  
6 testing theories and procedures; thesis or dissertation work;  
7 or practicums, internships, or fieldwork may not be applied  
8 toward this requirement.

9           b. A minimum of one graduate-level course of 3  
10 semester hours or 4 quarter hours in legal, ethical, and  
11 professional standards issues in the practice of marriage and  
12 family therapy or a course determined by the board to be  
13 equivalent.

14           c. A minimum of one graduate-level course of 3  
15 semester hours or 4 quarter hours in diagnosis, appraisal,  
16 assessment, and testing for individual or interpersonal  
17 disorder or dysfunction; and a minimum of one 3-semester-hour  
18 or 4-quarter-hour graduate-level course in behavioral research  
19 which focuses on the interpretation and application of  
20 research data as it applies to clinical practice. Credit for  
21 thesis or dissertation work, practicums, internships, or  
22 fieldwork may not be applied toward this requirement.

23           d. A minimum of one supervised clinical practicum,  
24 internship, or field experience in a marriage and family  
25 counseling setting, during which the student provided 180  
26 direct client contact hours of marriage and family therapy  
27 services under the supervision of an individual who met the  
28 requirements for supervision under paragraph (c). This  
29 requirement may be met by a supervised practice experience  
30 which took place outside the academic arena, but which is  
31 certified as equivalent to a graduate-level practicum or



1 internship program which required a minimum of 180 direct  
2 client contact hours of marriage and family therapy services  
3 currently offered within an academic program of a college or  
4 university accredited by an accrediting agency approved by the  
5 United States Department of Education, or an institution which  
6 is publicly recognized as a member in good standing with the  
7 Association of Universities and Colleges of Canada or a  
8 training institution accredited by the Commission on  
9 Accreditation for Marriage and Family Therapy Education  
10 recognized by the United States Department of Education.  
11 Certification shall be required from an official of such  
12 college, university, or training institution.

13           2. If the course title which appears on the  
14 applicant's transcript does not clearly identify the content  
15 of the coursework, the applicant shall be required to provide  
16 additional documentation, including, but not limited to, a  
17 syllabus or catalog description published for the course.

18  
19 The required master's degree must have been received in an  
20 institution of higher education which at the time the  
21 applicant graduated was: fully accredited by a regional  
22 accrediting body recognized by the Commission on Recognition  
23 of Postsecondary Accreditation; publicly recognized as a  
24 member in good standing with the Association of Universities  
25 and Colleges of Canada; or an institution of higher education  
26 located outside the United States and Canada, which at the  
27 time the applicant was enrolled and at the time the applicant  
28 graduated maintained a standard of training substantially  
29 equivalent to the standards of training of those institutions  
30 in the United States which are accredited by a regional  
31 accrediting body recognized by the Commission on Recognition

1 of Postsecondary Accreditation. Such foreign education and  
2 training must have been received in an institution or program  
3 of higher education officially recognized by the government of  
4 the country in which it is located as an institution or  
5 program to train students to practice as professional marriage  
6 and family therapists or psychotherapists. The burden of  
7 establishing that the requirements of this provision have been  
8 met shall be upon the applicant, and the board shall require  
9 documentation, such as, but not limited to, an evaluation by a  
10 foreign equivalency determination service, as evidence that  
11 the applicant's graduate degree program and education were  
12 equivalent to an accredited program in this country. An  
13 applicant with a master's degree from a program which did not  
14 emphasize marriage and family therapy may complete the  
15 coursework requirement in a training institution fully  
16 accredited by the Commission on Accreditation for Marriage and  
17 Family Therapy Education recognized by the United States  
18 Department of Education.

19 (c) Has had not less than 2 years of clinical  
20 experience during which 50 percent of the applicant's clients  
21 were receiving marriage and family therapy services, which  
22 must be at the post-master's level under the supervision of a  
23 licensed marriage and family therapist with at least 5 years  
24 of experience, or the equivalent, who is a qualified  
25 supervisor as determined by the board. An individual who  
26 intends to practice in Florida to satisfy the clinical  
27 experience requirements must register pursuant to s. 491.0045  
28 prior to commencing practice. If a graduate has a master's  
29 degree with a major emphasis in marriage and family therapy or  
30 a closely related field that did not include all the  
31 coursework required under sub-subparagraphs (b)1.a.-c., credit

1 for the post-master's level clinical experience shall not  
2 commence until the applicant has completed a minimum of 10 of  
3 the courses required under sub-subparagraphs (b)1.a.-c., as  
4 determined by the board, and at least 6 semester hours or 9  
5 quarter hours of the course credits must have been completed  
6 in the area of marriage and family systems, theories, or  
7 techniques. Within the 3 years of required experience, the  
8 applicant shall provide direct individual, group, or family  
9 therapy and counseling, to include the following categories of  
10 cases: unmarried dyads, married couples, separating and  
11 divorcing couples, and family groups including children. A  
12 doctoral internship may be applied toward the clinical  
13 experience requirement. The clinical experience requirement  
14 may be met by work performed on or off the premises of the  
15 supervising marriage and family therapist or the equivalent,  
16 provided the off-premises work is not the independent private  
17 practice rendering of marriage and family therapy services  
18 that does not have a licensed mental health professional, as  
19 determined by the board, on the premises at the same time the  
20 intern is providing services.

21 (d) Has passed a theory and practice examination  
22 provided by the department for this purpose.

23 (e) Has demonstrated, in a manner designated by rule  
24 of the board, knowledge of the laws and rules governing the  
25 practice of clinical social work, marriage and family therapy,  
26 and mental health counseling.

27 (f) For the purposes of dual licensure, the department  
28 shall license as a marriage and family therapist any person  
29 who meets the requirements of s. 491.0057. Fees for dual  
30 licensure shall not exceed those stated in this subsection.

31

1           (4) MENTAL HEALTH COUNSELING.--Upon verification of  
2 documentation and payment of a fee set by the department ~~not~~  
3 ~~to exceed \$200, as set by board rule, plus the actual per~~  
4 ~~applicant cost to the department for purchase of the~~  
5 ~~examination from the Professional Examination Service for the~~  
6 ~~National Academy of Certified Clinical Mental Health~~  
7 ~~Counselors or a similar national organization, the department~~  
8 shall issue a license as a mental health counselor to an  
9 applicant who the board certifies:

10           (a) Has made application therefor and paid the  
11 appropriate fee.

12           (b)1. Has a minimum of an earned master's degree from  
13 a mental health counseling program accredited by the Council  
14 for the Accreditation of Counseling and Related Educational  
15 Programs that consists of at least 60 semester hours or 80  
16 quarter hours of clinical and didactic instruction, including  
17 a course in human sexuality and a course in substance abuse.  
18 If the master's degree is earned from a program related to the  
19 practice of mental health counseling that is not accredited by  
20 the Council for the Accreditation of Counseling and Related  
21 Educational Programs, then the coursework and practicum,  
22 internship, or fieldwork must consist of at least 60 semester  
23 hours or 80 quarter hours and meet the following requirements:

24           a. Thirty-three semester hours or 44 quarter hours of  
25 graduate coursework, which must include a minimum of 3  
26 semester hours or 4 quarter hours of graduate-level coursework  
27 in each of the following 11 content areas: counseling theories  
28 and practice; human growth and development; diagnosis and  
29 treatment of psychopathology; human sexuality; group theories  
30 and practice; individual evaluation and assessment; career and  
31 lifestyle assessment; research and program evaluation; social

1 and cultural foundations; counseling in community settings;  
2 and substance abuse. Courses in research, thesis or  
3 dissertation work, practicums, internships, or fieldwork may  
4 not be applied toward this requirement.

5         b. A minimum of 3 semester hours or 4 quarter hours of  
6 graduate-level coursework in legal, ethical, and professional  
7 standards issues in the practice of mental health counseling,  
8 which includes goals, objectives, and practices of  
9 professional counseling organizations, codes of ethics, legal  
10 considerations, standards of preparation, certifications and  
11 licensing, and the role identity and professional obligations  
12 of mental health counselors. Courses in research, thesis or  
13 dissertation work, practicums, internships, or fieldwork may  
14 not be applied toward this requirement.

15         c. The equivalent, as determined by the board, of at  
16 least 1,000 hours of university-sponsored supervised clinical  
17 practicum, internship, or field experience as required in the  
18 accrediting standards of the Council for Accreditation of  
19 Counseling and Related Educational Programs for mental health  
20 counseling programs. This experience may not be used to  
21 satisfy the post-master's clinical experience requirement.

22         2. If the course title which appears on the  
23 applicant's transcript does not clearly identify the content  
24 of the coursework, the applicant shall be required to provide  
25 additional documentation, including, but not limited to, a  
26 syllabus or catalog description published for the course.

27  
28 Education and training in mental health counseling must have  
29 been received in an institution of higher education which at  
30 the time the applicant graduated was: fully accredited by a  
31 regional accrediting body recognized by the Commission on

1 Recognition of Postsecondary Accreditation; publicly  
2 recognized as a member in good standing with the Association  
3 of Universities and Colleges of Canada; or an institution of  
4 higher education located outside the United States and Canada,  
5 which at the time the applicant was enrolled and at the time  
6 the applicant graduated maintained a standard of training  
7 substantially equivalent to the standards of training of those  
8 institutions in the United States which are accredited by a  
9 regional accrediting body recognized by the Commission on  
10 Recognition of Postsecondary Accreditation. Such foreign  
11 education and training must have been received in an  
12 institution or program of higher education officially  
13 recognized by the government of the country in which it is  
14 located as an institution or program to train students to  
15 practice as mental health counselors. The burden of  
16 establishing that the requirements of this provision have been  
17 met shall be upon the applicant, and the board shall require  
18 documentation, such as, but not limited to, an evaluation by a  
19 foreign equivalency determination service, as evidence that  
20 the applicant's graduate degree program and education were  
21 equivalent to an accredited program in this country.

22 (c) Has had not less than 2 years of clinical  
23 experience in mental health counseling, which must be at the  
24 post-master's level under the supervision of a licensed mental  
25 health counselor or the equivalent who is a qualified  
26 supervisor as determined by the board. An individual who  
27 intends to practice in Florida to satisfy the clinical  
28 experience requirements must register pursuant to s. 491.0045  
29 prior to commencing practice. If a graduate has a master's  
30 degree with a major related to the practice of mental health  
31 counseling that did not include all the coursework required

1 under sub-subparagraphs (b)1.a.-b., credit for the  
2 post-master's level clinical experience shall not commence  
3 until the applicant has completed a minimum of seven of the  
4 courses required under sub-subparagraphs (b)1.a.-b., as  
5 determined by the board, one of which must be a course in  
6 psychopathology or abnormal psychology. A doctoral internship  
7 may be applied toward the clinical experience requirement. The  
8 clinical experience requirement may be met by work performed  
9 on or off the premises of the supervising mental health  
10 counselor or the equivalent, provided the off-premises work is  
11 not the independent private practice rendering of services  
12 that does not have a licensed mental health professional, as  
13 determined by the board, on the premises at the same time the  
14 intern is providing services.

15 (d) Has passed a theory and practice examination  
16 provided by the department for this purpose.

17 (e) Has demonstrated, in a manner designated by rule  
18 of the board, knowledge of the laws and rules governing the  
19 practice of clinical social work, marriage and family therapy,  
20 and mental health counseling.

21 Section 117. Subsections (1) and (3) of section  
22 491.007, Florida Statutes, are amended to read:

23 491.007 Renewal of license, registration, or  
24 certificate.--

25 (1) The ~~board or~~ department shall prescribe by rule a  
26 method for the biennial renewal of licenses or certificates,  
27 which shall include payment of at a fee set by rule, not to  
28 ~~exceed \$250.~~

29 (3) The ~~board or~~ department shall prescribe by rule a  
30 method for the biennial renewal of an intern registration,  
31

1 which shall include payment of ~~at a fee set by rule, not to~~  
2 ~~exceed \$100.~~

3 Section 118. Subsection (1) of section 491.008,  
4 Florida Statutes, is amended to read:

5 491.008 Inactive status; reactivation of licenses;  
6 fees.--

7 (1) Inactive status is the licensure status that  
8 results when a licensee has applied to be placed on inactive  
9 status and has paid to the department a ~~\$50~~ fee set by ~~to~~ the  
10 department.

11 (a) An inactive license may be renewed biennially for  
12 a fee set by the department ~~\$50 per biennium.~~

13 (b) An inactive license may be reactivated by  
14 submitting an application to the department, completing the  
15 continuing education requirements, complying with any  
16 background investigation required, complying with other  
17 requirements prescribed by the board, and paying a ~~\$50~~  
18 reactivation fee set by the department plus the current  
19 biennial renewal fee at the time of reactivation.

20 Section 119. Subsections (1) and (5) of section  
21 491.0145, Florida Statutes, are amended to read:

22 491.0145 Certified master social worker.--The  
23 department may certify an applicant for a designation as a  
24 certified master social worker upon the following conditions:

25 (1) The applicant completes an application to be  
26 provided by the department and pays a nonrefundable fee ~~not to~~  
27 ~~exceed \$250 to be~~ established by ~~rule of~~ the department. The  
28 completed application must be received by the department at  
29 least 60 days before the date of the examination in order for  
30 the applicant to qualify to take the scheduled exam.

31



1           (5) The applicant has passed an examination required  
2 by the department for this purpose. The nonrefundable fee for  
3 such examination shall be ~~may not exceed \$250 as~~ set by the  
4 department ~~rule~~.

5           Section 120. Subsections (1), (3), and (4) of section  
6 456.011, Florida Statutes, are amended to read:

7           456.011 Boards; organization; meetings; compensation  
8 and travel expenses.--

9           (1) Each board within the department shall comply with  
10 the provisions of this chapter ~~section~~.

11           (3) The board shall meet at least once annually and  
12 may meet as often as is necessary. Meetings shall be conducted  
13 through teleconferencing or other technological means, unless  
14 disciplinary hearings involving standard of care, sexual  
15 misconduct, fraud, impairment, or felony convictions;  
16 licensure denial hearings; or controversial rule hearings are  
17 being conducted or unless otherwise approved in advance of the  
18 meeting by the director of the Division of Medical Quality  
19 Assurance.The chairperson or a quorum of the board shall have  
20 the authority to call ~~other~~ meetings, except as provided above  
21 relating to in-person meetings. A quorum shall be necessary  
22 for the conduct of official business by the board or any  
23 committee thereof. Unless otherwise provided by law, 51  
24 percent or more of the appointed members of the board or any  
25 committee, when applicable, shall constitute a quorum. The  
26 membership of committees of the board, except as otherwise  
27 authorized pursuant to this chapter or the applicable practice  
28 act, shall be composed of currently appointed members of the  
29 board. The vote of a majority of the members of the quorum  
30 shall be necessary for any official action by the board or  
31 committee. Three consecutive unexcused absences or absences

1 constituting 50 percent or more of the board's meetings within  
2 any 12-month period shall cause the board membership of the  
3 member in question to become void, and the position shall be  
4 considered vacant. The board, or the department when there is  
5 no board, shall, by rule, define unexcused absences.

6 (4) Unless otherwise provided by law, a board member  
7 or former board member serving on a probable cause panel shall  
8 be compensated \$50 for each day in attendance at an official  
9 meeting of the board and for each day of participation in any  
10 other business involving the board. Each board shall adopt  
11 rules defining the phrase "other business involving the  
12 board," but the phrase may not routinely be defined to include  
13 telephone conference calls that last less than 4 hours. A  
14 board member also shall be entitled to reimbursement for  
15 expenses pursuant to s. 112.061. Travel out of state shall  
16 require the prior approval of the secretary.

17 Section 121. Subsection (2) of section 456.013,  
18 Florida Statutes, is amended to read:

19 456.013 Department; general licensing provisions.--

20 (2) Before the issuance of any license, the department  
21 shall ~~may~~ charge an initial license fee as determined by rule  
22 of the ~~applicable board or, if no such board exists, by rule~~  
23 ~~of the~~ department. Upon receipt of the appropriate license  
24 fee, the department shall issue a license to any person  
25 certified by the appropriate board, or its designee, as having  
26 met the licensure requirements imposed by law or rule. The  
27 license shall consist of a wallet-size identification card and  
28 a wall card measuring 6 1/2 inches by 5 inches. In addition  
29 to the two-part license, the department, at the time of  
30 initial licensure, shall issue a wall certificate suitable for  
31 conspicuous display, which shall be no smaller than 8 1/2

1 inches by 14 inches. The licensee shall surrender to the  
2 department the wallet-size identification card, the wall card,  
3 and the wall certificate, if one has been issued by the  
4 department, if the licensee's license is revoked.

5 Section 122. Section 456.017, Florida Statutes, is  
6 amended to read:

7 456.017 Department of Health; examinations.--

8 (1)(a) The department shall provide, contract, or  
9 approve services for the development, preparation,  
10 administration, scoring, score reporting, and evaluation of  
11 all examinations, in consultation with the appropriate board.  
12 The department shall certify that examinations developed and  
13 approved by the department adequately and reliably measure an  
14 applicant's ability to practice the profession regulated by  
15 the department. After an examination developed or approved by  
16 the department has been administered, the board, or the  
17 department when there is no board, may reject any question  
18 which does not reliably measure the general areas of  
19 competency specified in the rules of the board. The department  
20 may contract for the preparation, administration, scoring,  
21 score reporting, and evaluation of examinations, when such  
22 services are available and approved by the board.

23 (b) For each examination developed by the department  
24 or contracted vendor, to the extent not otherwise specified by  
25 statute, the board, or the department when there is no board,  
26 shall by rule specify the general areas of competency to be  
27 covered by each examination, the relative weight to be  
28 assigned in grading each area tested, and the score necessary  
29 to achieve a passing grade. The department shall assess, ~~and~~  
30 ~~fees, where applicable,~~ to cover the actual cost for any  
31 purchase, development, validation, ~~and~~ administration, and

1 defense of required examinations. This subsection does not  
2 apply to national examinations approved and administered  
3 pursuant to paragraph (c). If a practical examination is  
4 deemed to be necessary, the rules shall specify the criteria  
5 by which examiners are to be selected, the grading criteria to  
6 be used by the examiner, the relative weight to be assigned in  
7 grading each criterion, and the score necessary to achieve a  
8 passing grade. When a mandatory standardization exercise for a  
9 practical examination is required by law, the board, or the  
10 department when there is no board, may conduct such exercise.  
11 Therefore, board members, or employees of the department when  
12 there is no board, may serve as examiners at a practical  
13 examination with the consent of the board or department, as  
14 appropriate.

15 (c)1. The board, or the department when there is no  
16 board, shall ~~may~~ approve by rule the use of one or more ~~any~~  
17 national examinations ~~examination~~ which the department has  
18 certified as meeting requirements of national examinations and  
19 generally accepted testing standards pursuant to department  
20 rules. Providers of examinations seeking certification by the  
21 department shall pay the actual costs incurred by the  
22 department in making a determination regarding the  
23 certification. The name and number of a candidate may be  
24 provided to a national contractor for the limited purpose of  
25 preparing the grade tape and information to be returned to the  
26 board or department; or, to the extent otherwise specified by  
27 rule, the candidate may apply directly to the vendor of the  
28 national examination and supply test score information to the  
29 department. The department may delegate to the board the duty  
30 to provide and administer the examination. Any national  
31 examination approved by a board, or the department when there

1 is no board, prior to October 1, 1997, is deemed certified  
2 under this paragraph.

3 2. The board, or the department when there is no  
4 board, shall approve and begin administering a national  
5 examination no later than December 31, 2002. Neither the board  
6 nor the department may administer a state-developed written  
7 examination after December 31, 2002, notwithstanding any other  
8 provision of law. The examination may be administered  
9 electronically if adequate security measures are used, as  
10 determined by rule of the department.

11 3. The board, or the department when there is no  
12 board, may administer a state-developed practical or clinical  
13 examination, as required by the applicable practice act, if  
14 all costs of development, validation, administration, review,  
15 and defense are paid by the examination candidate prior to the  
16 administration of the examination. If a national practical or  
17 clinical examination is available and certified by the  
18 department pursuant to this section, the board, or the  
19 department when there is no board, may administer the national  
20 examination.

21 4. It is the intent of the Legislature to reduce the  
22 costs associated with state examinations and to encourage the  
23 use of national examinations whenever possible. It is further  
24 the intent of the Legislature to remove state-developed  
25 examination as a barrier to licensure in this state so long as  
26 patient health and safety is not jeopardized.

27 (d) Each board, or the department when there is no  
28 board, shall adopt rules regarding the security and monitoring  
29 of examinations. The department shall implement those rules  
30 adopted by the respective boards. In order to maintain the  
31 security of examinations, the department may employ the

1 procedures set forth in s. 456.065 to seek fines and  
2 injunctive relief against an examinee who violates the  
3 provisions of s. 456.018 or the rules adopted pursuant to this  
4 paragraph. The department, or any agent thereof, may, for the  
5 purposes of investigation, confiscate any written,  
6 photographic, or recording material or device in the  
7 possession of the examinee at the examination site which the  
8 department deems necessary to enforce such provisions or  
9 rules. The scores of examination candidates shall be provided  
10 to the candidates electronically using a candidate  
11 identification number, and the department shall post the  
12 aggregate scores on the department's website without  
13 identifying the names of the candidates.

14 (e) If the professional board with jurisdiction over  
15 an examination concurs, the department may, for a fee, share  
16 with any other state's licensing authority or a national  
17 testing entity an examination or examination item bank  
18 developed by or for the department unless prohibited by a  
19 contract entered into by the department for development or  
20 purchase of the examination. The department, with the  
21 concurrence of the appropriate board, shall establish  
22 guidelines that ensure security of a shared exam and shall  
23 require that any other state's licensing authority comply with  
24 those guidelines. Those guidelines shall be approved by the  
25 appropriate professional board. All fees paid by the user  
26 shall be applied to the department's examination and  
27 development program for professions regulated by this chapter.

28 (f) The department may adopt rules necessary to  
29 administer this subsection.

30 (2) For each examination developed by the department  
31 or a contracted vendor, the board, or the department when

1 | there is no board, shall adopt rules providing for  
2 | reexamination of any applicants who failed an examination  
3 | developed by the department or a contracted vendor. If both a  
4 | written and a practical examination are given, an applicant  
5 | shall be required to retake only the portion of the  
6 | examination on which the applicant failed to achieve a passing  
7 | grade, if the applicant successfully passes that portion  
8 | within a reasonable time, as determined by rule of the board,  
9 | or the department when there is no board, of passing the other  
10 | portion. Except for national examinations approved and  
11 | administered pursuant to this section, the department shall  
12 | provide procedures for applicants who fail an examination  
13 | developed by the department or a contracted vendor to review  
14 | their examination questions, answers, papers, grades, and  
15 | grading key for the questions the candidate answered  
16 | incorrectly or, if not feasible, the parts of the examination  
17 | failed. Applicants shall bear the actual cost for the  
18 | department to provide examination review pursuant to this  
19 | subsection. An applicant may waive in writing the  
20 | confidentiality of the applicant's examination grades. In  
21 | order to protect the integrity of the examination and the  
22 | examination questions, no person other than the candidate,  
23 | members of the board, and persons employed by or under  
24 | contract with the department for examination services shall be  
25 | able to review the questions, answers, papers, grades, and  
26 | grading key, as provided by s. 456.014. However, if a  
27 | candidate has missed less than 10 percent of the questions on  
28 | an examination and has filed a formal legal challenge to the  
29 | validity of the examination questions, the candidate or the  
30 | candidate's attorney on behalf of the candidate may review the  
31 | questions. The candidate and the candidate's attorney shall

1 maintain the confidentiality of the examination questions,  
2 answers, papers, grades, and grading key.

3 (3) For each examination developed or administered by  
4 the department or a contracted vendor, an accurate record of  
5 each applicant's examination questions, answers, papers,  
6 grades, and grading key shall be kept for a period of not less  
7 than 2 years immediately following the examination, and such  
8 record shall thereafter be maintained or destroyed as provided  
9 in chapters 119 and 257. This subsection does not apply to  
10 national examinations approved and administered pursuant to  
11 this section.

12 (4) Meetings of any member of the department or of any  
13 board within the department held for the exclusive purpose of  
14 creating or reviewing licensure examination questions or  
15 proposed examination questions are exempt from the provisions  
16 of s. 286.011 and s. 24(b), Art. I of the State Constitution.  
17 Any public records, such as tape recordings, minutes, or  
18 notes, generated during or as a result of such meetings are  
19 confidential and exempt from the provisions of s. 119.07(1)  
20 and s. 24(a), Art. I of the State Constitution. However, these  
21 exemptions shall not affect the right of any person to review  
22 an examination as provided in subsection (2).

23 (5) For examinations developed by the department or a  
24 contracted vendor, each board, or the department when there is  
25 no board, may provide licensure examinations in an applicant's  
26 native language. Notwithstanding any other provision of law,  
27 applicants for examination or reexamination pursuant to this  
28 subsection shall bear the full cost for the department's  
29 development, preparation, validation, administration, grading,  
30 and evaluation of any examination in a language other than  
31 English prior to the examination being administered. Requests



1 for translated examinations must be on file in the board  
2 office at least 6 months prior to the scheduled examination.  
3 When determining whether it is in the public interest to allow  
4 the examination to be translated into a language other than  
5 English, the board shall consider the percentage of the  
6 population who speak the applicant's native language.  
7 Applicants must apply for translation to the applicable board  
8 at least 6 months prior to the scheduled examination.

9 (6) In addition to meeting any other requirements for  
10 licensure by examination or by endorsement, and  
11 notwithstanding the provisions in paragraph (1)(c), an  
12 applicant may be required by a board, or the department when  
13 there is no board, to certify competency in state laws and  
14 rules relating to the applicable practice act. Beginning  
15 October 1, 2001, all laws and rules examinations shall be  
16 administered electronically.

17 Section 123. Subsection (1) of section 456.035,  
18 Florida Statutes, is amended to read:

19 456.035 Address of record.--

20 (1) Each licensee of the department is solely  
21 responsible for notifying the department in writing of the  
22 licensee's current mailing address and place of practice, as  
23 defined by rule of the board or the department if there is no  
24 board. Electronic notification shall be allowed by the  
25 department; however, it shall be the responsibility of the  
26 licensee to ensure that the electronic notification was  
27 received by the department. A licensee's failure to notify the  
28 department of a change of address constitutes a violation of  
29 this section, and the licensee may be disciplined by the board  
30 or the department if there is no board.

31

1           Section 124. Subsections (3), (4), (7), and (8) of  
2 section 456.036, Florida Statutes, are amended to read:

3           456.036 Licenses; active and inactive status;  
4 delinquency.--

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

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

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

19           (b) An inactive status licensee may change to active  
20 status at any time, if the licensee meets all requirements for  
21 active status. Inactive status licensees choosing active  
22 status at the time of license renewal must pay the active  
23 status renewal fee, any applicable reactivation fees as set by  
24 ~~the board, or the~~ department ~~if there is no board,~~ and, if  
25 applicable, the delinquency fee and the fee to change  
26 licensure status. Inactive status licensees choosing active  
27 status at any other time than at the time of license renewal  
28 must pay the difference between the inactive status renewal  
29 fee and the active status renewal fee, if any exists, any  
30 applicable reactivation fees as set by the ~~board, or the~~

31

1 department ~~if there is no board~~, and the fee to change  
2 licensure status.

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

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

13 Section 125. Subsection (5) of section 456.037,  
14 Florida Statutes, is amended to read:

15 456.037 Business establishments; requirements for  
16 active status licenses; delinquency; discipline;  
17 applicability.--

18 (5) This section applies to any business establishment  
19 registered, permitted, or licensed by the department to do  
20 business. Business establishments include, but are not limited  
21 to, dental laboratories, electrology facilities, massage  
22 establishments, optical establishments, optometry branch  
23 offices, and pharmacies.

24 Section 126. Subsections (2) and (4), paragraph (c) of  
25 subsection (9), and subsection (10) of section 456.073,  
26 Florida Statutes, are amended to read:

27 456.073 Disciplinary proceedings.--Disciplinary  
28 proceedings for each board shall be within the jurisdiction of  
29 the department.

30 (2) The department shall allocate sufficient and  
31 adequately trained staff to expeditiously and thoroughly

1 determine legal sufficiency and investigate all legally  
2 sufficient complaints. For purposes of this section, it is the  
3 intent of the Legislature that the term "expeditiously" means  
4 that the department complete the report of its initial  
5 investigative findings and recommendations concerning the  
6 existence of probable cause within 6 months after its receipt  
7 of the complaint. The failure of the department, for  
8 disciplinary cases under its jurisdiction, to comply with the  
9 time limits of this section while investigating a complaint  
10 against a licensee constitutes harmless error in any  
11 subsequent disciplinary action unless a court finds that  
12 either the fairness of the proceeding or the correctness of  
13 the action may have been impaired by a material error in  
14 procedure or a failure to follow prescribed procedure. When  
15 its investigation is complete and legally sufficient, and when  
16 the department is recommending that probable cause be found or  
17 a letter of guidance be issued in lieu of a finding of  
18 probable cause, the department shall prepare and submit to the  
19 probable cause panel of the appropriate regulatory board the  
20 investigative report of the department. The report shall  
21 contain the investigative findings and the recommendations of  
22 the department concerning the existence of probable cause. The  
23 department shall not recommend a letter of guidance in lieu of  
24 finding probable cause if the subject has already been issued  
25 a letter of guidance for a related offense. At any time after  
26 legal sufficiency is found, the department may dismiss any  
27 case, or any part thereof, if the department determines that  
28 there is insufficient evidence to support the prosecution of  
29 allegations contained therein. The department shall provide a  
30 detailed report to the appropriate probable cause panel prior  
31 to dismissal of any case or part thereof, and to the subject

1 of the complaint after dismissal of any case or part thereof,  
2 under this section. For cases dismissed prior to a finding of  
3 probable cause, such report is confidential and exempt from s.  
4 119.07(1). The probable cause panel shall have access, upon  
5 request, to the investigative files pertaining to a case prior  
6 to dismissal of such case. If the department dismisses a case,  
7 the probable cause panel may retain independent legal counsel,  
8 employ investigators, and continue the investigation and  
9 prosecution of the case as it deems necessary.

10 (4) The determination as to whether probable cause  
11 exists shall be made by majority vote of a probable cause  
12 panel of the board, or by the department, as appropriate. Each  
13 regulatory board shall provide by rule that the determination  
14 of probable cause shall be made by a panel of its members or  
15 by the department. Each board may provide by rule for multiple  
16 probable cause panels composed of at least two members. Each  
17 board may provide by rule that one or more members of the  
18 panel or panels may be a former board member. The length of  
19 term or repetition of service of any such former board member  
20 on a probable cause panel may vary according to the direction  
21 of the board when authorized by board rule. Any probable cause  
22 panel must include one of the board's former or present  
23 consumer members, if one is available, is willing to serve,  
24 and is authorized to do so by the board chair. Any probable  
25 cause panel must include a present board member. Any probable  
26 cause panel must include a former or present professional  
27 board member. However, any former professional board member  
28 serving on the probable cause panel must hold an active valid  
29 license for that profession. All proceedings of the panel are  
30 exempt from s. 286.011 until 10 days after probable cause has  
31 been found to exist by the panel or until the subject of the

1 investigation waives his or her privilege of confidentiality.  
2 The probable cause panel may make a reasonable request, and  
3 upon such request the department shall provide such additional  
4 investigative information as is necessary to the determination  
5 of probable cause. A request for additional investigative  
6 information shall be made within 15 days from the date of  
7 receipt by the probable cause panel of the investigative  
8 report of the department or the agency. The probable cause  
9 panel or the department, as may be appropriate, shall make its  
10 determination of probable cause within 30 days after receipt  
11 by it of the final investigative report of the department. The  
12 secretary may grant extensions of the 15-day and the 30-day  
13 time limits. In lieu of a finding of probable cause, the  
14 probable cause panel, or the department if there is no board,  
15 may issue a letter of guidance to the subject. If, within the  
16 30-day time limit, as may be extended, the probable cause  
17 panel does not make a determination regarding the existence of  
18 probable cause or does not issue a letter of guidance in lieu  
19 of a finding of probable cause, the department must make a  
20 determination regarding the existence of probable cause within  
21 10 days after the expiration of the time limit. If the  
22 probable cause panel finds that probable cause exists, it  
23 shall direct the department to file a formal complaint against  
24 the licensee. The department shall follow the directions of  
25 the probable cause panel regarding the filing of a formal  
26 complaint. If directed to do so, the department shall file a  
27 formal complaint against the subject of the investigation and  
28 prosecute that complaint pursuant to chapter 120. However, the  
29 department may decide not to prosecute the complaint if it  
30 finds that probable cause has been improvidently found by the  
31 panel. In such cases, the department shall refer the matter to

1 the board. The board may then file a formal complaint and  
2 prosecute the complaint pursuant to chapter 120. The  
3 department shall also refer to the board any investigation or  
4 disciplinary proceeding not before the Division of  
5 Administrative Hearings pursuant to chapter 120 or otherwise  
6 completed by the department within 1 year after the filing of  
7 a complaint. The department, for disciplinary cases under its  
8 jurisdiction, must establish a uniform reporting system to  
9 quarterly refer to each board the status of any investigation  
10 or disciplinary proceeding that is not before the Division of  
11 Administrative Hearings or otherwise completed by the  
12 department within 1 year after the filing of the complaint.  
13 ~~Annually, The department if there is no board, or each board~~  
14 must establish a plan to expedite ~~reduce~~ or otherwise close  
15 any investigation or disciplinary proceeding that is not  
16 before the Division of Administrative Hearings or otherwise  
17 completed by the department within 1 year after the filing of  
18 the complaint. A probable cause panel or a board may retain  
19 independent legal counsel, employ investigators, and continue  
20 the investigation as it deems necessary; all costs thereof  
21 shall be paid from a trust fund used by the department to  
22 implement this chapter. All proceedings of the probable cause  
23 panel are exempt from s. 120.525.

24 (9)

25 (c) In any disciplinary case for which probable cause  
26 is not found, the department shall so inform the person who  
27 filed the complaint and notify that person that he or she may,  
28 within 60 days, provide any additional information to the  
29 department ~~probable cause panel~~ which may be relevant to the  
30 decision. In any administrative proceeding under s. 120.57,  
31 the person who filed the disciplinary complaint shall have the

1 right to present oral or written communication relating to the  
2 alleged disciplinary violations or to the appropriate penalty.  
3 (10) The complaint and all information obtained  
4 pursuant to the investigation by the department are  
5 confidential and exempt from s. 119.07(1) until 10 days after  
6 probable cause has been found to exist by the probable cause  
7 panel or by the department, or until the regulated  
8 professional or subject of the investigation waives his or her  
9 privilege of confidentiality, whichever occurs first. Upon  
10 completion of the investigation and a recommendation by the  
11 department to find probable cause, and pursuant to a written  
12 request by the subject or the subject's attorney, the  
13 department shall provide the subject an opportunity to inspect  
14 the investigative file or, at the subject's expense, forward  
15 to the subject a copy of the investigative file.  
16 Notwithstanding s. 456.057, the subject may inspect or receive  
17 a copy of any expert witness report or patient record  
18 connected with the investigation if the subject agrees in  
19 writing to maintain the confidentiality of any information  
20 received under this subsection until 10 days after probable  
21 cause is found and to maintain the confidentiality of patient  
22 records pursuant to s. 456.057. The subject may file a written  
23 response to the information contained in the investigative  
24 file. Such response must be filed within 20 days of mailing by  
25 the department, unless an extension of time has been granted  
26 by the department. This subsection does not prohibit the  
27 department from providing such information to any law  
28 enforcement agency or to any other regulatory agency.  
29 Section 127. Section 456.081, Florida Statutes, is  
30 amended to read:  
31



1           456.081 Publication of information.--The department  
2 and the boards shall have the authority to advise licensees  
3 periodically, through the publication of a newsletter on the  
4 department's website, about information that the department or  
5 the board determines is of interest to the industry. Unless  
6 otherwise prohibited by law, the department and the boards  
7 shall publish a summary of final orders resulting in  
8 disciplinary action fines, suspensions, or revocations, and  
9 any other information the department or the board determines  
10 is of interest to the public.

11           Section 128. Subsections (1), (2), and (4) of section  
12 456.072, Florida Statutes, are amended to read:

13           456.072 Grounds for discipline; penalties;  
14 enforcement.--

15           (1) The following acts shall constitute grounds for  
16 which the disciplinary actions specified in subsection (2) may  
17 be taken:

18           (a) Making misleading, deceptive, or fraudulent  
19 representations in or related to the practice of the  
20 licensee's profession.

21           (b) Intentionally violating any rule adopted by the  
22 board or the department, as appropriate.

23           (c) Being convicted or found guilty of, or entering a  
24 plea of nolo contendere to, regardless of adjudication, a  
25 crime in any jurisdiction which relates to the practice of, or  
26 the ability to practice, a licensee's profession.

27           (d) Using a Class III or a Class IV laser device or  
28 product, as defined by federal regulations, without having  
29 complied with the rules adopted pursuant to s. 501.122(2)  
30 governing the registration of such devices.

31

- 1           (e) Failing to comply with the educational course  
2 requirements for human immunodeficiency virus and acquired  
3 immune deficiency syndrome.
- 4           (f) Having a license or the authority to practice any  
5 regulated profession revoked, suspended, or otherwise acted  
6 against, including the denial of licensure, by the licensing  
7 authority of any jurisdiction, including its agencies or  
8 subdivisions, for a violation that would constitute a  
9 violation under Florida law. The licensing authority's  
10 acceptance of a relinquishment of licensure, stipulation,  
11 consent order, or other settlement, offered in response to or  
12 in anticipation of the filing of charges against the license,  
13 shall be construed as action against the license.
- 14           (g) Having been found liable in a civil proceeding for  
15 knowingly filing a false report or complaint with the  
16 department against another licensee.
- 17           (h) Attempting to obtain, obtaining, or renewing a  
18 license to practice a profession by bribery, by fraudulent  
19 misrepresentation, or through an error of the department or  
20 the board.
- 21           (i) Except as provided in s. 465.016, failing to  
22 report to the department any person who the licensee knows is  
23 in violation of this chapter, the chapter regulating the  
24 alleged violator, or the rules of the department or the board.
- 25           (j) Aiding, assisting, procuring, employing, or  
26 advising any unlicensed person or entity to practice a  
27 profession contrary to this chapter, the chapter regulating  
28 the profession, or the rules of the department or the board.
- 29           (k) Failing to perform any statutory or legal  
30 obligation placed upon a licensee.  
31

1           (1) Making or filing a report which the licensee knows  
2 to be false, intentionally or negligently failing to file a  
3 report or record required by state or federal law, or  
4 willfully impeding or obstructing another person to do so.  
5 Such reports or records shall include only those that are  
6 signed in the capacity of a licensee.

7           (m) Making deceptive, untrue, or fraudulent  
8 representations in or related to the practice of a profession  
9 or employing a trick or scheme in or related to the practice  
10 of a profession.

11           (n) Exercising influence on the patient or client for  
12 the purpose of financial gain of the licensee or a third  
13 party.

14           (o) Practicing or offering to practice beyond the  
15 scope permitted by law or accepting and performing  
16 professional responsibilities the licensee knows, or has  
17 reason to know, the licensee is not competent to perform.

18           (p) Delegating or contracting for the performance of  
19 professional responsibilities by a person when the licensee  
20 delegating or contracting for performance of such  
21 responsibilities knows, or has reason to know, such person is  
22 not qualified by training, experience, and authorization when  
23 required to perform them.

24           (q) Violating ~~any provision of this chapter, the~~  
25 ~~applicable professional practice act, a rule of the department~~  
26 ~~or the board, or~~ a lawful order of the department or the  
27 board, or failing to comply with a lawfully issued subpoena of  
28 the department.

29           (r) Improperly interfering with an investigation or  
30 inspection authorized by statute, or with any disciplinary  
31 proceeding.

- 1           (s) Failing to comply with the educational course  
2 requirements for domestic violence.
- 3           (t) Failing to comply with the requirements of ss.  
4 381.026 and 381.0261 to provide patients with information  
5 about their patient rights and how to file a patient  
6 complaint.
- 7           (u) Engaging or attempting to engage in sexual  
8 misconduct as defined and prohibited in s. 456.063(1).
- 9           (v) Failing to comply with the requirements for  
10 profiling and credentialing, including, but not limited to,  
11 failing to provide initial information, failing to timely  
12 provide updated information, or making misleading, untrue,  
13 deceptive, or fraudulent representations on a profile,  
14 credentialing, or initial or renewal licensure application.
- 15           (w) Failing to report to the board, or the department  
16 if there is no board, in writing within 30 days after the  
17 licensee has been convicted or found guilty of, or entered a  
18 plea of nolo contendere to, regardless of adjudication, a  
19 crime in any jurisdiction. Convictions, findings,  
20 adjudications, and pleas entered into prior to the enactment  
21 of this paragraph must be reported in writing to the board, or  
22 department if there is no board, on or before October 1, 1999.
- 23           (x) Using information about people involved in motor  
24 vehicle accidents which has been derived from accident reports  
25 made by law enforcement officers or persons involved in  
26 accidents pursuant to s. 316.066, or using information  
27 published in a newspaper or other news publication or through  
28 a radio or television broadcast that has used information  
29 gained from such reports, for the purposes of commercial or  
30 any other solicitation whatsoever of the people involved in  
31 such accidents.

1           (y) Being unable to practice with reasonable skill and  
2 safety to patients by reason of illness or use of alcohol,  
3 drugs, narcotics, chemicals, or any other type of material or  
4 as a result of any mental or physical condition. In enforcing  
5 this paragraph, the department shall have, upon a finding of  
6 the secretary or the secretary's designee that probable cause  
7 exists to believe that the licensee is unable to practice  
8 because of the reasons stated in this paragraph, the authority  
9 to issue an order to compel a licensee to submit to a mental  
10 or physical examination by physicians designated by the  
11 department. If the licensee refuses to comply with such order,  
12 the department's order directing such examination may be  
13 enforced by filing a petition for enforcement in the circuit  
14 court where the licensee resides or does business. The  
15 department shall be entitled to the summary procedure provided  
16 in s. 51.011. A licensee or certificateholder affected under  
17 this paragraph shall at reasonable intervals be afforded an  
18 opportunity to demonstrate that he or she can resume the  
19 competent practice of his or her profession with reasonable  
20 skill and safety to patients.

21           (z) Testing positive for any drug, as defined in s.  
22 112.0455, on any confirmed preemployment or employer-ordered  
23 drug screening when the practitioner does not have a lawful  
24 prescription and legitimate medical reason for using such  
25 drug.

26           (aa) Violating any provision of this chapter or any  
27 rules adopted pursuant thereto.

28           (2) When the board, or the department when there is no  
29 board, finds any person guilty of the grounds set forth in  
30 subsection (1) or of any grounds set forth in the applicable  
31 practice act, including conduct constituting a substantial

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

5 (a) Refusal to certify, or to certify with  
6 restrictions, an application for a license.

7 (b) Suspension or permanent revocation of a license.

8 (c) Restriction of practice or license, including, but  
9 not limited to, restricting the licensee from practicing in  
10 certain settings, restricting the licensee to work only under  
11 designated conditions or in certain settings, restricting the  
12 licensee from performing or providing designated clinical and  
13 administrative services, restricting the licensee from  
14 practicing more than a designated number of hours, or any  
15 other restriction found to be necessary for the protection of  
16 the public health, safety, and welfare.

17 (d) Imposition of an administrative fine not to exceed  
18 \$10,000 for each count or separate offense.

19 (e) Issuance of a reprimand or letter of concern.

20 (f) Placement of the licensee on probation for a  
21 period of time and subject to such conditions as the board, or  
22 the department when there is no board, may specify. Those  
23 conditions may include, but are not limited to, requiring the  
24 licensee to undergo treatment, attend continuing education  
25 courses, submit to be reexamined, work under the supervision  
26 of another licensee, or satisfy any terms which are reasonably  
27 tailored to the violations found.

28 (g) Corrective action.

29 (h) Imposition of an administrative fine in accordance  
30 with s. 381.0261 for violations regarding patient rights.  
31

1           (i) Refund of fees billed and collected from the  
2 patient or a third party on behalf of the patient.

3           (j) Requirement that the practitioner undergo remedial  
4 education.

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

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

27           Section 129. Subsection (3) of section 456.079,  
28 Florida Statutes, is amended to read:

29           456.079 Disciplinary guidelines.--

30           (3) A specific finding in the final order of  
31 mitigating or aggravating circumstances shall allow the board

1 to impose a penalty other than that provided for in such  
2 guidelines. If applicable, the board, or the department if  
3 there is no board, shall adopt by rule disciplinary guidelines  
4 to designate possible mitigating and aggravating circumstances  
5 and the variation and range of penalties permitted for such  
6 circumstances.

7 Section 130. Subsections (1) and (2) of section  
8 457.109, Florida Statutes, are amended to read:

9 457.109 Disciplinary actions; grounds; action by the  
10 board.--

11 (1) The following acts ~~shall~~ constitute grounds for  
12 denial of a license or disciplinary action, as specified in s.  
13 456.072(2)~~which the disciplinary actions specified in~~  
14 ~~subsection (2) may be taken:~~

15 (a) Attempting to obtain, obtaining, or renewing a  
16 license to practice acupuncture by bribery, by fraudulent  
17 misrepresentations, or through an error of the department.

18 (b) Having a license to practice acupuncture revoked,  
19 suspended, or otherwise acted against, including the denial of  
20 licensure, by the licensing authority of another state,  
21 territory, or country.

22 (c) Being convicted or found guilty, regardless of  
23 adjudication, in any jurisdiction of a crime which directly  
24 relates to the practice of acupuncture or to the ability to  
25 practice acupuncture. Any plea of nolo contendere shall be  
26 considered a conviction for purposes of this chapter.

27 (d) False, deceptive, or misleading advertising or  
28 advertising which claims that acupuncture is useful in curing  
29 any disease.

30 (e) Advertising, practicing, or attempting to practice  
31 under a name other than one's own.



1 (f) Failing to report to the department any person who  
2 the licensee knows is in violation of this chapter or of the  
3 rules of the department.

4 (g) Aiding, assisting, procuring, employing, or  
5 advising any unlicensed person to practice acupuncture  
6 contrary to this chapter or to a rule of the department.

7 (h) Failing to perform any statutory or legal  
8 obligation placed upon a licensed acupuncturist.

9 (i) Making or filing a report which the licensee knows  
10 to be false, intentionally or negligently failing to file a  
11 report or record required by state or federal law, willfully  
12 impeding or obstructing such filing or inducing another person  
13 to do so. Such reports or records shall include only those  
14 which are signed in the capacity as a licensed acupuncturist.

15 (j) Exercising influence within a  
16 patient-acupuncturist relationship for purposes of engaging a  
17 patient in sexual activity. A patient shall be presumed to be  
18 incapable of giving free, full, and informed consent to sexual  
19 activity with his or her acupuncturist.

20 (k) Making deceptive, untrue, or fraudulent  
21 representations in the practice of acupuncture or employing a  
22 trick or scheme in the practice of acupuncture when such  
23 scheme or trick fails to conform to the generally prevailing  
24 standards of treatment in the community.

25 (l) Soliciting patients, either personally or through  
26 an agent, through the use of fraud, intimidation, undue  
27 influence, or a form of overreaching or vexatious conduct. A  
28 solicitation is any communication which directly or implicitly  
29 requests an immediate oral response from the recipient.

30 (m) Failing to keep written medical records justifying  
31 the course of treatment of the patient.

1           (n) Exercising influence on the patient to exploit the  
2 patient for the financial gain of the licensee or of a third  
3 party.

4           (o) Being unable to practice acupuncture with  
5 reasonable skill and safety to patients by reason of illness  
6 or use of alcohol, drugs, narcotics, chemicals, or any other  
7 type of material or as a result of any mental or physical  
8 condition. In enforcing this paragraph, upon a finding of the  
9 secretary or the secretary's designee that probable cause  
10 exists to believe that the licensee is unable to serve as an  
11 acupuncturist due to the reasons stated in this paragraph, the  
12 department shall have the authority to issue an order to  
13 compel the licensee to submit to a mental or physical  
14 examination by a physician designated by the department. If  
15 the licensee refuses to comply with such order, the  
16 department's order directing such examination may be enforced  
17 by filing a petition for enforcement in the circuit court  
18 where the licensee resides or serves as an acupuncturist. The  
19 licensee against whom the petition is filed shall not be named  
20 or identified by initials in any public court record or  
21 document, and the proceedings shall be closed to the public.  
22 The department shall be entitled to the summary procedure  
23 provided in s. 51.011. An acupuncturist affected under this  
24 paragraph shall at reasonable intervals be afforded an  
25 opportunity to demonstrate that he or she can resume the  
26 competent practice of acupuncture with reasonable skill and  
27 safety to patients. In any proceeding under this paragraph,  
28 neither the record of proceedings nor the orders entered by  
29 the department shall be used against an acupuncturist in any  
30 other proceeding.

31

1           (p) Gross or repeated malpractice or the failure to  
2 practice acupuncture with that level of care, skill, and  
3 treatment which is recognized by a reasonably prudent similar  
4 acupuncturist as being acceptable under similar conditions and  
5 circumstances.

6           (q) Practicing or offering to practice beyond the  
7 scope permitted by law or accepting and performing  
8 professional responsibilities which the licensee knows or has  
9 reason to know that he or she is not competent to perform.

10           (r) Delegating professional responsibilities to a  
11 person when the licensee delegating such responsibilities  
12 knows or has reason to know that such person is not qualified  
13 by training, experience, or licensure to perform them.

14           (s) Violating ~~any provision of this chapter, a rule of~~  
15 ~~the department, or~~ a lawful order of the board ~~department~~  
16 previously entered in a disciplinary hearing or failing to  
17 comply with a lawfully issued subpoena of the department.

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

22           (u) Fraud or deceit or gross negligence, incompetence,  
23 or misconduct in the operation of a course of study.

24           (v) Failing to comply with state, county, or municipal  
25 regulations or reporting requirements relating to public  
26 health and the control of contagious and infectious diseases.

27           (w) Failing to comply with any rule of the board  
28 relating to health and safety, including, but not limited to,  
29 the sterilization of needles and equipment and the disposal of  
30 potentially infectious materials.

31

1           (x) Violating any provision of this chapter or chapter  
2 456, or any rules adopted pursuant thereto.  
3           (2) The board may enter an order denying licensure or  
4 imposing any of the penalties in s. 456.072(2) against any  
5 applicant for licensure or licensee who is found guilty of  
6 violating any provision of subsection (1) of this section or  
7 who is found guilty of violating any provision of s.  
8 456.072(1).~~When the board finds any person guilty of any of~~  
9 ~~the acts set forth in subsection (1), it may enter an order~~  
10 ~~imposing one or more of the following penalties:~~  
11           ~~(a) Refusal to certify to the department an~~  
12 ~~application for licensure.~~  
13           ~~(b) Revocation or suspension of a license.~~  
14           ~~(c) Restriction of practice.~~  
15           ~~(d) Imposition of an administrative fine not to exceed~~  
16 ~~\$1,000 for each count or separate offense.~~  
17           ~~(e) Issuance of a reprimand.~~  
18           ~~(f) Placement of the acupuncturist on probation for a~~  
19 ~~period of time and subject to such conditions as the board may~~  
20 ~~specify.~~  
21           Section 131. Subsection (6) of section 458.320,  
22 Florida Statutes, is amended to read:  
23           458.320 Financial responsibility.--  
24           (6) Any deceptive, untrue, or fraudulent  
25 representation by the licensee with respect to any provision  
26 of this section shall result in permanent disqualification  
27 from any exemption to mandated financial responsibility as  
28 provided in this section and shall constitute grounds for  
29 disciplinary action under ~~as specified~~ in s. 458.331.  
30           Section 132. Subsections (1) and (2) of section  
31 458.331, Florida Statutes, are amended to read:

1           458.331 Grounds for disciplinary action; action by the  
2 board and department.--

3           (1) The following acts ~~shall~~ constitute grounds for  
4 denial of a license or disciplinary action, as specified in s.  
5 456.072(2)~~which the disciplinary actions specified in~~  
6 ~~subsection (2) may be taken:~~

7           (a) Attempting to obtain, obtaining, or renewing a  
8 license to practice medicine by bribery, by fraudulent  
9 misrepresentations, or through an error of the department or  
10 the board.

11           (b) Having a license or the authority to practice  
12 medicine revoked, suspended, or otherwise acted against,  
13 including the denial of licensure, by the licensing authority  
14 of any jurisdiction, including its agencies or subdivisions.  
15 The licensing authority's acceptance of a physician's  
16 relinquishment of a license, stipulation, consent order, or  
17 other settlement, offered in response to or in anticipation of  
18 the filing of administrative charges against the physician's  
19 license, shall be construed as action against the physician's  
20 license.

21           (c) Being convicted or found guilty of, or entering a  
22 plea of nolo contendere to, regardless of adjudication, a  
23 crime in any jurisdiction which directly relates to the  
24 practice of medicine or to the ability to practice medicine.

25           (d) False, deceptive, or misleading advertising.

26           (e) Failing to report to the department any person who  
27 the licensee knows is in violation of this chapter or of the  
28 rules of the department or the board. A treatment provider  
29 approved pursuant to s. 456.076 shall provide the department  
30 or consultant with information in accordance with the  
31 requirements of s. 456.076(3), (4), (5), and (6).

1           (f) Aiding, assisting, procuring, or advising any  
3 chapter or to a rule of the department or the board.

4           (g) Failing to perform any statutory or legal

6           (h) Making or filing a report which the licensee knows  
7 to be false, intentionally or negligently failing to file a  
9 impeding or obstructing such filing or inducing another person  
10 to do so. Such reports or records shall include only those

12           (i) Paying or receiving any commission, bonus,  
13 kickback, or rebate, or engaging in any split-fee arrangement  
15 or person, either directly or indirectly, for patients  
16 referred to providers of health care goods and services,  
18 clinical laboratories, ambulatory surgical centers, or  
19 pharmacies. The provisions of this paragraph shall not be  
21 professional consultation services.

22           (j) Exercising influence within a patient-physician  
24 activity. A patient shall be presumed to be incapable of  
25 giving free, full, and informed consent to sexual activity

27           (k) Making deceptive, untrue, or fraudulent  
28 representations in or related to the practice of medicine or

30           (l) Soliciting patients, either personally or through  
31 an agent, through the use of fraud, intimidation, undue

1 influence, or a form of overreaching or vexatious conduct. A  
2 solicitation is any communication which directly or implicitly  
3 requests an immediate oral response from the recipient.

4 (m) Failing to keep legible, as defined by department  
5 rule in consultation with the board, medical records that  
6 identify the licensed physician or the physician extender and  
7 supervising physician by name and professional title who is or  
8 are responsible for rendering, ordering, supervising, or  
9 billing for each diagnostic or treatment procedure and that  
10 justify the course of treatment of the patient, including, but  
11 not limited to, patient histories; examination results; test  
12 results; records of drugs prescribed, dispensed, or  
13 administered; and reports of consultations and  
14 hospitalizations.

15 (n) Exercising influence on the patient or client in  
16 such a manner as to exploit the patient or client for  
17 financial gain of the licensee or of a third party, which  
18 shall include, but not be limited to, the promoting or selling  
19 of services, goods, appliances, or drugs.

20 (o) Promoting or advertising on any prescription form  
21 of a community pharmacy unless the form shall also state "This  
22 prescription may be filled at any pharmacy of your choice."

23 (p) Performing professional services which have not  
24 been duly authorized by the patient or client, or his or her  
25 legal representative, except as provided in s. 743.064, s.  
26 766.103, or s. 768.13.

27 (q) Prescribing, dispensing, administering, mixing, or  
28 otherwise preparing a legend drug, including any controlled  
29 substance, other than in the course of the physician's  
30 professional practice. For the purposes of this paragraph, it  
31 shall be legally presumed that prescribing, dispensing,

1 administering, mixing, or otherwise preparing legend drugs,  
2 including all controlled substances, inappropriately or in  
3 excessive or inappropriate quantities is not in the best  
4 interest of the patient and is not in the course of the  
5 physician's professional practice, without regard to his or  
6 her intent.

7 (r) Prescribing, dispensing, or administering any  
8 medicinal drug appearing on any schedule set forth in chapter  
9 893 by the physician to himself or herself, except one  
10 prescribed, dispensed, or administered to the physician by  
11 another practitioner authorized to prescribe, dispense, or  
12 administer medicinal drugs.

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



2 paragraph shall at reasonable intervals be afforded an  
3 opportunity to demonstrate that he or she can resume the  
  
5 safety to patients.  
6       (t) Gross or repeated malpractice or the failure to  
  
8 treatment which is recognized by a reasonably prudent similar  
9 physician as being acceptable under similar conditions and  
  
11 provisions of s. 766.102 when enforcing this paragraph. As  
12 used in this paragraph, "repeated malpractice" includes, but  
  
14 malpractice within the previous 5-year period resulting in  
15 indemnities being paid in excess of \$25,000 each to the  
  
17 involved negligent conduct by the physician. As used in this  
18 paragraph, "gross malpractice" or "the failure to practice  
  
20 is recognized by a reasonably prudent similar physician as  
21 being acceptable under similar conditions and circumstances,"  
  
23 instance, event, or act. Nothing in this paragraph shall be  
24 construed to require that a physician be incompetent to  
  
26 paragraph.  
27       (u) Performing any procedure or prescribing any  
  
29 in the community, would constitute experimentation on a human  
30 subject, without first obtaining full, informed, and written

1           (v) Practicing or offering to practice beyond the  
2 scope permitted by law or accepting and performing  
3 professional responsibilities which the licensee knows or has  
4 reason to know that he or she is not competent to perform. The  
5 board may establish by rule standards of practice and  
6 standards of care for particular practice settings, including,  
7 but not limited to, education and training, equipment and  
8 supplies, medications including anesthetics, assistance of and  
9 delegation to other personnel, transfer agreements,  
10 sterilization, records, performance of complex or multiple  
11 procedures, informed consent, and policy and procedure  
12 manuals.

13           (w) Delegating professional responsibilities to a  
14 person when the licensee delegating such responsibilities  
15 knows or has reason to know that such person is not qualified  
16 by training, experience, or licensure to perform them.

17           (x) ~~Violating any provision of this chapter, a rule of~~  
18 ~~the board or department, or~~ a lawful order of the board or  
19 department previously entered in a disciplinary hearing or  
20 failing to comply with a lawfully issued subpoena of the  
21 department.

22           (y) Conspiring with another licensee or with any other  
23 person to commit an act, or committing an act, which would  
24 tend to coerce, intimidate, or preclude another licensee from  
25 lawfully advertising his or her services.

26           (z) Procuring, or aiding or abetting in the procuring  
27 of, an unlawful termination of pregnancy.

28           (aa) Presigning blank prescription forms.

29           (bb) Prescribing any medicinal drug appearing on  
30 Schedule II in chapter 893 by the physician for office use.

31

1           (cc) Prescribing, ordering, dispensing, administering,  
2 supplying, selling, or giving any drug which is a Schedule II  
3 amphetamine or a Schedule II sympathomimetic amine drug or any  
4 compound thereof, pursuant to chapter 893, to or for any  
5 person except for:

6           1. The treatment of narcolepsy; hyperkinesia;  
7 behavioral syndrome characterized by the developmentally  
8 inappropriate symptoms of moderate to severe distractibility,  
9 short attention span, hyperactivity, emotional lability, and  
10 impulsivity; or drug-induced brain dysfunction;

11           2. The differential diagnostic psychiatric evaluation  
12 of depression or the treatment of depression shown to be  
13 refractory to other therapeutic modalities; or

14           3. The clinical investigation of the effects of such  
15 drugs or compounds when an investigative protocol therefor is  
16 submitted to, reviewed, and approved by the board before such  
17 investigation is begun.

18           (dd) Failing to supervise adequately the activities of  
19 those physician assistants, paramedics, emergency medical  
20 technicians, or advanced registered nurse practitioners acting  
21 under the supervision of the physician.

22           (ee) Prescribing, ordering, dispensing, administering,  
23 supplying, selling, or giving growth hormones, testosterone or  
24 its analogs, human chorionic gonadotropin (HCG), or other  
25 hormones for the purpose of muscle building or to enhance  
26 athletic performance. For the purposes of this subsection, the  
27 term "muscle building" does not include the treatment of  
28 injured muscle. A prescription written for the drug products  
29 listed above may be dispensed by the pharmacist with the  
30 presumption that the prescription is for legitimate medical  
31 use.

2 supplying, selling, or giving amygdalin (laetrile) to any  
3 person.

5 any time during any phase of a licensing or disciplinary  
6 process or procedure.

8 with any disciplinary proceeding.

9 (ii) Failing to report to the department any licensee  
11 physician assistant knows has violated the grounds for  
12 disciplinary action set out in the law under which that person  
14 facility licensed under chapter 395, or a health maintenance  
15 organization certificated under part I of chapter 641, in  
17 services.

18 (jj) Being found by any court in this state to have  
20 to any statutorily required notice of claim or intent or to  
21 any statutorily required response rejecting a claim, without

23 (kk) Failing to report to the board, in writing,  
24 within 30 days if action as defined in paragraph (b) has been  
26 state, territory, or country.

27 (ll) Advertising or holding oneself out as a  
29 458.3312, in violation of this chapter.

30 (mm) Failing to comply with the requirements of ss.

1 about their patient rights and how to file a patient  
2 complaint.

3 (nn) Violating any provision of this chapter or  
4 chapter 456, or any rules adopted pursuant thereto.

5 (2) The board may enter an order denying licensure or  
6 imposing any of the penalties in s. 456.072(2) against any  
7 applicant for licensure or licensee who is found guilty of  
8 violating any provision of subsection (1) of this section or  
9 who is found guilty of violating any provision of s.  
10 456.072(1).~~When the board finds any person guilty of any of~~  
11 ~~the grounds set forth in subsection (1), including conduct~~  
12 ~~that would constitute a substantial violation of subsection~~  
13 ~~(1) which occurred prior to licensure, it may enter an order~~  
14 ~~imposing one or more of the following penalties:~~

15 ~~(a) Refusal to certify, or certification with~~  
16 ~~restrictions, to the department an application for licensure,~~  
17 ~~certification, or registration.~~

18 ~~(b) Revocation or suspension of a license.~~

19 ~~(c) Restriction of practice.~~

20 ~~(d) Imposition of an administrative fine not to exceed~~  
21 ~~\$10,000 for each count or separate offense.~~

22 ~~(e) Issuance of a reprimand.~~

23 ~~(f) Placement of the physician on probation for a~~  
24 ~~period of time and subject to such conditions as the board may~~  
25 ~~specify, including, but not limited to, requiring the~~  
26 ~~physician to submit to treatment, to attend continuing~~  
27 ~~education courses, to submit to reexamination, or to work~~  
28 ~~under the supervision of another physician.~~

29 ~~(g) Issuance of a letter of concern.~~

30 ~~(h) Corrective action.~~

31

1           ~~(i) Refund of fees billed to and collected from the~~  
2 ~~patient.~~

3           ~~(j) Imposition of an administrative fine in accordance~~  
4 ~~with s. 381.0261 for violations regarding patient rights.~~

5  
6 In determining what action is appropriate, the board must  
7 first consider what sanctions are necessary to protect the  
8 public or to compensate the patient. Only after those  
9 sanctions have been imposed may the disciplining authority  
10 consider and include in the order requirements designed to  
11 rehabilitate the physician. All costs associated with  
12 compliance with orders issued under this subsection are the  
13 obligation of the physician.

14           Section 133. Subsection (6) of section 459.0085,  
15 Florida Statutes, is amended to read:

16           459.0085 Financial responsibility.--

17           (6) Any deceptive, untrue, or fraudulent  
18 representation by the licensee with respect to any provision  
19 of this section shall result in permanent disqualification  
20 from any exemption to mandated financial responsibility as  
21 provided in this section and shall constitute grounds for  
22 disciplinary action under ~~as specified in~~ s. 459.015.

23           Section 134. Subsections (1) and (2) of section  
24 459.015, Florida Statutes, are amended to read:

25           459.015 Grounds for disciplinary action; action by the  
26 board and department.--

27           (1) The following acts ~~shall~~ constitute grounds for  
28 denial of a license or disciplinary action, as specified in s.  
29 456.072(2)~~which the disciplinary actions specified in~~  
30 ~~subsection (2) may be taken:~~

31

1           (a) Attempting to obtain, obtaining, or renewing a  
2 license to practice osteopathic medicine or a certificate  
3 issued under this chapter by bribery, by fraudulent  
4 misrepresentations, or through an error of the department or  
5 the board.

6           (b) Having a license or the authority to practice  
7 osteopathic medicine revoked, suspended, or otherwise acted  
8 against, including the denial of licensure, by the licensing  
9 authority of any jurisdiction, including its agencies or  
10 subdivisions. The licensing authority's acceptance of a  
11 physician's relinquishment of license, stipulation, consent  
12 order, or other settlement offered in response to or in  
13 anticipation of the filing of administrative charges against  
14 the physician shall be construed as action against the  
15 physician's license.

16           (c) Being convicted or found guilty, regardless of  
17 adjudication, of a crime in any jurisdiction which directly  
18 relates to the practice of osteopathic medicine or to the  
19 ability to practice osteopathic medicine. A plea of nolo  
20 contendere shall create a rebuttable presumption of guilt to  
21 the underlying criminal charges.

22           (d) False, deceptive, or misleading advertising.

23           (e) Failing to report to the department or the  
24 department's impaired professional consultant any person who  
25 the licensee or certificateholder knows is in violation of  
26 this chapter or of the rules of the department or the board.  
27 A treatment provider, approved pursuant to s. 456.076, shall  
28 provide the department or consultant with information in  
29 accordance with the requirements of s. 456.076(3), (4), (5),  
30 and (6).

31

2 unlicensed person to practice osteopathic medicine contrary to  
3 this chapter or to a rule of the department or the board.

5 obligation placed upon a licensed osteopathic physician.

6 (h) Giving false testimony in the course of any legal  
8 medicine or the delivery of health care services.

9 (i) Making or filing a report which the licensee knows  
11 report or record required by state or federal law, willfully  
12 impeding or obstructing such filing, or inducing another  
14 those which are signed in the capacity as a licensed  
15 osteopathic physician.

17 kickback, or rebate, or engaging in any split-fee arrangement  
18 in any form whatsoever with a physician, organization, agency,  
20 entity, for patients referred to providers of health care  
21 goods and services, including, but not limited to, hospitals,  
23 centers, or pharmacies. The provisions of this paragraph  
24 shall not be construed to prevent an osteopathic physician

26 (k) Refusing to provide health care based on a  
27 patient's participation in pending or past litigation or  
29 this chapter, unless such litigation or disciplinary action  
30 directly involves the osteopathic physician requested to



1           (l) Exercising influence within a patient-physician  
2 relationship for purposes of engaging a patient in sexual  
3 activity. A patient shall be presumed to be incapable of  
4 giving free, full, and informed consent to sexual activity  
5 with his or her physician.

6           (m) Making deceptive, untrue, or fraudulent  
7 representations in or related to the practice of osteopathic  
8 medicine or employing a trick or scheme in the practice of  
9 osteopathic medicine.

10           (n) Soliciting patients, either personally or through  
11 an agent, through the use of fraud, intimidation, undue  
12 influence, or forms of overreaching or vexatious conduct. A  
13 solicitation is any communication which directly or implicitly  
14 requests an immediate oral response from the recipient.

15           (o) Failing to keep legible, as defined by department  
16 rule in consultation with the board, medical records that  
17 identify the licensed osteopathic physician or the osteopathic  
18 physician extender and supervising osteopathic physician by  
19 name and professional title who is or are responsible for  
20 rendering, ordering, supervising, or billing for each  
21 diagnostic or treatment procedure and that justify the course  
22 of treatment of the patient, including, but not limited to,  
23 patient histories; examination results; test results; records  
24 of drugs prescribed, dispensed, or administered; and reports  
25 of consultations and hospitalizations.

26           (p) Fraudulently altering or destroying records  
27 relating to patient care or treatment, including, but not  
28 limited to, patient histories, examination results, and test  
29 results.

30           (q) Exercising influence on the patient or client in  
31 such a manner as to exploit the patient or client for

1 financial gain of the licensee or of a third party which shall  
2 include, but not be limited to, the promotion or sale of  
3 services, goods, appliances, or drugs.

4 (r) Promoting or advertising on any prescription form  
5 of a community pharmacy, unless the form shall also state  
6 "This prescription may be filled at any pharmacy of your  
7 choice."

8 (s) Performing professional services which have not  
9 been duly authorized by the patient or client or his or her  
10 legal representative except as provided in s. 743.064, s.  
11 766.103, or s. 768.13.

12 (t) Prescribing, dispensing, administering, supplying,  
13 selling, giving, mixing, or otherwise preparing a legend drug,  
14 including all controlled substances, other than in the course  
15 of the osteopathic physician's professional practice. For the  
16 purposes of this paragraph, it shall be legally presumed that  
17 prescribing, dispensing, administering, supplying, selling,  
18 giving, mixing, or otherwise preparing legend drugs, including  
19 all controlled substances, inappropriately or in excessive or  
20 inappropriate quantities is not in the best interest of the  
21 patient and is not in the course of the osteopathic  
22 physician's professional practice, without regard to his or  
23 her intent.

24 (u) Prescribing or dispensing any medicinal drug  
25 appearing on any schedule set forth in chapter 893 by the  
26 osteopathic physician for himself or herself or administering  
27 any such drug by the osteopathic physician to himself or  
28 herself unless such drug is prescribed for the osteopathic  
29 physician by another practitioner authorized to prescribe  
30 medicinal drugs.

31

1           (v) Prescribing, ordering, dispensing, administering,  
2 supplying, selling, or giving amygdalin (laetrile) to any  
3 person.

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

28           (x) Gross or repeated malpractice or the failure to  
29 practice osteopathic medicine with that level of care, skill,  
30 and treatment which is recognized by a reasonably prudent  
31 similar osteopathic physician as being acceptable under

1 similar conditions and circumstances. The board shall give  
2 great weight to the provisions of s. 766.102 when enforcing  
3 this paragraph. As used in this paragraph, "repeated  
4 malpractice" includes, but is not limited to, three or more  
5 claims for medical malpractice within the previous 5-year  
6 period resulting in indemnities being paid in excess of  
7 \$25,000 each to the claimant in a judgment or settlement and  
8 which incidents involved negligent conduct by the osteopathic  
9 physician. As used in this paragraph, "gross malpractice" or  
10 "the failure to practice osteopathic medicine with that level  
11 of care, skill, and treatment which is recognized by a  
12 reasonably prudent similar osteopathic physician as being  
13 acceptable under similar conditions and circumstances" shall  
14 not be construed so as to require more than one instance,  
15 event, or act. Nothing in this paragraph shall be construed to  
16 require that an osteopathic physician be incompetent to  
17 practice osteopathic medicine in order to be disciplined  
18 pursuant to this paragraph. A recommended order by an  
19 administrative law judge or a final order of the board finding  
20 a violation under this paragraph shall specify whether the  
21 licensee was found to have committed "gross malpractice,"  
22 "repeated malpractice," or "failure to practice osteopathic  
23 medicine with that level of care, skill, and treatment which  
24 is recognized as being acceptable under similar conditions and  
25 circumstances," or any combination thereof, and any  
26 publication by the board shall so specify.

27 (y) Performing any procedure or prescribing any  
28 therapy which, by the prevailing standards of medical practice  
29 in the community, would constitute experimentation on human  
30 subjects, without first obtaining full, informed, and written  
31 consent.

1           (z) Practicing or offering to practice beyond the  
2 scope permitted by law or accepting and performing  
3 professional responsibilities which the licensee knows or has  
4 reason to know that he or she is not competent to perform. The  
5 board may establish by rule standards of practice and  
6 standards of care for particular practice settings, including,  
7 but not limited to, education and training, equipment and  
8 supplies, medications including anesthetics, assistance of and  
9 delegation to other personnel, transfer agreements,  
10 sterilization, records, performance of complex or multiple  
11 procedures, informed consent, and policy and procedure  
12 manuals.

13           (aa) Delegating professional responsibilities to a  
14 person when the licensee delegating such responsibilities  
15 knows or has reason to know that such person is not qualified  
16 by training, experience, or licensure to perform them.

17           (bb) ~~Violating any provision of this chapter, a rule~~  
18 ~~of the board or department, or~~ a lawful order of the board or  
19 department previously entered in a disciplinary hearing or  
20 failing to comply with a lawfully issued subpoena of the board  
21 or department.

22           (cc) Conspiring with another licensee or with any  
23 other person to commit an act, or committing an act, which  
24 would tend to coerce, intimidate, or preclude another licensee  
25 from lawfully advertising his or her services.

26           (dd) Procuring, or aiding or abetting in the procuring  
27 of, an unlawful termination of pregnancy.

28           (ee) Presigning blank prescription forms.

29           (ff) Prescribing any medicinal drug appearing on  
30 Schedule II in chapter 893 by the osteopathic physician for  
31 office use.

1           (gg) Prescribing, ordering, dispensing, administering,  
2 supplying, selling, or giving any drug which is a Schedule II  
3 amphetamine or Schedule II sympathomimetic amine drug or any  
4 compound thereof, pursuant to chapter 893, to or for any  
5 person except for:

6           1. The treatment of narcolepsy; hyperkinesia;  
7 behavioral syndrome characterized by the developmentally  
8 inappropriate symptoms of moderate to severe distractibility,  
9 short attention span, hyperactivity, emotional lability, and  
10 impulsivity; or drug-induced brain dysfunction;

11           2. The differential diagnostic psychiatric evaluation  
12 of depression or the treatment of depression shown to be  
13 refractory to other therapeutic modalities; or

14           3. The clinical investigation of the effects of such  
15 drugs or compounds when an investigative protocol therefor is  
16 submitted to, reviewed, and approved by the board before such  
17 investigation is begun.

18           (hh) Failing to supervise adequately the activities of  
19 those physician assistants, paramedics, emergency medical  
20 technicians, advanced registered nurse practitioners, or other  
21 persons acting under the supervision of the osteopathic  
22 physician.

23           (ii) Prescribing, ordering, dispensing, administering,  
24 supplying, selling, or giving growth hormones, testosterone or  
25 its analogs, human chorionic gonadotropin (HCG), or other  
26 hormones for the purpose of muscle building or to enhance  
27 athletic performance. For the purposes of this subsection, the  
28 term "muscle building" does not include the treatment of  
29 injured muscle. A prescription written for the drug products  
30 listed above may be dispensed by the pharmacist with the  
31

1 presumption that the prescription is for legitimate medical

3 (jj) Misrepresenting or concealing a material fact at  
4 any time during any phase of a licensing or disciplinary

6 (kk) Improperly interfering with an investigation or  
7 with any disciplinary proceeding.

9 under chapter 458 or under this chapter who the osteopathic  
10 physician or physician assistant knows has violated the

12 that person is licensed and who provides health care services  
13 in a facility licensed under chapter 395, or a health

15 641, in which the osteopathic physician or physician assistant  
16 also provides services.

18 provided corroborating written medical expert opinion attached  
19 to any statutorily required notice of claim or intent or to

21 reasonable investigation.

22 (nn) Advertising or holding oneself out as a

24 (oo) Failing to comply with the requirements of ss.  
25 381.026 and 381.0261 to provide patients with information

27 complaint.

28 \_\_\_\_\_  
29 chapter 456, or any rules adopted pursuant thereto.

31 The board may enter an order denying licensure or

1 applicant for licensure or licensee who is found guilty of  
2 violating any provision of subsection (1) of this section or  
3 who is found guilty of violating any provision of s.  
4 456.072(1).~~When the board finds any person guilty of any of~~  
5 ~~the grounds set forth in subsection (1), it may enter an order~~  
6 ~~imposing one or more of the following penalties:~~  
7       ~~(a) Refusal to certify, or certify with restrictions,~~  
8 ~~to the department an application for certification, licensure,~~  
9 ~~renewal, or reactivation.~~  
10       ~~(b) Revocation or suspension of a license or~~  
11 ~~certificate.~~  
12       ~~(c) Restriction of practice.~~  
13       ~~(d) Imposition of an administrative fine not to exceed~~  
14 ~~\$10,000 for each count or separate offense.~~  
15       ~~(e) Issuance of a reprimand.~~  
16       ~~(f) Issuance of a letter of concern.~~  
17       ~~(g) Placement of the osteopathic physician on~~  
18 ~~probation for a period of time and subject to such conditions~~  
19 ~~as the board may specify, including, but not limited to,~~  
20 ~~requiring the osteopathic physician to submit to treatment,~~  
21 ~~attend continuing education courses, submit to reexamination,~~  
22 ~~or work under the supervision of another osteopathic~~  
23 ~~physician.~~  
24       ~~(h) Corrective action.~~  
25       ~~(i) Refund of fees billed to and collected from the~~  
26 ~~patient.~~  
27       ~~(j) Imposition of an administrative fine in accordance~~  
28 ~~with s. 381.0261 for violations regarding patient rights.~~  
29  
30 In determining what action is appropriate, the board must  
31 first consider what sanctions are necessary to protect the



1 public or to compensate the patient. Only after those  
2 sanctions have been imposed may the disciplining authority  
3 consider and include in the order requirements designed to  
4 rehabilitate the physician. All costs associated with  
5 compliance with orders issued under this subsection are the  
6 obligation of the physician.

7 Section 135. Subsections (1) and (2) of section  
8 460.413, Florida Statutes, are amended to read:

9 460.413 Grounds for disciplinary action; action by  
10 board or department.--

11 (1) The following acts ~~shall~~ constitute grounds for  
12 denial of a license or disciplinary action, as specified in s.  
13 456.072(2)~~which the disciplinary actions specified in~~  
14 ~~subsection (2) may be taken:~~

15 (a) Attempting to obtain, obtaining, or renewing a  
16 license to practice chiropractic medicine by bribery, by  
17 fraudulent misrepresentations, or through an error of the  
18 department or the board.

19 (b) Having a license to practice chiropractic medicine  
20 revoked, suspended, or otherwise acted against, including the  
21 denial of licensure, by the licensing authority of another  
22 state, territory, or country.

23 (c) Being convicted or found guilty, regardless of  
24 adjudication, of a crime in any jurisdiction which directly  
25 relates to the practice of chiropractic medicine or to the  
26 ability to practice chiropractic medicine. Any plea of nolo  
27 contendere shall be considered a conviction for purposes of  
28 this chapter.

29 (d) False, deceptive, or misleading advertising.

30 (e) Causing to be advertised, by any means whatsoever,  
31 any advertisement which does not contain an assertion or

2 chiropractic physician or identify such chiropractic clinic or  
3 related institution in which she or he practices or in which  
5 institution.

6 (f) Advertising, practicing, or attempting to practice

8 (g) Failing to report to the department any person who  
9 the licensee knows is in violation of this chapter or of the

11 (h) Aiding, assisting, procuring, or advising any  
12 unlicensed person to practice chiropractic medicine contrary

14 (i) Failing to perform any statutory or legal  
15 obligation placed upon a licensed chiropractic physician.

17 to be false, intentionally or negligently failing to file a  
18 report or record required by state or federal law, willfully

20 to do so. Such reports or records shall include only those  
21 which are signed in the capacity of a licensed chiropractic

23 (k) Making misleading, deceptive, untrue, or  
24 fraudulent representations in the practice of chiropractic

26 chiropractic medicine when such trick or scheme fails to  
27 conform to the generally prevailing standards of treatment in

29 (l) Soliciting patients either personally or through  
30 an agent, unless such solicitation falls into a category of

1           (m) Failing to keep legibly written chiropractic  
2 medical records that identify clearly by name and credentials  
3 the licensed chiropractic physician rendering, ordering,  
4 supervising, or billing for each examination or treatment  
5 procedure and that justify the course of treatment of the  
6 patient, including, but not limited to, patient histories,  
7 examination results, test results, X rays, and diagnosis of a  
8 disease, condition, or injury. X rays need not be retained  
9 for more than 4 years.

10           (n) Exercising influence on the patient or client in  
11 such a manner as to exploit the patient or client for  
12 financial gain of the licensee or of a third party which shall  
13 include, but not be limited to, the promotion or sale of  
14 services, goods or appliances, or drugs.

15           (o) Performing professional services which have not  
16 been duly authorized by the patient or client or her or his  
17 legal representative except as provided in ss. 743.064,  
18 766.103, and 768.13.

19           (p) Prescribing, dispensing, or administering any  
20 medicinal drug except as authorized by s. 460.403(9)(c)2.,  
21 performing any surgery, or practicing obstetrics.

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

1 licensee to submit to a mental or physical examination by a  
2 physician designated by the department. If the licensee  
3 refuses to comply with the department's order, the department  
4 may file a petition for enforcement in the circuit court of  
5 the circuit in which the licensee resides or does business.  
6 The department shall be entitled to the summary procedure  
7 provided in s. 51.011. The record of proceedings to obtain a  
8 compelled mental or physical examination shall not be used  
9 against a licensee in any other proceedings. A chiropractic  
10 physician affected under this paragraph shall at reasonable  
11 intervals be afforded an opportunity to demonstrate that she  
12 or he can resume the competent practice of chiropractic  
13 medicine with reasonable skill and safety to patients.

14 (r) Gross or repeated malpractice or the failure to  
15 practice chiropractic medicine at a level of care, skill, and  
16 treatment which is recognized by a reasonably prudent  
17 chiropractic physician as being acceptable under similar  
18 conditions and circumstances. The board shall give great  
19 weight to the standards for malpractice in s. 766.102 in  
20 interpreting this provision. A recommended order by an  
21 administrative law judge, or a final order of the board  
22 finding a violation under this section shall specify whether  
23 the licensee was found to have committed "gross malpractice,"  
24 "repeated malpractice," or "failure to practice chiropractic  
25 medicine with that level of care, skill, and treatment which  
26 is recognized as being acceptable under similar conditions and  
27 circumstances" or any combination thereof, and any publication  
28 by the board shall so specify.

29 (s) Performing any procedure or prescribing any  
30 therapy which, by the prevailing standards of chiropractic  
31 medical practice in the community, would constitute

1 experimentation on human subjects, without first obtaining  
2 full, informed, and written consent.

3 (t) Practicing or offering to practice beyond the  
4 scope permitted by law or accepting and performing  
5 professional responsibilities which the licensee knows or has  
6 reason to know that she or he is not competent to perform.

7 (u) Delegating professional responsibilities to a  
8 person when the licensee delegating such responsibilities  
9 knows or has reason to know that such person is not qualified  
10 by training, experience, or licensure to perform them.

11 (v) ~~Violating any provision of this chapter, any rule~~  
12 ~~of the board or department, or~~ a lawful order of the board or  
13 department previously entered in a disciplinary hearing or  
14 failing to comply with a lawfully issued subpoena of the  
15 department.

16 (w) Conspiring with another licensee or with any other  
17 person to commit an act, or committing an act, which would  
18 tend to coerce, intimidate, or preclude another licensee from  
19 lawfully advertising her or his services.

20 (x) Submitting to any third-party payor a claim for a  
21 service or treatment which was not actually provided to a  
22 patient.

23 (y) Failing to preserve identity of funds and property  
24 of a patient. As provided by rule of the board, money or other  
25 property entrusted to a chiropractic physician for a specific  
26 purpose, including advances for costs and expenses of  
27 examination or treatment, is to be held in trust and must be  
28 applied only to that purpose. Money and other property of  
29 patients coming into the hands of a chiropractic physician are  
30 not subject to counterclaim or setoff for chiropractic  
31 physician's fees, and a refusal to account for and deliver

1 over such money and property upon demand shall be deemed a  
2 conversion. This is not to preclude the retention of money or  
3 other property upon which the chiropractic physician has a  
4 valid lien for services or to preclude the payment of agreed  
5 fees from the proceeds of transactions for examinations or  
6 treatments. Controversies as to the amount of the fees are  
7 not grounds for disciplinary proceedings unless the amount  
8 demanded is clearly excessive or extortionate, or the demand  
9 is fraudulent. All funds of patients paid to a chiropractic  
10 physician, other than advances for costs and expenses, shall  
11 be deposited in one or more identifiable bank accounts  
12 maintained in the state in which the chiropractic physician's  
13 office is situated, and no funds belonging to the chiropractic  
14 physician shall be deposited therein except as follows:

15 1. Funds reasonably sufficient to pay bank charges may  
16 be deposited therein.

17 2. Funds belonging in part to a patient and in part  
18 presently or potentially to the physician must be deposited  
19 therein, but the portion belonging to the physician may be  
20 withdrawn when due unless the right of the physician to  
21 receive it is disputed by the patient, in which event the  
22 disputed portion shall not be withdrawn until the dispute is  
23 finally resolved.

24  
25 Every chiropractic physician shall maintain complete records  
26 of all funds, securities, and other properties of a patient  
27 coming into the possession of the physician and render  
28 appropriate accounts to the patient regarding them. In  
29 addition, every chiropractic physician shall promptly pay or  
30 deliver to the patient, as requested by the patient, the  
31

1 funds, securities, or other properties in the possession of  
2 the physician which the patient is entitled to receive.

3 (z) Offering to accept or accepting payment for  
4 services rendered by assignment from any third-party payor  
5 after offering to accept or accepting whatever the third-party  
6 payor covers as payment in full, if the effect of the offering  
7 or acceptance is to eliminate or give the impression of  
8 eliminating the need for payment by an insured of any required  
9 deductions applicable in the policy of the insured.

10 (aa) Failing to provide, upon request of the insured,  
11 a copy of a claim submitted to any third-party payor for  
12 service or treatment of the insured.

13 (bb) Advertising a fee or charge for a service or  
14 treatment which is different from the fee or charge the  
15 licensee submits to third-party payors for that service or  
16 treatment.

17 (cc) Advertising any reduced or discounted fees for  
18 services or treatments, or advertising any free services or  
19 treatments, without prominently stating in the advertisement  
20 the usual fee of the licensee for the service or treatment  
21 which is the subject of the discount, rebate, or free  
22 offering.

23 (dd) Using acupuncture without being certified  
24 pursuant to s. 460.403(9)(f).

25 (ee) Failing to report to the department any licensee  
26 under chapter 458 or under chapter 459 who the chiropractic  
27 physician or chiropractic physician's assistant knows has  
28 violated the grounds for disciplinary action set out in the  
29 law under which that person is licensed and who provides  
30 health care services in a facility licensed under chapter 395,  
31 or a health maintenance organization certificated under part I

1 of chapter 641, in which the chiropractic physician or  
2 chiropractic physician's assistant also provides services.  
3 (ff) Violating any provision of this chapter or  
4 chapter 456, or any rules adopted pursuant thereto.  
5 (2) The board may enter an order denying licensure or  
6 imposing any of the penalties in s. 456.072(2) against any  
7 applicant for licensure or licensee who is found guilty of  
8 violating any provision of subsection (1) of this section or  
9 who is found guilty of violating any provision of s.  
10 ~~456.072(1).When the board finds any person guilty of any of~~  
11 ~~the grounds set forth in subsection (1), it may enter an order~~  
12 ~~imposing one or more of the following penalties:~~  
13 ~~(a) Refusal to certify to the department an~~  
14 ~~application for licensure.~~  
15 ~~(b) Revocation or suspension of a license.~~  
16 ~~(c) Restriction of practice.~~  
17 ~~(d) Imposition of an administrative fine not to exceed~~  
18 ~~\$10,000 for each count or separate offense.~~  
19 ~~(e) Issuance of a reprimand.~~  
20 ~~(f) Placement of the chiropractic physician on~~  
21 ~~probation for a period of time and subject to such conditions~~  
22 ~~as the board may specify, including requiring the chiropractic~~  
23 ~~physician to submit to treatment, to attend continuing~~  
24 ~~education courses, to submit to reexamination, or to work~~  
25 ~~under the supervision of another chiropractic physician.~~  
26 ~~(g) Imposition of costs of the investigation and~~  
27 ~~prosecution.~~  
28 ~~(h) Requirement that the chiropractic physician~~  
29 ~~undergo remedial education.~~  
30 ~~(i) Issuance of a letter of concern.~~  
31 ~~(j) Corrective action.~~



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~~patient or a third party.~~

In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to

with compliance with orders issued under this subsection are the obligation of the chiropractic physician.

461.013, Florida Statutes, are amended to read:

461.013 Grounds for disciplinary action; action by the

(1) The following acts ~~shall~~ denial of a license or disciplinary action, as specified in s. 456.072(2)~~which the disciplinary actions specified in subsection (2) may be taken:~~

license to practice podiatric medicine by bribery, by fraudulent misrepresentations, or through an error of the

(b) Having a license to practice podiatric medicine revoked, suspended, or otherwise acted against, including the state, territory, or country.

(c) Being convicted or found guilty, regardless of relates to the practice of podiatric medicine or to the ability to practice podiatric medicine. Any plea of nolo

1 | contendere shall be considered a conviction for purposes of  
2 | this chapter.

3 |         (d) False, deceptive, or misleading advertising.

4 |         (e) Advertising, practicing, or attempting to practice  
5 | under a name other than one's own.

6 |         (f) Failing to report to the department any person who  
7 | the licensee knows is in violation of this chapter or of the  
8 | rules of the department or the board.

9 |         (g) Aiding, assisting, procuring, permitting, or  
10 | advising any unlicensed person to practice podiatric medicine  
11 | contrary to this chapter or to rule of the department or the  
12 | board.

13 |         (h) Failing to perform any statutory or legal  
14 | obligation placed upon a licensed podiatric physician.

15 |         (i) Making or filing a report which the licensee knows  
16 | to be 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 person  
19 | to do so. Such report or records shall include only those  
20 | which are signed in the capacity of a licensed podiatric  
21 | physician.

22 |         (j) Making misleading, deceptive, untrue, or  
23 | fraudulent representations in the practice of podiatric  
24 | medicine or employing a trick or scheme in the practice of  
25 | podiatric medicine when such scheme or trick fails to conform  
26 | to the generally prevailing standards of treatment in the  
27 | podiatric community.

28 |         (k) Soliciting patients either personally or through  
29 | an agent, unless such solicitation falls into a category of  
30 | solicitations approved by rule of the board.

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1           (1) Failing to keep written medical records justifying  
2 the course of treatment of the patient, including, but not  
3 limited to, patient histories, examination results, and test  
4 results.

5           (m) Exercising influence on the patient or client in  
6 such a manner as to exploit the patient or client for  
7 financial gain of the licensee or of a third party which shall  
8 include, but not be limited to, the promotion or sale of  
9 services, goods, appliances, or drugs and the promoting or  
10 advertising on any prescription form of a community pharmacy  
11 unless the form shall also state "This prescription may be  
12 filled at any pharmacy of your choice."

13           (n) Performing professional services which have not  
14 been duly authorized by the patient or client or her or his  
15 legal representative except as provided in ss. 743.064,  
16 766.103, and 768.13.

17           (o) Prescribing, dispensing, administering, mixing, or  
18 otherwise preparing a legend drug, including all controlled  
19 substances, other than in the course of the podiatric  
20 physician's professional practice. For the purposes of this  
21 paragraph, it shall be legally presumed that prescribing,  
22 dispensing, administering, mixing, or otherwise preparing  
23 legend drugs, including all controlled substances,  
24 inappropriately or in excessive or inappropriate quantities is  
25 not in the best interest of the patient and is not in the  
26 course of the podiatric physician's professional practice,  
27 without regard to her or his intent.

28           (p) Prescribing, dispensing, or administering any  
29 medicinal drug appearing on any schedule set forth in chapter  
30 893 by the podiatric physician to herself or himself except  
31 those prescribed, dispensed, or administered to the podiatric

1 physician by another practitioner authorized to prescribe,  
2 dispense, or administer them.

4 supplying, selling, or giving any amphetamine or  
5 sympathomimetic amine drug or compound designated as a

7 (r) Being unable to practice podiatric medicine with  
8 reasonable skill and safety to patients by reason of illness

10 type of material or as a result of any mental or physical  
11 condition. In enforcing this paragraph the department shall,

13 physician to submit to a mental or physical examination by  
14 physicians designated by the department. Failure of a

16 directed shall constitute an admission of the allegations  
17 against her or him, unless the failure was due to

19 a default and final order may be entered without the taking of  
20 testimony or presentation of evidence. A podiatric physician

22 afforded an opportunity to demonstrate that she or he can  
23 resume the competent practice of podiatric medicine with

25 (s) Gross or repeated malpractice or the failure to  
26 practice podiatric medicine at a level of care, skill, and

28 podiatric physician as being acceptable under similar  
29 conditions and circumstances. The board shall give great

31 interpreting this section. As used in this paragraph,

1 "repeated malpractice" includes, but is not limited to, three  
2 or more claims for medical malpractice within the previous  
3 5-year period resulting in indemnities being paid in excess of  
4 \$10,000 each to the claimant in a judgment or settlement and  
5 which incidents involved negligent conduct by the podiatric  
6 physicians. As used in this paragraph, "gross malpractice" or  
7 "the failure to practice podiatric medicine with the level of  
8 care, skill, and treatment which is recognized by a reasonably  
9 prudent similar podiatric physician as being acceptable under  
10 similar conditions and circumstances" shall not be construed  
11 so as to require more than one instance, event, or act.

12 (t) Performing any procedure or prescribing any  
13 therapy which, by the prevailing standards of podiatric  
14 medical practice in the community, would constitute  
15 experimentation on human subjects without first obtaining  
16 full, informed, and written consent.

17 (u) Practicing or offering to practice beyond the  
18 scope permitted by law or accepting and performing  
19 professional responsibilities which the licensee knows or has  
20 reason to know that she or he is not competent to perform.

21 (v) Delegating professional responsibilities to a  
22 person when the licensee delegating such responsibilities  
23 knows or has reason to know that such person is not qualified  
24 by training, experience, or licensure to perform them.

25 (w) Violating ~~any provision of this chapter or chapter~~  
26 ~~456, any rule of the board or department, or~~ a lawful order of  
27 the board or department previously entered in a disciplinary  
28 hearing or failing to comply with a lawfully issued subpoena  
29 of the board or department.

30 (x) Conspiring with another licensee or with any other  
31 person to commit an act, or committing an act, which would

1 tend to coerce, intimidate, or preclude another licensee from  
2 lawfully advertising her or his services.

3 (y) Prescribing, ordering, dispensing, administering,  
4 supplying, selling, or giving growth hormones, testosterone or  
5 its analogs, human chorionic gonadotropin (HCG), or other  
6 hormones for the purpose of muscle building or to enhance  
7 athletic performance. For the purposes of this subsection, the  
8 term "muscle building" does not include the treatment of  
9 injured muscle. A prescription written for any of the drug  
10 products listed above may be dispensed by the pharmacist with  
11 the presumption that the prescription is for legitimate  
12 medical use.

13 (z) Fraud, deceit, or misconduct in the practice of  
14 podiatric medicine.

15 (aa) Failing to report to the department any licensee  
16 under chapter 458 or chapter 459 who the podiatric physician  
17 knows has violated the grounds for disciplinary action set out  
18 in the law under which that person is licensed and who  
19 provides health care services in a facility licensed under  
20 chapter 395, or a health maintenance organization certificated  
21 under part I of chapter 641, in which the podiatric physician  
22 also provides services.

23 (bb) Failing to comply with the requirements of ss.  
24 381.026 and 381.0261 to provide patients with information  
25 about their patient rights and how to file a patient  
26 complaint.

27 (cc) Violating any provision of this chapter or  
28 chapter 456, or any rules adopted pursuant thereto.

29 (2) The board may enter an order denying licensure or  
30 imposing any of the penalties in s. 456.072(2) against any  
31 applicant for licensure or licensee who is found guilty of

1 violating any provision of subsection (1) of this section or  
2 who is found guilty of violating any provision of s.  
3 456.072(1).~~When the board finds any person guilty of any of~~  
4 ~~the grounds set forth in subsection (1), it may enter an order~~  
5 ~~imposing one or more of the following penalties:~~  
6       ~~(a) Refusal to certify to the department an~~  
7 ~~application for licensure.~~  
8       ~~(b) Revocation or suspension of a license.~~  
9       ~~(c) Restriction of practice.~~  
10       ~~(d) Imposition of an administrative fine not to exceed~~  
11 ~~\$10,000 for each count or separate offense.~~  
12       ~~(e) Issuance of a reprimand.~~  
13       ~~(f) Placing the podiatric physician on probation for a~~  
14 ~~period of time and subject to such conditions as the board may~~  
15 ~~specify, including requiring the podiatric physician to submit~~  
16 ~~to treatment, to attend continuing education courses, to~~  
17 ~~submit to reexamination, and to work under the supervision of~~  
18 ~~another podiatric physician.~~  
19       ~~(g) Imposition of an administrative fine in accordance~~  
20 ~~with s. 381.0261 for violations regarding patient rights.~~  
21       Section 137. Subsections (1) and (2) of section  
22 462.14, Florida Statutes, are amended to read:  
23       462.14 Grounds for disciplinary action; action by the  
24 department.--  
25       (1) The following acts constitute grounds for denial  
26 of a license or disciplinary action, as specified in s.  
27 456.072(2)~~which the disciplinary actions specified in~~  
28 ~~subsection (2) may be taken:~~  
29       (a) Attempting to obtain, obtaining, or renewing a  
30 license to practice naturopathic medicine by bribery, by  
31

1 fraudulent misrepresentation, or through an error of the  
2 department.

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

7 (c) Being convicted or found guilty, regardless of  
8 adjudication, of a crime in any jurisdiction which directly  
9 relates to the practice of naturopathic medicine or to the  
10 ability to practice naturopathic medicine. Any plea of nolo  
11 contendere shall be considered a conviction for purposes of  
12 this chapter.

13 (d) False, deceptive, or misleading advertising.

14 (e) Advertising, practicing, or attempting to practice  
15 under a name other than one's own.

16 (f) Failing to report to the department any person who  
17 the licensee knows is in violation of this chapter or of the  
18 rules of the department.

19 (g) Aiding, assisting, procuring, or advising any  
20 unlicensed person to practice naturopathic medicine contrary  
21 to this chapter or to a rule of the department.

22 (h) Failing to perform any statutory or legal  
23 obligation placed upon a licensed naturopathic physician.

24 (i) Making or filing a report which the licensee knows  
25 to be false, intentionally or negligently failing to file a  
26 report or record required by state or federal law, willfully  
27 impeding or obstructing such filing or inducing another person  
28 to do so. Such reports or records shall include only those  
29 which are signed in the capacity as a licensed naturopathic  
30 physician.

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1           (j) Paying or receiving any commission, bonus,  
2 kickback, or rebate, or engaging in any split-fee arrangement  
3 in any form whatsoever with a physician, organization, agency,  
4 or person, either directly or indirectly, for patients  
5 referred to providers of health care goods and services,  
6 including, but not limited to, hospitals, nursing homes,  
7 clinical laboratories, ambulatory surgical centers, or  
8 pharmacies. The provisions of this paragraph shall not be  
9 construed to prevent a naturopathic physician from receiving a  
10 fee for professional consultation services.

11           (k) Exercising influence within a patient-physician  
12 relationship for purposes of engaging a patient in sexual  
13 activity. A patient shall be presumed to be incapable of  
14 giving free, full, and informed consent to sexual activity  
15 with her or his physician.

16           (l) Making deceptive, untrue, or fraudulent  
17 representations in the practice of naturopathic medicine or  
18 employing a trick or scheme in the practice of naturopathic  
19 medicine when such scheme or trick fails to conform to the  
20 generally prevailing standards of treatment in the medical  
21 community.

22           (m) Soliciting patients, either personally or through  
23 an agent, through the use of fraud, intimidation, undue  
24 influence, or a form of overreaching or vexatious conduct. A  
25 "solicitation" is any communication which directly or  
26 implicitly requests an immediate oral response from the  
27 recipient.

28           (n) Failing to keep written medical records justifying  
29 the course of treatment of the patient, including, but not  
30 limited to, patient histories, examination results, test  
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1 results, X rays, and records of the prescribing, dispensing  
2 and administering of drugs.

3 (o) Exercising influence on the patient or client in  
4 such a manner as to exploit the patient or client for the  
5 financial gain of the licensee or of a third party, which  
6 shall include, but not be limited to, the promoting or selling  
7 of services, goods, appliances, or drugs and the promoting or  
8 advertising on any prescription form of a community pharmacy  
9 unless the form also states "This prescription may be filled  
10 at any pharmacy of your choice."

11 (p) Performing professional services which have not  
12 been duly authorized by the patient or client, or her or his  
13 legal representative, except as provided in s. 743.064, s.  
14 766.103, or s. 768.13.

15 (q) Prescribing, dispensing, administering, mixing, or  
16 otherwise preparing a legend drug, including any controlled  
17 substance, other than in the course of the naturopathic  
18 physician's professional practice. For the purposes of this  
19 paragraph, it shall be legally presumed that prescribing,  
20 dispensing, administering, mixing, or otherwise preparing  
21 legend drugs, including all controlled substances,  
22 inappropriately or in excessive or inappropriate quantities is  
23 not in the best interest of the patient and is not in the  
24 course of the naturopathic physician's professional practice,  
25 without regard to her or his intent.

26 (r) Prescribing, dispensing, or administering any  
27 medicinal drug appearing on any schedule set forth in chapter  
28 893 by the naturopathic physician to herself or himself,  
29 except one prescribed, dispensed, or administered to the  
30 naturopathic physician by another practitioner authorized to  
31 prescribe, dispense, or administer medicinal drugs.

1           (s) Being unable to practice naturopathic medicine  
2 with reasonable skill and safety to patients by reason of  
3 illness or use of alcohol, drugs, narcotics, chemicals, or any  
4 other type of material or as a result of any mental or  
5 physical condition. In enforcing this paragraph, the  
6 department shall have, upon probable cause, authority to  
7 compel a naturopathic physician to submit to a mental or  
8 physical examination by physicians designated by the  
9 department. The failure of a naturopathic physician to submit  
10 to such an examination when so directed shall constitute an  
11 admission of the allegations against her or him upon which a  
12 default and final order may be entered without the taking of  
13 testimony or presentation of evidence, unless the failure was  
14 due to circumstances beyond the naturopathic physician's  
15 control. A naturopathic physician affected under this  
16 paragraph shall at reasonable intervals be afforded an  
17 opportunity to demonstrate that she or he can resume the  
18 competent practice of naturopathic medicine with reasonable  
19 skill and safety to patients. In any proceeding under this  
20 paragraph, neither the record of proceedings nor the orders  
21 entered by the department may be used against a naturopathic  
22 physician in any other proceeding.

23           (t) Gross or repeated malpractice or the failure to  
24 practice naturopathic medicine with that level of care, skill,  
25 and treatment which is recognized by a reasonably prudent  
26 similar physician as being acceptable under similar conditions  
27 and circumstances. The department shall give great weight to  
28 the provisions of s. 766.102 when enforcing this paragraph.

29           (u) Performing any procedure or prescribing any  
30 therapy which, by the prevailing standards of medical practice  
31 in the community, constitutes experimentation on a human

1 subject, without first obtaining full, informed, and written

3 (v) Practicing or offering to practice beyond the  
4 scope permitted by law or accepting and performing

6 reason to know that she or he is not competent to perform.

7 (w) Delegating professional responsibilities to a

9 knows or has reason to know that such person is not qualified  
10 by training, experience, or licensure to perform them.

12 ~~any provision of this chapter, any rule~~  
\_\_\_\_\_ a lawful order of the department  
13 previously entered in a disciplinary hearing or failing to

15 (y) Conspiring with another licensee or with any other  
16 person to commit an act, or committing an act, which would

18 lawfully advertising her or his services.

19 (z) Procuring, or aiding or abetting in the procuring

21 (aa) Presigning blank prescription forms.

22 (bb) Prescribing by the naturopathic physician for

24 chapter 893.

25 (cc) Prescribing, ordering, dispensing, administering,

27 or sympathomimetic amine drug, or a compound designated

28 pursuant to chapter 893 as a Schedule II controlled substance

30 1. The treatment of narcolepsy; hyperkinesis;  
31 behavioral syndrome in children characterized by the

1 developmentally inappropriate symptoms of moderate to severe  
2 distractability, short attention span, hyperactivity,  
3 emotional lability, and impulsivity; or drug-induced brain  
4 dysfunction.

5         2. The differential diagnostic psychiatric evaluation  
6 of depression or the treatment of depression shown to be  
7 refractory to other therapeutic modalities.

8         3. The clinical investigation of the effects of such  
9 drugs or compounds when an investigative protocol therefor is  
10 submitted to, reviewed, and approved by the department before  
11 such investigation is begun.

12         (dd) Prescribing, ordering, dispensing, administering,  
13 supplying, selling, or giving growth hormones, testosterone or  
14 its analogs, human chorionic gonadotropin (HCG), or other  
15 hormones for the purpose of muscle building or to enhance  
16 athletic performance. For the purposes of this subsection, the  
17 term "muscle building" does not include the treatment of  
18 injured muscle. A prescription written for the drug products  
19 listed above may be dispensed by the pharmacist with the  
20 presumption that the prescription is for legitimate medical  
21 use.

22         ~~(ee) Violating any provision of this chapter or~~  
23 ~~chapter 456, or any rules adopted pursuant thereto.~~

24         (2) The board may enter an order denying licensure or  
25 imposing any of the penalties in s. 456.072(2) against any  
26 applicant for licensure or licensee who is found guilty of  
27 violating any provision of subsection (1) of this section or  
28 who is found guilty of violating any provision of s.  
29 ~~456.072(1).When the department finds any person guilty of any~~  
30 ~~of the grounds set forth in subsection (1), it may enter an~~  
31 ~~order imposing one or more of the following penalties:~~

- 1           ~~(a) Refusal to certify to the department an~~  
2 ~~application for licensure.~~
- 3           ~~(b) Revocation or suspension of a license.~~
- 4           ~~(c) Restriction of practice.~~
- 5           ~~(d) Imposition of an administrative fine not to exceed~~  
6 ~~\$1,000 for each count or separate offense.~~
- 7           ~~(e) Issuance of a reprimand.~~
- 8           ~~(f) Placement of the naturopathic physician on~~  
9 ~~probation for a period of time and subject to such conditions~~  
10 ~~as the department may specify, including, but not limited to,~~  
11 ~~requiring the naturopathic physician to submit to treatment,~~  
12 ~~to attend continuing education courses, to submit to~~  
13 ~~reexamination, or to work under the supervision of another~~  
14 ~~naturopathic physician.~~

15           Section 138. Subsections (1) and (2) of section  
16 463.016, Florida Statutes, are amended to read:

17           463.016 Grounds for disciplinary action; action by the  
18 board.--

19           (1) The following acts ~~shall~~ constitute grounds for  
20 denial of a license or disciplinary action, as specified in s.  
21 456.072(2)~~which the disciplinary actions specified in~~  
22 ~~subsection (2) may be taken:~~

23           (a) Procuring or attempting to procure a license to  
24 practice optometry by bribery, by fraudulent  
25 misrepresentations, or through an error of the department or  
26 board.

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

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2 suspended, or otherwise acted against, including the denial of  
3 licensure, by the licensing authority of another jurisdiction.

5 adjudication, of a crime in any jurisdiction which directly  
6 relates to the practice of optometry or to the ability to

8 considered a conviction for the purposes of this chapter.

9 (e) Making or filing a report or record which the

11 failing to file a report or record required by state or  
12 federal law, willfully impeding or obstructing such filing, or

14 shall include only those which are signed by the licensee in  
15 her or his capacity as a licensed practitioner.

17 fraudulent, false, deceptive, or misleading in form or  
18 content.

20 misconduct in the practice of optometry.

21 (h) A violation or repeated violations of provisions

23 pursuant thereto.

24 (i) Conspiring with another licensee or with any

26 coerce, intimidate, or preclude another licensee from lawfully  
27 advertising her or his services.

29 claim for services which were not provided to a patient.

30 (k) Failing to keep written optometric records about

- 1           (1) Willfully failing to report any person who the  
2 licensee knows is in violation of this chapter or of rules of  
3 the department or the board.
- 4           (m) Gross or repeated malpractice.
- 5           (n) Practicing with a revoked, suspended, inactive, or  
6 delinquent license.
- 7           (o) Being unable to practice optometry with reasonable  
8 skill and safety to patients by reason of illness or use of  
9 alcohol, drugs, narcotics, chemicals, or any other type of  
10 material or as a result of any mental or physical condition.  
11 A licensed practitioner affected under this paragraph shall at  
12 reasonable intervals be afforded an opportunity to demonstrate  
13 that she or he can resume the competent practice of optometry  
14 with reasonable skill and safety to patients.
- 15           (p) Having been disciplined by a regulatory agency in  
16 another state for any offense that would constitute a  
17 violation of Florida laws or rules regulating optometry.
- 18           (q) Violating any provision of s. 463.014 or s.  
19 463.015.
- 20           (r) Violating any lawful order of the board or  
21 department, previously entered in a disciplinary hearing, or  
22 failing to comply with a lawfully issued subpoena of the board  
23 or department.
- 24           (s) Practicing or offering to practice beyond the  
25 scope permitted by law or accepting and performing  
26 professional responsibilities which the licensed practitioner  
27 knows or has reason to know she or he is not competent to  
28 perform.
- 29           (t) Violating any provision of this chapter or chapter  
30 456, or any rules adopted pursuant thereto.  
31



1           (2) The board may enter an order denying licensure or  
2 imposing any of the penalties in s. 456.072(2) against any  
3 applicant for licensure or licensee who is found guilty of  
4 violating any provision of subsection (1) of this section or  
5 who is found guilty of violating any provision of s.  
6 456.072(1).~~When the board finds any person guilty of any of~~  
7 ~~the grounds set forth in subsection (1), it may enter an order~~  
8 ~~imposing one or more of the following penalties:~~  
9           (a) ~~Refusal to certify to the department an~~  
10 ~~application for licensure.~~  
11           (b) ~~Revocation or suspension of a license.~~  
12           (c) ~~Imposition of an administrative fine not to exceed~~  
13 ~~\$5,000 for each count or separate offense.~~  
14           (d) ~~Issuance of a reprimand.~~  
15           (e) ~~Placement of the licensed practitioner on~~  
16 ~~probation for a period of time and subject to such conditions~~  
17 ~~as the board may specify, including requiring the licensed~~  
18 ~~practitioner to submit to treatment, to attend continuing~~  
19 ~~education courses, or to work under the supervision of another~~  
20 ~~licensed practitioner.~~  
21           Section 139. Subsections (1) and (2) of section  
22 464.018, Florida Statutes, are amended to read:  
23           464.018 Disciplinary actions.--  
24           (1) The following acts constitute ~~shall be~~ grounds for  
25 denial of a license or disciplinary action, as specified in s.  
26 456.072(2)~~disciplinary action set forth in this section:~~  
27           (a) Procuring, attempting to procure, or renewing a  
28 license to practice nursing by bribery, by knowing  
29 misrepresentations, or through an error of the department or  
30 the board.  
31

1           (b) Having a license to practice nursing revoked,  
2 suspended, or otherwise acted against, including the denial of  
3 licensure, by the licensing authority of another state,  
4 territory, or country.

5           (c) Being convicted or found guilty of, or entering a  
6 plea of nolo contendere to, regardless of adjudication, a  
7 crime in any jurisdiction which directly relates to the  
8 practice of nursing or to the ability to practice nursing.

9           (d) Being found guilty, regardless of adjudication, of  
10 any of the following offenses:

11           1. A forcible felony as defined in chapter 776.

12           2. A violation of chapter 812, relating to theft,  
13 robbery, and related crimes.

14           3. A violation of chapter 817, relating to fraudulent  
15 practices.

16           4. A violation of chapter 800, relating to lewdness  
17 and indecent exposure.

18           5. A violation of chapter 784, relating to assault,  
19 battery, and culpable negligence.

20           6. A violation of chapter 827, relating to child  
21 abuse.

22           7. A violation of chapter 415, relating to protection  
23 from abuse, neglect, and exploitation.

24           8. A violation of chapter 39, relating to child abuse,  
25 abandonment, and neglect.

26           (e) Having been found guilty of, regardless of  
27 adjudication, or entered a plea of nolo contendere or guilty  
28 to, any offense prohibited under s. 435.03 or under any  
29 similar statute of another jurisdiction; or having committed  
30 an act which constitutes domestic violence as defined in s.  
31 741.28.

1           (f) Making or filing a false report or record, which  
2 the licensee knows to be false, intentionally or negligently  
3 failing to file a report or record required by state or  
4 federal law, willfully impeding or obstructing such filing or  
5 inducing another person to do so. Such reports or records  
6 shall include only those which are signed in the nurse's  
7 capacity as a licensed nurse.

8           (g) False, misleading, or deceptive advertising.

9           (h) Unprofessional conduct, which shall include, but  
10 not be limited to, any departure from, or the failure to  
11 conform to, the minimal standards of acceptable and prevailing  
12 nursing practice, in which case actual injury need not be  
13 established.

14           (i) Engaging or attempting to engage in the  
15 possession, sale, or distribution of controlled substances as  
16 set forth in chapter 893, for any other than legitimate  
17 purposes authorized by this part.

18           (j) Being unable to practice nursing with reasonable  
19 skill and safety to patients by reason of illness or use of  
20 alcohol, drugs, narcotics, or chemicals or any other type of  
21 material or as a result of any mental or physical condition.  
22 In enforcing this paragraph, the department shall have, upon a  
23 finding of the secretary or the secretary's designee that  
24 probable cause exists to believe that the licensee is unable  
25 to practice nursing because of the reasons stated in this  
26 paragraph, the authority to issue an order to compel a  
27 licensee to submit to a mental or physical examination by  
28 physicians designated by the department. If the licensee  
29 refuses to comply with such order, the department's order  
30 directing such examination may be enforced by filing a  
31 petition for enforcement in the circuit court where the

1 licensee resides or does business. The licensee against whom  
2 the petition is filed shall not be named or identified by  
3 initials in any public court records or documents, and the  
4 proceedings shall be closed to the public. The department  
5 shall be entitled to the summary procedure provided in s.  
6 51.011. A nurse affected by the provisions of this paragraph  
7 shall at reasonable intervals be afforded an opportunity to  
8 demonstrate that she or he can resume the competent practice  
9 of nursing with reasonable skill and safety to patients.

10 (k) Failing to report to the department any person who  
11 the licensee knows is in violation of this part or of the  
12 rules of the department or the board; however, if the licensee  
13 verifies that such person is actively participating in a  
14 board-approved program for the treatment of a physical or  
15 mental condition, the licensee is required to report such  
16 person only to an impaired professionals consultant.

17 (l) Knowingly violating any provision of this part, a  
18 rule of the board or the department, or a lawful order of the  
19 board or department previously entered in a disciplinary  
20 proceeding or failing to comply with a lawfully issued  
21 subpoena of the department.

22 (m) Failing to report to the department any licensee  
23 under chapter 458 or under chapter 459 who the nurse knows has  
24 violated the grounds for disciplinary action set out in the  
25 law under which that person is licensed and who provides  
26 health care services in a facility licensed under chapter 395,  
27 or a health maintenance organization certificated under part I  
28 of chapter 641, in which the nurse also provides services.

29 (n) Violating any provision of this chapter or chapter  
30 456, or any rules adopted pursuant thereto.

31

1           (2) The board may enter an order denying licensure or  
2 imposing any of the penalties in s. 456.072(2) against any  
3 applicant for licensure or licensee who is found guilty of  
4 violating any provision of subsection (1) of this section or  
5 who is found guilty of violating any provision of s.  
6 456.072(1).~~When the board finds any person guilty of any of~~  
7 ~~the grounds set forth in subsection (1), it may enter an order~~  
8 ~~imposing one or more of the following penalties:~~

9           (a) ~~Refusal to certify to the department an~~  
10 ~~application for licensure.~~

11           (b) ~~Revocation or suspension of a license with~~  
12 ~~reinstatement subject to the provisions of subsection (3).~~

13           (c) ~~Permanent revocation of a license.~~

14           (d) ~~Restriction of practice.~~

15           (e) ~~Imposition of an administrative fine not to exceed~~  
16 ~~\$1,000 for each count or separate offense.~~

17           (f) ~~Issuance of a reprimand.~~

18           (g) ~~Placement of the nurse on probation for a period~~  
19 ~~of time and subject to such conditions as the board may~~  
20 ~~specify, including requiring the nurse to submit to treatment,~~  
21 ~~to attend continuing education courses, to take an~~  
22 ~~examination, or to work under the supervision of another~~  
23 ~~nurse.~~

24           Section 140. Subsections (1) and (2) of section  
25 465.016, Florida Statutes, are amended to read:

26           465.016 Disciplinary actions.--

27           (1) The following acts constitute ~~shall be~~ grounds for  
28 denial of a license or disciplinary action, as specified in s.  
29 456.072(2)~~disciplinary action set forth in this section:~~

30           (a) Obtaining a license by misrepresentation or fraud  
31 or through an error of the department or the board.

2 any other person by making or causing to be made any false  
3 representation.

5 in this state or not registered as an intern in this state, or  
6 permitting a registered intern who is not acting under the  
8 pharmacist, to fill, compound, or dispense any prescriptions  
9 in a pharmacy owned and operated by such pharmacist or in a

11 (d) Being unfit or incompetent to practice pharmacy by  
12 reason of:

14 2. The misuse or abuse of any medicinal drug appearing  
15 in any schedule set forth in chapter 893.

17 threatens the safety of persons to whom she or he might sell  
18 or dispense prescriptions, drugs, or medical supplies or for

20 supervise the manufacturing, preparation, or packaging of,  
21 prescriptions, drugs, or medical supplies.

~~any of the requirements of this chapter;~~

23 ~~\_\_\_\_\_~~  
24 ~~violating any of the requirements of their respective practice~~  
~~act or violating~~ chapter 499; 21 U.S.C. ss. 301-392, known as

27 seq., known as the Comprehensive Drug Abuse Prevention and  
28 Control Act; or chapter 893.

30 of adjudication, in a court of this state or other  
31 jurisdiction, of a crime which directly relates to the ability

1 to practice pharmacy or to the practice of pharmacy. A plea  
2 of nolo contendere constitutes a conviction for purposes of  
3 this provision.

4 (g) Using in the compounding of a prescription, or  
5 furnishing upon prescription, an ingredient or article  
6 different in any manner from the ingredient or article  
7 prescribed, except as authorized in s. 465.019(6) or s.  
8 465.025.

9 (h) Having been disciplined by a regulatory agency in  
10 another state for any offense that would constitute a  
11 violation of this chapter.

12 (i) Compounding, dispensing, or distributing a legend  
13 drug, including any controlled substance, other than in the  
14 course of the professional practice of pharmacy. For purposes  
15 of this paragraph, it shall be legally presumed that the  
16 compounding, dispensing, or distributing of legend drugs in  
17 excessive or inappropriate quantities is not in the best  
18 interests of the patient and is not in the course of the  
19 professional practice of pharmacy.

20 (j) Making or filing a report or record which the  
21 licensee knows to be false, intentionally or negligently  
22 failing to file a report or record required by federal or  
23 state law, willfully impeding or obstructing such filing, or  
24 inducing another person to do so. Such reports or records  
25 include only those which the licensee is required to make or  
26 file in her or his capacity as a licensed pharmacist.

27 (k) Failing to make prescription fee or price  
28 information readily available by failing to provide such  
29 information upon request and upon the presentation of a  
30 prescription for pricing or dispensing. Nothing in this  
31 section shall be construed to prohibit the quotation of price

1 information on a prescription drug to a potential consumer by  
2 telephone.

3 (l) Placing in the stock of any pharmacy any part of  
4 any prescription compounded or dispensed which is returned by  
5 a patient; however, in a hospital, nursing home, correctional  
6 facility, or extended care facility in which unit-dose  
7 medication is dispensed to inpatients, each dose being  
8 individually sealed and the individual unit dose or unit-dose  
9 system labeled with the name of the drug, dosage strength,  
10 manufacturer's control number, and expiration date, if any,  
11 the unused unit dose of medication may be returned to the  
12 pharmacy for redispensing. Each pharmacist shall maintain  
13 appropriate records for any unused or returned medicinal  
14 drugs.

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

23 (n) Violating a rule of the board or department or  
24 violating an order of the board or department previously  
25 entered in a disciplinary hearing.

26 (o) Failing to report to the department any licensee  
27 under chapter 458 or under chapter 459 who the pharmacist  
28 knows has violated the grounds for disciplinary action set out  
29 in the law under which that person is licensed and who  
30 provides health care services in a facility licensed under  
31 chapter 395, or a health maintenance organization certificated



2 provides services.

3 (p) Failing to notify the Board of Pharmacy in writing  
5 practice of the profession of pharmacy in Florida when such  
6 commencement or cessation of the practice of the profession of  
8 disciplinary action or investigation in another jurisdiction.

9 (q) Using or releasing a patient's records except as

11 (r) Violating any provision of this chapter or chapter  
456, or any rules adopted pursuant thereto.

13 (2) \_\_\_\_\_  
14 imposing any of the penalties in s. 456.072(2) against any  
15 applicant for licensure or licensee who is found guilty of  
16 violating any provision of subsection (1) of this section or  
17 who is found guilty of violating any provision of s.  
18 ~~456.072(1).When the board finds any person guilty of any of~~  
19 ~~the grounds set forth in subsection (1), it may enter an order~~  
20 ~~imposing one or more of the following penalties:~~

21 ~~(a) Refusal to certify to the department an~~  
22 ~~application for licensure.~~

23 ~~(b) Revocation or suspension of a license.~~

24 ~~(c) Imposition of an administrative fine not to exceed~~  
25 ~~\$5,000 for each count or separate offense.~~

26 ~~(d) Issuance of a reprimand.~~

27 ~~(e) Placement of the pharmacist on probation for a~~  
28 ~~period of time and subject to such conditions as the board may~~  
29 ~~specify, including, but not limited to, requiring the~~  
30 ~~pharmacist to submit to treatment, to attend continuing~~

31

1 ~~education courses, to submit to reexamination, or to work~~  
2 ~~under the supervision of another pharmacist.~~

3 Section 141. Subsections (1) and (2) of section  
4 466.028, Florida Statutes, are amended to read:

5 466.028 Grounds for disciplinary action; action by the  
6 board.--

7 (1) The following acts ~~shall~~ constitute grounds for  
8 denial of a license or disciplinary action, as specified in s.  
9 456.072(2)~~which the disciplinary actions specified in~~  
10 ~~subsection (2) may be taken:~~

11 (a) Attempting to obtain, obtaining, or renewing a  
12 license under this chapter by bribery, fraudulent  
13 misrepresentations, or through an error of the department or  
14 the board.

15 (b) Having a license to practice dentistry or dental  
16 hygiene revoked, suspended, or otherwise acted against,  
17 including the denial of licensure, by the licensing authority  
18 of another state, territory, or country.

19 (c) Being convicted or found guilty of or entering a  
20 plea of nolo contendere to, regardless of adjudication, a  
21 crime in any jurisdiction which relates to the practice of  
22 dentistry or dental hygiene. A plea of nolo contendere shall  
23 create a rebuttable presumption of guilt to the underlying  
24 criminal charges.

25 (d) Advertising goods or services in a manner which is  
26 fraudulent, false, deceptive, or misleading in form or content  
27 contrary to s. 466.019 or rules of the board adopted pursuant  
28 thereto.

29 (e) Advertising, practicing, or attempting to practice  
30 under a name other than one's own.

31

1           (f) Failing to report to the department any person who  
2 the licensee knows, or has reason to believe, is clearly in  
3 violation of this chapter or of the rules of the department or  
4 the board.

5           (g) Aiding, assisting, procuring, or advising any  
6 unlicensed person to practice dentistry or dental hygiene  
7 contrary to this chapter or to a rule of the department or the  
8 board.

9           (h) Being employed by any corporation, organization,  
10 group, or person other than a dentist or a professional  
11 corporation or limited liability company composed of dentists  
12 to practice dentistry.

13           (i) Failing to perform any statutory or legal  
14 obligation placed upon a licensee.

15           (j) Making or filing a report which the licensee knows  
16 to be false, failing to file a report or record required by  
17 state or federal law, knowingly impeding or obstructing such  
18 filing or inducing another person to do so. Such reports or  
19 records shall include only those which are signed in the  
20 capacity as a licensee.

21           (k) Committing any act which would constitute sexual  
22 battery, as defined in chapter 794, upon a patient or  
23 intentionally touching the sexual organ of a patient.

24           (l) Making deceptive, untrue, or fraudulent  
25 representations in or related to the practice of dentistry.

26           (m) Failing to keep written dental records and medical  
27 history records justifying the course of treatment of the  
28 patient including, but not limited to, patient histories,  
29 examination results, test results, and X rays, if taken.

30           (n) Failing to make available to a patient or client,  
31 or to her or his legal representative or to the department if

1 authorized in writing by the patient, copies of documents in  
2 the possession or under control of the licensee which relate  
3 to the patient or client.

4 (o) Performing professional services which have not  
5 been duly authorized by the patient or client, or her or his  
6 legal representative, except as provided in ss. 766.103 and  
7 768.13.

8 (p) Prescribing, procuring, dispensing, administering,  
9 mixing, or otherwise preparing a legend drug, including any  
10 controlled substance, other than in the course of the  
11 professional practice of the dentist. For the purposes of  
12 this paragraph, it shall be legally presumed that prescribing,  
13 procuring, dispensing, administering, mixing, or otherwise  
14 preparing legend drugs, including all controlled substances,  
15 in excessive or inappropriate quantities is not in the best  
16 interest of the patient and is not in the course of the  
17 professional practice of the dentist, without regard to her or  
18 his intent.

19 (q) Prescribing, procuring, dispensing, or  
20 administering any medicinal drug appearing on any schedule set  
21 forth in chapter 893, by a dentist to herself or himself,  
22 except those prescribed, dispensed, or administered to the  
23 dentist by another practitioner authorized to prescribe them.

24 (r) Prescribing, procuring, ordering, dispensing,  
25 administering, supplying, selling, or giving any drug which is  
26 a Schedule II amphetamine or a Schedule II sympathomimetic  
27 amine drug or a compound thereof, pursuant to chapter 893, to  
28 or for any person except for the clinical investigation of the  
29 effects of such drugs or compounds when an investigative  
30 protocol therefor is submitted to, and reviewed and approved  
31 by, the board before such investigation is begun.

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

25           (t) Fraud, deceit, or misconduct in the practice of  
26 dentistry or dental hygiene.

27           (u) Failure to provide and maintain reasonable  
28 sanitary facilities and conditions.

29           (v) Failure to provide adequate radiation safeguards.

30           (w) Performing any procedure or prescribing any  
31 therapy which, by the prevailing standards of dental practice

1 in the community, would constitute experimentation on human  
2 subjects, without first obtaining full, informed, and written  
3 consent.

4 (x) Being guilty of incompetence or negligence by  
5 failing to meet the minimum standards of performance in  
6 diagnosis and treatment when measured against generally  
7 prevailing peer performance, including, but not limited to,  
8 the undertaking of diagnosis and treatment for which the  
9 dentist is not qualified by training or experience or being  
10 guilty of dental malpractice. For purposes of this paragraph,  
11 it shall be legally presumed that a dentist is not guilty of  
12 incompetence or negligence by declining to treat an individual  
13 if, in the dentist's professional judgment, the dentist or a  
14 member of her or his clinical staff is not qualified by  
15 training and experience, or the dentist's treatment facility  
16 is not clinically satisfactory or properly equipped to treat  
17 the unique characteristics and health status of the dental  
18 patient, provided the dentist refers the patient to a  
19 qualified dentist or facility for appropriate treatment. As  
20 used in this paragraph, "dental malpractice" includes, but is  
21 not limited to, three or more claims within the previous  
22 5-year period which resulted in indemnity being paid, or any  
23 single indemnity paid in excess of \$5,000 in a judgment or  
24 settlement, as a result of negligent conduct on the part of  
25 the dentist.

26 (y) Practicing or offering to practice beyond the  
27 scope permitted by law or accepting and performing  
28 professional responsibilities which the licensee knows or has  
29 reason to know that she or he is not competent to perform.

30  
31

1           (z) Delegating professional responsibilities to a  
2 person who is not qualified by training, experience, or  
3 licensure to perform them.

4           (aa) ~~The violation or the repeated violation of this~~  
5 ~~chapter, chapter 456, or any rule promulgated pursuant to~~  
6 ~~chapter 456 or this chapter;~~ the violation of a lawful order  
7 of the board or department previously entered in a  
8 disciplinary hearing; or failure to comply with a lawfully  
9 issued subpoena of the board or department.

10           (bb) Conspiring with another licensee or with any  
11 person to commit an act, or committing an act, which would  
12 tend to coerce, intimidate, or preclude another licensee from  
13 lawfully advertising her or his services.

14           (cc) Being adjudged mentally incompetent in this or  
15 any other state, the discipline for which shall last only so  
16 long as the adjudication.

17           (dd) Presigning blank prescription or laboratory work  
18 order forms.

19           (ee) Prescribing, ordering, dispensing, administering,  
20 supplying, selling, or giving growth hormones, testosterone or  
21 its analogs, human chorionic gonadotropin (HCG), or other  
22 hormones for the purpose of muscle building or to enhance  
23 athletic performance. For the purposes of this subsection, the  
24 term "muscle building" does not include the treatment of  
25 injured muscle. A prescription written for the drug products  
26 listed above may be dispensed by the pharmacist with the  
27 presumption that the prescription is for legitimate medical  
28 use.

29           (ff) Operating or causing to be operated a dental  
30 office in such a manner as to result in dental treatment that  
31 is below minimum acceptable standards of performance for the

1 community. This includes, but is not limited to, the use of  
3 limitations within which dental procedures are to be  
4 performed, or the failure to maintain patient records as

6 (gg) Administering anesthesia in a manner which  
7 violates rules of the board adopted pursuant to s. 466.017.

9 under chapter 458 or chapter 459 who the dentist knows has  
10 violated the grounds for disciplinary action set out in the

12 health care services in a facility licensed under chapter 395,  
13 or a health maintenance organization certificated under part I

15 (ii) Failing to report to the board, in writing,  
16 within 30 days if action has been taken against one's license

18 (jj) Advertising specialty services in violation of  
19 this chapter.

21 a professional corporation or limited liability company  
22 composed of dentists to direct, control, or interfere with a

24 be construed to limit a patient's right of informed consent.  
25 To direct, control, or interfere with a dentist's clinical

27 contractually excluded, the application of alternative  
28 benefits that may be appropriate given the dentist's

30 contractual provisions and scope of coverage determinations in  
31 comparison with a dentist's prescribed treatment on behalf of



1 a covered person by an insurer, health maintenance  
2 organization, or a prepaid limited health service  
3 organization.

4 (11) Violating any provision of this chapter or  
5 chapter 456, or any rules adopted pursuant thereto.

6 (2) The board may enter an order denying licensure or  
7 imposing any of the penalties in s. 456.072(2) against any  
8 applicant for licensure or licensee who is found guilty of  
9 violating any provision of subsection (1) of this section or  
10 who is found guilty of violating any provision of s.

11 456.072(1).When the board finds any applicant or licensee  
12 guilty of any of the grounds set forth in subsection (1), it  
13 may enter an order imposing one or more of the following  
14 penalties:

15 (a) Denial of an application for licensure.

16 (b) Revocation or suspension of a license.

17 (c) Imposition of an administrative fine not to exceed  
18 \$3,000 for each count or separate offense.

19 (d) Issuance of a reprimand.

20 (e) Placement of the licensee on probation for a  
21 period of time and subject to such conditions as the board may  
22 specify, including requiring the licensee to attend continuing  
23 education courses or demonstrate competency through a written  
24 or practical examination or to work under the supervision of  
25 another licensee.

26 (f) Restricting the authorized scope of practice.

27 Section 142. Section 466.037, Florida Statutes, is  
28 amended to read:

29 466.037 Suspension and revocation; administrative  
30 fine.--The department may suspend or revoke the certificate of  
31 any dental laboratory registered under s. 466.032, for failing

1 to comply with the provisions of this chapter or rules adopted  
2 by the department under this chapter. The department may  
3 impose an administrative fine ~~not to exceed \$500 for each~~  
4 ~~count or separate offense.~~

5 Section 143. Subsections (1) and (2) of section  
6 467.203, Florida Statutes, are amended to read:

7 467.203 Disciplinary actions; penalties.--

8 (1) The following acts constitute ~~shall be~~ grounds for  
9 denial of a license or disciplinary action, as specified in s.  
10 456.072(2)~~disciplinary action as set forth in this section:~~

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

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

18 (c) Being convicted or found guilty, regardless of  
19 adjudication, in any jurisdiction of a crime which directly  
20 relates to the practice of midwifery or to the ability to  
21 practice midwifery. A plea of nolo contendere shall be  
22 considered a conviction for purposes of this provision.

23 (d) Making or filing a false report or record, which  
24 the licensee knows to be false; intentionally or negligently  
25 failing to file a report or record required by state or  
26 federal law; or willfully impeding or obstructing such filing  
27 or inducing another to do so. Such reports or records shall  
28 include only those which are signed in the midwife's capacity  
29 as a licensed midwife.

30 (e) Advertising falsely, misleadingly, or deceptively.  
31

2 includes, but is not limited to, any departure from, or the  
3 failure to conform to, the standards of practice of midwifery  
5 need not be established.

6 (g) Being unable to practice midwifery with reasonable  
8 drunkenness; or use of drugs, narcotics, chemicals, or other  
9 materials or as a result of any mental or physical condition.

11 intervals, be afforded an opportunity to demonstrate that he  
12 or she can resume the competent practice of midwifery with

14 (h) Failing to report to the department any person who  
15 the licensee knows is in violation of this chapter or of the

17 (i) ~~Willfully or repeatedly~~ ~~any provision of~~  
18 \_\_\_\_\_ any lawful order  
19 of the department previously entered in a disciplinary  
21 subpoena of the department.

22 \_\_\_\_\_  
23 456, or any rules adopted pursuant thereto.

25 The board may enter an order denying licensure or  
26 applicant for licensure or licensee who is found guilty of  
27 violating any provision of subsection (1) of this section or  
28 \_\_\_\_\_  
29 456.072(1).  
30 ~~of the grounds set forth in subsection (1), it may enter an~~  
~~order imposing one or more of the following penalties:~~

1           ~~(a) Refusal to approve an application for licensure.~~  
2           ~~(b) Revocation or suspension of a license.~~  
3           ~~(c) Imposition of an administrative fine not to exceed~~  
4 ~~\$1,000 for each count or separate offense.~~  
5           ~~(d) Issuance of a reprimand.~~  
6           ~~(e) Placement of the midwife on probation for such~~  
7 \_\_\_\_\_  
8 ~~department may specify, including requiring the midwife to~~  
9 ~~submit to treatment; undertake further relevant education or~~  
10 \_\_\_\_\_  
11 ~~of another licensed midwife, a physician, or a nurse midwife~~  
12 ~~licensed under part I of chapter 464.~~  
13           Section 144. Subsections (1) and (2) of section  
14  
15           468.1295 Disciplinary proceedings.--  
16           (1) The following acts constitute grounds for \_\_\_\_\_  
17 of a license or disciplinary action, as specified in s.  
18 ~~456.072(2) both disciplinary actions as set forth in~~  
19 ~~subsection (2) and cease and desist or other related actions~~  
20 \_\_\_\_\_:  
21           (a) Procuring or attempting to procure a license by  
22  
23 of the department or the board.  
24           (b) Having a license revoked, suspended, or otherwise  
25  
26 authority of another state, territory, or country.  
27           (c) Being convicted or found guilty of, or entering a  
28  
29 crime in any jurisdiction which directly relates to the  
30 practice of speech-language pathology or audiology.

1           (d) Making or filing a report or record which the  
2 licensee knows to be false, intentionally or negligently  
3 failing to file a report or records required by state or  
4 federal law, willfully impeding or obstructing such filing, or  
5 inducing another person to impede or obstruct such filing.  
6 Such report or record shall include only those reports or  
7 records which are signed in one's capacity as a licensed  
8 speech-language pathologist or audiologist.

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

12           (f) Being proven guilty of fraud or deceit or of  
13 negligence, incompetency, or misconduct in the practice of  
14 speech-language pathology or audiology.

15           (g) Violating a lawful order of the board or  
16 department previously entered in a disciplinary hearing, or  
17 failing to comply with a lawfully issued subpoena of the board  
18 or department.

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

21           (i) Using, or causing or promoting the use of, any  
22 advertising matter, promotional literature, testimonial,  
23 guarantee, warranty, label, brand, insignia, or other  
24 representation, however disseminated or published, which is  
25 misleading, deceiving, or untruthful.

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

29           (k) Failing to submit to the board on an annual basis,  
30 or such other basis as may be provided by rule, certification  
31

1 of testing and calibration of such equipment as designated by  
2 the board and on the form approved by the board.

3 (l) Aiding, assisting, procuring, employing, or  
4 advising any licensee or business entity to practice  
5 speech-language pathology or audiology contrary to this part,  
6 chapter 456, or any rule adopted pursuant thereto.

7 ~~(m) Violating any provision of this part or chapter~~  
8 ~~456 or any rule adopted pursuant thereto.~~

9 (m)~~(n)~~ Misrepresenting the professional services  
10 available in the fitting, sale, adjustment, service, or repair  
11 of a hearing aid, or using any other term or title which might  
12 connote the availability of professional services when such  
13 use is not accurate.

14 (n)~~(o)~~ Representing, advertising, or implying that a  
15 hearing aid or its repair is guaranteed without providing full  
16 disclosure of the identity of the guarantor; the nature,  
17 extent, and duration of the guarantee; and the existence of  
18 conditions or limitations imposed upon the guarantee.

19 (o)~~(p)~~ Representing, directly or by implication, that  
20 a hearing aid utilizing bone conduction has certain specified  
21 features, such as the absence of anything in the ear or  
22 leading to the ear, or the like, without disclosing clearly  
23 and conspicuously that the instrument operates on the bone  
24 conduction principle and that in many cases of hearing loss  
25 this type of instrument may not be suitable.

26 (p)~~(q)~~ Stating or implying that the use of any hearing  
27 aid will improve or preserve hearing or prevent or retard the  
28 progression of a hearing impairment or that it will have any  
29 similar or opposite effect.

30 (q)~~(r)~~ Making any statement regarding the cure of the  
31 cause of a hearing impairment by the use of a hearing aid.

1       (r)~~(s)~~ Representing or implying that a hearing aid is  
2 or will be "custom-made," "made to order," or  
3 "prescription-made," or in any other sense specially  
4 fabricated for an individual, when such is not the case.

5       (s)~~(t)~~ Canvassing from house to house or by telephone,  
6 either in person or by an agent, for the purpose of selling a  
7 hearing aid, except that contacting persons who have evidenced  
8 an interest in hearing aids, or have been referred as in need  
9 of hearing aids, shall not be considered canvassing.

10       (t)~~(u)~~ Failing to notify the department in writing of  
11 a change in current mailing and place-of-practice address  
12 within 30 days after such change.

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

15       (v)~~(w)~~ Exercising influence on a client in such a  
16 manner as to exploit the client for financial gain of the  
17 licensee or of a third party.

18       (w)~~(x)~~ Practicing or offering to practice beyond the  
19 scope permitted by law or accepting and performing  
20 professional responsibilities the licensee or  
21 certificateholder knows, or has reason to know, the licensee  
22 or certificateholder is not competent to perform.

23       (x)~~(y)~~ Aiding, assisting, procuring, or employing any  
24 unlicensed person to practice speech-language pathology or  
25 audiology.

26       (y)~~(z)~~ Delegating or contracting for the performance  
27 of professional responsibilities by a person when the licensee  
28 delegating or contracting for performance of such  
29 responsibilities knows, or has reason to know, such person is  
30 not qualified by training, experience, and authorization to  
31 perform them.

1           (z)~~(aa)~~ Committing any act upon a patient or client  
2 which would constitute sexual battery or which would  
3 constitute sexual misconduct as defined pursuant to s.  
4 468.1296.

5           (aa)~~(bb)~~ Being unable to practice the profession for  
6 which he or she is licensed or certified under this chapter  
7 with reasonable skill or competence as a result of any mental  
8 or physical condition or by reason of illness, drunkenness, or  
9 use of drugs, narcotics, chemicals, or any other substance. In  
10 enforcing this paragraph, upon a finding by the secretary, his  
11 or her designee, or the board that probable cause exists to  
12 believe that the licensee or certificateholder is unable to  
13 practice the profession because of the reasons stated in this  
14 paragraph, the department shall have the authority to compel a  
15 licensee or certificateholder to submit to a mental or  
16 physical examination by a physician, psychologist, clinical  
17 social worker, marriage and family therapist, or mental health  
18 counselor designated by the department or board. If the  
19 licensee or certificateholder refuses to comply with the  
20 department's order directing the examination, such order may  
21 be enforced by filing a petition for enforcement in the  
22 circuit court in the circuit in which the licensee or  
23 certificateholder resides or does business. The department  
24 shall be entitled to the summary procedure provided in s.  
25 51.011. A licensee or certificateholder affected under this  
26 paragraph shall at reasonable intervals be afforded an  
27 opportunity to demonstrate that he or she can resume the  
28 competent practice for which he or she is licensed or  
29 certified with reasonable skill and safety to patients.

30           (bb) Violating any provision of this chapter or  
31 chapter 456, or any rules adopted pursuant thereto.



1           (2) The board may enter an order denying licensure or  
2 imposing any of the penalties in s. 456.072(2) against any  
3 applicant for licensure or licensee who is found guilty of  
4 violating any provision of subsection (1) of this section or  
5 who is found guilty of violating any provision of s.  
6 456.072(1).~~When the board finds any person guilty of any of~~  
7 \_\_\_\_\_  
8 ~~imposing one or more of the following penalties:~~  
          ~~(a) Refusal to certify, or to certify with~~  
10 \_\_\_\_\_  
          ~~(b) Suspension or permanent revocation of a license.~~  
          ~~(c) Issuance of a reprimand.~~  
13 \_\_\_\_\_  
          ~~(e) Imposition of an administrative fine not to exceed~~  
14 ~~\$1,000 for each count or separate offense.~~  
16 \_\_\_\_\_  
17 ~~probation for a period of time and subject to such conditions~~  
18 ~~as the board may specify. Those conditions may include, but~~  
19 \_\_\_\_\_  
20 ~~certificateholder to undergo treatment, attend continuing~~  
21 ~~education courses, submit to be reexamined, work under the~~  
22 \_\_\_\_\_  
23 ~~are reasonably tailored to the violation found.~~  
          ~~(g) Corrective action.~~  
25           Section 145. Subsections (1) and (2) of section  
  
27           468.1755 Disciplinary proceedings.--  
28           (1) The following acts \_\_\_\_\_ constitute grounds for  
29 \_\_\_\_\_  
30 456.072(2) \_\_\_\_\_  
31 ~~may be taken~~

- 1           (a) Violation of any provision of s. 456.072(1) or s.  
2 468.1745(1).
- 3           (b) Attempting to procure a license to practice  
4 nursing home administration by bribery, by fraudulent  
5 misrepresentation, or through an error of the department or  
6 the board.
- 7           (c) Having a license to practice nursing home  
8 administration revoked, suspended, or otherwise acted against,  
9 including the denial of licensure, by the licensing authority  
10 of another state, territory, or country.
- 11           (d) Being convicted or found guilty, regardless of  
12 adjudication, of a crime in any jurisdiction which relates to  
13 the practice of nursing home administration or the ability to  
14 practice nursing home administration. Any plea of nolo  
15 contendere shall be considered a conviction for purposes of  
16 this part.
- 17           (e) Making or filing a report or record which the  
18 licensee knows to be false, intentionally failing to file a  
19 report or record required by state or federal law, willfully  
20 impeding or obstructing such filing, or inducing another  
21 person to impede or obstruct such filing. Such reports or  
22 records shall include only those which are signed in the  
23 capacity of a licensed nursing home administrator.
- 24           (f) Authorizing the discharge or transfer of a  
25 resident for a reason other than those provided in ss. 400.022  
26 and 400.0255.
- 27           (g) Advertising goods or services in a manner which is  
28 fraudulent, false, deceptive, or misleading in form or  
29 content.
- 30           (h) Fraud or deceit, negligence, incompetence, or  
31 misconduct in the practice of nursing home administration.

1           ~~(i)~~ A violation or repeated violations of this part,  
2 ~~chapter 456, or any rules promulgated pursuant thereto.~~  
3           (i)~~(j)~~ Violation of a lawful order of the board or  
4 department previously entered in a disciplinary hearing or  
5 failing to comply with a lawfully issued subpoena of the board  
6 or department.  
7           (j)~~(k)~~ Practicing with a revoked, suspended, inactive,  
8 or delinquent license.  
9           (k)~~(l)~~ Repeatedly acting in a manner inconsistent with  
10 the health, safety, or welfare of the patients of the facility  
11 in which he or she is the administrator.  
12           (l)~~(m)~~ Being unable to practice nursing home  
13 administration with reasonable skill and safety to patients by  
14 reason of illness, drunkenness, use of drugs, narcotics,  
15 chemicals, or any other material or substance or as a result  
16 of any mental or physical condition. In enforcing this  
17 paragraph, upon a finding of the secretary or his or her  
18 designee that probable cause exists to believe that the  
19 licensee is unable to serve as a nursing home administrator  
20 due to the reasons stated in this paragraph, the department  
21 shall have the authority to issue an order to compel the  
22 licensee to submit to a mental or physical examination by a  
23 physician designated by the department. If the licensee  
24 refuses to comply with such order, the department's order  
25 directing such examination may be enforced by filing a  
26 petition for enforcement in the circuit court where the  
27 licensee resides or serves as a nursing home administrator.  
28 The licensee against whom the petition is filed shall not be  
29 named or identified by initials in any public court records or  
30 documents, and the proceedings shall be closed to the public.  
31 The department shall be entitled to the summary procedure

1 provided in s. 51.011. A licensee affected under this  
2 paragraph shall have the opportunity, at reasonable intervals,  
3 to demonstrate that he or she can resume the competent  
4 practice of nursing home administration with reasonable skill  
5 and safety to patients.

6 (m)~~(n)~~ Willfully or repeatedly violating any of the  
7 provisions of the law, code, or rules of the licensing or  
8 supervising authority or agency of the state or political  
9 subdivision thereof having jurisdiction of the operation and  
10 licensing of nursing homes.

11 (n)~~(o)~~ Paying, giving, causing to be paid or given, or  
12 offering to pay or to give to any person a commission or other  
13 valuable consideration for the solicitation or procurement,  
14 either directly or indirectly, of nursing home usage.

15 (o)~~(p)~~ Willfully permitting unauthorized disclosure of  
16 information relating to a patient or his or her records.

17 (p)~~(q)~~ Discriminating with respect to patients,  
18 employees, or staff on account of race, religion, color, sex,  
19 or national origin.

20 (q) Violating any provision of this chapter or chapter  
21 456, or any rules adopted pursuant thereto.

22 (2) The board may enter an order denying licensure or  
23 imposing any of the penalties in s. 456.072(2) against any  
24 applicant for licensure or licensee who is found guilty of  
25 violating any provision of subsection (1) of this section or  
26 who is found guilty of violating any provision of s.  
27 456.072(1).When the board finds any nursing home  
28 administrator guilty of any of the grounds set forth in  
29 subsection (1), it may enter an order imposing one or more of  
30 the following penalties:

31 (a) Denial of an application for licensure.

1           ~~(b) Revocation or suspension of a license.~~  
           ~~(c) Imposition of an administrative fine not to exceed~~  
 3 \_\_\_\_\_  
 4           ~~(d) Issuance of a reprimand.~~  
           ~~(e) Placement of the licensee on probation for a~~  
 6 \_\_\_\_\_  
 7 ~~specify, including requiring the licensee to attend continuing~~  
 8 ~~education courses or to work under the supervision of another~~  
 9 \_\_\_\_\_  
 10          ~~(f) Restriction of the authorized scope of practice.~~

12 amended to read:  
 13           468.217 Denial of or refusal to renew license;  
 15 measures.--  
 16           (1) \_\_\_\_\_  
 17 of a license or disciplinary action, as specified in s.  
 18 456.072(2)~~The board may deny or refuse to renew a license,~~  
 19 ~~suspend or revoke a license, issue a reprimand, impose a fine,~~  
 20 \_\_\_\_\_  
 21 ~~licensee or applicant for license has been guilty of~~  
 22 ~~unprofessional conduct which has endangered, or is likely to~~  
 23 \_\_\_\_\_  
 24 ~~unprofessional conduct includes~~  
 25           (a) Attempting to obtain, obtaining, or renewing a  
 26 license to practice occupational therapy by bribery, by  
 28 department or the board.  
 29           (b) Having a license to practice occupational therapy  
 31

Words ~~stricken~~ underlined are additions.

1 denial of licensure, by the licensing authority of another  
2 state, territory, or country.

3 (c) Being convicted or found guilty, regardless of  
4 adjudication, of a crime in any jurisdiction which directly  
5 relates to the practice of occupational therapy or to the  
6 ability to practice occupational therapy. A plea of nolo  
7 contendere shall be considered a conviction for the purposes  
8 of this part.

9 (d) False, deceptive, or misleading advertising.

10 (e) Advertising, practicing, or attempting to practice  
11 under a name other than one's own name.

12 (f) Failing to report to the department any person who  
13 the licensee knows is in violation of this part or of the  
14 rules of the department or of the board.

15 (g) Aiding, assisting, procuring, or advising any  
16 unlicensed person to practice occupational therapy contrary to  
17 this part or to a rule of the department or the board.

18 (h) Failing to perform any statutory or legal  
19 obligation placed upon a licensed occupational therapist or  
20 occupational therapy assistant.

21 (i) Making or filing a report which the licensee knows  
22 to be false, intentionally or negligently failing to file a  
23 report or record required by state or federal law, willfully  
24 impeding or obstructing such filing or inducing another person  
25 to do so. Such reports or records include only those which  
26 are signed in the capacity as a licensed occupational  
27 therapist or occupational therapy assistant.

28 (j) Paying or receiving any commission, bonus,  
29 kickback, or rebate to or from, or engaging in any split-fee  
30 arrangement in any form whatsoever with, a physician,  
31 organization, agency, or person, either directly or

1 indirectly, for patients referred to providers of health care  
2 goods and services, including, but not limited to, hospitals,  
3 nursing homes, clinical laboratories, ambulatory surgical  
4 centers, or pharmacies. The provisions of this paragraph  
5 shall not be construed to prevent an occupational therapist or  
6 occupational therapy assistant from receiving a fee for  
7 professional consultation services.

8 (k) Exercising influence within a patient-therapist  
9 relationship for purposes of engaging a patient in sexual  
10 activity. A patient is presumed to be incapable of giving  
11 free, full, and informed consent to sexual activity with the  
12 patient's occupational therapist or occupational therapy  
13 assistant.

14 (l) Making deceptive, untrue, or fraudulent  
15 representations in the practice of occupational therapy or  
16 employing a trick or scheme in the practice of occupational  
17 therapy if such scheme or trick fails to conform to the  
18 generally prevailing standards of treatment in the  
19 occupational therapy community.

20 (m) Soliciting patients, either personally or through  
21 an agent, through the use of fraud, intimidation, undue  
22 influence, or a form of overreaching or vexatious conduct. A  
23 "solicitation" is any communication which directly or  
24 implicitly requests an immediate oral response from the  
25 recipient.

26 (n) Failing to keep written records justifying the  
27 course of treatment of the patient, including, but not limited  
28 to, patient histories, examination results, and test results.

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

1 includes, but is not limited to, the promoting or selling of  
2 services, goods, appliances, or drugs.

3 (p) Performing professional services which have not  
4 been duly authorized by the patient or client, or his or her  
5 legal representative, except as provided in s. 768.13.

6 (q) Gross or repeated malpractice or the failure to  
7 practice occupational therapy with that level of care, skill,  
8 and treatment which is recognized by a reasonably prudent  
9 similar occupational therapist or occupational therapy  
10 assistant as being acceptable under similar conditions and  
11 circumstances.

12 (r) Performing any procedure which, by the prevailing  
13 standards of occupational therapy practice in the community,  
14 would constitute experimentation on a human subject without  
15 first obtaining full, informed, and written consent.

16 (s) Practicing or offering to practice beyond the  
17 scope permitted by law or accepting and performing  
18 professional responsibilities which the licensee knows or has  
19 reason to know that he or she is not competent to perform.

20 (t) Being unable to practice occupational therapy with  
21 reasonable skill and safety to patients by reason of illness  
22 or use of alcohol, drugs, narcotics, chemicals, or any other  
23 type of material or as a result of any mental or physical  
24 condition. In enforcing this paragraph, the department shall  
25 have, upon probable cause, authority to compel an occupational  
26 therapist or occupational therapy assistant to submit to a  
27 mental or physical examination by physicians designated by the  
28 department. The failure of an occupational therapist or  
29 occupational therapy assistant to submit to such examination  
30 when so directed constitutes an admission of the allegations  
31 against him or her, upon which a default and final order may



1 be entered without the taking of testimony or presentation of  
 2 evidence, unless the failure was due to circumstances beyond  
 4 therapy assistant affected under this paragraph shall at  
 5 reasonable intervals be afforded an opportunity to demonstrate  
 7 occupational therapy with reasonable skill and safety to  
 8 patients. In any proceeding under this paragraph, neither the  
 10 shall be used against an occupational therapist or  
 11 occupational therapy assistant in any other proceeding.

13 person when the licensee who is delegating such  
 14 responsibilities knows or has reason to know that such person  
 16 perform them.

17 (v) Violating \_\_\_\_\_  
 18 ~~the board or department, or~~  
 19 department previously entered in a disciplinary hearing or  
 20 failing to comply with a lawfully issued subpoena of the

22 (w) Conspiring with another licensee or with any other  
 23 person to commit an act, or committing an act, which would  
 25 lawfully advertising his or her services.

26 \_\_\_\_\_  
 27 456, or any rules adopted pursuant thereto.

29 \_\_\_\_\_  
 30 applicant for licensure or licensee who is found guilty of  
violating any provision of subsection (1) of this section or

1 who is found guilty of violating any provision of s.  
2 456.072(1).

3 ~~(3)(2)~~ The board may not reinstate the license of an  
4 occupational therapist or occupational therapy assistant, or  
5 cause a license to be issued to a person it has deemed  
6 unqualified, until such time as the board is satisfied that  
7 such person has complied with all the terms and conditions set  
8 forth in the final order and is capable of safely engaging in  
9 the practice of occupational therapy.

10 Section 147. Subsections (1) and (2) of section  
11 468.365, Florida Statutes, are amended to read:

12 468.365 Disciplinary grounds and actions.--

13 (1) The following acts constitute grounds for denial  
14 of a license or disciplinary action, as specified in s.  
15 ~~456.072(2)which the disciplinary actions in subsection (2)~~  
16 ~~may be taken:~~

17 (a) Procuring, attempting to procure, or renewing a  
18 license as provided by this part by bribery, by fraudulent  
19 misrepresentation, or through an error of the department or  
20 the board.

21 (b) Having licensure, certification, registration, or  
22 other authority, by whatever name known, to deliver  
23 respiratory care services revoked, suspended, or otherwise  
24 acted against, including the denial of licensure,  
25 certification, registration, or other authority to deliver  
26 respiratory care services by the licensing authority of  
27 another state, territory, or country.

28 (c) Being convicted or found guilty of, or entering a  
29 plea of nolo contendere to, regardless of adjudication, a  
30 crime in any jurisdiction which directly relates to  
31

1 respiratory care services or to the ability to deliver such  
2 services.

3 (d) Willfully making or filing a false report or  
4 record, willfully failing to file a report or record required  
5 by state or federal law, or willfully impeding or obstructing  
6 such filing or inducing another person to do so. Such reports  
7 or records include only those reports or records which require  
8 the signature of a respiratory care practitioner or  
9 respiratory therapist licensed pursuant to this part.

10 (e) Circulating false, misleading, or deceptive  
11 advertising.

12 (f) Unprofessional conduct, which includes, but is not  
13 limited to, any departure from, or failure to conform to,  
14 acceptable standards related to the delivery of respiratory  
15 care services, as set forth by the board in rules adopted  
16 pursuant to this part.

17 (g) Engaging or attempting to engage in the  
18 possession, sale, or distribution of controlled substances, as  
19 set forth by law, for any purpose other than a legitimate  
20 purpose.

21 (h) Willfully failing to report any violation of this  
22 part.

23 (i) ~~Willfully or repeatedly~~ Violating a rule of the  
24 ~~board or the department or~~ a lawful order of the board or  
25 department previously entered in a disciplinary hearing.

26 ~~(j) Violation of any rule adopted pursuant to this~~  
27 ~~part or chapter 456.~~

28 (j)~~(k)~~ Engaging in the delivery of respiratory care  
29 services with a revoked, suspended, or inactive license.

30 (k)~~(l)~~ Permitting, aiding, assisting, procuring, or  
31 advising any person who is not licensed pursuant to this part,

1 contrary to this part or to any rule of the department or the  
2 board.

3 (l)~~(m)~~ Failing to perform any statutory or legal  
4 obligation placed upon a respiratory care practitioner or  
5 respiratory therapist licensed pursuant to this part.

6 (m)~~(n)~~ Accepting and performing professional  
7 responsibilities which the licensee knows, or has reason to  
8 know, she or he is not competent to perform.

9 (n)~~(o)~~ Delegating professional responsibilities to a  
10 person when the licensee delegating such responsibilities  
11 knows, or has reason to know, that such person is not  
12 qualified by training, experience, or licensure to perform  
13 them.

14 (o)~~(p)~~ Gross or repeated malpractice or the failure to  
15 deliver respiratory care services with that level of care,  
16 skill, and treatment which is recognized by a reasonably  
17 prudent respiratory care practitioner or respiratory therapist  
18 with similar professional training as being acceptable under  
19 similar conditions and circumstances.

20 (p)~~(q)~~ Paying or receiving any commission, bonus,  
21 kickback, or rebate to or from, or engaging in any split-fee  
22 arrangement in any form whatsoever with, a person,  
23 organization, or agency, either directly or indirectly, for  
24 goods or services rendered to patients referred by or to  
25 providers of health care goods and services, including, but  
26 not limited to, hospitals, nursing homes, clinical  
27 laboratories, ambulatory surgical centers, or pharmacies. The  
28 provisions of this paragraph shall not be construed to prevent  
29 the licensee from receiving a fee for professional  
30 consultation services.

31

1       (q)— Exercising influence within a respiratory care  
2 relationship for the purpose of engaging a patient in sexual  
  
4 free, full, and informed consent to sexual activity with the  
5 patient's respiratory care practitioner or respiratory

7       (r)— Making deceptive, untrue, or fraudulent  
8 representations in the delivery of respiratory care services  
  
10 care services if such a scheme or trick fails to conform to  
11 the generally prevailing standards of other licensees within

13       (s)— Soliciting patients, either personally or  
14 through an agent, through the use of fraud, deception, or  
  
16 intimidation or undue influence.

17       ~~\_\_\_(u)~~ Failing to keep written respiratory care  
  
19 licensee.

20       ~~\_\_\_(v)~~ Exercising influence on the patient in such a  
  
22 licensee or a third party, which includes, but is not limited  
23 to, the promoting or selling of services, goods, appliances,

25       (v)— Performing professional services which have not  
26 been duly ordered by a physician licensed pursuant to chapter  
  
28 protocols established by the hospital, other health care  
29 provider, or the board, except as provided in ss. 743.064,

31

1           ~~(w)~~(x) Being unable to deliver respiratory care  
2 services with reasonable skill and safety to patients by  
3 reason of illness or use of alcohol, drugs, narcotics,  
4 chemicals, or any other type of material as a result of any  
5 mental or physical condition. In enforcing this paragraph,  
6 the department shall, upon probable cause, have authority to  
7 compel a respiratory care practitioner or respiratory  
8 therapist to submit to a mental or physical examination by  
9 physicians designated by the department. The cost of  
10 examination shall be borne by the licensee being examined.  
11 The failure of a respiratory care practitioner or respiratory  
12 therapist to submit to such an examination when so directed  
13 constitutes an admission of the allegations against her or  
14 him, upon which a default and a final order may be entered  
15 without the taking of testimony or presentation of evidence,  
16 unless the failure was due to circumstances beyond her or his  
17 control. A respiratory care practitioner or respiratory  
18 therapist affected under this paragraph shall at reasonable  
19 intervals be afforded an opportunity to demonstrate that she  
20 or he can resume the competent delivery of respiratory care  
21 services with reasonable skill and safety to her or his  
22 patients. In any proceeding under this paragraph, neither the  
23 record of proceedings nor the orders entered by the board  
24 shall be used against a respiratory care practitioner or  
25 respiratory therapist in any other proceeding.

26           (x) Violating any provision of this chapter or chapter  
27 456, or any rules adopted pursuant thereto.

28           (2) The board may enter an order denying licensure or  
29 imposing any of the penalties in s. 456.072(2) against any  
30 applicant for licensure or licensee who is found guilty of  
31 violating any provision of subsection (1) of this section or

1 who is found guilty of violating any provision of s.  
2 ~~456.072(1). If the board finds any person guilty of any of the~~  
3 ~~grounds set forth in subsection (1), it may enter an order~~  
4 ~~imposing one or more of the following penalties:~~  
5       ~~(a) Denial of an application for licensure.~~  
6       ~~(b) Revocation or suspension of licensure.~~  
7       ~~(c) Imposition of an administrative fine not to exceed~~  
8 ~~\$1,000 for each count or separate offense.~~  
9       ~~(d) Placement of the respiratory care practitioner or~~  
10 ~~respiratory therapist on probation for such period of time and~~  
11 ~~subject to such conditions as the board may specify,~~  
12 ~~including, but not limited to, requiring the respiratory care~~  
13 ~~practitioner or respiratory therapist to submit to treatment,~~  
14 ~~to attend continuing education courses, or to work under the~~  
15 ~~supervision of another respiratory care practitioner or~~  
16 ~~respiratory therapist.~~  
17       ~~(e) Issuance of a reprimand.~~  
18       Section 148. Subsections (1) and (2) of section  
19 468.518, Florida Statutes, are amended to read:  
20       468.518 Grounds for disciplinary action.--  
21       (1) The following acts constitute grounds for denial  
22 of a license or disciplinary action, as specified in s.  
23 ~~456.072(2) which the disciplinary actions in subsection (2)~~  
24 ~~may be taken:~~  
25       (a) Violating any provision of this part, any board or  
26 agency rule adopted pursuant thereto, or any lawful order of  
27 the board or agency previously entered in a disciplinary  
28 hearing held pursuant to this part, or failing to comply with  
29 a lawfully issued subpoena of the agency. The provisions of  
30 this paragraph also apply to any order or subpoena previously  
31

1 issued by the Department of Health during its period of  
2 regulatory control over this part.

3 (b) Being unable to engage in dietetics and nutrition  
4 practice or nutrition counseling with reasonable skill and  
5 safety to patients by reason of illness or use of alcohol,  
6 drugs, narcotics, chemicals, or any other type of material or  
7 as a result of any mental or physical condition.

8 1. A licensee whose license is suspended or revoked  
9 pursuant to this paragraph shall, at reasonable intervals, be  
10 given an opportunity to demonstrate that he or she can resume  
11 the competent practice of dietetics and nutrition or nutrition  
12 counseling with reasonable skill and safety to patients.

13 2. Neither the record of the proceeding nor the orders  
14 entered by the board in any proceeding under this paragraph  
15 may be used against a licensee in any other proceeding.

16 (c) Attempting to procure or procuring a license to  
17 practice dietetics and nutrition or nutrition counseling by  
18 fraud or material misrepresentation of material fact.

19 (d) Having a license to practice dietetics and  
20 nutrition or nutrition counseling revoked, suspended, or  
21 otherwise acted against, including the denial of licensure by  
22 the licensing authority of another state, district, territory,  
23 or country.

24 (e) Being convicted or found guilty of, or entering a  
25 plea of nolo contendere to, regardless of adjudication, a  
26 crime in any jurisdiction which directly relates to the  
27 practice of dietetics and nutrition or nutrition counseling or  
28 the ability to practice dietetics and nutrition or nutrition  
29 counseling.

30 (f) Making or filing a report or record that the  
31 licensee knows to be false, willfully failing to file a report



1 or record required by state or federal law, willfully impeding  
2 or obstructing such filing, or inducing another person to

4 include only those that are signed in the capacity of a  
5 licensed dietitian/nutritionist or licensed nutrition

7 (g) Advertising goods or services in a manner that is  
8 fraudulent, false, deceptive, or misleading in form or

10 (h) Committing an act of fraud or deceit, or of  
11 negligence, incompetency, or misconduct in the practice of

13 (i) Practicing with a revoked, suspended, inactive, or  
14 delinquent license.

16 means other than by dietetics and nutrition practice or  
17 nutrition counseling.

19 practice as set forth by the board and the council in rules  
20 adopted pursuant to this part.

22 transferring, assigning, rebating, or refunding of fees  
23 received for professional services, or profiting by means of a

25 commission, discount, or gratuity, with any person referring a  
26 patient or with any relative or business associate of the

28 of any regularly and properly organized business entity that  
29 is composed of licensees under this part and recognized under

31 fees among themselves as they determine necessary.

1           (m) Advertising, by or on behalf of a licensee under  
2 this part, any method of assessment or treatment which is  
3 experimental or without generally accepted scientific  
4 validation.  
5           (n) Violating any provision of this chapter or chapter  
6 456, or any rules adopted pursuant thereto.  
7           (2) The board may enter an order denying licensure or  
8 imposing any of the penalties in s. 456.072(2) against any  
9 \_\_\_\_\_  
10 violating any provision of subsection (1) of this section or  
11 who is found guilty of violating any provision of s.  
12 ~~\_\_\_\_\_ When the board finds any licensee guilty of any of~~  
13 \_\_\_\_\_  
14 ~~imposing one or more of the following penalties:~~  
15           ~~(a) Denial of an application for licensure;~~  
16           \_\_\_\_\_  
17           ~~(c) Imposition of an administrative fine not to exceed~~  
18 ~~\$1,000 for each violation;~~  
19           \_\_\_\_\_  
20           ~~(e) Placement of the licensee on probation for a~~  
21 ~~period of time and subject to such conditions as the board may~~  
22 \_\_\_\_\_  
23 ~~education courses or to work under the supervision of a~~  
24 ~~licensed dietitian/nutritionist or licensed nutrition~~  
25 \_\_\_\_\_  
26           ~~(f) Restriction of the authorized scope of practice of~~  
27 ~~the licensee.~~  
28           Section 149. Section 468.719, Florida Statutes, is  
29  
30           468.719 Disciplinary actions.--  
31

1           (1) The following acts constitute ~~shall be~~ grounds for  
2 denial of a license or disciplinary action, as specified in s.  
3 456.072(2)disciplinary actions provided for in subsection  
4 ~~(2):~~  
5           ~~(a) A violation of any law relating to the practice of~~  
6 ~~athletic training, including, but not limited to, any~~  
7 ~~violation of this part, s. 456.072, or any rule adopted~~  
8 ~~pursuant thereto.~~  
9           (a)(b) Failing to include the athletic trainer's name  
10 and license number in any advertising, including, but not  
11 limited to, business cards and letterhead, related to the  
12 practice of athletic training. Advertising shall not include  
13 clothing or other novelty items.  
14           (b)(c) Committing incompetency or misconduct in the  
15 practice of athletic training.  
16           (c)(d) Committing fraud or deceit in the practice of  
17 athletic training.  
18           (d)(e) Committing negligence, gross negligence, or  
19 repeated negligence in the practice of athletic training.  
20           (e)(f) While practicing athletic training, being  
21 unable to practice athletic training with reasonable skill and  
22 safety to athletes by reason of illness or use of alcohol or  
23 drugs or as a result of any mental or physical condition.  
24           (f) Violating any provision of this chapter or chapter  
25 456, or any rules adopted pursuant thereto.  
26           (2) The board may enter an order denying licensure or  
27 imposing any of the penalties in s. 456.072(2) against any  
28 applicant for licensure or licensee who is found guilty of  
29 violating any provision of subsection (1) of this section or  
30 who is found guilty of violating any provision of s.  
31 456.072(1).~~When the board finds any person guilty of any of~~

1 ~~the acts set forth in subsection (1), the board may enter an~~  
2 ~~order imposing one or more of the penalties provided in s.~~  
3 ~~456.072.~~

4 Section 150. Section 468.811, Florida Statutes, is  
5 amended to read:

6 468.811 Disciplinary proceedings.--

7 (1) The following acts constitute ~~are~~ grounds for  
8 denial of a license or disciplinary action, as specified in s.  
9 456.072(2):disciplinary action against a licensee and the  
10 ~~issuance of cease and desist orders or other related action by~~  
11 ~~the department, pursuant to s. 456.072, against any person who~~  
12 ~~engages in or aids in a violation.~~

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

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

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

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

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

3           ~~(f) Violation of this act or chapter 456, or any rules~~  
4 ~~adopted thereunder.~~

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

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

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

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

20           (j) Violating any provision of this chapter or chapter  
21 456, or any rules adopted pursuant thereto.

22           (2) The board may enter an order denying licensure or  
23 imposing any of the penalties in s. 456.072(2) against any  
24 applicant for licensure or licensee who is found guilty of  
25 violating any provision of subsection (1) of this section or  
26 who is found guilty of violating any provision of s.  
27 ~~456.072(1). The board may enter an order imposing one or more~~  
28 ~~of the penalties in s. 456.072(2) against any person who~~  
29 ~~violates any provision of subsection (1).~~

30           Section 151. Subsections (1) and (2) of section  
31 478.52, Florida Statutes, are amended to read:

1           478.52 Disciplinary proceedings.--  
  constitute — grounds for  
3  
4 456.072(2)-----  
5 ~~may be taken~~  
6           (a) Obtaining or attempting to obtain a license by  
7 bribery, fraud, or knowing misrepresentation.  
9 electrolysis services revoked, suspended, or otherwise acted  
10 against, including denial of licensure, in another  
12           (c) Being convicted or found guilty of, or entering a  
13 plea of nolo contendere to, regardless of adjudication, a  
15 practice of electrology.  
16           (d) Willfully making or filing a false report or  
18 for electrologists, or willfully impeding or obstructing the  
19 filing of a report or record required by this act or inducing  
21           (e) Circulating false, misleading, or deceptive  
22 advertising.  
24 from, or failure to conform to, acceptable standards related  
25 to the delivery of electrolysis services.  
27 possession, sale, or distribution of any illegal or controlled  
28 substance.  
30 this chapter.  
31

1 (i) Willfully or repeatedly violating a rule adopted  
2 under this chapter, or an order of the board or department  
3 previously entered in a disciplinary hearing.

4 (j) Engaging in the delivery of electrolysis services  
5 without an active license.

6 (k) Employing an unlicensed person to practice  
7 electrology.

8 (l) Failing to perform any statutory or legal  
9 obligation placed upon an electrologist.

10 (m) Accepting and performing professional  
11 responsibilities which the licensee knows, or has reason to  
12 know, she or he is not competent to perform.

13 (n) Delegating professional responsibilities to a  
14 person the licensee knows, or has reason to know, is  
15 unqualified by training, experience, or licensure to perform.

16 (o) Gross or repeated malpractice or the inability to  
17 practice electrology with reasonable skill and safety.

18 (p) Judicially determined mental incompetency.

19 (q) Practicing or attempting to practice electrology  
20 under a name other than her or his own.

21 (r) Being unable to practice electrology with  
22 reasonable skill and safety because of a mental or physical  
23 condition or illness, or the use of alcohol, controlled  
24 substances, or any other substance which impairs one's ability  
25 to practice.

26 1. The department may, upon probable cause, compel a  
27 licensee to submit to a mental or physical examination by  
28 physicians designated by the department. The cost of an  
29 examination shall be borne by the licensee, and her or his  
30 failure to submit to such an examination constitutes an  
31 admission of the allegations against her or him, consequent

1 upon which a default and a final order may be entered without  
2 the taking of testimony or presentation of evidence, unless  
3 the failure was due to circumstances beyond her or his  
4 control.

5           2. A licensee who is disciplined under this paragraph  
6 shall, at reasonable intervals, be afforded an opportunity to  
7 demonstrate that she or he can resume the practice of  
8 electrology with reasonable skill and safety.

9           3. In any proceeding under this paragraph, the record  
10 of proceedings or the orders entered by the board may not be  
11 used against a licensee in any other proceeding.

12           (s) Disclosing the identity of or information about a  
13 patient without written permission, except for information  
14 which does not identify a patient and which is used for  
15 training purposes in an approved electrolysis training  
16 program.

17           (t) Practicing or attempting to practice any permanent  
18 hair removal except as described in s. 478.42(5).

19           (u) Operating any electrolysis facility unless it has  
20 been duly licensed as provided in this chapter.

21           (v) Violating any provision of this chapter or chapter  
22 456, or any rules adopted pursuant thereto.

23           (2) The board may enter an order denying licensure or  
24 imposing any of the penalties in s. 456.072(2) against any  
25 applicant for licensure or licensee who is found guilty of  
26 violating any provision of subsection (1) of this section or  
27 who is found guilty of violating any provision of s.  
28 456.072(1).~~When the board finds any person guilty of any of~~  
29 ~~the grounds set forth in subsection (1), including conduct~~  
30 ~~that would constitute a substantial violation of subsection~~  
31



1 ~~(1) which occurred prior to licensure, it may enter an order~~

2

3

~~(a) Deny the application for licensure.~~

~~(b) Revoke or suspend the license.~~

5

6

~~for each count or separate offense.~~

8

9

~~(d) Place the licensee on probation for a specified~~

~~determines necessary, including, but not limited to, requiring treatment, continuing education courses, reexamination, or~~

11

12

~~(e) Issue a reprimand to the licensee.~~

~~(f) Restriction of a licensee's practice.~~

14

Section 152. Subsections (1) and (2) of section

16

480.046 Grounds for disciplinary action by the

17

board.--

~~shall constitute grounds for denial of a license or disciplinary action, as specified in s.~~

20

~~\_\_\_\_\_ which disciplinary actions specified in subsection~~

21

~~establishment licensed under this act~~

23

(a) Attempting to procure a license to practice

24

massage by bribery or fraudulent misrepresentation.

26

suspended, or otherwise acted against, including the denial of

27

licensure, by the licensing authority of another state,

29

(c) Being convicted or found guilty, regardless of

30

adjudication, of a crime in any jurisdiction which directly

1 practice massage. Any plea of nolo contendere shall be  
2 considered a conviction for purposes of this chapter.

3 (d) False, deceptive, or misleading advertising.

4 (e) Aiding, assisting, procuring, or advising any  
5 unlicensed person to practice massage contrary to the  
6 provisions of this chapter or to a rule of the department or  
7 the board.

8 (f) Making deceptive, untrue, or fraudulent  
9 representations in the practice of massage.

10 (g) Being unable to practice massage with reasonable  
11 skill and safety 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 probable  
15 cause, authority to compel a massage therapist to submit to a  
16 mental or physical examination by physicians designated by the  
17 department. Failure of a massage therapist to submit to such  
18 examination when so directed, unless the failure was due to  
19 circumstances beyond her or his control, shall constitute an  
20 admission of the allegations against her or him, consequent  
21 upon which a default and final order may be entered without  
22 the taking of testimony or presentation of evidence. A  
23 massage therapist affected under this paragraph shall at  
24 reasonable intervals be afforded an opportunity to demonstrate  
25 that she or he can resume the competent practice of massage  
26 with reasonable skill and safety to clients.

27 (h) Gross or repeated malpractice or the failure to  
28 practice massage with that level of care, skill, and treatment  
29 which is recognized by a reasonably prudent massage therapist  
30 as being acceptable under similar conditions and  
31 circumstances.

1 (i) Practicing or offering to practice beyond the  
2 scope permitted by law or accepting and performing  
3 professional responsibilities which the licensee knows or has  
4 reason to know that she or he is not competent to perform.

5 (j) Delegating professional responsibilities to a  
6 person when the licensee delegating such responsibilities  
7 knows or has reason to know that such person is not qualified  
8 by training, experience, or licensure to perform.

9 (k) ~~Violating any provision of this chapter, a rule of~~  
10 ~~the board or department, or~~ a lawful order of the board or  
11 department previously entered in a disciplinary hearing, or  
12 failing to comply with a lawfully issued subpoena of the  
13 department.

14 (l) Refusing to permit the department to inspect the  
15 business premises of the licensee during regular business  
16 hours.

17 (m) Failing to keep the equipment and premises of the  
18 massage establishment in a clean and sanitary condition.

19 (n) Practicing massage at a site, location, or place  
20 which is not duly licensed as a massage establishment, except  
21 that a massage therapist, as provided by rules adopted by the  
22 board, may provide massage services, excluding colonic  
23 irrigation, at the residence of a client, at the office of the  
24 client, at a sports event, at a convention, or at a trade  
25 show.

26 (o) Violating any provision of this chapter or chapter  
27 456, or any rules adopted pursuant thereto.

28 (2) The board may enter an order denying licensure or  
29 imposing any of the penalties in s. 456.072(2) against any  
30 applicant for licensure or licensee who is found guilty of  
31 violating any provision of subsection (1) of this section or

who is found guilty of violating any provision of s.

2 ~~When the board finds any person guilty of any of~~

3

4 ~~imposing one or more of the following penalties:~~

5 ~~(a) Refusal to license an applicant.~~

6

7 ~~(c) Issuance of a reprimand or censure.~~

8 ~~(d) Imposition of an administrative fine not to exceed~~

9

10 Section 153. Section 483.825, Florida Statutes, is  
11 amended to read:

13 (1) denial

14

15 ~~456.072(2)~~

16 ~~may be taken against applicants, registrants, and licensees  
under this part:~~

17 ~~(a)(1)~~

19 license or registration under this part by bribery, by  
20 fraudulent misrepresentation, or through an error of the

22 (b)— Engaging in or attempting to engage in, or  
23 representing herself or himself as entitled to perform, any

25 authorized pursuant to her or his license.

26 ~~(3)~~ Demonstrating incompetence or making consistent

28 or procedures or erroneous reporting.

29 ~~(4)~~ Performing a test and rendering a report

31 services.

1        (e)~~(5)~~ Has been convicted or found guilty of, or  
2 entered a plea of nolo contendere to, regardless of  
3 adjudication, a crime in any jurisdiction which directly  
4 relates to the activities of clinical laboratory personnel or  
5 involves moral turpitude or fraudulent or dishonest dealing.  
6 The record of a conviction certified or authenticated in such  
7 form as to be admissible in evidence under the laws of the  
8 state shall be admissible as prima facie evidence of such  
9 guilt.

10        (f)~~(6)~~ Having been adjudged mentally or physically  
11 incompetent.

12        (g)~~(7)~~ ~~Violating or~~ Aiding and abetting in the  
13 violation of any provision of this part or the rules adopted  
14 hereunder.

15        (h)~~(8)~~ Reporting a test result when no laboratory test  
16 was performed on a clinical specimen.

17        (i)~~(9)~~ Knowingly advertising false services or  
18 credentials.

19        (j)~~(10)~~ Having a license revoked, suspended, or  
20 otherwise acted against, including the denial of licensure, by  
21 the licensing authority of another jurisdiction. The licensing  
22 authority's acceptance of a relinquishment of a license,  
23 stipulation, consent order, or other settlement, offered in  
24 response to or in anticipation of the filing of administrative  
25 charges against the licensee, shall be construed as action  
26 against the licensee.

27        (k)~~(11)~~ Failing to report to the board, in writing,  
28 within 30 days that an action under subsection (5), subsection  
29 (6), or subsection (10) has been taken against the licensee or  
30 one's license to practice as clinical laboratory personnel in  
31 another state, territory, country, or other jurisdiction.

1           (l)~~(12)~~ Being unable to perform or report clinical  
2 laboratory examinations with reasonable skill and safety to  
3 patients by reason of illness or use of alcohol, drugs,  
4 narcotics, chemicals, or any other type of material or as a  
5 result of any mental or physical condition. In enforcing this  
6 subsection, the department shall have, upon a finding of the  
7 secretary or his or her designee that probable cause exists to  
8 believe that the licensee is unable to practice because of the  
9 reasons stated in this subsection, the authority to issue an  
10 order to compel a licensee to submit to a mental or physical  
11 examination by physicians designated by the department. If  
12 the licensee refuses to comply with such order, the  
13 department's order directing such examination may be enforced  
14 by filing a petition for enforcement in the circuit court  
15 where the licensee resides or does business. The department  
16 shall be entitled to the summary procedure provided in s.  
17 51.011. A licensee affected under this subsection shall at  
18 reasonable intervals be afforded an opportunity to demonstrate  
19 that he or she can resume competent practice with reasonable  
20 skill and safety to patients.

21           (m)~~(13)~~ Delegating professional responsibilities to a  
22 person when the licensee delegating such responsibilities  
23 knows, or has reason to know, that such person is not  
24 qualified by training, experience, or licensure to perform  
25 them.

26           (n)~~(14)~~ Violating a previous order of the board  
27 entered in a disciplinary proceeding.

28           (o)~~(15)~~ Failing to report to the department a person  
29 or other licensee who the licensee knows is in violation of  
30 this chapter or the rules of the department or board adopted  
31 hereunder.

1           (p)~~(16)~~ Making or filing a report which the licensee  
2 knows to be false, intentionally or negligently failing to  
3 file a report or record required by state or federal law,  
4 willfully impeding or obstructing such filing or inducing  
5 another person to do so, including, but not limited to,  
6 impeding an agent of the state from obtaining a report or  
7 record for investigative purposes. Such reports or records  
8 shall include only those generated in the capacity as a  
9 licensed clinical laboratory personnel.

10           (q)~~(17)~~ Paying or receiving any commission, bonus,  
11 kickback, or rebate, or engaging in any split-fee arrangement  
12 in any form whatsoever with a physician, organization, agency,  
13 or person, either directly or indirectly for patients referred  
14 to providers of health care goods and services including, but  
15 not limited to, hospitals, nursing homes, clinical  
16 laboratories, ambulatory surgical centers, or pharmacies. The  
17 provisions of this subsection shall not be construed to  
18 prevent a clinical laboratory professional from receiving a  
19 fee for professional consultation services.

20           (r)~~(18)~~ Exercising influence on a patient or client in  
21 such a manner as to exploit the patient or client for the  
22 financial gain of the licensee or other third party, which  
23 shall include, but not be limited to, the promoting, selling,  
24 or withholding of services, goods, appliances, referrals, or  
25 drugs.

26           (s)~~(19)~~ Practicing or offering to practice beyond the  
27 scope permitted by law or rule, or accepting or performing  
28 professional services or responsibilities which the licensee  
29 knows or has reason to know that he or she is not competent to  
30 perform.

31

1           ~~(t)(20)~~ Misrepresenting or concealing a material fact  
2 at any time during any phase of the licensing, investigative,  
3 or disciplinary process, procedure, or proceeding.

4           ~~(u)(21)~~ Improperly interfering with an investigation  
5 or any disciplinary proceeding.

6           ~~(v)(22)~~ Engaging in or attempting to engage in sexual  
7 misconduct, causing undue embarrassment or using disparaging  
8 language or language of a sexual nature towards a patient,  
9 exploiting superior/subordinate, professional/patient,  
10 instructor/student relationships for personal gain, sexual  
11 gratification, or advantage.

12           (w) Violating any provision of this chapter or chapter  
13 456, or any rules adopted pursuant thereto.

14           (2) The board may enter an order denying licensure or  
15 imposing any of the penalties in s. 456.072(2) against any  
16 applicant for licensure or licensee who is found guilty of  
17 violating any provision of subsection (1) of this section or  
18 who is found guilty of violating any provision of s.  
19 456.072(1).

20           (3) In determining the amount of the fine to be levied  
21 for a violation, as provided in subsection (1), the following  
22 factors shall be considered:

23           (a) The severity of the violation, including the  
24 probability that death or serious harm to the health or safety  
25 of any person will result or has resulted, the severity of the  
26 actual or potential harm, and the extent to which the  
27 provisions of this part were violated.

28           (b) Actions taken by the licensee to correct the  
29 violation or to remedy complaints.

30           (c) Any previous violation by the licensee.  
31



1           (d) The financial benefit to the licensee of  
2 committing or continuing the violation.

3           Section 154. Section 483.827, Florida Statutes, is  
4 repealed.

5           Section 155. Subsection (6) of section 483.901,  
6 Florida Statutes, is amended to read:

7           483.901 Medical physicists; definitions; licensure.--

8           (6) LICENSE REQUIRED.--An individual may not engage in  
9 the practice of medical physics, including the specialties of  
10 diagnostic radiological physics, therapeutic radiological  
11 physics, medical nuclear radiological physics, or medical  
12 health physics, without a license issued by the department for  
13 the appropriate specialty.

14           (a) The department shall adopt rules to administer  
15 this section which specify license application and renewal  
16 fees, continuing education requirements, and standards for  
17 practicing medical physics. The council shall recommend to  
18 the department continuing education requirements that shall be  
19 a condition of license renewal. The department shall require  
20 a minimum of 24 hours per biennium of continuing education  
21 offered by an organization recommended by the council and  
22 approved by the department. The department, upon  
23 recommendation of the council, may adopt rules to specify  
24 continuing education requirements for persons who hold a  
25 license in more than one specialty.

26           (b) In order to apply for a medical physicist license  
27 in one or more specialties, a person must file an individual  
28 application for each specialty with the department. The  
29 application must be on a form prescribed by the department and  
30 must be accompanied by a nonrefundable application fee for  
31 each specialty.

1           (c) The department may issue a license to an eligible  
2 applicant if the applicant meets all license requirements. At  
3 any time before the department issues a license, the applicant  
4 may request in writing that the application be withdrawn. To  
5 reapply, the applicant must submit a new application and an  
6 additional nonrefundable application fee and must meet all  
7 current licensure requirements.

8           (d) The department shall review each completed  
9 application for a license which the department receives.

10           (e) On receipt of an application and fee as specified  
11 in this section, the department may issue a license to  
12 practice medical physics in this state on or after October 1,  
13 1997, to a person who is board certified in the medical  
14 physics specialty in which the applicant applies to practice  
15 by the American Board of Radiology for diagnostic radiological  
16 physics, therapeutic radiological physics, or medical nuclear  
17 radiological physics; by the American Board of Medical Physics  
18 for diagnostic radiological physics, therapeutic radiological  
19 physics, or medical nuclear radiological physics; or by the  
20 American Board of Health Physics or an equivalent certifying  
21 body approved by the department.

22           (f) A licensee shall:

- 23           1. Display the license in a place accessible to the  
24 public; and  
25           2. Report immediately any change in the licensee's  
26 address or name to the department.

27           (g) The following acts constitute ~~are~~ grounds for  
28 denial of a license or disciplinary action, as specified in s.  
29 456.072(2)~~which the disciplinary actions in paragraph (h) may~~  
30 ~~be taken:~~

- 1           1. Obtaining or attempting to obtain a license by  
2 bribery, fraud, knowing misrepresentation, or concealment of  
3 material fact or through an error of the department.
- 4           2. Having a license denied, revoked, suspended, or  
5 otherwise acted against in another jurisdiction.
- 6           3. Being convicted or found guilty of, or entering a  
7 plea of nolo contendere to, regardless of adjudication, a  
8 crime in any jurisdiction which relates to the practice of, or  
9 the ability to practice, the profession of medical physics.
- 10          4. Willfully failing to file a report or record  
11 required for medical physics or willfully impeding or  
12 obstructing the filing of a report or record required by this  
13 section or inducing another person to do so.
- 14          5. Making misleading, deceptive, or fraudulent  
15 representations in or related to the practice of medical  
16 physics.
- 17          6. Willfully failing to report any known violation of  
18 this section or any rule adopted thereunder.
- 19          ~~7. Willfully or repeatedly violating a rule adopted~~  
20 ~~under this section or an order of the department.~~
- 21          7.8. Failing to perform any statutory or legal  
22 obligation placed upon a licensee.
- 23          ~~8.9.~~ Aiding, assisting, procuring, employing, or  
24 advising any unlicensed person to practice medical physics  
25 contrary to this section or any rule adopted thereunder.
- 26          ~~9.10.~~ Delegating or contracting for the performance of  
27 professional responsibilities by a person when the licensee  
28 delegating or contracting such responsibilities knows, or has  
29 reason to know, such person is not qualified by training,  
30 experience, and authorization to perform them.
- 31

1           ~~\_\_\_11.~~ Practicing or offering to practice beyond the  
3 professional responsibilities the licensee knows, or has  
4 reason to know, the licensee is not competent to perform.  
          ~~11.12.~~  
6 to practice medical physics with reasonable skill and safety.  
7           ~~\_\_\_13.~~ Judicially determined mental incompetency.  
          ~~13.14.~~  
9 reasonable skill and safety because of a mental or physical  
10 condition or illness or the use of alcohol, controlled  
12 to practice.  
13           a. The department may, upon probable cause, compel a  
15 physicians designated by the department. The cost of an  
16 examination shall be borne by the licensee, and the licensee's  
18 admission of the allegations against the licensee, consequent  
19 upon which a default and a final order may be entered without  
21 the failure was due to circumstances beyond the licensee's  
22 control.  
24 subparagraph shall, at reasonable intervals, be afforded an  
25 opportunity to demonstrate that the licensee can resume the  
27           c. With respect to any proceeding under this  
28 subparagraph, the record of proceedings or the orders entered  
30 other proceeding.  
31

1           14. Violating any provision of this chapter or chapter  
2 456, or any rules adopted pursuant thereto.

3           (h) The board may enter an order denying licensure or  
4 imposing any of the penalties in s. 456.072(2) against any  
5 applicant for licensure or licensee who is found guilty of  
6 violating any provision of subsection (1) of this section or  
7 who is found guilty of violating any provision of s.

8 456.072(1).When the department finds any person guilty of any  
9 of the grounds set forth in paragraph (g), including conduct  
10 that would constitute a substantial violation of paragraph (g)  
11 which occurred prior to licensure, it may enter an order  
12 imposing one or more of the following penalties:

13           1. ~~Deny the application for licensure.~~

14           2. ~~Revoke or suspend the license.~~

15           3. ~~Impose an administrative fine for each count or~~  
16 ~~separate offense.~~

17           4. ~~Place the licensee on probation for a specified~~  
18 ~~time and subject the licensee to such conditions as the~~  
19 ~~department determines necessary, including requiring~~  
20 ~~treatment, continuing education courses, or working under the~~  
21 ~~monitoring or supervision of another licensee.~~

22           5. ~~Restrict a licensee's practice.~~

23           6. ~~Issue a reprimand to the licensee.~~

24           (i) The department may not issue or reinstate a  
25 license to a person it has deemed unqualified until it is  
26 satisfied that such person has complied with the terms and  
27 conditions of the final order and that the licensee can safely  
28 practice medical physics.

29           (j) Upon receipt of a complete application and the fee  
30 set forth by rule, the department may issue a  
31 physicist-in-training certificate to a person qualified to

1 practice medical physics under direct supervision. The  
2 department may establish by rule requirements for initial  
3 certification and renewal of a physicist-in-training  
4 certificate.

5 Section 156. Subsections (1) and (2) of section  
6 484.014, Florida Statutes, are amended to read:

7 484.014 Disciplinary actions.--

8 (1) The following acts constitute ~~relating to the~~  
9 ~~practice of opticianry shall be~~ grounds for denial of a  
10 license or disciplinary action, as specified in s. 456.072(2)  
11 ~~both disciplinary action against an optician as set forth in~~  
12 ~~this section and cease and desist or other related action by~~  
13 ~~the department as set forth in s. 456.065 against any person~~  
14 ~~operating an optical establishment who engages in, aids, or~~  
15 ~~abets any such violation:~~

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

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

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

29 (d) Failing to make fee or price information readily  
30 available by providing such information upon request or upon  
31 the presentation of a prescription.

2 fraudulent, false, deceptive, or misleading in form or  
3 content.

5 misconduct, in the authorized practice of opticianry.

6 \_\_\_\_\_  
7 ~~chapter 456 or any rules promulgated pursuant thereto.~~

8 (g)~~(h)~~  
9 or delinquent license.

10 (i) Violation of a lawful order of the board or  
12 failing to comply with a lawfully issued subpoena of the  
13 department.

14 (i)~~(j)~~  
15 (j)— Conspiring with another licensee or with any  
16 person to commit an act, or committing an act, which would

18 advertising her or his services.

19 (i) Willfully submitting to any third-party payor a

21 (l)— Failing to keep written prescription files.

22 (n) Willfully failing to report any person who the  
24 department or the board.

25 (o) Exercising influence on a client in such a  
27 licensee or of a third party.

28 (p) Gross or repeated malpractice.

29 (p)~~(q)~~  
30 optician in this state to fit or dispense any lenses,  
31

1 spectacles, eyeglasses, or other optical devices which are  
2 part of the practice of opticianry.

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

8 (r)~~(s)~~  
9 in another state for any offense that would constitute a  
10 violation of Florida law or rules regulating opticianry.

11 (s)~~(t)~~  
12 reasonable skill and safety by reason of illness or use of  
13 drugs, narcotics, chemicals, or any other type of material or  
14  
15 affected under this paragraph shall at reasonable intervals be  
16 afforded an opportunity to demonstrate that she or he can  
17  
18 skill and safety to her or his customers.

19 \_\_\_\_\_  
20 456, or any rules adopted pursuant thereto.

21 The board may enter an order denying licensure or  
22 \_\_\_\_\_  
23 applicant for licensure or licensee who is found guilty of  
24 violating any provision of subsection (1) of this section or  
25 \_\_\_\_\_  
26 456.072(1).

27 ~~the grounds set forth in subsection (1), it may enter an order~~  
28 ~~imposing one or more of the following penalties:~~

29 \_\_\_\_\_  
30 ~~application for licensure.~~

~~(b) Revocation or suspension of a license.~~



1           ~~(c) Imposition of an administrative fine not to exceed~~  
2 ~~\$1,000 for each count or separate offense.~~

3           ~~(d) Issuance of a reprimand.~~

4           ~~(e) Placement of the optician on probation for a~~  
5 ~~period of time and subject to such conditions as the board may~~  
6 ~~specify, including requiring the optician to submit to~~  
7 ~~treatment or to work under the supervision of another~~

8 \_\_\_\_\_

9           Section 157. Subsections (1) and (2) of section  
10 484.056, Florida Statutes, are amended to read:

12           (1) The following acts constitute ~~relating to the~~  
13 \_\_\_\_\_ grounds for

14 \_\_\_\_\_

15 456.072(2) \_\_\_\_\_  
16 ~~specialist as set forth in this section and cease and desist~~  
17 ~~or other related action by the department as set forth in s.~~

18 \_\_\_\_\_

19 ~~establishment who engages in, aids, or abets any such~~  
20 ~~violation:~~

22 484.0512, or s. 484.053.

23           (b) Attempting to procure a license to dispense  
24 through an error of the department or the board.

26           (c) Having a license to dispense hearing aids revoked,  
27 licensure, by the licensing authority of another state,  
28 territory, or country.

31 plea of nolo contendere to, regardless of adjudication, a

1 crime in any jurisdiction which directly relates to the  
2 practice of dispensing hearing aids or the ability to practice  
3 dispensing hearing aids, including violations of any federal  
4 laws or regulations regarding hearing aids.

5 (e) Making or filing a report or record which the  
6 licensee knows to be false, intentionally or negligently  
7 failing to file a report or record required by state or  
8 federal law, willfully impeding or obstructing such filing, or  
9 inducing another person to impede or obstruct such filing.  
10 Such reports or records shall include only those reports or  
11 records which are signed in one's capacity as a licensed  
12 hearing aid specialist.

13 (f) Advertising goods or services in a manner which is  
14 fraudulent, false, deceptive, or misleading in form or  
15 content.

16 (g) Proof that the licensee is guilty of fraud or  
17 deceit or of negligence, incompetency, or misconduct in the  
18 practice of dispensing hearing aids.

19 ~~(h) Violation or repeated violation of this part or of~~  
20 ~~chapter 456, or any rules promulgated pursuant thereto.~~

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

25 (i)(j) Practicing with a revoked, suspended, inactive,  
26 or delinquent license.

27 (j)(k) Using, or causing or promoting the use of, any  
28 advertising matter, promotional literature, testimonial,  
29 guarantee, warranty, label, brand, insignia, or other  
30 representation, however disseminated or published, which is  
31 misleading, deceiving, or untruthful.

1           (k)~~(l)~~ Showing or demonstrating, or, in the event of  
2 sale, delivery of, a product unusable or impractical for the  
3 purpose represented or implied by such action.  
4           (l)~~(m)~~ Misrepresentation of professional services  
5 available in the fitting, sale, adjustment, service, or repair  
6 of a hearing aid, or use of the terms "doctor," "clinic,"  
7 "clinical," "medical audiologist," "clinical audiologist,"  
8 "research audiologist," or "audiologic" or any other term or  
9 title which might connote the availability of professional  
10 services when such use is not accurate.  
11           (m)~~(n)~~ Representation, advertisement, or implication  
12 that a hearing aid or its repair is guaranteed without  
13 providing full disclosure of the identity of the guarantor;  
14 the nature, extent, and duration of the guarantee; and the  
15 existence of conditions or limitations imposed upon the  
16 guarantee.  
17           (n)~~(o)~~ Representing, directly or by implication, that  
18 a hearing aid utilizing bone conduction has certain specified  
19 features, such as the absence of anything in the ear or  
20 leading to the ear, or the like, without disclosing clearly  
21 and conspicuously that the instrument operates on the bone  
22 conduction principle and that in many cases of hearing loss  
23 this type of instrument may not be suitable.  
24           (o)~~(p)~~ Making any predictions or prognostications as  
25 to the future course of a hearing impairment, either in  
26 general terms or with reference to an individual person.  
27           (p)~~(q)~~ Stating or implying that the use of any hearing  
28 aid will improve or preserve hearing or prevent or retard the  
29 progression of a hearing impairment or that it will have any  
30 similar or opposite effect.  
31

1           ~~(q)(r)~~ Making any statement regarding the cure of the  
2 cause of a hearing impairment by the use of a hearing aid.

3           ~~(r)(s)~~ Representing or implying that a hearing aid is  
4 or will be "custom-made," "made to order," or  
5 "prescription-made" or in any other sense specially fabricated  
6 for an individual person when such is not the case.

7           ~~(s)(t)~~ Canvassing from house to house or by telephone  
8 either in person or by an agent for the purpose of selling a  
9 hearing aid, except that contacting persons who have evidenced  
10 an interest in hearing aids, or have been referred as in need  
11 of hearing aids, shall not be considered canvassing.

12           ~~(t)(u)~~ Failure to submit to the board on an annual  
13 basis, or such other basis as may be provided by rule,  
14 certification of testing and calibration of audiometric  
15 testing equipment on the form approved by the board.

16           ~~(u)(v)~~ Failing to provide all information as described  
17 in s. 484.051(1).

18           ~~(v)(w)~~ Exercising influence on a client in such a  
19 manner as to exploit the client for financial gain of the  
20 licensee or of a third party.

21           ~~(w)~~ Violating any provision of this chapter or chapter  
22 456, or any rules adopted pursuant thereto.

23           ~~(2)(a)~~ The board may enter an order denying licensure  
24 or imposing any of the penalties in s. 456.072(2) against any  
25 applicant for licensure or licensee who is found guilty of  
26 violating any provision of subsection (1) of this section or  
27 who is found guilty of violating any provision of s.  
28 456.072(1).~~Except as provided in paragraph (b), when the~~  
29 ~~board finds any hearing aid specialist to be guilty of any of~~  
30 ~~the grounds set forth in subsection (1), it may enter an order~~  
31 ~~imposing one or more of the following penalties:~~

- 1 ~~1. Denial of an application for licensure.~~
- 2 ~~2. Revocation or suspension of a license.~~
- 3 ~~3. Imposition of an administrative fine not to exceed~~
- 4 ~~\$1,000 for each count or separate offense.~~
- 5 ~~4. Issuance of a reprimand.~~
- 6 ~~5. Placing the hearing aid specialist on probation for~~
- 7 ~~a period of time and subject to such conditions as the board~~
- 8 ~~may specify, including requiring the hearing aid specialist to~~
- 9 ~~attend continuing education courses or to work under the~~
- 10 ~~supervision of another hearing aid specialist.~~

- 11 ~~6. Restricting the authorized scope of practice.~~
- 12 (b) The board shall revoke the license of any hearing
- 13 aid specialist found guilty of canvassing as described in this
- 14 section.

15 Section 158. Subsections (1) and (2) of section  
16 486.125, Florida Statutes, are amended to read:

17 486.125 Refusal, revocation, or suspension of license;  
18 administrative fines and other disciplinary measures.--

19 (1) The following acts ~~shall~~ constitute grounds for  
20 denial of a license or disciplinary action, as specified in s.  
21 456.072(2)~~which the disciplinary actions specified in~~  
22 ~~subsection (2) may be taken:~~

23 (a) Being unable to practice physical therapy with  
24 reasonable skill and safety to patients by reason of illness  
25 or use of alcohol, drugs, narcotics, chemicals, or any other  
26 type of material or as a result of any mental or physical  
27 condition.

28 1. In enforcing this paragraph, upon a finding of the  
29 secretary or the secretary's designee that probable cause  
30 exists to believe that the licensee is unable to practice  
31 physical therapy due to the reasons stated in this paragraph,

1 the department shall have the authority to compel a physical  
2 therapist or physical therapist assistant to submit to a  
3 mental or physical examination by a physician designated by  
4 the department. If the licensee refuses to comply with such  
5 order, the department's order directing such examination may  
6 be enforced by filing a petition for enforcement in the  
7 circuit court where the licensee resides or serves as a  
8 physical therapy practitioner. The licensee against whom the  
9 petition is filed shall not be named or identified by initials  
10 in any public court records or documents, and the proceedings  
11 shall be closed to the public. The department shall be  
12 entitled to the summary procedure provided in s. 51.011.

13 2. A physical therapist or physical therapist  
14 assistant whose license is suspended or revoked pursuant to  
15 this subsection shall, at reasonable intervals, be given an  
16 opportunity to demonstrate that she or he can resume the  
17 competent practice of physical therapy with reasonable skill  
18 and safety to patients.

19 3. Neither the record of proceeding nor the orders  
20 entered by the board in any proceeding under this subsection  
21 may be used against a physical therapist or physical therapist  
22 assistant in any other proceeding.

23 (b) Having committed fraud in the practice of physical  
24 therapy or deceit in obtaining a license as a physical  
25 therapist or as a physical therapist assistant.

26 (c) Being convicted or found guilty regardless of  
27 adjudication, of a crime in any jurisdiction which directly  
28 relates to the practice of physical therapy or to the ability  
29 to practice physical therapy. The entry of any plea of nolo  
30 contendere shall be considered a conviction for purpose of  
31 this chapter.

- 1           (d) Having treated or undertaken to treat human  
3 in this chapter.  
4           (e) Failing to maintain acceptable standards of  
6 adopted pursuant to this chapter.  
7           (f) Engaging directly or indirectly in the dividing,  
9 received for professional services, or having been found to  
10 profit by means of a credit or other valuable consideration,  
12 any person referring a patient or with any relative or  
13 business associate of the referring person. Nothing in this  
15 regularly and properly organized business entity which is  
16 comprised of physical therapists and which is recognized under  
18 fees among themselves as they determine necessary.  
19           (g) Having a license revoked or suspended; having had  
21 had her or his application for a license refused, revoked, or  
22 suspended by the licensing authority of another state,  
24           (h) ~~Violating any provision of this chapter, a rule of  
the board or department, or a lawful order of the board or~~  
27           (i) Making or filing a report or record which the  
28 licensee knows to be false. Such reports or records shall  
30 physical therapist.  
31

1           (j) Practicing or offering to practice beyond the  
2 scope permitted by law or accepting and performing  
3 professional responsibilities which the licensee knows or has  
4 reason to know that she or he is not competent to perform,  
5 including, but not limited to, specific spinal manipulation.  
6           (k) Violating any provision of this chapter or chapter  
7 456, or any rules adopted pursuant thereto.  
8           (2) The board may enter an order denying licensure or  
9 imposing any of the penalties in s. 456.072(2) against any  
10 \_\_\_\_\_  
11 violating any provision of subsection (1) of this section or  
12 who is found guilty of violating any provision of s.  
13 \_\_\_\_\_ When the board finds any person guilty of any of  
14 \_\_\_\_\_  
15 ~~imposing one or more of the following penalties:~~  
16           ~~(a) Refusal to certify to the department an~~  
17 \_\_\_\_\_  
18           ~~(b) Revocation or suspension of a license.~~  
19           ~~(c) Restriction of practice.~~  
20 \_\_\_\_\_  
21 ~~\$1,000 for each count or separate offense.~~  
22           ~~(e) Issuance of a reprimand.~~  
23 \_\_\_\_\_  
24 ~~therapist assistant on probation for a period of time and~~  
25 ~~subject to such conditions as the board may specify,~~  
26 \_\_\_\_\_  
27 ~~therapist or physical therapist assistant to submit to~~  
28 ~~treatment, to attend continuing education courses, to submit~~  
29 \_\_\_\_\_  
30 ~~physical therapist.~~



1           ~~(g) Recovery of actual costs of investigation and~~  
2 ~~prosecution.~~  
3           Section 159. Section 490.009, Florida Statutes, is  
4 amended to read:  
5           490.009 Discipline.--  
6           ~~(1) When the department or, in the case of~~  
7 ~~psychologists, the board finds that an applicant, provisional~~  
8 ~~licensee, or licensee whom it regulates under this chapter has~~  
9 \_\_\_\_\_  
10 ~~issue an order imposing one or more of the following~~  
11 ~~penalties:~~  
12           \_\_\_\_\_  
13 ~~temporarily or permanently.~~  
14           ~~(b) Revocation of an application for licensure, either~~  
15 \_\_\_\_\_  
16           ~~(c) Suspension for a period of up to 5 years or~~  
17 ~~revocation of a license, after hearing.~~  
18           \_\_\_\_\_  
19 ~~120.60(6).~~  
20           ~~(e) Imposition of an administrative fine not to exceed~~  
21 \_\_\_\_\_  
22           ~~(f) Issuance of a public reprimand.~~  
23           ~~(g) Placement of an applicant or licensee on probation~~  
24 \_\_\_\_\_  
25 ~~the department or, in the case of psychologists, by the board,~~  
26 ~~including, but not limited to, requiring the applicant or~~  
27 \_\_\_\_\_  
28 ~~education courses, to submit to reexamination, or to work~~  
29 ~~under the supervision of a designated licensee.~~  
30           \_\_\_\_\_

1           ~~(1)(2)~~ The following acts constitute of a licensee,  
2 ~~provisional licensee, or applicant are~~ grounds for denial of a  
3 license or disciplinary action, as specified in s. 456.072(2)  
4 ~~which the disciplinary actions listed in subsection (1) may be~~  
5 ~~taken:~~

6           (a) Attempting to obtain, obtaining, or renewing a  
7 license under this chapter by bribery or fraudulent  
8 misrepresentation or through an error of the board or  
9 department.

10           (b) Having a license to practice a comparable  
11 profession revoked, suspended, or otherwise acted against,  
12 including the denial of certification or licensure by another  
13 state, territory, or country.

14           (c) Being convicted or found guilty, regardless of  
15 adjudication, of a crime in any jurisdiction which directly  
16 relates to the practice of his or her profession or the  
17 ability to practice his or her profession. A plea of nolo  
18 contendere creates a rebuttable presumption of guilt of the  
19 underlying criminal charges. However, the board shall allow  
20 the person who is the subject of the disciplinary proceeding  
21 to present any evidence relevant to the underlying charges and  
22 circumstances surrounding the plea.

23           (d) False, deceptive, or misleading advertising or  
24 obtaining a fee or other thing of value on the representation  
25 that beneficial results from any treatment will be guaranteed.

26           (e) Advertising, practicing, or attempting to practice  
27 under a name other than one's own.

28           (f) Maintaining a professional association with any  
29 person who the applicant or licensee knows, or has reason to  
30 believe, is in violation of this chapter or of a rule of the  
31

1 department or, in the case of psychologists, of the department  
2 or the board.

3 (g) Knowingly aiding, assisting, procuring, or  
4 advising any nonlicensed person to hold himself or herself out  
5 as licensed under this chapter.

6 (h) Failing to perform any statutory or legal  
7 obligation placed upon a person licensed under this chapter.

8 (i) Willfully making or filing a false report or  
9 record; failing to file a report or record required by state  
10 or federal law; willfully impeding or obstructing the filing  
11 of a report or record; or inducing another person to make or  
12 file a false report or record or to impede or obstruct the  
13 filing of a report or record. Such report or record includes  
14 only a report or record which requires the signature of a  
15 person licensed under this chapter.

16 (j) Paying a kickback, rebate, bonus, or other  
17 remuneration for receiving a patient or client, or receiving a  
18 kickback, rebate, bonus, or other remuneration for referring a  
19 patient or client to another provider of mental health care  
20 services or to a provider of health care services or goods;  
21 referring a patient or client to oneself for services on a  
22 fee-paid basis when those services are already being paid for  
23 by some other public or private entity; or entering into a  
24 reciprocal referral agreement.

25 (k) Committing any act upon a patient or client which  
26 would constitute sexual battery or which would constitute  
27 sexual misconduct as defined in s. 490.0111.

28 (l) Making misleading, deceptive, untrue, or  
29 fraudulent representations in the practice of any profession  
30 licensed under this chapter.

31

1           (m) Soliciting patients or clients personally, or  
2 through an agent, through the use of fraud, intimidation,  
4 conduct.

5           (n) Failing to make available to a patient or client,  
7 documents in the possession or under the control of the  
8 licensee which have been prepared for and paid for by the

10           (o) Failing to respond within 30 days to a written  
11 communication from the department concerning any investigation  
13 with respect to any investigation about the licensee's conduct  
14 or background.

16 he or she is licensed under this chapter with reasonable skill  
17 or competence as a result of any mental or physical condition

19 drugs, narcotics, chemicals, or any other substance. In  
20 enforcing this paragraph, upon a finding by the secretary, the

22 to believe that the licensee is unable to practice the  
23 profession because of the reasons stated in this paragraph,

25 to submit to a mental or physical examination by psychologists  
26 or physicians designated by the department or board. If the

28 department may file a petition for enforcement in the circuit  
29 court of the circuit in which the licensee resides or does

31 initials in the petition or in any other public court records

1 or documents, and the enforcement proceedings shall be closed  
2 to the public. The department shall be entitled to the  
3 summary procedure provided in s. 51.011. A licensee affected  
4 under this paragraph shall be afforded an opportunity at  
5 reasonable intervals to demonstrate that he or she can resume  
6 the competent practice for which he or she is licensed with  
7 reasonable skill and safety to patients.

8 ~~(q)~~ ~~Violating provisions of this chapter, or of~~  
9 ~~chapter 456, or any rules adopted pursuant thereto.~~

10 (q)~~(r)~~ Performing any treatment or prescribing any  
11 therapy which, by the prevailing standards of the mental  
12 health professions in the community, would constitute  
13 experimentation on human subjects, without first obtaining  
14 full, informed, and written consent.

15 (r)~~(s)~~ Failing to meet the minimum standards of  
16 performance in professional activities when measured against  
17 generally prevailing peer performance, including the  
18 undertaking of activities for which the licensee is not  
19 qualified by training or experience.

20 (s)~~(t)~~ Delegating professional responsibilities to a  
21 person whom the licensee knows or has reason to know is not  
22 qualified by training or experience to perform such  
23 responsibilities.

24 (t)~~(u)~~ Violating a rule relating to the regulation of  
25 the profession or a lawful order of the department previously  
26 entered in a disciplinary hearing.

27 (u)~~(v)~~ Failing to maintain in confidence a  
28 communication made by a patient or client in the context of  
29 such services, except as provided in s. 490.0147.

30  
31

1        ~~(v)(w)~~ Making public statements which are derived from  
2 test data, client contacts, or behavioral research and which  
3 identify or damage research subjects or clients.

4        (w) Violating any provision of this chapter or chapter  
5 456, or any rules adopted pursuant thereto.

6        (2) The board may enter an order denying licensure or  
7 imposing any of the penalties in s. 456.072(2) against any  
8 applicant for licensure or licensee who is found guilty of  
9 violating any provision of subsection (1) of this section or  
10 who is found guilty of violating any provision of s.  
11 456.072(1).

12        Section 160. Section 491.009, Florida Statutes, is  
13 amended to read:

14        491.009 Discipline.--

15        ~~(1) When the department or the board finds that an~~  
16 ~~applicant, licensee, provisional licensee, registered intern,~~  
17 ~~or certificateholder whom it regulates under this chapter has~~  
18 ~~committed any of the acts set forth in subsection (2), it may~~  
19 ~~issue an order imposing one or more of the following~~  
20 ~~penalties:~~

21        ~~(a) Denial of an application for licensure,~~  
22 ~~registration, or certification, either temporarily or~~  
23 ~~permanently.~~

24        ~~(b) Revocation of an application for licensure,~~  
25 ~~registration, or certification, either temporarily or~~  
26 ~~permanently.~~

27        ~~(c) Suspension for a period of up to 5 years or~~  
28 ~~revocation of a license, registration, or certificate, after~~  
29 ~~hearing.~~

30        ~~(d) Immediate suspension of a license, registration,~~  
31 ~~or certificate pursuant to s. 120.60(6).~~

- 1           ~~(e) Imposition of an administrative fine not to exceed~~  
2 ~~\$1,000 for each count or separate offense.~~
- 3           ~~(f) Issuance of a public reprimand.~~
- 4           ~~(g) Placement of an applicant, licensee, registered~~  
5 ~~intern, or certificateholder on probation for a period of time~~  
6 ~~and subject to such conditions as the board may specify,~~  
7 ~~including, but not limited to, requiring the applicant,~~  
8 ~~licensee, registered intern, or certificateholder to submit to~~  
9 ~~treatment, to attend continuing education courses, to submit~~  
10 ~~to reexamination, or to work under the supervision of a~~  
11 ~~designated licensee or certificateholder.~~
- 12           ~~(h) Restriction of practice.~~
- 13           ~~(1)(2) The following acts constitute of a licensee,~~  
14 ~~provisional licensee, registered intern, certificateholder, or~~  
15 ~~applicant are grounds for denial of a license or disciplinary~~  
16 ~~action, as specified in s. 456.072(2), which the disciplinary~~  
17 ~~actions listed in subsection (1) may be taken:~~
- 18           (a) Attempting to obtain, obtaining, or renewing a  
19 license, registration, or certificate under this chapter by  
20 bribery or fraudulent misrepresentation or through an error of  
21 the board or the department.
- 22           (b) Having a license, registration, or certificate to  
23 practice a comparable profession revoked, suspended, or  
24 otherwise acted against, including the denial of certification  
25 or licensure by another state, territory, or country.
- 26           (c) Being convicted or found guilty of, regardless of  
27 adjudication, or having entered a plea of nolo contendere to,  
28 a crime in any jurisdiction which directly relates to the  
29 practice of his or her profession or the ability to practice  
30 his or her profession. However, in the case of a plea of nolo  
31 contendere, the board shall allow the person who is the

1 subject of the disciplinary proceeding to present evidence in  
2 mitigation relevant to the underlying charges and  
3 circumstances surrounding the plea.

4 (d) False, deceptive, or misleading advertising or  
5 obtaining a fee or other thing of value on the representation  
6 that beneficial results from any treatment will be guaranteed.

7 (e) Advertising, practicing, or attempting to practice  
8 under a name other than one's own.

9 (f) Maintaining a professional association with any  
10 person who the applicant, licensee, registered intern, or  
11 certificateholder knows, or has reason to believe, is in  
12 violation of this chapter or of a rule of the department or  
13 the board.

14 (g) Knowingly aiding, assisting, procuring, or  
15 advising any nonlicensed, nonregistered, or noncertified  
16 person to hold himself or herself out as licensed, registered,  
17 or certified under this chapter.

18 (h) Failing to perform any statutory or legal  
19 obligation placed upon a person licensed, registered, or  
20 certified under this chapter.

21 (i) Willfully making or filing a false report or  
22 record; failing to file a report or record required by state  
23 or federal law; willfully impeding or obstructing the filing  
24 of a report or record; or inducing another person to make or  
25 file a false report or record or to impede or obstruct the  
26 filing of a report or record. Such report or record includes  
27 only a report or record which requires the signature of a  
28 person licensed, registered, or certified under this chapter.

29 (j) Paying a kickback, rebate, bonus, or other  
30 remuneration for receiving a patient or client, or receiving a  
31 kickback, rebate, bonus, or other remuneration for referring a



1 patient or client to another provider of mental health care  
2 services or to a provider of health care services or goods;  
3 referring a patient or client to oneself for services on a  
4 fee-paid basis when those services are already being paid for  
5 by some other public or private entity; or entering into a  
6 reciprocal referral agreement.

7 (k) Committing any act upon a patient or client which  
8 would constitute sexual battery or which would constitute  
9 sexual misconduct as defined pursuant to s. 491.0111.

10 (l) Making misleading, deceptive, untrue, or  
11 fraudulent representations in the practice of any profession  
12 licensed, registered, or certified under this chapter.

13 (m) Soliciting patients or clients personally, or  
14 through an agent, through the use of fraud, intimidation,  
15 undue influence, or a form of overreaching or vexatious  
16 conduct.

17 (n) Failing to make available to a patient or client,  
18 upon written request, copies of tests, reports, or documents  
19 in the possession or under the control of the licensee,  
20 registered intern, or certificateholder which have been  
21 prepared for and paid for by the patient or client.

22 (o) Failing to respond within 30 days to a written  
23 communication from the department or the board concerning any  
24 investigation by the department or the board, or failing to  
25 make available any relevant records with respect to any  
26 investigation about the licensee's, registered intern's, or  
27 certificateholder's conduct or background.

28 (p) Being unable to practice the profession for which  
29 he or she is licensed, registered, or certified under this  
30 chapter with reasonable skill or competence as a result of any  
31 mental or physical condition or by reason of illness;

1 drunkenness; or excessive use of drugs, narcotics, chemicals,  
2 or any other substance. In enforcing this paragraph, upon a  
3 finding by the secretary, the secretary's designee, or the  
4 board that probable cause exists to believe that the licensee,  
5 registered intern, or certificateholder is unable to practice  
6 the profession because of the reasons stated in this  
7 paragraph, the department shall have the authority to compel a  
8 licensee, registered intern, or certificateholder to submit to  
9 a mental or physical examination by psychologists, physicians,  
10 or other licensees under this chapter, designated by the  
11 department or board. If the licensee, registered intern, or  
12 certificateholder refuses to comply with such order, the  
13 department's order directing the examination may be enforced  
14 by filing a petition for enforcement in the circuit court in  
15 the circuit in which the licensee, registered intern, or  
16 certificateholder resides or does business. The licensee,  
17 registered intern, or certificateholder against whom the  
18 petition is filed shall not be named or identified by initials  
19 in any public court records or documents, and the proceedings  
20 shall be closed to the public. The department shall be  
21 entitled to the summary procedure provided in s. 51.011. A  
22 licensee, registered intern, or certificateholder affected  
23 under this paragraph shall at reasonable intervals be afforded  
24 an opportunity to demonstrate that he or she can resume the  
25 competent practice for which he or she is licensed,  
26 registered, or certified with reasonable skill and safety to  
27 patients.

28 ~~(q) Violating provisions of this chapter, or of~~  
29 ~~chapter 456, or any rules adopted pursuant thereto.~~

30 (q)(r) Performing any treatment or prescribing any  
31 therapy which, by the prevailing standards of the mental

1 health professions in the community, would constitute  
2 experimentation on human subjects, without first obtaining  
3 full, informed, and written consent.

4 (r)~~(s)~~ Failing to meet the minimum standards of  
5 performance in professional activities when measured against  
6 generally prevailing peer performance, including the  
7 undertaking of activities for which the licensee, registered  
8 intern, or certificateholder is not qualified by training or  
9 experience.

10 (s)~~(t)~~ Delegating professional responsibilities to a  
11 person whom the licensee, registered intern, or  
12 certificateholder knows or has reason to know is not qualified  
13 by training or experience to perform such responsibilities.

14 (t)~~(u)~~ Violating a rule relating to the regulation of  
15 the profession or a lawful order of the department or the  
16 board previously entered in a disciplinary hearing.

17 (u)~~(v)~~ Failure of the licensee, registered intern, or  
18 certificateholder to maintain in confidence a communication  
19 made by a patient or client in the context of such services,  
20 except as provided in s. 491.0147.

21 (v)~~(w)~~ Making public statements which are derived from  
22 test data, client contacts, or behavioral research and which  
23 identify or damage research subjects or clients.

24 (w) Violating any provision of this chapter or chapter  
25 456, or any rules adopted pursuant thereto.

26 (2) The board may enter an order denying licensure or  
27 imposing any of the penalties in s. 456.072(2) against any  
28 applicant for licensure or licensee who is found guilty of  
29 violating any provision of subsection (1) of this section or  
30 who is found guilty of violating any provision of s.  
31 456.072(1).

1           Section 161. Subsection (1) of section 456.074,  
2 Florida Statutes, is amended to read:

3           456.074 Certain health care practitioners; immediate  
4 suspension of license.--

5           (1) The department shall issue an emergency order  
6 suspending the license of any person licensed under chapter  
7 458, chapter 459, chapter 460, chapter 461, chapter 462,  
8 chapter 463, chapter 464, chapter 465, chapter 466, or chapter  
9 484 who pleads guilty to, is convicted or found guilty of, or  
10 who enters a plea of nolo contendere to, regardless of  
11 adjudication, a felony under chapter 409, chapter 817, or  
12 chapter 893 or under 21 U.S.C. ss. 801-970 or under 42 U.S.C.  
13 ss. 1395-1396.

14           Section 162. Effective July 1, 2003, section 464.005,  
15 Florida Statutes, is amended to read:

16           464.005 Board headquarters.--The board shall maintain  
17 its official headquarters in Tallahassee ~~the city in which it~~  
18 ~~has been domiciled for the past 5 years.~~

19           Section 163. Except as otherwise provided herein, this  
20 act shall take effect July 1, 2001.

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HOUSE SUMMARY

Provides legislative intent and findings with respect to the Medical Quality Assurance Trust Fund and function administered by the Department of Health. Requires the Auditor General to do a followup Medical Quality Assurance audit and issue a report to the Legislature. Requires the Office of Program Policy Analysis and Government Accountability to study the feasibility of maintaining the Medical Quality Assurance function within a single department and issue a report to the Legislature. Caps indirect costs allowable under contracts the department has with private entity vendors or other state agencies. Exempts the Medical Quality Assurance Trust Fund from the general revenue service charge for 2 fiscal years. Provides requirements for rules relating to biennial renewal of licenses. Revises requirements relating to the setting and use of fees for the regulation of health care professions and practitioners, including continuing education fees. Provides for an electronic continuing education tracking system. Requires the unlicensed activity fee to be in addition to all other fees collected from each licensee. Requires board meetings to be conducted through teleconferencing or other technological means except under certain circumstances. Requires the department to charge initial license fees. Provides for administration of national examinations and termination of state-administered written examinations. Provides for administration of state-administered practical or clinical examinations if paid for in advance by the examination candidates. Provides legislative intent with respect to the use of national examinations and the removal of state-administered examinations as a barrier to licensure. Provides for electronic access to and posting of examination scores under certain conditions. Provides for the sharing of examinations or examination item banks with certain entities. Provides for review of questions by legal counsel under certain circumstances. Provides for electronic administration of all laws and rules examinations. Provides for electronic notification of a licensee's current mailing address and place of practice. Includes optical establishments and optometry branch offices among provisions relating to active status requirements of business establishments. Authorizes a letter of guidance in lieu of a finding of probable cause under certain conditions. Provides for the posting of newsletters on the department's website. Revises and provides grounds for discipline of licensees and the disciplinary actions that may be taken. Requires mitigating or aggravating circumstances to be in the final order to be considered in the imposition of penalties. Provides for immediate suspension of license for violations relating to fraudulent practices. Provides for future relocation of the headquarters of the Board of Nursing. See bill for details.