

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

317-1948-04

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; requiring issuance of a
8 notice of noncompliance for failure to comply
9 with reporting requirements; authorizing the
10 Department of Health to receive automated
11 criminal arrest information concerning health
12 care professionals who are subject to the
13 profiling requirements; requiring certain
14 health professionals to submit fingerprints to
15 the Department of Health and to pay fees for a
16 criminal history records check; amending s.
17 456.0391, F.S.; revising the requirements for
18 information submitted by advanced registered
19 nurse practitioners for certification;
20 authorizing the Department of Health to receive
21 automated criminal arrest information
22 concerning health care professionals who are
23 subject to the profiling requirements;
24 requiring certain health professionals to
25 submit fingerprints to the Department of Health
26 and to pay fees for a criminal history records
27 check; amending s. 456.041, F.S.; revising the
28 duties of the Department of Health with respect
29 to its compilation of information into a
30 practitioner profile for designated health care
31 professionals; requiring the department to

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

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

29
30 Section 1. Subsections (1), (3), and (4) of section
31 456.039, Florida Statutes, are amended to read:

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. For any physician who is actively practicing fewer
28 than 40 hours per week, an indication of whether the physician
29 practices fewer than 20 hours per week or practices between 20
30 and 40 hours per week.

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1 15. The method by which the physician is in compliance
2 with the financial responsibility requirements, including the
3 type of coverage obtained, the amount of coverage maintained,
4 and the name of the coverage provider, if applicable.

5 (b) In addition to the information required under
6 paragraph (a), each applicant who seeks licensure under
7 chapter 458, chapter 459, or chapter 461, and who has
8 practiced previously in this state or in another jurisdiction
9 or a foreign country must provide the information required of
10 licensees under those chapters under ~~pursuant to~~ s. 456.049.
11 An applicant for licensure under chapter 460 who has practiced
12 previously in this state or in another jurisdiction or a
13 foreign country must provide the same information as is
14 required of licensees under chapter 458, under ~~pursuant to~~ s.
15 456.049.

16 (3) Each person who has submitted information under
17 ~~pursuant to~~ subsection (1) must update that information in
18 writing by notifying the department ~~of Health~~ within 15 ~~45~~
19 days after the occurrence of an event or the attainment of a
20 status that is required to be reported by subsection (1).

21 (a) Failure to comply with the requirements of this
22 subsection to update and submit information required by
23 subparagraphs (1)(a)1.-9. 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 required by subparagraphs (1)(a)1.-9., the
28 department or board, as appropriate, may:

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

1 2.~~(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 (b) Failure to comply with the requirements of this
16 subsection to update and submit information required by
17 subparagraphs (1)(a)10.-15. shall result in the issuance of a
18 notice of noncompliance.

19 (4)(a) An applicant for initial licensure must submit
20 a set of fingerprints to the Department of Health in
21 accordance with s. 458.311, s. 458.3115, s. 458.3124, s.
22 458.313, s. 459.0055, s. 460.406, or s. 461.006.

23 (b) An applicant for renewed licensure must submit a
24 set of fingerprints for the initial renewal of his or her
25 license after January 1, 2000, to the department ~~agency~~
26 ~~regulating that profession~~ in accordance with procedures
27 established under s. 458.319, s. 459.008, s. 460.407, or s.
28 461.007.

29 (c) The Department of Health shall submit the
30 fingerprints provided by an applicant for initial licensure to
31 the Florida Department of Law Enforcement for a statewide

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

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

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

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

12 (f) Beginning December 15, 2004, 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 and whose fingerprints are
30 retained by the Department of Law Enforcement shall pay to the
31 Department of Health, at the time of initial licensure or

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

6 Section 2. Subsections (3) and (4) of section
7 456.0391, Florida Statutes, are amended to read:

8 456.0391 Advanced registered nurse practitioners;
9 information required for certification.--

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

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

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

1 456.073 must be followed. However, if the certificateholder
2 does not dispute the matter in the citation with the
3 department within 30 days after the citation is served, the
4 citation becomes a final order and constitutes discipline.
5 Service of a citation may be made by personal service or
6 certified mail, restricted delivery, to the subject at the
7 certificateholder's last known address.

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

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

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

1 of Law Enforcement shall forward the fingerprints to the
2 Federal Bureau of Investigation for a national criminal
3 history check of the applicant.

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

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

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

1 Justice, and the Department of Children and Family Services
2 shall obtain criminal history information for employment or
3 licensure of persons certified under s. 464.012 by such agency
4 or department from the Department of Health's health care
5 practitioner credentialing system.

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

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

1 fingerprints are retained by the Department of Law Enforcement
2 shall pay to the Department of Health, at the time of initial
3 certification or certification renewal, an amount equal to the
4 costs incurred by the Department of Health for access to
5 records in the statewide automated fingerprint identification
6 system in lieu of payment of fees for a statewide criminal
7 background check of the applicant.

8 Section 3. Subsections (1), (3), and (8) of section
9 456.041, Florida Statutes, are amended, present subsection
10 (10) is redesignated as subsection (11), and a new subsection
11 (10) is added to that section, to read:

12 456.041 Practitioner profile; creation.--

13 (1)(a) The Department of Health shall compile the
14 information submitted under ~~pursuant to~~ s. 456.039 into a
15 practitioner profile of the applicant submitting the
16 information, except that the department ~~of Health~~ shall
17 develop a format to compile uniformly any information
18 submitted under s. 456.039(4)(b).

19 (b) Beginning January 1, 2005, the department shall
20 verify through a source other than the applicant the following
21 information if the department determines that the information
22 submitted during the initial licensure process was not
23 verified: medical school education, postgraduate medical
24 training, any physicians licenses held in other states,
25 disciplinary history, and malpractice claims that are
26 submitted under s. 456.039 by each applicant for initial and
27 renewal licensure. Beginning January 1, 2005, the department
28 shall perform random audits to determine the accuracy of
29 information submitted under s. 456.039 regarding current staff
30 privileges for applicants for initial and renewal licensure.

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1 (c) Beginning July 1, 2001, the department ~~of Health~~
2 may compile the information submitted under ~~pursuant to~~ s.
3 456.0391 into a practitioner profile of the applicant
4 submitting the information.

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

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

25 (8) The department ~~of Health~~ must provide in each
26 profile an easy-to-read explanation of any disciplinary action
27 taken and the reason the sanction or sanctions were imposed.
28 The department must provide the status of the practitioner's
29 license on each practitioner's profile and state whether or
30 not the practitioner has relinquished a license or had a
31 license revoked in any state or jurisdiction.

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

4 Section 4. (1)(a) Beginning July 1, 2006, the
5 application forms for an initial license and a license renewal
6 for physicians licensed under chapter 458, chapter 459,
7 chapter 460, or chapter 461, Florida Statutes, shall be
8 submitted electronically through the Internet unless the
9 applicant provides an explanation for not doing so.

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

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

19 Section 5. Section 456.042, Florida Statutes, is
20 amended to read:

21 456.042 Practitioner profiles; update.--A practitioner
22 must submit updates of required information within 15 days
23 after the final activity that renders such information a fact.
24 Practitioners may submit the required information
25 electronically through the Internet. Beginning July 1, 2007, a
26 practitioner must electronically submit updates of required
27 information through the Internet within 15 days after the
28 final activity that renders such information a fact.~~The~~
29 ~~department of Health~~ shall update each practitioner's
30 practitioner profile periodically. An updated profile is
31 subject to the same requirements as an original profile.

1 Section 6. Subsection (1) of section 456.051, Florida
2 Statutes, is amended to read:

3 456.051 Reports of professional liability actions;
4 bankruptcies; Department of Health's responsibility to
5 provide.--

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

16 Section 7. Subsection (1) of section 458.319, Florida
17 Statutes, is amended to read:

18 458.319 Renewal of license.--

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

1 competency examination prior to renewal of the license.
2 "Actively practiced medicine" means that practice of medicine
3 by physicians, including those employed by any governmental
4 entity in community or public health, as defined by this
5 chapter, including physicians practicing administrative
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 8. Subsection (1) of section 459.008, Florida
27 Statutes, is amended to read:

28 459.008 Renewal of licenses and certificates.--

29 (1) The department shall renew a license or
30 certificate upon receipt of the renewal application and fee.
31 An applicant for a renewed license must also submit the

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

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

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

22 460.407 Renewal of license.--

23 (1) The department shall renew a license upon receipt
24 of the renewal application and the fee set by the board not to
25 exceed \$500. An applicant for a renewed license must also
26 submit the information required under s. 456.039 to the
27 department on a form and under procedures specified by the
28 department, along with payment in an amount equal to the costs
29 incurred by the Department of Health for the statewide
30 criminal background check of the applicant. After the
31 statewide automated fingerprint identification system is

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

1 address. If an applicant has submitted fingerprints to the
2 department for a national criminal history check upon initial
3 licensure and is renewing his or her license for the first
4 time, then the applicant need only submit the information and
5 fee required for a statewide criminal history check. However,
6 if the applicant's fingerprints are retained by the Department
7 of Law Enforcement in the statewide automated fingerprint
8 identification system and the Department of Health is using
9 that system for access to arrest information of licensed
10 health practitioners, then the applicant must submit the
11 information and fee required by s. 456.039 for access to
12 records in the statewide automated fingerprint identification
13 system in lieu of payment of fees for a criminal background
14 check of the applicant.

15 Section 10. Subsection (1) of section 461.007, Florida
16 Statutes, is amended to read:

17 461.007 Renewal of license.--

18 (1) The department shall renew a license upon receipt
19 of the renewal application and a fee not to exceed \$350 set by
20 the board, and evidence that the applicant has actively
21 practiced podiatric medicine or has been on the active
22 teaching faculty of an accredited school of podiatric medicine
23 for at least 2 years of the immediately preceding 4 years. If
24 the licensee has not actively practiced podiatric medicine for
25 at least 2 years of the immediately preceding 4 years, the
26 board shall require that the licensee successfully complete a
27 board-approved course prior to renewal of the license. For
28 purposes of this subsection, "actively practiced podiatric
29 medicine" means the licensed practice of podiatric medicine as
30 defined in s. 461.003(5) by podiatric physicians, including
31 podiatric physicians employed by any governmental entity, on

1 the active teaching faculty of an accredited school of
2 podiatric medicine, or practicing administrative podiatric
3 medicine. An applicant for a renewed license must also submit
4 the information required under s. 456.039 to the department on
5 a 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 11. This act shall take effect July 1, 2004.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1462

The bill no longer requires licensure renewal applicants to submit fingerprints to enable the Department of Health to have access to automated criminal history information of the applicant. The bill revises the additional information that physicians must submit as part of the practitioner profiling requirements and the penalty for physicians who fail to submit the information. The bill revises requirements for the Department of Health to verify specified information submitted by physician applicants. The requirements for the electronic submission of practitioner profile updates and licensure applications for certain health care practitioners are revised. The publishing requirements for criminal history information are revised to no longer delete the requirement that the information must directly relate to the competency of a practitioner to practice his or her profession in order to be published in the profile of a practitioner.