

By the Committees on Appropriations; Health, Aging, and Long-Term Care; and Senators Peadar and Jones

309-2582-04

1 A bill to be entitled
2 An act relating to a health care practitioner
3 workforce database; creating s. 381.03015,
4 F.S.; providing legislative intent with respect
5 to a health care practitioner workforce
6 database; providing definitions; creating the
7 Florida Health Care Practitioner Workforce
8 Database within the Department of Health;
9 authorizing the database to be implemented in
10 stages; giving priority in the database for
11 information concerning allopathic and
12 osteopathic physicians; specifying data
13 elements of allopathic and osteopathic
14 physicians for inclusion in the database;
15 requiring that data for the health care
16 practitioner workforce database be gathered
17 from existing data sources; requiring certain
18 entities to provide data elements to the
19 department; authorizing the department to
20 create an advisory committee; requiring the
21 department to adopt rules; providing that the
22 act will not take effect unless funds are
23 specifically appropriated for this purpose;
24 prohibiting the use of a specified trust fund
25 to administer the act; amending s. 456.039,
26 F.S.; revising the requirements for updating
27 the information submitted by designated health
28 care professionals for licensure and license
29 renewal; authorizing the Department of Health
30 to receive automated criminal arrest
31 information concerning health care

1 professionals who are subject to the profiling
2 requirements; requiring certain health
3 professionals to submit fingerprints to the
4 Department of Health and to pay fees for a
5 criminal history records check; amending s.
6 456.0391, F.S.; revising the requirements for
7 information submitted by advanced registered
8 nurse practitioners for certification;
9 authorizing the Department of Health to receive
10 automated criminal arrest information
11 concerning health care professionals who are
12 subject to the profiling requirements;
13 requiring certain health professionals to
14 submit fingerprints to the Department of Health
15 and to pay fees for a criminal history records
16 check; requiring applications for a physician
17 license and license renewal to be submitted
18 electronically by a specified date; amending s.
19 456.042, F.S.; requiring designated health care
20 practitioners to electronically submit updates
21 of required information for compilation into
22 practitioner profiles; amending s. 456.051,
23 F.S.; revising requirements for the Department
24 of Health to publish reports of claims or
25 actions for damages for certain health care
26 practitioners on the practitioner profiles;
27 amending ss. 458.319, 459.008, 460.407, and
28 461.007, F.S.; revising requirements for
29 physician licensure renewal; authorizing the
30 Department of Health to gain access to renewal
31 applicants' records in an automated system

1 maintained by the Department of Law
2 Enforcement; amending s. 461.014, F.S.;
3 providing that each hospital annually provide a
4 list of podiatric residents; providing an
5 appropriation; providing an effective date.
6

7 Be It Enacted by the Legislature of the State of Florida:
8

9 Section 1. Section 381.03015, Florida Statutes, is
10 created to read:

11 381.03015 Florida Health Care Practitioner Workforce
12 Database.--

13 (1) LEGISLATIVE FINDINGS AND INTENT.--

14 (a) The Legislature finds that the state health
15 policies designed to expand patient access and improve the
16 quality of health care delivery must take into consideration
17 the supply, distribution, diversity, academic preparation, and
18 utilization of the state's health care workforce. The
19 Legislature further finds that the absence of accurate,
20 objective, relevant, and timely data concerning the health
21 care workforce in this state is a barrier to developing and
22 implementing optimal programmatic and fiscal policies relating
23 to the education and training of health care practitioners and
24 the delivery of health care services.

25 (b) In order to eliminate these barriers, it is the
26 intent of the Legislature to create the Florida Health Care
27 Practitioner Workforce Database within the Department of
28 Health. The database shall provide the capacity for the
29 collection, compilation, maintenance, and analysis of data
30 concerning the state's health care workforce. It is further
31 the intent of the Legislature that the workforce database

1 serve as the official state repository of data that can be
2 used by the Legislature, the Executive Office of the Governor,
3 state agencies, and state, regional, and local entities
4 involved in planning, analysis, and policy development for the
5 health care workforce and in the delivery of health care
6 services.

7 (2) DEFINITIONS.--As used in this section, the term:

8 (a) "Department" means the Department of Health.

9 (b) "Health care practitioner" has the same meaning as
10 provided in s. 456.001.

11 (3) FLORIDA HEALTH CARE PRACTITIONER WORKFORCE
12 DATABASE.--

13 (a) The Florida Health Care Practitioner Workforce
14 Database is the electronic repository of data elements for
15 each health care profession identified by the department for
16 inclusion in the database. Data elements shall be maintained
17 for as many years as necessary to allow for an analysis of
18 longitudinal trends. To the maximum extent feasible, data
19 elements must be collected and maintained using standardized
20 definitions in order to allow for multistate or national
21 comparisons of this state's data.

22 (b) The workforce database may be implemented in
23 phases; however, the highest priority must be given to
24 including the data elements for allopathic and osteopathic
25 physicians in the database. Inclusion of data elements for
26 other health care practitioners may be accomplished in
27 subsequent phases, as resources allow with priority given to
28 the inclusion of health care practitioners who are subject to
29 the practitioner profiling system under s. 456.041. The
30 department shall develop an implementation plan that
31 recommends the priority order in which other health care

1 practitioners may be added to the database, identifies the
2 data elements to be collected for each group of health care
3 practitioners, and provides an estimate of the cost associated
4 with the addition of each group of health care practitioners
5 to the database. The data elements collected for nurses shall
6 be identified by the department, based upon recommendations
7 made by the Florida Center for Nursing. The implementation
8 plan shall also provide an analysis of technical issues and an
9 estimate of the costs associated with collecting the following
10 data elements for allopathic and osteopathic physicians
11 through the licensing processes of the Board of Medicine and
12 the Board of Osteopathic Medicine under s. 456.039, or through
13 the profiling process for health care practitioners under s.
14 456.041:

15 1. The physician's secondary practice location, if
16 any, including the street address, municipality, county, and
17 zip code.

18 2. The approximate number of hours per week spent in
19 each practice location.

20 3. Each practice setting, by major category of
21 practice setting, including, but not limited to, office-based
22 practice, hospital-based practice, nursing home, health
23 maintenance organization, and county health department.

24 4. Whether the physician is a full-time member of a
25 medical school faculty.

26 5. Whether the physician plans to reduce his or her
27 practice volume by a significant percent within the effective
28 period of the currently held license.

29

30 The implementation plan shall be submitted to the Governor and
31 Legislature by December 1, 2005.

1 (4) The data elements for allopathic and osteopathic
2 physicians shall include the following:

3 (a) Data elements for each allopathic and osteopathic
4 physician licensed to practice in this state:

5 1. Name.

6 2. Date of birth.

7 3. Place of birth.

8 4. Gender.

9 5. Race.

10 6. Social security number.

11 7. Name of medical school.

12 8. Year of graduation from medical school.

13 9. Location of medical school.

14 10. Name of each graduate medical education program
15 completed.

16 11. Year of completion of each graduate medical
17 education program.

18 12. Location of each graduate medical education
19 program completed.

20 13. Type of each graduate medical education program
21 completed, such as internship, residency, or fellowship.

22 14. Each medical specialty or subspecialty that the
23 physician practices.

24 15. Each medical specialty board certification held.

25 16. The primary practice location, including the
26 street address, municipality, county, and zip code for each
27 location.

28 (b) Data elements for each graduate of a Florida
29 allopathic or osteopathic medical school:

30 1. Name.

31 2. Date of birth.

- 1 3. Place of birth.
- 2 4. Gender.
- 3 5. Race.
- 4 6. Social security number.
- 5 7. Name of medical school.
- 6 8. Year of graduation from medical school.
- 7 9. Name and location, by state and country, of the
- 8 graduate medical education program that the graduate plans to
- 9 enter.
- 10 10. Type of graduate medical education program, such
- 11 as internship or residency, which the graduate plans to enter,
- 12 including the identification of graduate medical education
- 13 programs during postgraduate year 1 and postgraduate year 2,
- 14 if applicable, for graduates entering preliminary or
- 15 transitional positions during postgraduate year 1.
- 16 (c) Data elements for each allopathic or osteopathic
- 17 physician completing a graduate medical education program in
- 18 this state:
- 19 1. Name.
- 20 2. Date of birth.
- 21 3. Place of birth.
- 22 4. Gender.
- 23 5. Race.
- 24 6. Social security number.
- 25 7. Name of medical school.
- 26 8. Year of graduation from medical school.
- 27 9. Location, by state and country, of the medical
- 28 school.
- 29 10. Name and location, by state and country, of the
- 30 graduate medical education program.
- 31

1 (5) REQUIRED USE OF EXISTING DATA SOURCES.--It is the
2 intent of the Legislature to minimize the cost of creating and
3 operating the Florida Health Care Practitioner Workforce
4 Database and to avoid unwarranted duplication of existing
5 data. Therefore, to the maximum extent possible, the data
6 included in the workforce database shall be derived from
7 existing data sources except as provided in paragraph (6)(a).
8 New data shall be collected for inclusion in the workforce
9 database only when the department determines that such data
10 are essential for evaluating and analyzing the health care
11 professions and when the data cannot be obtained from existing
12 sources.

13 (6)(a) Data elements sought to satisfy paragraph
14 (4)(a) shall be obtained from the licensing processes of the
15 Board of Medicine and the Board of Osteopathic Medicine under
16 s. 456.039, and from the profiling process for health care
17 practitioners under s. 456.041. In addition to the data
18 collected under ss. 456.039 and 456.041, the Board of Medicine
19 and the Board of Osteopathic Medicine shall collect the
20 following data from each person applying for initial licensure
21 or licensure renewal to practice medicine or osteopathic
22 medicine as a physician after July 1, 2005, and the Department
23 of Health shall enter the data into the database used for
24 licensure or an equivalent database:

- 25 1. The place of the applicant's birth.
- 26 2. The state and country of the medical school from
27 which the applicant graduated.
- 28 3. Each medical specialty or subspecialty that the
29 physician practices.

30 (b) Each medical school in this state shall annually
31 submit the data elements described in paragraph (4)(b) to the

1 department, in a manner prescribed by the department, for each
2 medical student who provides written consent to the medical
3 school authorizing the release of his or her data to the
4 department.

5 (c) Each graduate medical education program in this
6 state shall annually submit the data elements described in
7 paragraph (4)(c) to the department, in the manner prescribed
8 by the department, for each intern or resident who provides
9 written consent to the residency program authorizing the
10 release of his or her data to the department.

11 (7) IMPLEMENTATION.--

12 (a) The Secretary of Health may establish an advisory
13 committee to monitor the creation and implementation of the
14 Florida Health Care Practitioner Workforce Database.

15 (b) The department may employ or assign agency staff
16 or may contract, on a competitive-bid basis, with an
17 appropriate entity to administer the workforce database.

18 (8) RULEMAKING.--The department shall adopt rules
19 under ss. 120.536(1) and 120.54 to administer this section.

20 Section 2. Section 1 of this act shall not take effect
21 unless sufficient funds are allocated in a specific
22 appropriation or in the General Appropriations Act for the
23 2004-2005 fiscal year to fund the Florida Health Care
24 Practitioner Workforce Database. The Medical Quality Assurance
25 Trust Fund may not be used to fund the administration of this
26 act.

27 Section 3. Subsections (3) and (4) of section 456.039,
28 Florida Statutes, are amended to read:

29 456.039 Designated health care professionals;
30 information required for licensure.--

31

1 (3) Each person who has submitted information under
2 ~~pursuant to~~ subsection (1) must update that information in
3 writing by notifying the department ~~of Health~~ within 15 ~~45~~
4 days after the occurrence of an event or the attainment of a
5 status that is required to be reported by subsection (1).
6 Failure to comply with the requirements of this subsection to
7 update and submit information constitutes a ground for
8 disciplinary action under each respective licensing chapter
9 and s. 456.072(1)(k). For failure to comply with the
10 requirements of this subsection to update and submit
11 information, the department or board, as appropriate, may:

12 (a) Refuse to issue a license to any person applying
13 for initial licensure who fails to submit and update the
14 required information.

15 (b) Issue a citation to any licensee who fails to
16 submit and update the required information and may fine the
17 licensee up to \$50 for each day that the licensee is not in
18 compliance with this subsection. The citation must clearly
19 state that the licensee may choose, in lieu of accepting the
20 citation, to follow the procedure under s. 456.073. If the
21 licensee disputes the matter in the citation, the procedures
22 set forth in s. 456.073 must be followed. However, if the
23 licensee does not dispute the matter in the citation with the
24 department within 30 days after the citation is served, the
25 citation becomes a final order and constitutes discipline.
26 Service of a citation may be made by personal service or
27 certified mail, restricted delivery, to the subject at the
28 licensee's last known address.

29 (4)(a) An applicant for initial licensure must submit
30 a set of fingerprints to the Department of Health in
31

1 accordance with s. 458.311, s. 458.3115, s. 458.3124, s.
2 458.313, s. 459.0055, s. 460.406, or s. 461.006.

3 (b) An applicant for renewed licensure must submit a
4 set of fingerprints for the initial renewal of his or her
5 license after January 1, 2000, to the department ~~agency~~
6 ~~regulating that profession~~ in accordance with procedures
7 established under s. 458.319, s. 459.008, s. 460.407, or s.
8 461.007.

9 (c) The Department of Health shall submit the
10 fingerprints provided by an applicant for initial licensure to
11 the Florida Department of Law Enforcement for a statewide
12 criminal history check, and the Florida Department of Law
13 Enforcement shall forward the fingerprints to the Federal
14 Bureau of Investigation for a national criminal history check
15 of the applicant. The department shall submit the
16 fingerprints provided by an applicant for a renewed license to
17 the Florida Department of Law Enforcement for a statewide
18 criminal history check, and the Florida Department of Law
19 Enforcement shall forward the fingerprints to the Federal
20 Bureau of Investigation for a national criminal history check
21 for the initial renewal of the applicant's license after
22 January 1, 2000; for any subsequent renewal of the applicant's
23 license, the department shall submit the required information
24 for a statewide criminal history check of the applicant.

25 (d) Any applicant for initial licensure or renewal of
26 licensure as a health care practitioner who submits to the
27 Department of Health a set of fingerprints or information
28 required for the criminal history check required under this
29 section shall not be required to provide a subsequent set of
30 fingerprints or other duplicate information required for a
31 criminal history check to the Agency for Health Care

1 Administration, the Department of Juvenile Justice, or the
2 Department of Children and Family Services for employment or
3 licensure with such agency or department if the applicant has
4 undergone a criminal history check as a condition of initial
5 licensure or licensure renewal as a health care practitioner
6 with the Department of Health or any of its regulatory boards,
7 notwithstanding any other provision of law to the contrary. In
8 lieu of such duplicate submission, the Agency for Health Care
9 Administration, the Department of Juvenile Justice, and the
10 Department of Children and Family Services shall obtain
11 criminal history information for employment or licensure of
12 health care practitioners by such agency and departments from
13 the Department of Health's health care practitioner
14 credentialing system.

15 (e) Fingerprints obtained by the Department of Health
16 under paragraph (a) shall be retained by the Department of Law
17 Enforcement and must be entered in the statewide automated
18 fingerprint identification system authorized by s.
19 943.05(2)(b). Such fingerprints shall thereafter be available
20 for all purposes and uses authorized for arrest fingerprint
21 cards entered in the statewide automated fingerprint
22 identification system pursuant to s. 943.051.

23 (f) Beginning December 15, 2004, the Department of Law
24 Enforcement shall search all arrest fingerprint cards received
25 under s. 943.051 against the fingerprints retained in the
26 statewide automated fingerprint identification system under
27 paragraph (e). Any arrest records that are thus identified
28 with the retained applicant fingerprints must be reported to
29 the Department of Health. The Department of Health must
30 participate in this search process by paying an annual fee to
31 the Department of Law Enforcement and by informing the

1 Department of Law Enforcement of any change in the licensure
2 status of each applicant whose fingerprints are retained under
3 paragraph (e). The Department of Law Enforcement shall
4 establish by rule the amount of the annual fee to be imposed
5 on the Department of Health for performing these searches, for
6 retaining fingerprints of licensed health care practitioners,
7 and for disseminating search results. Each applicant for
8 licensure or license renewal who is subject to the
9 requirements of this section and whose fingerprints are
10 retained by the Department of Law Enforcement shall pay to the
11 Department of Health, at the time of initial licensure or
12 license renewal, an amount equal to the costs incurred by the
13 Department of Health for access to records in the statewide
14 automated fingerprint identification system in lieu of payment
15 of fees for a statewide criminal background check of the
16 applicant.

17 Section 4. Subsections (3) and (4) of section
18 456.0391, Florida Statutes, are amended to read:

19 456.0391 Advanced registered nurse practitioners;
20 information required for certification.--

21 (3) Each person certified under s. 464.012 who has
22 submitted information pursuant to subsection (1) must update
23 that information in writing by notifying the department ~~of~~
24 ~~Health~~ within 15 ~~45~~ days after the occurrence of an event or
25 the attainment of a status that is required to be reported by
26 subsection (1). Failure to comply with the requirements of
27 this subsection to update and submit information constitutes a
28 ground for disciplinary action under chapter 464 and s.
29 456.072(1)(k). For failure to comply with the requirements of
30 this subsection to update and submit information, the
31 department or board, as appropriate, may:

1 (a) Refuse to issue a certificate to any person
2 applying for initial certification who fails to submit and
3 update the required information.

4 (b) Issue a citation to any certificateholder who
5 fails to submit and update the required information and may
6 fine the certificateholder up to \$50 for each day that the
7 certificateholder is not in compliance with this subsection.
8 The citation must clearly state that the certificateholder may
9 choose, in lieu of accepting the citation, to follow the
10 procedure under s. 456.073. If the certificateholder disputes
11 the matter in the citation, the procedures set forth in s.
12 456.073 must be followed. However, if the certificateholder
13 does not dispute the matter in the citation with the
14 department within 30 days after the citation is served, the
15 citation becomes a final order and constitutes discipline.
16 Service of a citation may be made by personal service or
17 certified mail, restricted delivery, to the subject at the
18 certificateholder's last known address.

19 (4)(a) An applicant for initial certification under s.
20 464.012 must submit a set of fingerprints to the Department of
21 Health on a form and under procedures specified by the
22 department, along with payment in an amount equal to the costs
23 incurred by the Department of Health for a national criminal
24 history check of the applicant.

25 (b) An applicant for renewed certification who has ~~not~~
26 previously submitted a set of fingerprints to the Department
27 of Health for purposes of certification must submit a set of
28 fingerprints to the department as a condition of the initial
29 renewal of his or her certificate after the effective date of
30 this section. The applicant must submit the fingerprints on a
31 form and under procedures specified by the department, along

1 with payment in an amount equal to the costs incurred by the
2 Department of Health for a national criminal history check.
3 For subsequent renewals, the applicant for renewed
4 certification must only submit information necessary to
5 conduct a statewide criminal history check, along with payment
6 in an amount equal to the costs incurred by the Department of
7 Health for a statewide criminal history check.

8 (c)1. The Department of Health shall submit the
9 fingerprints provided by an applicant for initial
10 certification to the Florida Department of Law Enforcement for
11 a statewide criminal history check, and the Florida Department
12 of Law Enforcement shall forward the fingerprints to the
13 Federal Bureau of Investigation for a national criminal
14 history check of the applicant.

15 2. The department shall submit the fingerprints
16 provided by an applicant for the initial renewal of
17 certification to the Florida Department of Law Enforcement for
18 a statewide criminal history check, and the Florida Department
19 of Law Enforcement shall forward the fingerprints to the
20 Federal Bureau of Investigation for a national criminal
21 history check for the initial renewal of the applicant's
22 certificate after the effective date of this section.

23 3. For any subsequent renewal of the applicant's
24 certificate, the department shall submit the required
25 information for a statewide criminal history check of the
26 applicant to the Florida Department of Law Enforcement.

27 (d) Any applicant for initial certification or renewal
28 of certification as an advanced registered nurse practitioner
29 who submits to the Department of Health a set of fingerprints
30 and information required for the criminal history check
31 required under this section shall not be required to provide a

1 subsequent set of fingerprints or other duplicate information
2 required for a criminal history check to the Agency for Health
3 Care Administration, the Department of Juvenile Justice, or
4 the Department of Children and Family Services for employment
5 or licensure with such agency or department, if the applicant
6 has undergone a criminal history check as a condition of
7 initial certification or renewal of certification as an
8 advanced registered nurse practitioner with the Department of
9 Health, notwithstanding any other provision of law to the
10 contrary. In lieu of such duplicate submission, the Agency for
11 Health Care Administration, the Department of Juvenile
12 Justice, and the Department of Children and Family Services
13 shall obtain criminal history information for employment or
14 licensure of persons certified under s. 464.012 by such agency
15 or department from the Department of Health's health care
16 practitioner credentialing system.

17 (e) Fingerprints obtained by the Department of Health
18 under paragraph (a) shall be retained by the Department of Law
19 Enforcement and must be entered in the statewide automated
20 fingerprint identification system authorized by s.
21 943.05(2)(b). Such fingerprints shall thereafter be available
22 for all purposes and uses authorized for arrest fingerprint
23 cards entered in the statewide automated fingerprint
24 identification system pursuant to s. 943.051.

25 (f) Beginning December 15, 2004, the Department of Law
26 Enforcement shall search all arrest fingerprint cards received
27 under s. 943.051 against the fingerprints retained in the
28 statewide automated fingerprint identification system under
29 paragraph (e). Any arrest records that are thus identified
30 with the retained applicant fingerprints must be reported to
31 the Department of Health. The Department of Health must

1 participate in this search process by paying an annual fee to
2 the Department of Law Enforcement and by informing the
3 Department of Law Enforcement of any change in the
4 certification status of each applicant whose fingerprints are
5 retained under paragraph (e). The Department of Law
6 Enforcement shall establish by rule the amount of the annual
7 fee to be imposed on the Department of Health for performing
8 these searches, for retaining fingerprints of certified health
9 care practitioners, and for disseminating search results. Each
10 applicant for certification or certification renewal who is
11 subject to the requirements of this section and whose
12 fingerprints are retained by the Department of Law Enforcement
13 shall pay to the Department of Health, at the time of initial
14 certification or certification renewal, an amount equal to the
15 costs incurred by the Department of Health for access to
16 records in the statewide automated fingerprint identification
17 system in lieu of payment of fees for a statewide criminal
18 background check of the applicant.

19 Section 5. (1)(a) Beginning July 1, 2006, the
20 application forms for an initial license and a license renewal
21 for physicians licensed under chapter 458, chapter 459,
22 chapter 460, or chapter 461, Florida Statutes, shall be
23 submitted electronically through the Internet unless the
24 applicant provides an explanation for not doing so.

25 (b) Beginning July 1, 2007, the application forms for
26 an initial license and a license renewal for physicians
27 licensed under chapter 458, chapter 459, chapter 460, or
28 chapter 461, Florida Statutes, shall be submitted
29 electronically through the Internet.

30 (c) The department shall issue the license or renew a
31 license if the applicant provides satisfactory evidence that

1 all conditions and requirements of licensure or license
2 renewal have been met.

3 Section 6. Section 456.042, Florida Statutes, is
4 amended to read:

5 456.042 Practitioner profiles; update.--A practitioner
6 must submit updates of required information within 15 days
7 after the final activity that renders such information a fact.
8 Practitioners may submit the required information
9 electronically through the Internet. Beginning July 1, 2007, a
10 practitioner must electronically submit updates of required
11 information through the Internet within 15 days after the
12 final activity that renders such information a fact.The
13 department of ~~Health~~ shall update each practitioner's
14 practitioner profile periodically. An updated profile is
15 subject to the same requirements as an original profile.

16 Section 7. Subsection (1) of section 456.051, Florida
17 Statutes, is amended to read:

18 456.051 Reports of professional liability actions;
19 bankruptcies; Department of Health's responsibility to
20 provide.--

21 (1) The report of a claim or action for damages for
22 personal injury which is required to be provided to the
23 Department of Health under s. 456.049 or s. 627.912 is public
24 information except for the name of the claimant or injured
25 person, which remains confidential as provided in ss.
26 456.049(2)(d) and 627.912(2)(e). The Department of Health
27 shall, upon request, make such report available to any person.
28 The department shall make such report available as a part of
29 the practitioner's profile in accordance with s. 456.041(4)
30 within 30 calendar days after receipt.

31

1 Section 8. Subsection (1) of section 458.319, Florida
2 Statutes, is amended to read:

3 458.319 Renewal of license.--

4 (1) The department shall renew a license upon receipt
5 of the renewal application, evidence that the applicant has
6 actively practiced medicine or has been on the active teaching
7 faculty of an accredited medical school for at least 2 years
8 of the immediately preceding 4 years, and a fee not to exceed
9 \$500; provided, however, that if the licensee is either a
10 resident physician, assistant resident physician, fellow,
11 house physician, or intern in an approved postgraduate
12 training program, as defined by the board by rule, the fee
13 shall not exceed \$100 per annum. If the licensee has not
14 actively practiced medicine for at least 2 years of the
15 immediately preceding 4 years, the board shall require that
16 the licensee successfully complete a board-approved clinical
17 competency examination prior to renewal of the license.

18 "Actively practiced medicine" means that practice of medicine
19 by physicians, including those employed by any governmental
20 entity in community or public health, as defined by this
21 chapter, including physicians practicing administrative
22 medicine. An applicant for a renewed license must also submit
23 the information required under s. 456.039 to the department on
24 a form and under procedures specified by the department, along
25 with payment in an amount equal to the costs incurred by the
26 Department of Health for the statewide criminal background
27 check of the applicant. After the statewide automated
28 fingerprint identification system is implemented, the
29 applicant whose fingerprints are retained in that system must
30 pay the Department of Health an amount equal to the costs
31 incurred by the Department of Health for access to records in

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

1 submit the information and fee required for a statewide
2 criminal history check. However, if the applicant's
3 fingerprints are retained by the Department of Law Enforcement
4 in the statewide automated fingerprint identification system
5 and the Department of Health is using that system for access
6 to arrest information of licensed health practitioners, then
7 the applicant must submit the information and fee required by
8 s. 456.039 for access to records in the statewide automated
9 fingerprint identification system in lieu of payment of fees
10 for a criminal background check of the applicant.

11 Section 9. Subsection (1) of section 459.008, Florida
12 Statutes, is amended to read:

13 459.008 Renewal of licenses and certificates.--

14 (1) The department shall renew a license or
15 certificate upon receipt of the renewal application and fee.
16 An applicant for a renewed license must also submit the
17 information required under s. 456.039 to the department on a
18 form and under procedures specified by the department, along
19 with payment in an amount equal to the costs incurred by the
20 Department of Health for the statewide criminal background
21 check of the applicant. After the statewide automated
22 fingerprint identification system is implemented, the
23 applicant whose fingerprints are retained in that system must
24 pay the Department of Health an amount equal to the costs
25 incurred by the Department of Health for access to records in
26 the statewide automated fingerprint identification system in
27 lieu of payment of fees for a statewide criminal background
28 check of the applicant. The applicant must submit a set of
29 fingerprints to the Department of Health on a form and under
30 procedures specified by the department, along with payment in
31 an amount equal to the costs incurred by the department for a

1 national criminal background check of the applicant for the
2 initial renewal of his or her license after January 1, 2000.
3 If the applicant fails to submit either the information
4 required under s. 456.039 or a set of fingerprints to the
5 department as required by this section, the department shall
6 issue a notice of noncompliance, and the applicant will be
7 given 30 additional days to comply. If the applicant fails to
8 comply within 30 days after the notice of noncompliance is
9 issued, the department or board, as appropriate, may issue a
10 citation to the applicant and may fine the applicant up to \$50
11 for each day that the applicant is not in compliance with the
12 requirements of s. 456.039. The citation must clearly state
13 that the applicant may choose, in lieu of accepting the
14 citation, to follow the procedure under s. 456.073. If the
15 applicant disputes the matter in the citation, the procedures
16 set forth in s. 456.073 must be followed. However, if the
17 applicant does not dispute the matter in the citation with the
18 department within 30 days after the citation is served, the
19 citation becomes a final order and constitutes discipline.
20 Service of a citation may be made by personal service or
21 certified mail, restricted delivery, to the subject at the
22 applicant's last known address. If an applicant has submitted
23 fingerprints to the department for a national criminal history
24 check upon initial licensure and is renewing his or her
25 license for the first time, then the applicant need only
26 submit the information and fee required for a statewide
27 criminal history check. However, if the applicant's
28 fingerprints are retained by the Department of Law Enforcement
29 in the statewide automated fingerprint identification system
30 and the Department of Health is using that system for access
31 to arrest information of licensed health practitioners, then

1 the applicant must submit the information and fee required by
2 s. 456.039 for access to records in the statewide automated
3 fingerprint identification system in lieu of payment of fees
4 for a criminal background check of the applicant.

5 Section 10. Subsection (1) of section 460.407, Florida
6 Statutes, is amended to read:

7 460.407 Renewal of license.--

8 (1) The department shall renew a license upon receipt
9 of the renewal application and the fee set by the board not to
10 exceed \$500. An applicant for a renewed license must also
11 submit the information required under s. 456.039 to the
12 department on a form and under procedures specified by the
13 department, along with payment in an amount equal to the costs
14 incurred by the Department of Health for the statewide
15 criminal background check of the applicant. After the
16 statewide automated fingerprint identification system is
17 implemented, the applicant whose fingerprints are retained in
18 that system must pay the Department of Health an amount equal
19 to the costs incurred by the Department of Health for access
20 to records in the statewide automated fingerprint
21 identification system in lieu of payment of fees for a
22 statewide criminal background check of the applicant.The
23 applicant must submit a set of fingerprints to the Department
24 of Health on a form and under procedures specified by the
25 department, along with payment in an amount equal to the costs
26 incurred by the department for a national criminal background
27 check of the applicant for the initial renewal of his or her
28 license after January 1, 2000. If the applicant fails to
29 submit either the information required under s. 456.039 or a
30 set of fingerprints to the department as required by this
31 section, the department shall issue a notice of noncompliance,

1 and the applicant will be given 30 additional days to comply.
2 If the applicant fails to comply within 30 days after the
3 notice of noncompliance is issued, the department or board, as
4 appropriate, may issue a citation to the applicant and may
5 fine the applicant up to \$50 for each day that the applicant
6 is not in compliance with the requirements of s. 456.039. The
7 citation must clearly state that the applicant may choose, in
8 lieu of accepting the citation, to follow the procedure under
9 s. 456.073. If the applicant disputes the matter in the
10 citation, the procedures set forth in s. 456.073 must be
11 followed. However, if the applicant does not dispute the
12 matter in the citation with the department within 30 days
13 after the citation is served, the citation becomes a final
14 order and constitutes discipline. Service of a citation may be
15 made by personal service or certified mail, restricted
16 delivery, to the subject at the applicant's last known
17 address. If an applicant has submitted fingerprints to the
18 department for a national criminal history check upon initial
19 licensure and is renewing his or her license for the first
20 time, then the applicant need only submit the information and
21 fee required for a statewide criminal history check. However,
22 if the applicant's fingerprints are retained by the Department
23 of Law Enforcement in the statewide automated fingerprint
24 identification system and the Department of Health is using
25 that system for access to arrest information of licensed
26 health practitioners, then the applicant must submit the
27 information and fee required by s. 456.039 for access to
28 records in the statewide automated fingerprint identification
29 system in lieu of payment of fees for a criminal background
30 check of the applicant.
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1 Section 11. 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. After the statewide automated
26 fingerprint identification system is implemented, the
27 applicant whose fingerprints are retained in that system must
28 pay the Department of Health an amount equal to the costs
29 incurred by the Department of Health for access to records in
30 the statewide automated fingerprint identification system in
31 lieu of payment of fees for a statewide criminal background

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

1 fingerprints are retained by the Department of Law Enforcement
2 in the statewide automated fingerprint identification system
3 and the Department of Health is using that system for access
4 to arrest information of licensed health practitioners, then
5 the applicant must submit the information and fee required by
6 s. 456.039 for access to records in the statewide automated
7 fingerprint identification system in lieu of payment of fees
8 for a criminal background check of the applicant.

9 Section 12. Subsection (4) of section 461.014, Florida
10 Statutes, is amended to read:

11 461.014 Residency.--The board shall encourage and
12 develop podiatric residency programs in hospitals in this
13 state and shall establish such programs by the promulgation of
14 rules, subject to the following conditions:

15 (4) Every hospital having a residency program shall
16 annually ~~semiannually~~, on ~~January 1~~ and July 1 of each year,
17 provide the board with a list of podiatric residents and such
18 other information as is required by the board.

19 Section 13. The sum of \$181,900 is appropriated from
20 the Medical Quality Assurance Trust Fund to the Department of
21 Health for the purpose of implementing the provisions of
22 sections 3 through 11 of this act during the 2004-2005 fiscal
23 year.

24 Section 14. This act shall take effect July 1, 2004.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS for 1154 and CS for SB 1462
4 Deletes requirements that revise the information submitted by
5 physicians as part of the practitioner profiling requirements.
6 Deletes requirements that revise the duties of the Department
7 of Health with respect to its compilation and verification of
8 information into a practitioner profile for designated health
9 care professionals.
10 Reduces the appropriation to the Department of Health from
11 \$7,065,560 to \$181,900 from the Medical Quality Assurance
12 Trust Fund to reflect the removal of the practitioner
13 profiling requirements.
14 Requires each hospital to provide the board with a list of
15 podiatric residents annually rather than semiannually.
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