

By the Committee on Health, Aging, and Long-Term Care

317-634A-04

1                                   A bill to be entitled  
2           An act relating to the licensure of health care  
3           practitioners; amending s. 456.039, F.S.;  
4           revising the requirements for information  
5           submitted by designated health care  
6           professionals for licensure, licensure renewal,  
7           and updates thereof; authorizing the Department  
8           of Health to receive automated criminal arrest  
9           information concerning health care  
10          professionals who are subject to the profiling  
11          requirements; requiring certain health  
12          professionals to submit fingerprints to the  
13          Department of Health and to pay fees for a  
14          criminal history records check; amending s.  
15          456.0391, F.S.; revising the requirements for  
16          information submitted by advanced registered  
17          nurse practitioners for certification;  
18          authorizing the Department of Health to receive  
19          automated criminal arrest information  
20          concerning health care professionals who are  
21          subject to the profiling requirements;  
22          requiring certain health professionals to  
23          submit fingerprints to the Department of Health  
24          and to pay fees for a criminal history records  
25          check; amending s. 456.041, F.S.; revising the  
26          duties of the Department of Health with respect  
27          to its compilation of information into a  
28          practitioner profile for designated health care  
29          professionals; requiring the department to  
30          verify specified information submitted for  
31          compilation into practitioner profiles;

1 requiring the department to include in each  
2 practitioner's profile specified criminal  
3 history information, specified information  
4 regarding the status of the practitioner's  
5 license, and, upon notification, information  
6 regarding the date of death of the  
7 practitioner; requiring applications for a  
8 physician license and license renewal to be  
9 submitted electronically by a specified date;  
10 amending s. 456.042, F.S.; requiring designated  
11 health care practitioners to electronically  
12 submit updates of required information for  
13 compilation into practitioner profiles;  
14 amending s. 456.051, F.S.; revising  
15 requirements for the Department of Health to  
16 publish reports of claims or actions for  
17 damages for certain health care practitioners  
18 on the practitioner profiles; amending ss.  
19 458.319, 459.008, 460.407, and 461.007, F.S.;  
20 revising requirements for physician licensure  
21 renewal; authorizing the Department of Health  
22 to gain access to renewal applicants' records  
23 in an automated system maintained by the  
24 Department of Law Enforcement; providing an  
25 effective date.

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

28  
29 Section 1. Subsections (1), (3), and (4) of section  
30 456.039, Florida Statutes, are amended to read:

31

1           456.039 Designated health care professionals;  
2 information required for licensure.--

3           (1) Each person who applies for initial licensure as a  
4 physician under chapter 458, chapter 459, chapter 460, or  
5 chapter 461, except a person applying for registration under  
6 ~~pursuant to~~ ss. 458.345 and 459.021, must, at the time of  
7 application, and each physician who applies for license  
8 renewal under chapter 458, chapter 459, chapter 460, or  
9 chapter 461, except a person registered under ~~pursuant to~~ ss.  
10 458.345 and 459.021, must, in conjunction with the renewal of  
11 the such license and under procedures adopted by the  
12 department ~~of Health~~, and in addition to any other information  
13 that may be required from the applicant, furnish the following  
14 information to the department ~~of Health~~:

15           (a)1. The name of each medical school that the  
16 applicant has attended, with the dates of attendance and the  
17 date of graduation, and a description of all graduate medical  
18 education completed by the applicant, excluding any coursework  
19 taken to satisfy medical licensure continuing education  
20 requirements.

21           2. The name of each hospital at which the applicant  
22 has privileges.

23           3. The address at which the applicant will primarily  
24 conduct his or her practice and any other address at which the  
25 applicant regularly conducts his or her practice, clearly  
26 identifying each county in the state in which the applicant  
27 practices.

28           4. Any certification that the applicant has received  
29 from a specialty board that is recognized by the board to  
30 which the applicant is applying.

31

1           5. The year that the applicant began practicing  
2 medicine.

3           6. Any appointment to the faculty of a medical school  
4 which the applicant currently holds and an indication as to  
5 whether the applicant has had the responsibility for graduate  
6 medical education within the most recent 10 years.

7           7. A description of any criminal offense of which the  
8 applicant has been found guilty, regardless of whether  
9 adjudication of guilt was withheld, or to which the applicant  
10 has pled guilty or nolo contendere. A criminal offense  
11 committed in another jurisdiction which would have been a  
12 felony or misdemeanor if committed in this state must be  
13 reported. If the applicant indicates that a criminal offense  
14 is under appeal and submits a copy of the notice for appeal of  
15 that criminal offense, the department must state that the  
16 criminal offense is under appeal if the criminal offense is  
17 reported in the applicant's profile. If the applicant  
18 indicates to the department that a criminal offense is under  
19 appeal, the applicant must, upon disposition of the appeal,  
20 submit to the department a copy of the final written order of  
21 disposition.

22           8. A description of any final disciplinary action  
23 taken within the previous 10 years against the applicant by  
24 the agency regulating the profession that the applicant is or  
25 has been licensed to practice, whether in this state or in any  
26 other jurisdiction, by a specialty board that is recognized by  
27 the American Board of Medical Specialties, the American  
28 Osteopathic Association, or a similar national organization,  
29 or by a licensed hospital, health maintenance organization,  
30 prepaid health clinic, ambulatory surgical center, or nursing  
31 home. Disciplinary action includes resignation from or

1 nonrenewal of medical staff membership or the restriction of  
2 privileges at a licensed hospital, health maintenance  
3 organization, prepaid health clinic, ambulatory surgical  
4 center, or nursing home taken in lieu of or in settlement of a  
5 pending disciplinary case related to competence or character.

6 If the applicant indicates that the disciplinary action is  
7 under appeal and submits a copy of the document initiating an  
8 appeal of the disciplinary action, the department must state  
9 that the disciplinary action is under appeal if the  
10 disciplinary action is reported in the applicant's profile.

11 9. Relevant professional qualifications as defined by  
12 the applicable board.

13 10. The percentage of time that the physician  
14 practices in the board-certified specialty, if the physician  
15 is a board-certified specialist.

16 11. The practice area to which the physician limits  
17 his or her practice, if the physician is not a board-certified  
18 specialist and the physician limits his or her practice to a  
19 particular area.

20 12. The type of practice settings in which the  
21 physician practices, including hospitals, specialty hospitals,  
22 veterans hospitals, ambulatory surgical centers, other  
23 clinics, county health departments, physician offices, or  
24 other locations.

25 13. An indication of whether the physician has retired  
26 and is not actively practicing his or her profession.

27 14. An indication of the number of hours per week in  
28 which the physician actively practices, if the physician is in  
29 active practice fewer than 40 hours per week.

30 15. The method by which the physician is in compliance  
31 with the financial responsibility requirements, including the

1 type of coverage obtained, the amount of coverage maintained,  
2 and the name of the coverage provider, if applicable.

3 (b) In addition to the information required under  
4 paragraph (a), each applicant who seeks licensure under  
5 chapter 458, chapter 459, or chapter 461, and who has  
6 practiced previously in this state or in another jurisdiction  
7 or a foreign country must provide the information required of  
8 licensees under those chapters under ~~pursuant to~~ s. 456.049.  
9 An applicant for licensure under chapter 460 who has practiced  
10 previously in this state or in another jurisdiction or a  
11 foreign country must provide the same information as is  
12 required of licensees under chapter 458, under ~~pursuant to~~ s.  
13 456.049.

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

25 (a) Refuse to issue a license to any person applying  
26 for initial licensure who fails to submit and update the  
27 required information.

28 (b) Issue a citation to any licensee who fails to  
29 submit and update the required information and may fine the  
30 licensee up to \$50 for each day that the licensee is not in  
31 compliance with this subsection. The citation must clearly

1 state that the licensee may choose, in lieu of accepting the  
2 citation, to follow the procedure under s. 456.073. If the  
3 licensee disputes the matter in the citation, the procedures  
4 set forth in s. 456.073 must be followed. However, if the  
5 licensee does not dispute the matter in the citation with the  
6 department within 30 days after the citation is served, the  
7 citation becomes a final order and constitutes discipline.  
8 Service of a citation may be made by personal service or  
9 certified mail, restricted delivery, to the subject at the  
10 licensee's last known address.

11 (4)(a) An applicant for initial licensure must submit  
12 a set of fingerprints to the Department of Health in  
13 accordance with s. 458.311, s. 458.3115, s. 458.3124, s.  
14 458.313, s. 459.0055, s. 460.406, or s. 461.006.

15 (b) An applicant for renewed licensure must submit a  
16 set of fingerprints for the initial renewal of his or her  
17 license after January 1, 2005 ~~2000~~, to the department ~~agency~~  
18 ~~regulating that profession~~ in accordance with procedures  
19 established under s. 458.319, s. 459.008, s. 460.407, or s.  
20 461.007. If an applicant for license renewal has previously  
21 submitted fingerprints that are retained by the Department of  
22 Law Enforcement in the statewide automated fingerprint  
23 identification system, the applicant shall not be required to  
24 resubmit his or her fingerprints.

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 until arrest information is available  
29 to the department from the Department of Law Enforcement's  
30 operation of the statewide automated fingerprint  
31 identification system, ~~and the Florida Department of Law~~

1 ~~Enforcement shall forward the fingerprints to the Federal~~  
2 ~~Bureau of Investigation for a national criminal history check~~  
3 ~~of the applicant. The department shall submit the fingerprints~~  
4 ~~provided by an applicant for a renewed license to the Florida~~  
5 ~~Department of Law Enforcement for a statewide criminal history~~  
6 ~~check, and the Florida Department of Law Enforcement shall~~  
7 ~~forward the fingerprints to the Federal Bureau of~~  
8 ~~Investigation for a national criminal history check for the~~  
9 ~~initial renewal of the applicant's license after January 1,~~  
10 ~~2000; for any subsequent renewal of the applicant's license,~~  
11 ~~the department shall submit the required information for a~~  
12 ~~statewide criminal history check of the applicant.~~

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



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

3 (e) Fingerprints obtained by the Department of Health  
4 under paragraph (a) or paragraph (b) shall be retained by the  
5 Department of Law Enforcement and must be entered in the  
6 statewide automated fingerprint identification system  
7 authorized by s. 943.05(2)(b). Such fingerprints shall  
8 thereafter be available for all purposes and uses authorized  
9 for arrest fingerprint cards entered in the statewide  
10 automated fingerprint identification system pursuant to s.  
11 943.051.

12 (f) Beginning December 15, 2005, the Department of Law  
13 Enforcement shall search all arrest fingerprint cards received  
14 under s. 943.051 against the fingerprints retained in the  
15 statewide automated fingerprint identification system under  
16 paragraph (e). Any arrest records that are thus identified  
17 with the retained applicant fingerprints must be reported to  
18 the Department of Health. The Department of Health must  
19 participate in this search process by paying an annual fee to  
20 the Department of Law Enforcement and by informing the  
21 Department of Law Enforcement of any change in the licensure  
22 status of each applicant whose fingerprints are retained under  
23 paragraph (e). The Department of Law Enforcement shall  
24 establish by rule the amount of the annual fee to be imposed  
25 on the Department of Health for performing these searches, for  
26 retaining fingerprints of licensed health care practitioners,  
27 and for disseminating search results. Each applicant for  
28 licensure or license renewal who is subject to the  
29 requirements of this section shall pay to the Department of  
30 Health, at the time of initial licensure or license renewal,  
31 an amount equal to the costs incurred by the Department of

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

4 Section 2. Subsections (3) and (4) of section  
5 456.0391, Florida Statutes, are amended to read:

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

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

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

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

1 department within 30 days after the citation is served, the  
2 citation becomes a final order and constitutes discipline.  
3 Service of a citation may be made by personal service or  
4 certified mail, restricted delivery, to the subject at the  
5 certificateholder's last known address.

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

12 (b) An applicant for renewed certification who has ~~not~~  
13 previously submitted a set of fingerprints to the Department  
14 of Health for purposes of certification must submit a set of  
15 fingerprints to the department as a condition of the initial  
16 renewal of his or her certificate after January 1, 2005 ~~the~~  
17 ~~effective date of this section~~. The applicant must submit the  
18 fingerprints on a form and under procedures specified by the  
19 department, along with payment in an amount equal to the costs  
20 incurred by the Department of Health for retaining and  
21 processing of fingerprints in the Department of Law  
22 Enforcement's statewide automated fingerprint identification  
23 system. If an applicant for renewed certification has  
24 previously submitted fingerprints that are retained by the  
25 Department of Law Enforcement in the statewide automated  
26 fingerprint identification system, the applicant shall not be  
27 required to resubmit his or her fingerprints ~~a national~~  
28 ~~criminal history check~~. ~~For subsequent renewals, the applicant~~  
29 ~~for renewed certification must only submit information~~  
30 ~~necessary to conduct a statewide criminal history check, along~~  
31

1 ~~with payment in an amount equal to the costs incurred by the~~  
2 ~~Department of Health for a statewide criminal history check.~~

3 (c)1. The Department of Health shall submit the  
4 fingerprints provided by an applicant for initial  
5 certification to the Florida Department of Law Enforcement for  
6 a statewide criminal history check until arrest information is  
7 available to the Department of Health from the Department of  
8 Law Enforcement's implementation of the statewide automated  
9 fingerprint identification system, and the Florida Department  
10 of Law Enforcement shall forward the fingerprints to the  
11 Federal Bureau of Investigation for a national criminal  
12 history check of the applicant.

13 2. The department shall submit the fingerprints  
14 provided by an applicant for the initial renewal of  
15 certification to the Florida Department of Law Enforcement for  
16 a statewide criminal history check until arrest information is  
17 available to the Department of Health from the Department of  
18 Law Enforcement's implementation of the statewide automated  
19 fingerprint identification system, ~~and the Florida Department~~  
20 ~~of Law Enforcement shall forward the fingerprints to the~~  
21 ~~Federal Bureau of Investigation for a national criminal~~  
22 ~~history check for the initial renewal of the applicant's~~  
23 ~~certificate after the effective date of this section.~~

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

28 (d) Any applicant for initial certification or renewal  
29 of certification as an advanced registered nurse practitioner  
30 who submits to the Department of Health a set of fingerprints  
31 and information required for the criminal history check

1 required under this section shall not be required to provide a  
2 subsequent set of fingerprints or other duplicate information  
3 required for a criminal history check to the Agency for Health  
4 Care Administration, the Department of Juvenile Justice, or  
5 the Department of Children and Family Services for employment  
6 or licensure with such agency or department, if the applicant  
7 has undergone a criminal history check as a condition of  
8 initial certification or renewal of certification as an  
9 advanced registered nurse practitioner with the Department of  
10 Health, notwithstanding any other provision of law to the  
11 contrary. In lieu of such duplicate submission, the Agency for  
12 Health Care Administration, the Department of Juvenile  
13 Justice, and the Department of Children and Family Services  
14 shall obtain criminal history information for employment or  
15 licensure of persons certified under s. 464.012 by such agency  
16 or department from the Department of Health's health care  
17 practitioner credentialing system.

18 (e) Fingerprints obtained by the Department of Health  
19 under paragraph (a) or paragraph (b) shall be retained by the  
20 Department of Law Enforcement and must be entered in the  
21 statewide automated fingerprint identification system  
22 authorized by s. 943.05(2)(b). Such fingerprints shall  
23 thereafter be available for all purposes and uses authorized  
24 for arrest fingerprint cards entered in the statewide  
25 automated fingerprint identification system pursuant to s.  
26 943.051.

27 (f) Beginning December 15, 2005, the Department of Law  
28 Enforcement shall search all arrest fingerprint cards received  
29 under s. 943.051 against the fingerprints retained in the  
30 statewide automated fingerprint identification system under  
31 paragraph (e). Any arrest records that are thus identified

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

20 Section 3. Subsections (1), (3), and (8) of section  
21 456.041, Florida Statutes, are amended, present subsection  
22 (10) is redesignated as subsection (11), and a new subsection  
23 (10) is added to that section, to read:

24 456.041 Practitioner profile; creation.--

25 (1)(a) The Department of Health shall compile the  
26 information submitted under ~~pursuant to~~ s. 456.039 into a  
27 practitioner profile of the applicant submitting the  
28 information, except that the department ~~of Health~~ shall  
29 develop a format to compile uniformly any information  
30 submitted under s. 456.039(4)(b).

31

1           (b) Beginning July 1, 2004, the department shall  
2 verify information concerning medical education, postgraduate  
3 medical training, current staff privileges, any physician  
4 licenses held in other states, disciplinary history, and  
5 malpractice claims which is submitted under s. 456.039 by each  
6 applicant for initial and renewal licensure.

7           (c) Beginning July 1, 2001, the department ~~of Health~~  
8 may compile the information submitted under ~~pursuant to~~ s.  
9 456.0391 into a practitioner profile of the applicant  
10 submitting the information.

11           (d)~~(b)~~ Within 30 calendar days after receiving an  
12 update of information required for the practitioner's profile,  
13 the department shall update the practitioner's profile in  
14 accordance with the requirements of subsection (7).

15           (3) The department ~~of Health~~ shall include in each  
16 practitioner's practitioner profile that criminal history  
17 information submitted under s. 456.039 or s. 456.0391 that  
18 ~~directly relates to the practitioner's ability to competently~~  
19 ~~practice his or her profession.~~ The department must include in  
20 each practitioner's practitioner profile the following  
21 statement: "The criminal history information, if any exists,  
22 may be incomplete; federal criminal history information is not  
23 available to the public." The department shall provide in each  
24 practitioner profile, for every final disciplinary action  
25 taken against the practitioner, an easy-to-read narrative  
26 description that explains the administrative complaint filed  
27 against the practitioner and the final disciplinary action  
28 imposed on the practitioner. The department shall include a  
29 hyperlink to each final order listed in its website report of  
30 dispositions of recent disciplinary actions taken against  
31 practitioners.

1           (8) The department ~~of Health~~ must provide in each  
2 profile an easy-to-read explanation of any disciplinary action  
3 taken and the reason the sanction or sanctions were imposed.  
4 The department must provide the status of the practitioner's  
5 license on each practitioner's profile and state whether or  
6 not the practitioner has relinquished a license or had a  
7 license revoked in any state or jurisdiction.

8           (10) Upon notification, the department shall indicate  
9 on each practitioner's profile the date of death of the  
10 practitioner.

11           Section 4. Beginning July 1, 2004, the application  
12 forms for an initial license and a license renewal for  
13 physicians licensed under chapter 458, chapter 459, chapter  
14 460, or chapter 461 shall be submitted electronically through  
15 the Internet. The department shall issue the license or renew  
16 a license if the applicant provides satisfactory evidence that  
17 all conditions and requirements of licensure or license  
18 renewal have been met, including, but not limited to, the  
19 payment of fees, the completion of required continuing  
20 education coursework, and, if applicable, the maintenance of  
21 financial responsibility. This section does not reduce or  
22 eliminate any requirement set forth in chapter 456, Florida  
23 Statutes, or the applicable practice act.

24           Section 5. Section 456.042, Florida Statutes, is  
25 amended to read:

26           456.042 Practitioner profiles; update.--A practitioner  
27 must electronically submit updates of required information  
28 through the Internet within 15 days after the final activity  
29 that renders such information a fact. The department ~~of Health~~  
30 shall update each practitioner's practitioner profile  
31



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

3 Section 6. 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 7. 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 must pay the Department of Health an amount equal to  
16 the costs incurred by the Department of Health for access to  
17 records in the statewide automated fingerprint identification  
18 system in lieu of payment of fees for a statewide criminal  
19 background check of the applicant.The applicant must submit a  
20 set of fingerprints to the Department of Health on a form and  
21 under procedures specified by the department, along with  
22 payment in an amount equal to the costs incurred by the  
23 department for retaining and processing fingerprints in the  
24 Department of Law Enforcement's statewide automated  
25 fingerprint identification system ~~a national criminal~~  
26 ~~background check of the applicant~~ for the initial renewal of  
27 his or her license after January 1, 2005 ~~2000~~. If the  
28 applicant fails to submit either the information required  
29 under s. 456.039 or a set of fingerprints to the department as  
30 required by this section, the department shall issue a notice  
31 of noncompliance, and the applicant will be given 30

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

31

1 Section 8. Subsection (1) of section 459.008, Florida  
2 Statutes, is amended to read:

3 459.008 Renewal of licenses and certificates.--

4 (1) The department shall renew a license or  
5 certificate upon receipt of the renewal application and fee.  
6 An applicant for a renewed license must also submit the  
7 information required under s. 456.039 to the department on a  
8 form and under procedures specified by the department, along  
9 with payment in an amount equal to the costs incurred by the  
10 Department 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 must pay the Department of Health an amount equal to  
14 the costs incurred by the Department of Health for access to  
15 records in the statewide automated fingerprint identification  
16 system in lieu of payment of fees for a statewide criminal  
17 background check of the applicant. The applicant must submit  
18 a set of fingerprints to the Department of Health on a form  
19 and under procedures specified by the department, along with  
20 payment in an amount equal to the costs incurred by the  
21 department for retaining and processing fingerprints in the  
22 Department of Law Enforcement's statewide automated  
23 fingerprint identification system ~~a national criminal~~  
24 ~~background check of the applicant~~ for the initial renewal of  
25 his or her license after January 1, 2005 ~~2000~~. If the  
26 applicant fails to submit either the information required  
27 under s. 456.039 or a set of fingerprints to the department as  
28 required by this section, the department shall issue a notice  
29 of noncompliance, and the applicant will be given 30  
30 additional days to comply. If the applicant fails to comply  
31 within 30 days after the notice of noncompliance is issued,

1 the department or board, as appropriate, may issue a citation  
2 to the applicant and may fine the applicant up to \$50 for each  
3 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 not retained by the Department of Law  
21 Enforcement in the statewide automated fingerprint  
22 identification system and the Department of Health is using  
23 that system for access to arrest information of licensed  
24 health practitioners, then the applicant must resubmit his or  
25 her fingerprints and submit the information and fee required  
26 by s. 456.039 for access to records in the statewide automated  
27 fingerprint identification system in lieu of payment of fees  
28 for a criminal background check of the applicant.

29 Section 9. Subsection (1) of section 460.407, Florida  
30 Statutes, is amended to read:

31 460.407 Renewal of license.--

1           (1) The department shall renew a license upon receipt  
2 of the renewal application and the fee set by the board not to  
3 exceed \$500. An applicant for a renewed license must also  
4 submit the information required under s. 456.039 to the  
5 department on a form and under procedures specified by the  
6 department, along with payment in an amount equal to the costs  
7 incurred by the Department of Health for the statewide  
8 criminal background check of the applicant. After the  
9 statewide automated fingerprint identification system is  
10 implemented, the applicant must pay the Department of Health  
11 an amount equal to the costs incurred by the Department of  
12 Health for access to records in the statewide automated  
13 fingerprint identification system in lieu of payment of fees  
14 for a statewide criminal background check of the applicant.  
15 The applicant must submit a set of fingerprints to the  
16 Department of Health on a form and under procedures specified  
17 by the department, along with payment in an amount equal to  
18 the costs incurred by the department for retaining and  
19 processing fingerprints in the Department of Law Enforcement's  
20 statewide automated fingerprint identification system ~~a~~  
21 ~~national criminal background check of the applicant~~ for the  
22 initial renewal of his or her license after January 1, 2005  
23 ~~2000~~. If the applicant fails to submit either the information  
24 required under s. 456.039 or a set of fingerprints to the  
25 department as required by this section, the department shall  
26 issue a notice of noncompliance, and the applicant will be  
27 given 30 additional days to comply. If the applicant fails to  
28 comply within 30 days after the notice of noncompliance is  
29 issued, the department or board, as appropriate, may issue a  
30 citation to the applicant and may fine the applicant up to \$50  
31 for each day that the applicant is not in compliance with the

1 requirements of s. 456.039. The citation must clearly state  
2 that the applicant may choose, in lieu of accepting the  
3 citation, to follow the procedure under s. 456.073. If the  
4 applicant disputes the matter in the citation, the procedures  
5 set forth in s. 456.073 must be followed. However, if the  
6 applicant does not dispute the matter in the citation with the  
7 department within 30 days after the citation is served, the  
8 citation becomes a final order and constitutes discipline.  
9 Service of a citation may be made by personal service or  
10 certified mail, restricted delivery, to the subject at the  
11 applicant's last known address. If an applicant has submitted  
12 fingerprints to the department for a national criminal history  
13 check upon initial licensure and is renewing his or her  
14 license for the first time, then the applicant need only  
15 submit the information and fee required for a statewide  
16 criminal history check. However, if the applicant's  
17 fingerprints are not retained by the Department of Law  
18 Enforcement in the statewide automated fingerprint  
19 identification system and the Department of Health is using  
20 that system for access to arrest information of licensed  
21 health practitioners, then the applicant must resubmit his or  
22 her fingerprints and submit the information and fee required  
23 by 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 10. Subsection (1) of section 461.007, Florida  
27 Statutes, is amended to read:

28 461.007 Renewal of license.--

29 (1) The department shall renew a license upon receipt  
30 of the renewal application and a fee not to exceed \$350 set by  
31 the board, and evidence that the applicant has actively

1 | practiced podiatric medicine or has been on the active  
2 | teaching faculty of an accredited school of podiatric medicine  
3 | for at least 2 years of the immediately preceding 4 years. If  
4 | the licensee has not actively practiced podiatric medicine for  
5 | at least 2 years of the immediately preceding 4 years, the  
6 | board shall require that the licensee successfully complete a  
7 | board-approved course prior to renewal of the license. For  
8 | purposes of this subsection, "actively practiced podiatric  
9 | medicine" means the licensed practice of podiatric medicine as  
10 | defined in s. 461.003(5) by podiatric physicians, including  
11 | podiatric physicians employed by any governmental entity, on  
12 | the active teaching faculty of an accredited school of  
13 | podiatric medicine, or practicing administrative podiatric  
14 | medicine. An applicant for a renewed license must also submit  
15 | the information required under s. 456.039 to the department on  
16 | a form and under procedures specified by the department, along  
17 | with payment in an amount equal to the costs incurred by the  
18 | Department of Health for the statewide criminal background  
19 | check of the applicant. After the statewide automated  
20 | fingerprint identification system is implemented, the  
21 | applicant must pay the Department of Health an amount equal to  
22 | the costs incurred by the Department of Health for access to  
23 | records in the statewide automated fingerprint identification  
24 | system in lieu of payment of fees for a statewide criminal  
25 | background check of the applicant.The applicant must submit a  
26 | set of fingerprints to the Department of Health on a form and  
27 | under procedures specified by the department, along with  
28 | payment in an amount equal to the costs incurred by the  
29 | department for retaining and processing fingerprints in the  
30 | Department of Law Enforcement's statewide automated  
31 | fingerprint identification system ~~a national criminal~~



1 ~~background check of the applicant~~ for the initial renewal of  
2 his or her license after January 1, 2005 ~~2000~~. If the  
3 applicant fails to submit either the information required  
4 under s. 456.039 or a set of fingerprints to the department as  
5 required by this section, the department shall issue a notice  
6 of noncompliance, and the applicant will be given 30  
7 additional days to comply. If the applicant fails to comply  
8 within 30 days after the notice of noncompliance is issued,  
9 the department or board, as appropriate, may issue a citation  
10 to the applicant and may fine the applicant up to \$50 for each  
11 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 not retained by the Department of Law  
29 Enforcement in the statewide automated fingerprint  
30 identification system and the Department of Health is using  
31 that system for access to arrest information of licensed

1 health practitioners, then the applicant must resubmit his or  
2 her fingerprints and submit the information and fee required  
3 by s. 456.039 for access to records in the statewide automated  
4 fingerprint identification system in lieu of payment of fees  
5 for a criminal background check of the applicant.

6 Section 11. This act shall take effect July 1, 2004.

7  
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9 SENATE SUMMARY

10 Revises the requirements for information submitted by  
11 specified health care professionals for initial and  
12 renewal licenses. Revises the duties of the Department of  
13 Health in compiling information into a practitioner's  
14 profile. Requires the department to verify certain  
15 information submitted by applicants for licensure.  
16 Requires the department to include the criminal history,  
17 the status of the practitioner's license, and the  
18 notification of death in a practitioner's profile.  
19 Requires practitioners to submit applications for  
20 licensure and updated information electronically through  
21 the Internet by a specified date. Requires the Department  
22 of Law Enforcement to retain fingerprints of health care  
23 professionals and search arrest records against the  
24 fingerprints of health care professionals. Requires  
25 arrest information concerning a health care professional  
26 to be provided to the Department of Health. Provides for  
27 payment of an annual fee to the Department of Law  
28 Enforcement. (See bill for details.)  
29  
30  
31