

1                                   A bill to be entitled  
2           An act relating to health care practitioners;  
3           amending s. 456.025, F.S.; deleting  
4           requirements for the Department of Health to  
5           administer an electronic continuing education  
6           tracking system for health care practitioners;  
7           creating s. 456.0251, F.S.; providing for  
8           enforcement of continuing education  
9           requirements required for license renewal;  
10          authorizing citations and fines to be imposed  
11          for failure to comply with required continuing  
12          education requirements; amending s. 456.072,  
13          F.S.; providing for discipline of licensees who  
14          fail to meet continuing education requirements  
15          as a prerequisite for license renewal three or  
16          more times; creating s. 381.03015, F.S.;  
17          providing legislative intent with respect to a  
18          health care practitioner workforce database;  
19          providing definitions; creating the Florida  
20          Health Care Practitioner Workforce Database  
21          within the Department of Health; authorizing  
22          the database to be implemented in stages;  
23          giving priority in the database for information  
24          concerning allopathic and osteopathic  
25          physicians; specifying data elements of  
26          allopathic and osteopathic physicians for  
27          inclusion in the database; requiring that data  
28          for the health care practitioner workforce  
29          database be gathered from existing data  
30          sources; requiring certain entities to provide  
31          data elements to the department; authorizing

1 the department to create an advisory committee;  
2 requiring the department to adopt rules;  
3 providing that the act will not take effect  
4 unless funds are specifically appropriated for  
5 this purpose; prohibiting the use of a  
6 specified trust fund to administer the act;  
7 amending s. 456.039, F.S.; revising the  
8 requirements for updating the information  
9 submitted by designated health care  
10 professionals for licensure and license  
11 renewal; authorizing the Department of Health  
12 to receive automated criminal arrest  
13 information concerning health care  
14 professionals who are subject to the profiling  
15 requirements; requiring certain health  
16 professionals to submit fingerprints to the  
17 Department of Health and to pay fees for a  
18 criminal history records check; amending s.  
19 456.0391, F.S.; revising the requirements for  
20 information submitted by advanced registered  
21 nurse practitioners for certification;  
22 authorizing the Department of Health to receive  
23 automated criminal arrest information  
24 concerning health care professionals who are  
25 subject to the profiling requirements;  
26 requiring certain health professionals to  
27 submit fingerprints to the Department of Health  
28 and to pay fees for a criminal history records  
29 check; requiring applications for a physician  
30 license and license renewal to be submitted  
31 electronically by a specified date; amending s.

1 456.042, F.S.; requiring designated health care  
2 practitioners to electronically submit updates  
3 of required information for compilation into  
4 practitioner profiles; amending s. 456.051,  
5 F.S.; revising requirements for the Department  
6 of Health to publish reports of claims or  
7 actions for damages for certain health care  
8 practitioners on the practitioner profiles;  
9 amending ss. 458.319, 459.008, 460.407, and  
10 461.007, F.S.; revising requirements for  
11 physician licensure renewal; authorizing the  
12 Department of Health to gain access to renewal  
13 applicants' records in an automated system  
14 maintained by the Department of Law  
15 Enforcement; amending s. 461.014, F.S.;  
16 providing that each hospital annually provide a  
17 list of podiatric residents; providing an  
18 appropriation; providing an effective date.  
19

20 Be It Enacted by the Legislature of the State of Florida:  
21

22 Section 1. Section 381.03015, Florida Statutes, is  
23 created to read:

24 381.03015 Florida Health Care Practitioner Workforce  
25 Database.--

26 (1) LEGISLATIVE FINDINGS AND INTENT.--

27 (a) The Legislature finds that the state health  
28 policies designed to expand patient access and improve the  
29 quality of health care delivery must take into consideration  
30 the supply, distribution, diversity, academic preparation, and  
31 utilization of the state's health care workforce. The

1 Legislature further finds that the absence of accurate,  
2 objective, relevant, and timely data concerning the health  
3 care workforce in this state is a barrier to developing and  
4 implementing optimal programmatic and fiscal policies relating  
5 to the education and training of health care practitioners and  
6 the delivery of health care services.

7 (b) In order to eliminate these barriers, it is the  
8 intent of the Legislature to create the Florida Health Care  
9 Practitioner Workforce Database within the Department of  
10 Health. The database shall provide the capacity for the  
11 collection, compilation, maintenance, and analysis of data  
12 concerning the state's health care workforce. It is further  
13 the intent of the Legislature that the workforce database  
14 serve as the official state repository of data that can be  
15 used by the Legislature, the Executive Office of the Governor,  
16 state agencies, and state, regional, and local entities  
17 involved in planning, analysis, and policy development for the  
18 health care workforce and in the delivery of health care  
19 services.

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

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

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

24 (3) FLORIDA HEALTH CARE PRACTITIONER WORKFORCE  
25 DATABASE.--

26 (a) The Florida Health Care Practitioner Workforce  
27 Database is the electronic repository of data elements for  
28 each health care profession identified by the department for  
29 inclusion in the database. Data elements shall be maintained  
30 for as many years as necessary to allow for an analysis of  
31 longitudinal trends. To the maximum extent feasible, data

1 elements must be collected and maintained using standardized  
2 definitions in order to allow for multistate or national  
3 comparisons of this state's data.

4 (b) The workforce database may be implemented in  
5 phases; however, the highest priority must be given to  
6 including the data elements for allopathic and osteopathic  
7 physicians in the database. Inclusion of data elements for  
8 other health care practitioners may be accomplished in  
9 subsequent phases, as resources allow with priority given to  
10 the inclusion of health care practitioners who are subject to  
11 the practitioner profiling system under s. 456.041. The  
12 department shall develop an implementation plan that  
13 recommends the priority order in which other health care  
14 practitioners may be added to the database, identifies the  
15 data elements to be collected for each group of health care  
16 practitioners, and provides an estimate of the cost associated  
17 with the addition of each group of health care practitioners  
18 to the database. The data elements collected for nurses shall  
19 be identified by the department, based upon recommendations  
20 made by the Florida Center for Nursing. The implementation  
21 plan shall also provide an analysis of technical issues and an  
22 estimate of the costs associated with collecting the following  
23 data elements for allopathic and osteopathic physicians  
24 through the licensing processes of the Board of Medicine and  
25 the Board of Osteopathic Medicine under s. 456.039, or through  
26 the profiling process for health care practitioners under s.  
27 456.041:

28 1. The physician's secondary practice location, if  
29 any, including the street address, municipality, county, and  
30 zip code.

31

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

3           3. Each practice setting, by major category of  
4 practice setting, including, but not limited to, office-based  
5 practice, hospital-based practice, nursing home, health  
6 maintenance organization, and county health department.

7           4. Whether the physician is a full-time member of a  
8 medical school faculty.

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

12  
13 The implementation plan shall be submitted to the Governor and  
14 Legislature by December 1, 2005.

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

17           (a) Data elements for each allopathic and osteopathic  
18 physician licensed to practice in 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 of medical school.

28           10. Name of each graduate medical education program  
29 completed.

30           11. Year of completion of each graduate medical  
31 education program.

- 1           12. Location of each graduate medical education
- 2 program completed.
- 3           13. Type of each graduate medical education program
- 4 completed, such as internship, residency, or fellowship.
- 5           14. Each medical specialty or subspecialty that the
- 6 physician practices.
- 7           15. Each medical specialty board certification held.
- 8           16. The primary practice location, including the
- 9 street address, municipality, county, and zip code for each
- 10 location.
- 11           (b) Data elements for each graduate of a Florida
- 12 allopathic or osteopathic medical school:
- 13           1. Name.
- 14           2. Date of birth.
- 15           3. Place of birth.
- 16           4. Gender.
- 17           5. Race.
- 18           6. Social security number.
- 19           7. Name of medical school.
- 20           8. Year of graduation from medical school.
- 21           9. Name and location, by state and country, of the
- 22 graduate medical education program that the graduate plans to
- 23 enter.
- 24           10. Type of graduate medical education program, such
- 25 as internship or residency, which the graduate plans to enter,
- 26 including the identification of graduate medical education
- 27 programs during postgraduate year 1 and postgraduate year 2,
- 28 if applicable, for graduates entering preliminary or
- 29 transitional positions during postgraduate year 1.
- 30
- 31

1           (c) Data elements for each allopathic or osteopathic  
2 physician completing a graduate medical education program in  
3 this state:

4           1. Name.

5           2. Date of birth.

6           3. Place of birth.

7           4. Gender.

8           5. Race.

9           6. Social security number.

10          7. Name of medical school.

11          8. Year of graduation from medical school.

12          9. Location, by state and country, of the medical  
13 school.

14          10. Name and location, by state and country, of the  
15 graduate medical education program.

16          (5) REQUIRED USE OF EXISTING DATA SOURCES.--It is the  
17 intent of the Legislature to minimize the cost of creating and  
18 operating the Florida Health Care Practitioner Workforce  
19 Database and to avoid unwarranted duplication of existing  
20 data. Therefore, to the maximum extent possible, the data  
21 included in the workforce database shall be derived from  
22 existing data sources except as provided in paragraph (6)(a).  
23 New data shall be collected for inclusion in the workforce  
24 database only when the department determines that such data  
25 are essential for evaluating and analyzing the health care  
26 professions and when the data cannot be obtained from existing  
27 sources.

28          (6)(a) Data elements sought to satisfy paragraph  
29 (4)(a) shall be obtained from the licensing processes of the  
30 Board of Medicine and the Board of Osteopathic Medicine under  
31 s. 456.039, and from the profiling process for health care



1 practitioners under s. 456.041. In addition to the data  
2 collected under ss. 456.039 and 456.041, the Board of Medicine  
3 and the Board of Osteopathic Medicine shall collect the  
4 following data from each person applying for initial licensure  
5 or licensure renewal to practice medicine or osteopathic  
6 medicine as a physician after July 1, 2005, and the Department  
7 of Health shall enter the data into the database used for  
8 licensure or an equivalent database:

9 1. The place of the applicant's birth.

10 2. The state and country of the medical school from  
11 which the applicant graduated.

12 3. Each medical specialty or subspecialty that the  
13 physician practices.

14 (b) Each medical school in this state shall annually  
15 submit the data elements described in paragraph (4)(b) to the  
16 department, in a manner prescribed by the department, for each  
17 medical student who provides written consent to the medical  
18 school authorizing the release of his or her data to the  
19 department.

20 (c) Each graduate medical education program in this  
21 state shall annually submit the data elements described in  
22 paragraph (4)(c) to the department, in the manner prescribed  
23 by the department, for each intern or resident who provides  
24 written consent to the residency program authorizing the  
25 release of his or her data to the department.

26 (7) IMPLEMENTATION.--

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

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

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

6           Section 2. Section 1 of this act shall not take effect  
7 unless sufficient funds are allocated in a specific  
8 appropriation or in the General Appropriations Act for the  
9 2004-2005 fiscal year to fund the Florida Health Care  
10 Practitioner Workforce Database. The Medical Quality Assurance  
11 Trust Fund may not be used to fund the administration of this  
12 act.

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

15           456.039 Designated health care professionals;  
16 information required for licensure.--

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

28           (a) Refuse to issue a license to any person applying  
29 for initial licensure who fails to submit and update the  
30 required information.

31

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

15 (4)(a) An applicant for initial licensure must submit  
16 a set of fingerprints to the Department of Health in  
17 accordance with s. 458.311, s. 458.3115, s. 458.3124, s.  
18 458.313, s. 459.0055, s. 460.406, or s. 461.006.

19 (b) An applicant for renewed licensure must submit a  
20 set of fingerprints for the initial renewal of his or her  
21 license after January 1, 2000, to the department ~~agency~~  
22 ~~regulating that profession~~ in accordance with procedures  
23 established under s. 458.319, s. 459.008, s. 460.407, or s.  
24 461.007.

25 (c) The Department of Health shall submit the  
26 fingerprints provided by an applicant for initial licensure to  
27 the Florida Department of Law Enforcement for a statewide  
28 criminal history check, and the Florida Department of Law  
29 Enforcement shall forward the fingerprints to the Federal  
30 Bureau of Investigation for a national criminal history check  
31 of the applicant. The department shall submit the

1 fingerprints provided by an applicant for a renewed license to  
2 the Florida Department of Law Enforcement for a statewide  
3 criminal history check, and the Florida Department of Law  
4 Enforcement shall forward the fingerprints to the Federal  
5 Bureau of Investigation for a national criminal history check  
6 for the initial renewal of the applicant's license after  
7 January 1, 2000; for any subsequent renewal of the applicant's  
8 license, the department shall submit the required information  
9 for a statewide criminal history check of the applicant.

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

31

1           (e) Fingerprints obtained by the Department of Health  
2 under paragraph (a) shall be retained by the Department of Law  
3 Enforcement and must be entered in the statewide automated  
4 fingerprint identification system authorized by s.  
5 943.05(2)(b). Such fingerprints shall thereafter be available  
6 for all purposes and uses authorized for arrest fingerprint  
7 cards entered in the statewide automated fingerprint  
8 identification system pursuant to s. 943.051.

9           (f) Beginning December 15, 2004, the Department of Law  
10 Enforcement shall search all arrest fingerprint cards received  
11 under s. 943.051 against the fingerprints retained in the  
12 statewide automated fingerprint identification system under  
13 paragraph (e). Any arrest records that are thus identified  
14 with the retained applicant fingerprints must be reported to  
15 the Department of Health. The Department of Health must  
16 participate in this search process by paying an annual fee to  
17 the Department of Law Enforcement and by informing the  
18 Department of Law Enforcement of any change in the licensure  
19 status of each applicant whose fingerprints are retained under  
20 paragraph (e). The Department of Law Enforcement shall  
21 establish by rule the amount of the annual fee to be imposed  
22 on the Department of Health for performing these searches, for  
23 retaining fingerprints of licensed health care practitioners,  
24 and for disseminating search results. Each applicant for  
25 licensure or license renewal who is subject to the  
26 requirements of this section and whose fingerprints are  
27 retained by the Department of Law Enforcement shall pay to the  
28 Department of Health, at the time of initial licensure or  
29 license renewal, an amount equal to the costs incurred by the  
30 Department of Health for access to records in the statewide  
31 automated fingerprint identification system in lieu of payment

1 of fees for a statewide criminal background check of the  
2 applicant.

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

5 456.0391 Advanced registered nurse practitioners;  
6 information required for certification.--

7 (3) Each person certified under s. 464.012 who has  
8 submitted information pursuant to subsection (1) must update  
9 that information in writing by notifying the department ~~of~~  
10 ~~Health~~ within 15 ~~45~~ days after the occurrence of an event or  
11 the attainment of a status that is required to be reported by  
12 subsection (1). Failure to comply with the requirements of  
13 this subsection to update and submit information constitutes a  
14 ground for disciplinary action under chapter 464 and s.  
15 456.072(1)(k). For failure to comply with the requirements of  
16 this subsection to update and submit information, the  
17 department or board, as appropriate, may:

18 (a) Refuse to issue a certificate to any person  
19 applying for initial certification who fails to submit and  
20 update the required information.

21 (b) Issue a citation to any certificateholder who  
22 fails to submit and update the required information and may  
23 fine the certificateholder up to \$50 for each day that the  
24 certificateholder is not in compliance with this subsection.  
25 The citation must clearly state that the certificateholder may  
26 choose, in lieu of accepting the citation, to follow the  
27 procedure under s. 456.073. If the certificateholder disputes  
28 the matter in the citation, the procedures set forth in s.  
29 456.073 must be followed. However, if the certificateholder  
30 does not dispute the matter in the citation with the  
31 department within 30 days after the citation is served, the

1 citation becomes a final order and constitutes discipline.  
2 Service of a citation may be made by personal service or  
3 certified mail, restricted delivery, to the subject at the  
4 certificateholder's last known address.

5 (4)(a) An applicant for initial certification under s.  
6 464.012 must submit a set of fingerprints to the Department of  
7 Health on a form and under procedures specified by the  
8 department, along with payment in an amount equal to the costs  
9 incurred by the Department of Health for a national criminal  
10 history check of the applicant.

11 (b) An applicant for renewed certification who has ~~not~~  
12 previously submitted a set of fingerprints to the Department  
13 of Health for purposes of certification must submit a set of  
14 fingerprints to the department as a condition of the initial  
15 renewal of his or her certificate after the effective date of  
16 this section. The applicant must submit the fingerprints on a  
17 form and under procedures specified by the department, along  
18 with payment in an amount equal to the costs incurred by the  
19 Department of Health for a national criminal history check.  
20 For subsequent renewals, the applicant for renewed  
21 certification must only submit information necessary to  
22 conduct a statewide criminal history check, along with payment  
23 in an amount equal to the costs incurred by the Department of  
24 Health for a statewide criminal history check.

25 (c)1. The Department of Health shall submit the  
26 fingerprints provided by an applicant for initial  
27 certification to the Florida Department of Law Enforcement for  
28 a statewide criminal history check, and the Florida Department  
29 of Law Enforcement shall forward the fingerprints to the  
30 Federal Bureau of Investigation for a national criminal  
31 history check of the applicant.

1           2. The department shall submit the fingerprints  
2 provided by an applicant for the initial renewal of  
3 certification to the Florida Department of Law Enforcement for  
4 a statewide criminal history check, and the Florida Department  
5 of Law Enforcement shall forward the fingerprints to the  
6 Federal Bureau of Investigation for a national criminal  
7 history check for the initial renewal of the applicant's  
8 certificate after the effective date of this section.

9           3. For any subsequent renewal of the applicant's  
10 certificate, the department shall submit the required  
11 information for a statewide criminal history check of the  
12 applicant to the Florida Department of Law Enforcement.

13           (d) Any applicant for initial certification or renewal  
14 of certification as an advanced registered nurse practitioner  
15 who submits to the Department of Health a set of fingerprints  
16 and information required for the criminal history check  
17 required under this section shall not be required to provide a  
18 subsequent set of fingerprints or other duplicate information  
19 required for a criminal history check to the Agency for Health  
20 Care Administration, the Department of Juvenile Justice, or  
21 the Department of Children and Family Services for employment  
22 or licensure with such agency or department, if the applicant  
23 has undergone a criminal history check as a condition of  
24 initial certification or renewal of certification as an  
25 advanced registered nurse practitioner with the Department of  
26 Health, notwithstanding any other provision of law to the  
27 contrary. In lieu of such duplicate submission, the Agency for  
28 Health Care Administration, the Department of Juvenile  
29 Justice, and the Department of Children and Family Services  
30 shall obtain criminal history information for employment or  
31 licensure of persons certified under s. 464.012 by such agency



1 or department from the Department of Health's health care  
2 practitioner credentialing system.

3 (e) Fingerprints obtained by the Department of Health  
4 under paragraph (a) shall be retained by the Department of Law  
5 Enforcement and must be entered in the statewide automated  
6 fingerprint identification system authorized by s.  
7 943.05(2)(b). Such fingerprints shall thereafter be available  
8 for all purposes and uses authorized for arrest fingerprint  
9 cards entered in the statewide automated fingerprint  
10 identification system pursuant to s. 943.051.

11 (f) Beginning December 15, 2004, the Department of Law  
12 Enforcement shall search all arrest fingerprint cards received  
13 under s. 943.051 against the fingerprints retained in the  
14 statewide automated fingerprint identification system under  
15 paragraph (e). Any arrest records that are thus identified  
16 with the retained applicant fingerprints must be reported to  
17 the Department of Health. The Department of Health must  
18 participate in this search process by paying an annual fee to  
19 the Department of Law Enforcement and by informing the  
20 Department of Law Enforcement of any change in the  
21 certification status of each applicant whose fingerprints are  
22 retained under paragraph (e). The Department of Law  
23 Enforcement shall establish by rule the amount of the annual  
24 fee to be imposed on the Department of Health for performing  
25 these searches, for retaining fingerprints of certified health  
26 care practitioners, and for disseminating search results. Each  
27 applicant for certification or certification renewal who is  
28 subject to the requirements of this section and whose  
29 fingerprints are retained by the Department of Law Enforcement  
30 shall pay to the Department of Health, at the time of initial  
31 certification or certification renewal, an amount equal to the

1 costs incurred by the Department of Health for access to  
2 records in the statewide automated fingerprint identification  
3 system in lieu of payment of fees for a statewide criminal  
4 background check of the applicant.

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

11 (b) Beginning July 1, 2007, the application forms for  
12 an initial license and a license renewal for physicians  
13 licensed under chapter 458, chapter 459, chapter 460, or  
14 chapter 461, Florida Statutes, shall be submitted  
15 electronically through the Internet.

16 (c) The department shall issue the license or renew a  
17 license if the applicant provides satisfactory evidence that  
18 all conditions and requirements of licensure or license  
19 renewal have been met.

20 Section 6. Section 456.042, Florida Statutes, is  
21 amended to read:

22 456.042 Practitioner profiles; update.--A practitioner  
23 must submit updates of required information within 15 days  
24 after the final activity that renders such information a fact.  
25 Practitioners may submit the required information  
26 electronically through the Internet. Beginning July 1, 2007, a  
27 practitioner must electronically submit updates of required  
28 information through the Internet within 15 days after the  
29 final activity that renders such information a fact. The  
30 department ~~of Health~~ shall update each practitioner's  
31

1 practitioner profile periodically. An updated profile is  
2 subject to the same requirements as an original profile.

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

5 456.051 Reports of professional liability actions;  
6 bankruptcies; Department of Health's responsibility to  
7 provide.--

8 (1) The report of a claim or action for damages for  
9 personal injury which is required to be provided to the  
10 Department of Health under s. 456.049 or s. 627.912 is public  
11 information except for the name of the claimant or injured  
12 person, which remains confidential as provided in ss.  
13 456.049(2)(d) and 627.912(2)(e). The Department of Health  
14 shall, upon request, make such report available to any person.  
15 The department shall make such report available as a part of  
16 the practitioner's profile in accordance with s. 456.041(4)  
17 within 30 calendar days after receipt.

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

20 458.319 Renewal of license.--

21 (1) The department shall renew a license upon receipt  
22 of the renewal application, evidence that the applicant has  
23 actively practiced medicine or has been on the active teaching  
24 faculty of an accredited medical school for at least 2 years  
25 of the immediately preceding 4 years, and a fee not to exceed  
26 \$500; provided, however, that if the licensee is either a  
27 resident physician, assistant resident physician, fellow,  
28 house physician, or intern in an approved postgraduate  
29 training program, as defined by the board by rule, the fee  
30 shall not exceed \$100 per annum. If the licensee has not  
31 actively practiced medicine for at least 2 years of the

1 immediately preceding 4 years, the board shall require that  
2 the licensee successfully complete a board-approved clinical  
3 competency examination prior to renewal of the license.  
4 "Actively practiced medicine" means that practice of medicine  
5 by physicians, including those employed by any governmental  
6 entity in community or public health, as defined by this  
7 chapter, including physicians practicing administrative  
8 medicine. An applicant for a renewed license must also submit  
9 the information required under s. 456.039 to the department on  
10 a form and under procedures specified by the department, along  
11 with payment in an amount equal to the costs incurred by the  
12 Department of Health for the statewide criminal background  
13 check of the applicant. After the statewide automated  
14 fingerprint identification system is implemented, the  
15 applicant whose fingerprints are retained in that system must  
16 pay the Department of Health an amount equal to the costs  
17 incurred by the Department of Health for access to records in  
18 the statewide automated fingerprint identification system in  
19 lieu of payment of fees for a statewide criminal background  
20 check of the applicant. The applicant must submit a set of  
21 fingerprints to the Department of Health on a form and under  
22 procedures specified by the department, along with payment in  
23 an amount equal to the costs incurred by the department for a  
24 national criminal background check of the applicant for the  
25 initial renewal of his or her license after January 1, 2000.  
26 If the applicant fails to submit either the information  
27 required under s. 456.039 or a set of fingerprints to the  
28 department as required by this section, the department shall  
29 issue a notice of noncompliance, and the applicant will be  
30 given 30 additional days to comply. If the applicant fails to  
31 comply within 30 days after the notice of noncompliance is

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

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

30 459.008 Renewal of licenses and certificates.--

31

1           (1) The department shall renew a license or  
2 certificate upon receipt of the renewal application and fee.  
3 An applicant for a renewed license must also submit the  
4 information required under s. 456.039 to the department on a  
5 form and under procedures specified by the department, along  
6 with payment in an amount equal to the costs incurred by the  
7 Department of Health for the statewide criminal background  
8 check of the applicant. After the statewide automated  
9 fingerprint identification system is implemented, the  
10 applicant whose fingerprints are retained in that system must  
11 pay the Department of Health an amount equal to the costs  
12 incurred by the Department of Health for access to records in  
13 the statewide automated fingerprint identification system in  
14 lieu of payment of fees for a statewide criminal background  
15 check of the applicant. The applicant must submit a set of  
16 fingerprints to the Department of Health on a form and under  
17 procedures specified by the department, along with payment in  
18 an amount equal to the costs incurred by the department for a  
19 national criminal background check of the applicant for the  
20 initial renewal of his or her license after January 1, 2000.  
21 If the applicant fails to submit either the information  
22 required under s. 456.039 or a set of fingerprints to the  
23 department as required by this section, the department shall  
24 issue a notice of noncompliance, and the applicant will be  
25 given 30 additional days to comply. If the applicant fails to  
26 comply within 30 days after the notice of noncompliance is  
27 issued, the department or board, as appropriate, may issue a  
28 citation to the applicant and may fine the applicant up to \$50  
29 for each day that the applicant is not in compliance with the  
30 requirements of s. 456.039. The citation must clearly state  
31 that the applicant may choose, in lieu of accepting the

1 citation, to follow the procedure under s. 456.073. If the  
2 applicant disputes the matter in the citation, the procedures  
3 set forth in s. 456.073 must be followed. However, if the  
4 applicant does not dispute the matter in the citation with the  
5 department within 30 days after the citation is served, the  
6 citation becomes a final order and constitutes discipline.  
7 Service of a citation may be made by personal service or  
8 certified mail, restricted delivery, to the subject at the  
9 applicant's last known address. If an applicant has submitted  
10 fingerprints to the department for a national criminal history  
11 check upon initial licensure and is renewing his or her  
12 license for the first time, then the applicant need only  
13 submit the information and fee required for a statewide  
14 criminal history check. However, if the applicant's  
15 fingerprints are retained by the Department of Law Enforcement  
16 in the statewide automated fingerprint identification system  
17 and the Department of Health is using that system for access  
18 to arrest information of licensed health practitioners, then  
19 the applicant must submit the information and fee required by  
20 s. 456.039 for access to records in the statewide automated  
21 fingerprint identification system in lieu of payment of fees  
22 for a criminal background check of the applicant.

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

25 460.407 Renewal of license.--

26 (1) The department shall renew a license upon receipt  
27 of the renewal application and the fee set by the board not to  
28 exceed \$500. An applicant for a renewed license must also  
29 submit the information required under s. 456.039 to the  
30 department on a form and under procedures specified by the  
31 department, along with payment in an amount equal to the costs

1 incurred by the Department of Health for the statewide  
2 criminal background check of the applicant. After the  
3 statewide automated fingerprint identification system is  
4 implemented, the applicant whose fingerprints are retained in  
5 that system must pay the Department of Health an amount equal  
6 to the costs incurred by the Department of Health for access  
7 to records in the statewide automated fingerprint  
8 identification system in lieu of payment of fees for a  
9 statewide criminal background check of the applicant. The  
10 applicant must submit a set of fingerprints to the Department  
11 of Health on a form and under procedures specified by the  
12 department, along with payment in an amount equal to the costs  
13 incurred by the department for a national criminal background  
14 check of the applicant for the initial renewal of his or her  
15 license after January 1, 2000. If the applicant fails to  
16 submit either the information required under s. 456.039 or a  
17 set of fingerprints to the department as required by this  
18 section, the department shall issue a notice of noncompliance,  
19 and the applicant will be given 30 additional days to comply.  
20 If the applicant fails to comply within 30 days after the  
21 notice of noncompliance is issued, the department or board, as  
22 appropriate, may issue a citation to the applicant and may  
23 fine the applicant up to \$50 for each day that the applicant  
24 is not in compliance with the requirements of s. 456.039. The  
25 citation must clearly state that the applicant may choose, in  
26 lieu of accepting the citation, to follow the procedure under  
27 s. 456.073. If the applicant disputes the matter in the  
28 citation, the procedures set forth in s. 456.073 must be  
29 followed. However, if the applicant does not dispute the  
30 matter in the citation with the department within 30 days  
31 after the citation is served, the citation becomes a final



1 order and constitutes discipline. Service of a citation may be  
2 made by personal service or certified mail, restricted  
3 delivery, to the subject at the applicant's last known  
4 address. If an applicant has submitted fingerprints to the  
5 department for a national criminal history check upon initial  
6 licensure and is renewing his or her license for the first  
7 time, then the applicant need only submit the information and  
8 fee required for a statewide criminal history check. However,  
9 if the applicant's fingerprints are retained by the Department  
10 of Law Enforcement in the statewide automated fingerprint  
11 identification system and the Department of Health is using  
12 that system for access to arrest information of licensed  
13 health practitioners, then the applicant must submit the  
14 information and fee required by s. 456.039 for access to  
15 records in the statewide automated fingerprint identification  
16 system in lieu of payment of fees for a criminal background  
17 check of the applicant.

18 Section 11. Subsection (1) of section 461.007, Florida  
19 Statutes, is amended to read:

20 461.007 Renewal of license.--

21 (1) The department shall renew a license upon receipt  
22 of the renewal application and a fee not to exceed \$350 set by  
23 the board, and evidence that the applicant has actively  
24 practiced podiatric medicine or has been on the active  
25 teaching faculty of an accredited school of podiatric medicine  
26 for at least 2 years of the immediately preceding 4 years. If  
27 the licensee has not actively practiced podiatric medicine for  
28 at least 2 years of the immediately preceding 4 years, the  
29 board shall require that the licensee successfully complete a  
30 board-approved course prior to renewal of the license. For  
31 purposes of this subsection, "actively practiced podiatric

1 medicine" means the licensed practice of podiatric medicine as  
2 defined in s. 461.003(5) by podiatric physicians, including  
3 podiatric physicians employed by any governmental entity, on  
4 the active teaching faculty of an accredited school of  
5 podiatric medicine, or practicing administrative podiatric  
6 medicine. An applicant for a renewed license must also submit  
7 the information required under s. 456.039 to the department on  
8 a form and under procedures specified by the department, along  
9 with payment in an amount equal to the costs incurred by the  
10 Department of Health for the statewide criminal background  
11 check of the applicant. After the statewide automated  
12 fingerprint identification system is implemented, the  
13 applicant whose fingerprints are retained in that system must  
14 pay the Department of Health an amount equal to the costs  
15 incurred by the Department of Health for access to records in  
16 the statewide automated fingerprint identification system in  
17 lieu of payment of fees for a statewide criminal background  
18 check of the applicant. The applicant must submit a set of  
19 fingerprints to the Department of Health on a form and under  
20 procedures specified by the department, along with payment in  
21 an amount equal to the costs incurred by the department for a  
22 national criminal background check of the applicant for the  
23 initial renewal of his or her license after January 1, 2000.  
24 If the applicant fails to submit either the information  
25 required under s. 456.039 or a set of fingerprints to the  
26 department as required by this section, the department shall  
27 issue a notice of noncompliance, and the applicant will be  
28 given 30 additional days to comply. If the applicant fails to  
29 comply within 30 days after the notice of noncompliance is  
30 issued, the department or board, as appropriate, may issue a  
31 citation to the applicant and may fine the applicant up to \$50

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

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

28 461.014 Residency.--The board shall encourage and  
29 develop podiatric residency programs in hospitals in this  
30 state and shall establish such programs by the promulgation of  
31 rules, subject to the following conditions:

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

5 Section 13. Subsection (7) of section 456.025, Florida  
6 Statutes, is amended to read:

7 456.025 Fees; receipts; disposition.--

8 (7) Each board, or the department if there is no  
9 board, shall establish, by rule, a fee not to exceed \$250 for  
10 anyone seeking approval to provide continuing education  
11 courses or programs and shall establish by rule a biennial  
12 renewal fee not to exceed \$250 for the renewal of providership  
13 of such courses. The fees collected from continuing education  
14 providers shall be used for the purposes of reviewing course  
15 provider applications, monitoring the integrity of the courses  
16 provided, and covering legal expenses incurred as a result of  
17 not granting or renewing a providership, ~~and developing and~~  
18 ~~maintaining an electronic continuing education tracking~~  
19 ~~system. The department shall implement an electronic~~  
20 ~~continuing education tracking system for each new biennial~~  
21 ~~renewal cycle for which electronic renewals are implemented~~  
22 ~~after the effective date of this act and shall integrate such~~  
23 ~~system into the licensure and renewal system. All approved~~  
24 ~~continuing education providers shall provide information on~~  
25 ~~course attendance to the department necessary to implement the~~  
26 ~~electronic tracking system. The department shall, by rule,~~  
27 ~~specify the form and procedures by which the information is to~~  
28 ~~be submitted.~~

29 Section 14. Section 456.0251, Florida Statutes, is  
30 created to read:

31 456.0251 Continuing education.--

1       (1) Unless otherwise provided in a profession's  
2 practice act, each board, or the department if there is no  
3 board, shall establish by rule procedures for approval of  
4 continuing education courses for renewal of licenses. Except  
5 for those continuing education courses whose subjects are  
6 prescribed by law, each board, or the department if there is  
7 no board, may limit by rule the subject matter for approved  
8 continuing education courses to courses addressing the scope  
9 of practice of each respective health care profession.

10       (2) Licensees who have not completed all of the  
11 continuing education credits required for licensure during a  
12 biennium may obtain an extension of 3 months from the date  
13 after the end of the license renewal biennium within which to  
14 complete the requisite hours for license renewal. Each board,  
15 or the department if there is no board, shall establish by  
16 rule procedures for requesting a 3-month extension and whether  
17 proof of completion of some approved hours of continuing  
18 education are required to be submitted with the request for  
19 extension as a prerequisite for granting the request.

20       (3) Failure to complete the requisite number of hours  
21 of continuing education hours within a license renewal  
22 biennium or within a 3-month period from the date after the  
23 end of the license renewal biennium, if requested, shall be  
24 grounds for issuance of a citation and a fine, plus a  
25 requirement that at least the deficit hours are completed  
26 within a time established by rule of each board, or the  
27 department if there is no board. Each board, or the department  
28 if there is no board, shall establish by rule a fine for each  
29 continuing education hour which was not completed within the  
30 license renewal biennium or the 3-month period following the  
31 last day of the biennium if so requested, not to exceed \$500

1 per each hour not completed. The issuance of the citation and  
2 fine shall not be considered discipline. A citation and a fine  
3 issued under this subsection may only be issued to a licensee  
4 a maximum of two times for two separate failures to complete  
5 the requisite number of hours for license renewal.

6 (4) The department shall report to each board no later  
7 than 3 months following the last day of the license renewal  
8 biennium the percentage of licensees regulated by that board  
9 who have not timely complied with the continuing education  
10 requirements during the previous license renewal biennium for  
11 which auditing of licensees regulated by that board are  
12 completed. Each board shall direct the department the  
13 percentage of licensees regulated by that board that are to be  
14 audited during the next license renewal biennium. In addition  
15 to the percentage of licensees audited as directed by the  
16 boards, the department shall audit those licensees found to be  
17 deficient during any of the two license renewal bienniums.

18 Section 15. Paragraph (ff) is added to subsection (1)  
19 of section 456.072, Florida Statutes, to read:

20 456.072 Grounds for discipline; penalties;  
21 enforcement.--

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

25 (ff) Failure for a third or more times to complete the  
26 requisite number of hours of continuing education hours within  
27 a license renewal biennium period or within a 3-month period  
28 from the date after the end of the license renewal biennium,  
29 if the extension was requested.

30 Section 16. The sum of \$181,900 is appropriated from  
31 the Medical Quality Assurance Trust Fund to the Department of

1 Health for the purpose of implementing the provisions of  
2 sections 3 through 11 of this act during the 2004-2005 fiscal  
3 year.

4           Section 17. This act shall take effect July 1, 2004.  
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