

By Senator Peaden

2-1033-04

1 A bill to be entitled
2 An act relating to the Department of Health;
3 amending s. 395.0193, F.S., relating to
4 disciplinary powers; correcting references to
5 the Division of Medical Quality Assurance and
6 the department; amending s. 395.0197, F.S.;
7 requiring the Agency for Health Care
8 Administration to forward reports of adverse
9 incidents to the division; amending s.
10 395.3025, F.S.; providing requirements for a
11 facility administrator or records custodian
12 with respect to the certification of patient
13 records; specifying the charges for reproducing
14 records; revising purposes for which patient
15 records may be used; amending s. 395.7015,
16 F.S., relating to annual assessments;
17 correcting cross-references; amending s.
18 400.141, F.S.; providing requirements for the
19 production of records by nursing home
20 facilities; amending s. 400.145, F.S.;
21 providing requirements for a facility
22 administrator or records custodian with respect
23 to the certification of patient records;
24 amending s. 400.147, F.S.; requiring the Agency
25 for Health Care Administration to provide
26 certain reports to the division; amending s.
27 400.211, F.S.; revising inservice training
28 requirements for nursing assistants; amending
29 s. 400.423, F.S.; requiring the Agency for
30 Health Care Administration to forward reports
31 of adverse incidents to the division; creating

1 s. 400.455, F.S.; providing requirements for
2 the production of records by assisted living
3 facilities; amending s. 456.005, F.S.;
4 requiring the department to obtain input from
5 licensees in developing long-range plans;
6 amending s. 456.011, F.S.; providing procedures
7 for resolving a conflict between two or more
8 boards; authorizing the Secretary of Health to
9 resolve certain conflicts through rulemaking or
10 a declaratory statement; amending s. 456.012,
11 F.S.; limiting challenges by a board to a
12 declaratory statement; amending s. 456.013,
13 F.S.; increasing the period of validity of a
14 temporary license; authorizing a rule allowing
15 coursework to be completed by certain teaching
16 activities; revising requirements for wall
17 certificates; revising requirements for
18 continuing education; amending s. 381.00593,
19 F.S., relating to the public school volunteer
20 program; correcting a cross-reference; amending
21 s. 456.017, F.S.; revising requirements for
22 examinations; authorizing the department to
23 post scores on the Internet; creating s.
24 456.0195, F.S.; requiring continuing education
25 concerning domestic violence, HIV and AIDS, and
26 the prevention of medical errors; specifying
27 course content; providing for disciplinary
28 action for failure to comply with the
29 requirements; amending s. 456.025, F.S.;
30 revising reporting requirements for the
31 department concerning management of the boards;

1 amending s. 456.031, F.S.; revising
2 requirements for continuing education
3 concerning domestic violence; deleting a
4 reporting requirement; amending ss. 456.036 and
5 456.037, F.S.; authorizing the board or
6 department to require the display of a license;
7 amending s. 456.039, F.S., relating to
8 designated health care professionals;
9 correcting a cross-reference; amending s.
10 456.057, F.S.; specifying the charges for
11 reproducing records; amending s. 456.063, F.S.;
12 authorizing the board or the department to
13 adopt rules to determine the sufficiency of an
14 allegation of sexual misconduct; amending s.
15 456.072, F.S.; revising certain grounds for
16 disciplinary action; prohibiting the provision
17 of a drug if the patient does not have a valid
18 professional relationship with the prescribing
19 practitioner; authorizing the department to
20 impose a fee to defray the costs of monitoring
21 a licensee's compliance with an order; amending
22 s. 456.073, F.S.; revising certain procedures
23 for investigations concerning a disciplinary
24 proceeding; amending s. 457.105, F.S.; revising
25 requirements for licensure to practice
26 acupuncture; authorizing the department to
27 require certain additional information and to
28 require the evaluation of an applicant;
29 amending s. 457.109, F.S.; clarifying
30 circumstances under which the department may
31 take disciplinary action; amending s. 458.303,

1 F.S., relating to certain exceptions to the
2 practice acts; correcting cross-references;
3 amending s. 458.311, F.S.; revising licensure
4 requirements for physicians; amending s.
5 458.3124, F.S., relating to restricted
6 licenses; correcting a cross-reference;
7 amending s. 458.315, F.S.; revising
8 requirements for issuing a limited license to
9 practice as a physician; providing for waiver
10 of fees and assessments; amending s. 458.319,
11 F.S., relating to continuing education;
12 conforming provisions; amending s. 458.320,
13 F.S., relating to financial responsibility;
14 correcting a cross-reference; amending s.
15 458.331, F.S.; revising requirements for a
16 physician in responding to a complaint or other
17 document; amending s. 458.345, F.S., relating
18 to the registration of residents, interns, and
19 fellows; correcting a cross-reference; amending
20 s. 458.347, F.S.; revising requirements for
21 licensure as a physician assistant; revising
22 requirements for temporary licensure;
23 authorizing the board to mandate requirements
24 for continuing medical education, including
25 alternative methods for obtaining credits;
26 amending s. 459.008, F.S.; authorizing the
27 board to require by rule continuing medical
28 education and approve alternative methods of
29 obtaining credits; amending s. 459.015, F.S.;
30 revising requirements for an osteopathic
31 physician in responding to a complaint or other

1 document; amending s. 459.021, F.S.; revising
2 certain requirements for registration as a
3 resident, intern, or fellow; amending s.
4 460.406, F.S., relating to the licensure of
5 chiropractic physicians; correcting a
6 reference; amending ss. 460.413 and 461.013,
7 F.S.; revising requirements for a chiropractic
8 physician and podiatric physician in responding
9 to a complaint or other document; amending s.
10 463.006, F.S., relating to optometry;
11 correcting a reference; amending s. 464.0205,
12 F.S., relating to volunteer nurses; correcting
13 a cross-reference; amending s. 464.201, F.S.;
14 defining the term "practice of a certified
15 nursing assistant"; amending s. 464.202, F.S.;
16 requiring rules for practice as a certified
17 nursing assistant which specify the scope of
18 authorized practice and level of supervision
19 required; amending s. 464.203, F.S.; revising
20 screening requirements for certified nursing
21 assistants; amending s. 464.204, F.S., relating
22 to disciplinary actions; clarifying a
23 cross-reference; amending s. 465.003, F.S.;
24 redefining the term "pharmacy" to include an
25 Internet pharmacy; amending s. 465.0075, F.S.;
26 clarifying requirements for certain continuing
27 education for pharmacists; amending s. 465.016,
28 F.S.; providing that the dispensing of drugs
29 when there is not a valid practitioner-patient
30 relationship constitutes grounds for denying
31 licensure or imposing disciplinary action;

1 amending s. 465.0161, F.S.; providing that the
2 distribution of medicinal drugs without a
3 license is a second-degree felony; amending s.
4 465.018, F.S.; revising licensing requirements
5 for community pharmacies; requiring background
6 checks of licensees and certain officers of a
7 corporation; amending s. 465.025, F.S.;
8 revising requirements for the substitution of
9 drugs; deleting requirements that a pharmacy
10 establish a formulary of generic and brand name
11 drugs; amending s. 465.0265, F.S.; providing
12 requirements for central fill pharmacies that
13 prepare prescriptions on behalf of pharmacies;
14 amending s. 466.007, F.S.; revising
15 requirements for dental hygienists in
16 qualifying for examination; amending s.
17 466.021, F.S.; revising records requirements
18 concerning unlicensed persons employed by a
19 dentist; amending s. 467.009, F.S., relating to
20 midwifery programs; correcting references;
21 amending s. 467.013, F.S.; providing for
22 placing a midwife license on inactive status
23 pursuant to rule of the department; deleting
24 requirements for reactivating an inactive
25 license; amending s. 467.0135, F.S.; revising
26 requirements for fees, to conform; amending s.
27 467.017, F.S.; revising requirements for the
28 emergency care plan; amending s. 468.1155,
29 F.S., relating to the practice of
30 speech-language pathology and audiology;
31 correcting references; amending s. 468.509,

1 F.S., relating to dietitian/nutritionists;
2 correcting references; amending s. 468.707,
3 F.S., relating to licensure as an athletic
4 trainer; conforming provisions to changes made
5 by the act; amending s. 480.033, F.S., relating
6 to the regulation of massage therapists;
7 providing definitions and deleting obsolete
8 provisions; amending s. 480.034, F.S.;
9 specifying certain exemptions with respect to
10 the application of ch. 480, F.S.; amending s.
11 480.041, F.S.; revising requirements for
12 licensure as a massage therapist; authorizing
13 the department to require certain additional
14 information and to require the evaluation of an
15 applicant; amending s. 480.043, F.S.; providing
16 requirements for the licensure of a massage
17 establishment; requiring background checks of
18 an applicant; providing requirements for the
19 transfer of a license or the transfer of an
20 interest in a license or business; requiring
21 background checks; amending s. 480.046, F.S.;
22 providing additional grounds for disciplinary
23 action; amending s. 486.021, F.S., relating to
24 the practice of physical therapy; redefining
25 the term "direct supervision"; amending s.
26 486.031, F.S., relating to licensure
27 requirements; correcting references; amending
28 s. 486.051, F.S.; revising examination
29 requirements; amending s. 486.081, F.S.;
30 providing for licensure by endorsement for
31 physical therapists licensed in another

1 jurisdiction; amending s. 486.102, F.S.;

2 revising requirements for licensure; correcting

3 reference; amending s. 486.104, F.S.; revising

4 examination requirements for a physical

5 therapist assistant; amending s. 486.107, F.S.;

6 providing for licensure by endorsement for

7 physical therapist assistants licensed in

8 another jurisdiction; amending s. 486.109,

9 F.S.; revising requirements for continuing

10 education; amending s. 486.161, F.S.; providing

11 an exemption from licensure for certain

12 physical therapists affiliated with a team or

13 organization temporarily located in the state;

14 amending s. 486.172, F.S.; clarifying

15 provisions governing the qualifications of

16 immigrants for examination; amending s.

17 490.005, F.S., relating to psychological

18 services; correcting references; amending s.

19 491.005, F.S., relating to clinical,

20 counseling, and psychotherapy services;

21 revising licensure requirements; correcting

22 references; amending s. 491.006, F.S.;

23 providing requirements for licensure by

24 endorsement as a mental health counselor;

25 amending ss. 491.009 and 491.0145, F.S.;

26 clarifying provisions governing the discipline

27 of a certified master social worker; creating

28 s. 491.0146, F.S.; providing for the validity

29 of certain licenses to practice as a certified

30 master social worker; amending s. 817.505,

31 F.S.; clarifying provisions prohibiting actions

1 that constitute patient brokering; amending s.
2 817.567, F.S., relating to making false claims
3 of a degree or title; correcting a reference;
4 amending s. 895.02, F.S.; including Medicaid
5 provider fraud and the distribution of drugs as
6 an Internet pharmacy without a license within
7 the definition of the term "racketeering
8 activity" for purposes of the Florida RICO Act;
9 amending s. 1009.992, F.S., relating to the
10 Florida Higher Education Loan Authority Act;
11 correcting a reference; repealing ss. 456.033,
12 456.034, 458.313, 458.3147, 458.316, 458.3165,
13 458.317, 468.711(3), and 480.044(1)(h), F.S.,
14 relating to instruction concerning HIV and
15 AIDS, licensure by endorsement of physicians,
16 medical school eligibility, public health and
17 public psychiatry certificates, limited
18 licenses, and examination fees; providing an
19 effective date.

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

22
23 Section 1. Subsection (4) of section 395.0193, Florida
24 Statutes, is amended to read:

25 395.0193 Licensed facilities; peer review;
26 disciplinary powers; agency or partnership with physicians.--

27 (4) Pursuant to ss. 458.337 and 459.016, any
28 disciplinary actions taken under subsection (3) shall be
29 reported in writing to the Division of Medical Health Quality
30 Assurance of the Department of Health agency within 30 working
31 days after its initial occurrence, regardless of the pendency

1 of appeals to the governing board of the hospital. The
2 notification shall identify the disciplined practitioner, the
3 action taken, and the reason for such action. All final
4 disciplinary actions taken under subsection (3), if different
5 from those which were reported to the division ~~agency~~ within
6 30 days after the initial occurrence, shall be reported within
7 10 working days to the Division of Medical ~~Health~~ Quality
8 Assurance of the department ~~agency~~ in writing and shall
9 specify the disciplinary action taken and the specific grounds
10 therefor. The division shall review each report and determine
11 whether it potentially involved conduct by the licensee that
12 is subject to disciplinary action, in which case s. 456.073
13 shall apply. The reports are not subject to inspection under
14 s. 119.07(1) even if the division's investigation results in a
15 finding of probable cause.

16 Section 2. Subsection (7) of section 395.0197, Florida
17 Statutes, is amended to read:

18 395.0197 Internal risk management.--

19 (7) Any of the following adverse incidents, whether
20 occurring in the licensed facility or arising from health care
21 prior to admission in the licensed facility, shall be reported
22 by the facility to the agency within 15 calendar days after
23 its occurrence:

24 (a) The death of a patient;

25 (b) Brain or spinal damage to a patient;

26 (c) The performance of a surgical procedure on the
27 wrong patient;

28 (d) The performance of a wrong-site surgical
29 procedure;

30 (e) The performance of a wrong surgical procedure;

31

1 (f) The performance of a surgical procedure that is
2 medically unnecessary or otherwise unrelated to the patient's
3 diagnosis or medical condition;

4 (g) The surgical repair of damage resulting to a
5 patient from a planned surgical procedure, where the damage is
6 not a recognized specific risk, as disclosed to the patient
7 and documented through the informed-consent process; or

8 (h) The performance of procedures to remove unplanned
9 foreign objects remaining from a surgical procedure.

10

11 The agency may grant extensions to this reporting requirement
12 for more than 15 days upon justification submitted in writing
13 by the facility administrator to the agency. The agency may
14 require an additional, final report. These reports shall not
15 be available to the public pursuant to s. 119.07(1) or any
16 other law providing access to public records, nor be
17 discoverable or admissible in any civil or administrative
18 action, except in disciplinary proceedings by the agency or
19 the appropriate regulatory board, nor shall they be available
20 to the public as part of the record of investigation for and
21 prosecution in disciplinary proceedings made available to the
22 public by the agency or the appropriate regulatory board.

23 However, the agency or the appropriate regulatory board shall
24 make available, upon written request by a health care
25 professional against whom probable cause has been found, any
26 such records which form the basis of the determination of
27 probable cause. The agency may investigate, as it deems
28 appropriate, any such incident and prescribe measures that
29 must or may be taken in response to the incident. The agency
30 shall forward a copy of the report of ~~review~~ each incident to
31 the Division of Medical Quality Assurance in the Department of

1 Health to ~~and~~ determine whether it potentially involved
2 conduct by the health care professional who is subject to
3 disciplinary action, in which case the provisions of s.
4 456.073 shall apply.

5 Section 3. Paragraphs (a) and (e) of subsection (4)
6 and paragraph (b) of subsection (7) of section 395.3025,
7 Florida Statutes, are amended to read:

8 395.3025 Patient and personnel records; copies;
9 examination.--

10 (4) Patient records are confidential and must not be
11 disclosed without the consent of the person to whom they
12 pertain, but appropriate disclosure may be made without such
13 consent to:

14 (a) ~~Licensed~~ Facility personnel and all other licensed
15 health care practitioners attending physicians for use in
16 connection with the treatment of the patient.

17 (e) The Department of Health ~~agency~~ upon subpoena
18 issued pursuant to s. 456.071, but the records obtained
19 thereby must be used solely for the purpose of the department
20 agency and the appropriate professional board in its
21 investigation, prosecution, and appeal of disciplinary
22 proceedings. The administrator or records custodian in a
23 facility licensed under this chapter shall certify that a true
24 and complete copy of the records requested pursuant to a
25 subpoena or the release of a patient have been provided to the
26 department or otherwise identify those documents that have not
27 been provided. If the department ~~agency~~ requests copies of the
28 records, the facility may charge the department the reasonable
29 costs of reproducing the records ~~shall charge no more than its~~
30 ~~actual copying costs, including reasonable staff time.~~ The
31 records must be sealed and must not be available to the public

1 pursuant to s. 119.07(1) or any other statute providing access
2 to records, nor may they be available to the public as part of
3 the record of investigation for and prosecution in
4 disciplinary proceedings made available to the public by the
5 department agency or the appropriate regulatory board.

6 However, the department agency must make available, upon
7 written request by a practitioner against whom probable cause
8 has been found, any such records that form the basis of the
9 determination of probable cause.

10 1. Reasonable costs of reproducing copies of written
11 or typed documents or reports may not be more than:

12 a. For the first 25 pages, \$1 per page.

13 b. For each page in excess of 25 pages, 25 cents.

14 2. Reasonable costs of reproducing X rays and other
15 special kinds of records are the actual costs. The term
16 "actual costs" means the cost of the material and supplies
17 used to duplicate the record, as well as the labor costs
18 associated with the duplication.

19 (7)

20 (b) Absent a specific written release or authorization
21 permitting utilization of patient information for ~~solicitation~~
22 ~~or~~ marketing the sale of goods or services, any use of such
23 ~~that~~ information for that purpose ~~those purposes~~ is
24 prohibited. As used in this paragraph, the term "marketing"
25 has the same meaning as set forth in 45 C.F.R. s. 164.501.

26 Section 4. Paragraph (b) of subsection (2) of section
27 395.7015, Florida Statutes, is amended to read:

28 395.7015 Annual assessment on health care entities.--

29 (2) There is imposed an annual assessment against
30 certain health care entities as described in this section:

31

1 (b) For the purpose of this section, "health care
2 entities" include the following:

3 1. Ambulatory surgical centers and mobile surgical
4 facilities licensed under s. 395.003. This subsection shall
5 only apply to mobile surgical facilities operating under
6 contracts entered into on or after July 1, 1998.

7 2. Clinical laboratories licensed under s. 483.091,
8 excluding any hospital laboratory defined under s. 483.041(6),
9 any clinical laboratory operated by the state or a political
10 subdivision of the state, any clinical laboratory which
11 qualifies as an exempt organization under s. 501(c)(3) of the
12 Internal Revenue Code of 1986, as amended, and which receives
13 70 percent or more of its gross revenues from services to
14 charity patients or Medicaid patients, and any blood, plasma,
15 or tissue bank procuring, storing, or distributing blood,
16 plasma, or tissue either for future manufacture or research or
17 distributed on a nonprofit basis, and further excluding any
18 clinical laboratory which is wholly owned and operated by 6 or
19 fewer physicians who are licensed pursuant to chapter 458 or
20 chapter 459 and who practice in the same group practice, and
21 at which no clinical laboratory work is performed for patients
22 referred by any health care provider who is not a member of
23 the same group.

24 3. Diagnostic-imaging centers that are freestanding
25 outpatient facilities that provide specialized services for
26 the identification or determination of a disease through
27 examination and also provide sophisticated radiological
28 services, and in which services are rendered by a physician
29 licensed by the Board of Medicine under s. 458.311, ~~s.~~
30 ~~458.313~~, or s. 458.315 ~~s. 458.317~~, or by an osteopathic
31 physician licensed by the Board of Osteopathic Medicine under

1 s. 459.006, s. 459.007, or s. 459.0075. For purposes of this
2 paragraph, "sophisticated radiological services" means the
3 following: magnetic resonance imaging; nuclear medicine;
4 angiography; arteriography; computed tomography; positron
5 emission tomography; digital vascular imaging; bronchography;
6 lymphangiography; splenography; ultrasound, excluding
7 ultrasound providers that are part of a private physician's
8 office practice or when ultrasound is provided by two or more
9 physicians licensed under chapter 458 or chapter 459 who are
10 members of the same professional association and who practice
11 in the same medical specialties; and such other sophisticated
12 radiological services, excluding mammography, as adopted in
13 rule by the board.

14 Section 5. Subsection (10) of section 400.141, Florida
15 Statutes, is amended to read:

16 400.141 Administration and management of nursing home
17 facilities.--Every licensed facility shall comply with all
18 applicable standards and rules of the agency and shall:

19 (10) Keep full records of resident admissions and
20 discharges; medical and general health status, including
21 medical records, personal and social history, and identity and
22 address of next of kin or other persons who may have
23 responsibility for the affairs of the residents; and
24 individual resident care plans including, but not limited to,
25 prescribed services, service frequency and duration, and
26 service goals. The records shall be open to inspection by the
27 agency. A certified true and complete copy of the records
28 shall be provided to the Department of Health upon subpoena
29 issued pursuant to s. 456.057 or s. 456.071. The provisions of
30 chapter 456 apply to the records obtained pursuant to this
31 section.

1
2 Facilities that have been awarded a Gold Seal under the
3 program established in s. 400.235 may develop a plan to
4 provide certified nursing assistant training as prescribed by
5 federal regulations and state rules and may apply to the
6 agency for approval of their program.

7 Section 6. Subsection (3) is added to section 400.145,
8 Florida Statutes, to read:

9 400.145 Records of care and treatment of resident;
10 copies to be furnished.--

11 (3) The administrator or records custodian in a
12 facility licensed under this chapter shall certify that a true
13 and complete copy of the records requested pursuant to a
14 subpoena or patient release have been provided to the
15 department or otherwise identify those documents that have not
16 been provided.

17 Section 7. Subsections (7) and (8) of section 400.147,
18 Florida Statutes, are amended to read:

19 400.147 Internal risk management and quality assurance
20 program.--

21 (7) The facility shall initiate an investigation and
22 shall notify the agency within 1 business day after the risk
23 manager or his or her designee has received a report pursuant
24 to paragraph (1)(d). The notification must be made in writing
25 and be provided electronically, by facsimile device or
26 overnight mail delivery. The notification must include
27 information regarding the identity of the affected resident,
28 the type of adverse incident, the initiation of an
29 investigation by the facility, and whether the events causing
30 or resulting in the adverse incident represent a potential
31 risk to any other resident. The notification is confidential

1 as provided by law and is not discoverable or admissible in
2 any civil or administrative action, except in disciplinary
3 proceedings by the Department of Health ~~agency~~ or the
4 appropriate regulatory board. The agency may investigate, as
5 it deems appropriate, any such incident and prescribe measures
6 that must or may be taken in response to the incident. The
7 department ~~agency~~ shall review each incident and determine
8 whether it potentially involved conduct by the health care
9 professional who is subject to disciplinary action, in which
10 case the provisions of s. 456.073 shall apply.

11 (8)(a) Each facility shall complete the investigation
12 and submit an adverse incident report to the agency for each
13 adverse incident within 15 calendar days after its occurrence.
14 If, after a complete investigation, the risk manager
15 determines that the incident was not an adverse incident as
16 defined in subsection (5), the facility shall include this
17 information in the report. The agency shall develop a form for
18 reporting this information.

19 (b) A copy of the report submitted ~~The information~~
20 ~~reported~~ to the agency pursuant to paragraph (a) which relates
21 to health care practitioners as defined in s. 456.001(4) shall
22 be forwarded to the Division of Medical Quality Assurance of
23 the Department of Health for review ~~persons licensed under~~
24 ~~chapter 458, chapter 459, chapter 461, or chapter 466 shall be~~
25 ~~reviewed by the agency.~~ The division ~~agency~~ shall determine
26 whether any of the incidents potentially involved conduct by a
27 health care professional who is subject to disciplinary
28 action, in which case the provisions of s. 456.073 shall
29 apply.

30 (c) The report submitted to the agency must also
31 contain the name of the risk manager of the facility.

1 (d) The adverse incident report is confidential as
2 provided by law and is not discoverable or admissible in any
3 civil or administrative action, except in disciplinary
4 proceedings by the agency or the appropriate regulatory board.

5 Section 8. Subsection (4) of section 400.211, Florida
6 Statutes, is amended to read:

7 400.211 Persons employed as nursing assistants;
8 certification requirement.--

9 (4) When employed by a nursing home facility for a
10 12-month period or longer, a nursing assistant, to maintain
11 certification, shall submit to a performance review every 12
12 months and must receive regular inservice education based on
13 the outcome of such reviews. The inservice training must:

14 (a) Be sufficient to ensure the continuing competence
15 of nursing assistants, must be at least 12 ~~18~~ hours per year,
16 and may include hours accrued under s. 464.203(8);

17 (b) Include, at a minimum:

18 1. Techniques for assisting with eating and proper
19 feeding;

20 2. Principles of adequate nutrition and hydration;

21 3. Techniques for assisting and responding to the
22 cognitively impaired resident or the resident with difficult
23 behaviors;

24 4. Techniques for caring for the resident at the
25 end-of-life; and

26 5. Recognizing changes that place a resident at risk
27 for pressure ulcers and falls; and

28 (c) Address areas of weakness as determined in nursing
29 assistant performance reviews and may address the special
30 needs of residents as determined by the nursing home facility
31 staff.

1
2 Costs associated with this training may not be reimbursed from
3 additional Medicaid funding through interim rate adjustments.

4 Section 9. Subsection (7) of section 400.423, Florida
5 Statutes, is amended to read:

6 400.423 Internal risk management and quality assurance
7 program; adverse incidents and reporting requirements.--

8 (7) A copy of the report submitted ~~The information~~
9 ~~reported~~ to the agency pursuant to subsection (3) which
10 relates to health care practitioners as defined in s.
11 456.001(4) shall be forwarded to the Division of Medical
12 Quality Assurance of the Department of Health for review
13 ~~persons licensed under chapter 458, chapter 459, chapter 461,~~
14 ~~chapter 464, or chapter 465 shall be reviewed by the agency.~~

15 The agency shall determine whether any of the incidents
16 potentially involved conduct by a health care professional who
17 is subject to disciplinary action, in which case the
18 provisions of s. 456.073 apply. The agency may investigate, as
19 it deems appropriate, any such incident and prescribe measures
20 that must or may be taken in response to the incident. The
21 division ~~agency~~ shall review each incident and determine
22 whether it potentially involved conduct by a health care
23 professional who is subject to disciplinary action, in which
24 case the provisions of s. 456.073 apply.

25 Section 10. Section 400.455, Florida Statutes, is
26 created to read:

27 400.455 Certified copy of subpoenaed records.--Upon a
28 subpoena issued by the Department of Health pursuant to s.
29 456.057 or s. 456.071, a certified true and complete copy of
30 the requested records shall be provided. The provisions of
31

1 chapter 456 apply to the records obtained pursuant to this
2 section.

3 Section 11. Section 456.005, Florida Statutes, is
4 amended to read:

5 456.005 Long-range policy planning; plans, reports,
6 and recommendations.--To facilitate efficient and
7 cost-effective regulation, the department and the board, where
8 appropriate, shall develop and implement a long-range policy
9 planning and monitoring process to include recommendations
10 specific to each profession. Such process shall include
11 estimates of revenues, expenditures, cash balances, and
12 performance statistics for each profession. The period covered
13 shall not be less than 5 years. The department, with input
14 from the boards and licensees, shall develop the long-range
15 plan and must obtain the approval of the secretary. The
16 department shall monitor compliance with the approved
17 long-range plan and, with input from the boards, shall
18 annually update the plans for approval by the secretary. The
19 department shall provide concise management reports to the
20 boards quarterly. As part of the review process, the
21 department shall evaluate:

22 (1) Whether the department, including the boards and
23 the various functions performed by the department, is
24 operating efficiently and effectively and if there is a need
25 for a board or council to assist in cost-effective regulation.

26 (2) How and why the various professions are regulated.

27 (3) Whether there is a need to continue regulation,
28 and to what degree.

29 (4) Whether or not consumer protection is adequate,
30 and how it can be improved.

31

1 (5) Whether there is consistency between the various
2 practice acts.

3 (6) Whether unlicensed activity is adequately
4 enforced.

5
6 Such plans should include conclusions and recommendations on
7 these and other issues as appropriate. Such plans shall be
8 provided to the Governor and the Legislature by November 1 of
9 each year.

10 Section 12. Subsection (5) of section 456.011, Florida
11 Statutes, is amended to read:

12 (Substantial rewording of subsection. See
13 s. 456.011(5), F.S., for present text.)

14 456.011 Boards; organization; meetings; compensation
15 and travel expenses.--

16 (5) Notwithstanding the provisions of chapter 120,
17 when two or more boards have identified a conflict in the
18 interpretation or application of the respective practice acts
19 of the boards, the following administrative remedies shall be
20 employed:

21 (a) One board or the secretary shall request that the
22 boards establish a special committee to resolve the conflict.
23 The special committee shall consist of two members designated
24 by each board, who may be members of the designating board or
25 other experts designated by the board, and three additional
26 persons appointed by the secretary who are not members of
27 either profession and who do not have an interest in either
28 profession. The committee shall, by majority vote, make any
29 recommendations that the committee finds necessary, including,
30 but not limited to, recommended rules to resolve the
31 differences.

1 (b) Matters that cannot be resolved through the
2 special committee may be resolved by the department through
3 informal mediation by the department or agent of the
4 department. If the committee agrees to a mediated resolution,
5 the mediator shall notify the department of the terms of the
6 resolution. The committee shall be provided the opportunity to
7 record with the department an acknowledgement of satisfaction
8 of the terms of mediation within 60 days after the mediator's
9 notification to the department. A mediated settlement reached
10 by the special committee shall be binding on the applicable
11 boards.

12 (c) If the boards elect not to resolve a conflict
13 through the means established in paragraph (a) or paragraph
14 (b), the secretary may resolve the differences through
15 rulemaking or, in the case of a declaratory statement,
16 notwithstanding the provisions of chapter 120, the boards
17 shall have standing to petition the department to issue an
18 order.

19 (d) For any administrative remedy specified in this
20 subsection, the department shall provide legal representation.

21 Section 13. Subsection (3) of section 456.012 is
22 amended to read:

23 456.012 Board rules; final agency action;
24 challenges.--

25 (3) No board created within the department shall have
26 standing to challenge a rule,~~or~~ proposed rule, or declaratory
27 statement of another board. However, if there is a dispute
28 between boards concerning a rule,~~or~~ proposed rule, or
29 declaratory statement, the boards may avail themselves of the
30 provisions of s. 456.011(5).

31

1 Section 14. Section 456.013, Florida Statutes, is
2 amended to read:

3 456.013 Department; general licensing provisions.--

4 (1)(a) Any person desiring to be licensed in a
5 profession within the jurisdiction of the department shall
6 apply to the department in writing to take the licensure
7 examination. The application shall be made on a form prepared
8 and furnished by the department. The application form must be
9 available on the World Wide Web and the department may accept
10 electronically submitted applications beginning July 1, 2001.
11 The application shall require the social security number of
12 the applicant, except as provided in paragraph (b). The form
13 shall be supplemented as needed to reflect any material change
14 in any circumstance or condition stated in the application
15 which takes place between the initial filing of the
16 application and the final grant or denial of the license and
17 which might affect the decision of the department. If an
18 application is submitted electronically, the department may
19 require supplemental materials, including an original
20 signature of the applicant and verification of credentials, to
21 be submitted in a nonelectronic format. An incomplete
22 application shall expire 1 year after initial filing. In order
23 to further the economic development goals of the state, and
24 notwithstanding any law to the contrary, the department may
25 enter into an agreement with the county tax collector for the
26 purpose of appointing the county tax collector as the
27 department's agent to accept applications for licenses and
28 applications for renewals of licenses. The agreement must
29 specify the time within which the tax collector must forward
30 any applications and accompanying application fees to the
31 department.

1 (b) If an applicant has not been issued a social
2 security number by the Federal Government at the time of
3 application because the applicant is not a citizen or resident
4 of this country, the department may process the application
5 using a unique personal identification number. If such an
6 applicant is otherwise eligible for licensure, the board, or
7 the department when there is no board, may issue a temporary
8 license, as established by rule of the board, or the
9 department if there is no board, to the applicant, which shall
10 expire 90 ~~30~~ days after issuance unless a social security
11 number is obtained and submitted in writing to the department.
12 Upon receipt of the applicant's social security number, the
13 department shall issue a new license, which shall expire at
14 the end of the current biennium.

15 (2) The board, or the department if there is no board,
16 may adopt a rule allowing an applicant for licensure to
17 complete the coursework requirements for licensure by
18 successfully completing the required courses as a student or
19 by teaching the required graduate course as an instructor or
20 professor in an accredited institution.

21 ~~(3)~~~~(2)~~ Before the issuance of any license, the
22 department shall charge an initial license fee as determined
23 by the applicable board or, if no such board exists, by rule
24 of the department. Upon receipt of the appropriate license
25 fee, the department shall issue a license to any person
26 certified by the appropriate board, or its designee, as having
27 met the licensure requirements imposed by law or rule. The
28 license shall consist of a wallet-size identification card and
29 a wall card measuring 6 1/2 inches by 5 inches. In addition
30 to the two-part license, the department, at the time of
31 initial licensure if specified by the board or, if there is no

1 board, by department rule, and if the board has a positive
2 cash balance, shall issue a wall certificate suitable for
3 conspicuous display, which shall be no smaller than 8 1/2
4 inches by 14 inches. The licensee shall surrender to the
5 department the wallet-size identification card, the wall card,
6 and the wall certificate, if one has been issued by the
7 department, if the licensee's license was issued in error and
8 is revoked.

9 (4)(3)(a) The board, or the department when there is
10 no board, may refuse to issue an initial license to any
11 applicant who is under investigation or prosecution in any
12 jurisdiction for an action that would constitute a violation
13 of this chapter or the professional practice acts administered
14 by the department and the boards, until such time as the
15 investigation or prosecution is complete, and the time period
16 in which the licensure application must be granted or denied
17 shall be tolled until 15 days after the receipt of the final
18 results of the investigation or prosecution.

19 (b) If an applicant has been convicted of a felony
20 related to the practice or ability to practice any health care
21 profession, the board, or the department when there is no
22 board, may require the applicant to prove that his or her
23 civil rights have been restored.

24 (c) In considering applications for licensure, the
25 board, or the department when there is no board, may require a
26 personal appearance of the applicant. If the applicant is
27 required to appear, the time period in which a licensure
28 application must be granted or denied shall be tolled until
29 such time as the applicant appears. However, if the applicant
30 fails to appear before the board at either of the next two
31 regularly scheduled board meetings, or fails to appear before

1 the department within 30 days if there is no board, the
2 application for licensure shall be denied.

3 (5)~~(4)~~ When any administrative law judge conducts a
4 hearing pursuant to the provisions of chapter 120 with respect
5 to the issuance of a license by the department, the
6 administrative law judge shall submit his or her recommended
7 order to the appropriate board, which shall thereupon issue a
8 final order. The applicant for licensure may appeal the final
9 order of the board in accordance with the provisions of
10 chapter 120.

11 (6)~~(5)~~ A privilege against civil liability is hereby
12 granted to any witness for any information furnished by the
13 witness in any proceeding pursuant to this section, unless the
14 witness acted in bad faith or with malice in providing such
15 information.

16 ~~(6) As a condition of renewal of a license, the Board
17 of Medicine, the Board of Osteopathic Medicine, the Board of
18 Chiropractic Medicine, and the Board of Podiatric Medicine
19 shall each require licensees which they respectively regulate
20 to periodically demonstrate their professional competency by
21 completing at least 40 hours of continuing education every 2
22 years. The boards may require by rule that up to 1 hour of
23 the required 40 or more hours be in the area of risk
24 management or cost containment. This provision shall not be
25 construed to limit the number of hours that a licensee may
26 obtain in risk management or cost containment to be credited
27 toward satisfying the 40 or more required hours. This
28 provision shall not be construed to require the boards to
29 impose any requirement on licensees except for the completion
30 of at least 40 hours of continuing education every 2 years.
31 Each of such boards shall determine whether any specific~~

1 ~~continuing education requirements not otherwise mandated by~~
2 ~~law shall be mandated and shall approve criteria for, and the~~
3 ~~content of, any continuing education mandated by such board.~~
4 ~~Notwithstanding any other provision of law, the board, or the~~
5 ~~department when there is no board, may approve by rule~~
6 ~~alternative methods of obtaining continuing education credits~~
7 ~~in risk management. The alternative methods may include~~
8 ~~attending a board meeting at which another licensee is~~
9 ~~disciplined, serving as a volunteer expert witness for the~~
10 ~~department in a disciplinary case, or serving as a member of a~~
11 ~~probable cause panel following the expiration of a board~~
12 ~~member's term. Other boards within the Division of Medical~~
13 ~~Quality Assurance, or the department if there is no board, may~~
14 ~~adopt rules granting continuing education hours in risk~~
15 ~~management for attending a board meeting at which another~~
16 ~~licensee is disciplined, for serving as a volunteer expert~~
17 ~~witness for the department in a disciplinary case, or for~~
18 ~~serving as a member of a probable cause panel following the~~
19 ~~expiration of a board member's term.~~

20 ~~(7) The boards, or the department when there is no~~
21 ~~board, shall require the completion of a 2-hour course~~
22 ~~relating to prevention of medical errors as part of the~~
23 ~~licensure and renewal process. The 2-hour course shall count~~
24 ~~towards the total number of continuing education hours~~
25 ~~required for the profession. The course shall be approved by~~
26 ~~the board or department, as appropriate, and shall include a~~
27 ~~study of root-cause analysis, error reduction and prevention,~~
28 ~~and patient safety. In addition, the course approved by the~~
29 ~~Board of Medicine and the Board of Osteopathic Medicine shall~~
30 ~~include information relating to the five most misdiagnosed~~
31 ~~conditions during the previous biennium, as determined by the~~

1 ~~board. If the course is being offered by a facility licensed~~
2 ~~pursuant to chapter 395 for its employees, the board may~~
3 ~~approve up to 1 hour of the 2-hour course to be specifically~~
4 ~~related to error reduction and prevention methods used in that~~
5 ~~facility.~~

6 ~~(8) The respective boards within the jurisdiction of~~
7 ~~the department, or the department when there is no board, may~~
8 ~~adopt rules to provide for the use of approved videocassette~~
9 ~~courses, not to exceed 5 hours per subject, to fulfill the~~
10 ~~continuing education requirements of the professions they~~
11 ~~regulate. Such rules shall provide for prior approval of the~~
12 ~~board, or the department when there is no board, of the~~
13 ~~criteria for and content of such courses and shall provide for~~
14 ~~a videocassette course validation form to be signed by the~~
15 ~~vendor and the licensee and submitted to the department, along~~
16 ~~with the license renewal application, for continuing education~~
17 ~~credit.~~

18 ~~(7)(9)~~ Any board that currently requires continuing
19 education for renewal of a license, or the department if there
20 is no board, shall adopt rules to establish the criteria for
21 continuing education courses. The rules may provide that up
22 to a maximum of 25 percent of the required continuing
23 education hours can be fulfilled by the performance of pro
24 bono services to the indigent or to underserved populations or
25 in areas of critical need within the state where the licensee
26 practices. The board, or the department if there is no board,
27 must require that any pro bono services be approved in advance
28 in order to receive credit for continuing education under this
29 subsection. The standard for determining indigency shall be
30 that recognized by the Federal Poverty Income Guidelines
31 produced by the United States Department of Health and Human

1 Services. The rules may provide for approval by the board, or
2 the department if there is no board, that a part of the
3 continuing education hours can be fulfilled by performing
4 research in critical need areas or for training leading to
5 advanced professional certification. The board, or the
6 department if there is no board, may make rules to define
7 underserved and critical need areas. The department shall
8 adopt rules for administering continuing education
9 requirements adopted by the boards or the department if there
10 is no board.

11 (8)~~(10)~~ Notwithstanding any law to the contrary, an
12 elected official who is licensed under a practice act
13 administered by the Division of Medical Quality Assurance may
14 hold employment for compensation with any public agency
15 concurrent with such public service. Such dual service must
16 be disclosed according to any disclosure required by
17 applicable law.

18 (9)~~(11)~~ In any instance in which a licensee or
19 applicant to the department is required to be in compliance
20 with a particular provision by, on, or before a certain date,
21 and if that date occurs on a Saturday, Sunday, or a legal
22 holiday, then the licensee or applicant is deemed to be in
23 compliance with the specific date requirement if the required
24 action occurs on the first succeeding day which is not a
25 Saturday, Sunday, or legal holiday.

26 (10)~~(12)~~ Pursuant to the federal Personal
27 Responsibility and Work Opportunity Reconciliation Act of
28 1996, each party is required to provide his or her social
29 security number in accordance with this section. Disclosure
30 of social security numbers obtained through this requirement
31

1 shall be limited to the purpose of administration of the Title
2 IV-D program for child support enforcement.

3 Section 15. Paragraph (a) of subsection (4) of section
4 381.00593, Florida Statutes, is amended to read:

5 381.00593 Public school volunteer health care
6 practitioner program.--

7 (4)(a) Notwithstanding any provision of chapter 458,
8 chapter 459, chapter 460, chapter 461, chapter 463, part I of
9 chapter 464, chapter 465, chapter 466, chapter 467, part I of
10 chapter 468, or chapter 486 to the contrary, any health care
11 practitioner who participates in the program established in
12 this section and thereby agrees to provide his or her
13 services, without compensation, in a public school for at
14 least 80 hours a year for each school year during the biennial
15 licensure period, or, if the health care practitioner is
16 retired, for at least 400 hours a year for each school year
17 during the licensure period, upon providing sufficient proof
18 from the applicable school district that the health care
19 practitioner has completed such hours at the time of license
20 renewal under procedures specified by the Department of
21 Health, shall be eligible for the following:

22 1. Waiver of the biennial license renewal fee for an
23 active license; and

24 2. Fulfillment of a maximum of 25 percent of the
25 continuing education hours required for license renewal,
26 pursuant to s. 456.013(7)~~s. 456.013(9)~~.

27
28 The school district may establish a schedule for health care
29 practitioners who participate in the program.

30
31

1 Section 16. Paragraph (c) of subsection (1) and
2 subsection (2) of section 456.017, Florida Statutes, are
3 amended, and subsection (7) is added to that section, to read:

4 456.017 Examinations.--

5 (1)

6 (c)1. The board, or the department when there is no
7 board, shall approve by rule the use of one or more national
8 examinations which the department has certified as meeting
9 requirements of national examinations and generally accepted
10 testing standards pursuant to department rules. Providers of
11 examinations seeking certification by the department shall pay
12 the actual costs incurred by the department in making a
13 determination regarding the certification. The name and
14 number of a candidate may be provided to a national contractor
15 for the limited purpose of preparing the grade tape and
16 information to be returned to the board or department; or, to
17 the extent otherwise specified by rule, the candidate may
18 apply directly to the vendor of the national examination and
19 supply test score information to the department. The
20 department may delegate to the board the duty to provide and
21 administer the examination. Any national examination approved
22 by a board, or the department when there is no board, prior to
23 October 1, 1997, is deemed certified under this paragraph.

24 2. The board, or the department when there is no
25 board, shall approve and begin administering a national
26 examination no later than December 31, 2001. Neither the board
27 nor the department may administer a state-developed written
28 examination after December 31, 2001, notwithstanding any other
29 provision of law, if a national examination has been certified
30 by the department. The examination may be administered
31

1 electronically if adequate security measures are used, as
2 determined by rule of the department.

3 3. The board, or the department when there is no
4 board, may administer a state-developed practical or clinical
5 examination, as required by the applicable practice act, if
6 all costs of development, purchase, validation,
7 administration, review, and defense are paid by the
8 examination candidate prior to the administration of the
9 examination. If a national practical or clinical examination
10 is available and certified by the department pursuant to this
11 section, the board, or the department when there is no board,
12 may administer the national examination.

13 4. It is the intent of the Legislature to reduce the
14 costs associated with state examinations and to encourage the
15 use of national examinations whenever possible.

16 (2) For each examination developed by the department
17 or a contracted vendor, the board, or the department when
18 there is no board, shall adopt rules providing for
19 reexamination of any applicants who failed an examination
20 developed by the department or a contracted vendor. If both a
21 written and a practical examination are given, an applicant
22 shall be required to retake only the portion of the
23 examination on which the applicant failed to achieve a passing
24 grade, if the applicant successfully passes that portion
25 within a reasonable time, as determined by rule of the board,
26 or the department when there is no board, of passing the other
27 portion. Except for national examinations approved and
28 administered pursuant to this section, the department shall
29 provide procedures for applicants who fail an examination
30 developed by the department or a contracted vendor to review
31 their examination questions, answers, papers, grades, and

1 grading key for the questions the candidate answered
2 incorrectly or, if not feasible, the parts of the examination
3 failed. Applicants shall bear the actual cost for the
4 department to provide examination review pursuant to this
5 subsection. An applicant may waive in writing the
6 confidentiality of the applicant's examination grades.
7 Notwithstanding any other provisions, only candidates who fail
8 an examination with a score that is ~~by~~ less than 10 percent
9 below the minimum score required to pass the examination shall
10 be entitled to challenge the validity of the examination at
11 hearing.

12 (7) The department may post examination scores
13 electronically on the Internet in lieu of mailing the scores
14 to each applicant. Such electronic posting of the examination
15 scores meets the requirements of chapter 120 if the department
16 also posts with the examination scores a notification of
17 rights as set forth in chapter 120. The date of receipt for
18 purposes of chapter 120 is the date the examination scores are
19 posted electronically. The department shall also notify the
20 examinee when scores are posted electronically of the
21 availability of a post-examination review, if applicable.

22 Section 17. Section 456.0195, Florida Statutes, is
23 created to read:

24 456.0195 Continuing education; instruction on domestic
25 violence; instruction on HIV and AIDS; instruction on
26 prevention of medical errors.--

27 (1) The purpose of this section is to encourage health
28 care practitioners, as defined in s. 456.001, to complete
29 continuing education courses in specified subject areas as a
30 condition of license renewal, as applicable to the area of
31 practice. The boards, or the department when there is no

1 board, may require the completion of courses, including, but
2 not limited to, the following subject areas, as defined by
3 board or department rule:

4 (a) Domestic violence as defined in s. 741.28. The
5 course shall include information on the number of patients in
6 that professional's practice who are likely to be victims of
7 domestic violence and the number who are likely to be
8 perpetrators of domestic violence; screening procedures for
9 determining whether a patient has any history of being a
10 victim or perpetrator of domestic violence; and instruction on
11 how to provide such patients with information on, or how to
12 refer such patients to, resources in the local community, such
13 as domestic violence centers and other advocacy groups that
14 provide legal aid, shelter, victim counseling, batterer
15 counseling, or child protection services.

16 (b) Human immunodeficiency virus and acquired immune
17 deficiency syndrome. The course shall consist of education on
18 the modes of transmission, infection-control procedures,
19 clinical management, and prevention of human immunodeficiency
20 virus and acquired immune deficiency syndrome. The course
21 shall include information on current state law concerning
22 acquired immune deficiency syndrome and its impact on testing;
23 confidentiality of test results; treatment of patients; any
24 protocols and procedures applicable to human immunodeficiency
25 virus counseling, testing, and reporting; the offering of HIV
26 testing to pregnant women; and partner-notification issues
27 pursuant to ss. 381.004 and 384.25.

28 (c) Prevention of medical errors. The course shall
29 include a study of root-cause analysis, error reduction and
30 prevention, and patient safety. If the course is being offered
31 by a facility licensed under chapter 395 for its employees,

1 the board may approve up to 1 hour of the 2-hour course to be
2 specifically related to error reduction and prevention methods
3 used in that facility.

4 (2) Proof of completion of continuing education
5 courses as defined in subsection (1) shall be defined by board
6 rule, or by department rule if there is no board.

7 (3) Courses completed in the subject areas specified
8 in subsection (1) shall count towards the total number of
9 continuing education hours required for license renewal for
10 the profession.

11 (4) Any person holding two or more licenses subject to
12 this section shall be required to complete only the
13 requirement for one license.

14 (5) Failure to comply with courses required by the
15 boards, or the department if there is no board, constitutes
16 grounds for disciplinary action under each respective practice
17 act and under s. 456.072(1)(k).

18 Section 18. Subsections (4) and (9) of section
19 456.025, Florida Statutes, are amended to read:

20 456.025 Fees; receipts; disposition.--

21 (4) Each board, or the department if there is no
22 board, may charge a fee not to exceed \$25, as determined by
23 rule, for the issuance of a wall certificate pursuant to s.
24 456.013(3)~~s. 456.013(2)~~ requested by a licensee who was
25 licensed prior to July 1, 1998, or for the issuance of a
26 duplicate wall certificate requested by any licensee.

27 (9) The department shall provide a ~~condensed~~
28 management report of revenues and expenditures, performance
29 measures, and recommendations, if needed, to each board at
30 least once each quarter ~~budgets, finances, performance~~
31 ~~statistics, and recommendations to each board at least once a~~

1 ~~quarter. The department shall identify and include in such~~
2 ~~presentations any changes, or projected changes, made to the~~
3 ~~board's budget since the last presentation.~~

4 Section 19. Section 456.031, Florida Statutes, is
5 amended to read:

6 456.031 Requirement for instruction on domestic
7 violence.--

8 (1)(a) The appropriate board shall require each person
9 licensed or certified under chapter 458, chapter 459, part I
10 of chapter 464, chapter 466, chapter 467, chapter 490, or
11 chapter 491 to complete a ~~1-hour~~ continuing education course,
12 approved by the board, on domestic violence, as defined in s.
13 741.28, as part of initial licensure, biennial relicensure, or
14 recertification. The course shall consist of a skills-based
15 curriculum that includes practice protocols for identifying
16 and treating a victim of domestic violence, consistent with
17 the profession and instructions on practical applications. As
18 used in this section, the term "skills-based curriculum" means
19 a curriculum that details methods of practical applications to
20 improve responses to domestic violence victims through
21 culturally competent methods of routine screening, assessment,
22 intervention, and health-records documentation. Each licensee
23 must complete 2 hours of continuing education on domestic
24 violence every 4 years, as prescribed by board rule. Initial
25 applicants for licensure shall be allowed 1 year following the
26 date of licensure to complete the required course. ~~information~~
27 ~~on the number of patients in that professional's practice who~~
28 ~~are likely to be victims of domestic violence and the number~~
29 ~~who are likely to be perpetrators of domestic violence,~~
30 ~~screening procedures for determining whether a patient has any~~
31 ~~history of being either a victim or a perpetrator of domestic~~

1 ~~violence, and instruction on how to provide such patients with~~
2 ~~information on, or how to refer such patients to, resources in~~
3 ~~the local community, such as domestic violence centers and~~
4 ~~other advocacy groups, that provide legal aid, shelter, victim~~
5 ~~counseling, batterer counseling, or child protection services.~~

6 ~~(b) Each such licensee or certificateholder shall~~
7 ~~submit confirmation of having completed such course, on a form~~
8 ~~provided by the board, when submitting fees for each biennial~~
9 ~~renewal.~~

10 ~~(c) The board may approve additional equivalent~~
11 ~~courses that may be used to satisfy the requirements of~~
12 ~~paragraph (a). Each licensing board that requires a licensee~~
13 ~~to complete an educational course pursuant to this subsection~~
14 ~~may include the hour required for completion of the course in~~
15 ~~the total hours of continuing education required by law for~~
16 ~~such profession unless the continuing education requirements~~
17 ~~for such profession consist of fewer than 30 hours biennially.~~

18 ~~(b)(d)~~ Any person holding two or more licenses subject
19 to the provisions of this subsection shall be permitted to
20 show proof of having taken one board-approved course on
21 domestic violence, for purposes of initial licensure,
22 relicensure, or recertification for additional licenses.

23 ~~(e) Failure to comply with the requirements of this~~
24 ~~subsection shall constitute grounds for disciplinary action~~
25 ~~under each respective practice act and under s. 456.072(1)(k).~~
26 ~~In addition to discipline by the board, the licensee shall be~~
27 ~~required to complete such course.~~

28 ~~(2) The board shall also require, as a condition of~~
29 ~~granting a license under any chapter specified in paragraph~~
30 ~~(1)(a), that each applicant for initial licensure under the~~
31 ~~appropriate chapter complete an educational course acceptable~~

1 ~~to the board on domestic violence which is substantially~~
2 ~~equivalent to the course required in subsection (1). An~~
3 ~~applicant who has not taken such course at the time of~~
4 ~~licensure shall, upon submission of an affidavit showing good~~
5 ~~cause, be allowed 6 months to complete such requirement.~~

6 ~~(3)(a) In lieu of completing a course as required in~~
7 ~~subsection (1), a licensee or certificateholder may complete a~~
8 ~~course in end-of-life care and palliative health care, if the~~
9 ~~licensee or certificateholder has completed an approved~~
10 ~~domestic violence course in the immediately preceding~~
11 ~~biennium.~~

12 ~~(b) In lieu of completing a course as required by~~
13 ~~subsection (1), a person licensed under chapter 466 who has~~
14 ~~completed an approved domestic violence education course in~~
15 ~~the immediately preceding 2 years may complete a course~~
16 ~~approved by the Board of Dentistry.~~

17 ~~(2)(4) Each board may adopt rules to carry out the~~
18 ~~provisions of this section.~~

19 ~~(5) Each board shall report to the President of the~~
20 ~~Senate, the Speaker of the House of Representatives, and the~~
21 ~~chairs of the appropriate substantive committees of the~~
22 ~~Legislature by March 1 of each year as to the implementation~~
23 ~~of and compliance with the requirements of this section.~~

24 Section 20. Subsection (13) of section 456.036,
25 Florida Statutes, is amended to read:

26 456.036 Licenses; active and inactive status;
27 delinquency.--

28 (13) The board, or the department when there is no
29 board, may adopt rules pursuant to ss. 120.536(1) and 120.54
30 as necessary to implement this section. The rules may require
31 the display of a license.

1 Section 21. Section 456.037, Florida Statutes, is
2 amended to read:

3 456.037 Business establishments; requirements for
4 active status licenses; delinquency; discipline;
5 applicability; display of license.--

6 (1) A business establishment regulated by the Division
7 of Medical Quality Assurance pursuant to this chapter may
8 provide regulated services only if the business establishment
9 has an active status license. A business establishment that
10 provides regulated services without an active status license
11 is in violation of this section and s. 456.072, and the board,
12 or the department if there is no board, may impose discipline
13 on the business establishment.

14 (2) A business establishment must apply with a
15 complete application, as defined by rule of the board, or the
16 department if there is no board, to renew an active status
17 license before the license expires. If a business
18 establishment fails to renew before the license expires, the
19 license becomes delinquent, except as otherwise provided in
20 statute, in the license cycle following expiration.

21 (3) A delinquent business establishment must apply
22 with a complete application, as defined by rule of the board,
23 or the department if there is no board, for active status
24 within 6 months after becoming delinquent. Failure of a
25 delinquent business establishment to renew the license within
26 the 6 months after the expiration date of the license renders
27 the license null without any further action by the board or
28 the department. Any subsequent licensure shall be as a result
29 of applying for and meeting all requirements imposed on a
30 business establishment for new licensure.

31

1 (4) The status or a change in status of a business
2 establishment license does not alter in any way the right of
3 the board, or of the department if there is no board, to
4 impose discipline or to enforce discipline previously imposed
5 on a business establishment for acts or omissions committed by
6 the business establishment while holding a license, whether
7 active or null.

8 (5) This section applies to any business establishment
9 registered, permitted, or licensed by the department to do
10 business. Business establishments include, but are not limited
11 to, dental laboratories, electrology facilities, massage
12 establishments, and pharmacies.

13 (6) The board, or the department if there is no board,
14 may require the display of a license by rule.

15 Section 22. Paragraph (a) of subsection (4) of section
16 456.039, Florida Statutes, is amended to read:

17 456.039 Designated health care professionals;
18 information required for licensure.--

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 Section 23. Subsection (16) of section 456.057,
24 Florida Statutes, is amended to read:

25 456.057 Ownership and control of patient records;
26 report or copies of records to be furnished.--

27 (16) A health care practitioner or records owner
28 furnishing copies of reports or records or making the reports
29 or records available for digital scanning pursuant to this
30 section may ~~shall~~ charge the department the reasonable costs
31 of reproducing the records ~~no more than the actual cost of~~

1 ~~copying, including reasonable staff time, or the amount~~
2 ~~specified in administrative rule by the appropriate board, or~~
3 ~~the department when there is no board.~~

4 (a) Reasonable costs of reproducing copies of written
5 or typed documents or reports may not be more than:

6 1. For the first 25 pages, \$1 per page.

7 2. For each page in excess of 25 pages, 25 cents.

8 (b) Reasonable costs of reproducing X rays and other
9 special kinds of records are the actual costs. The term
10 "actual costs" means the cost of the material and supplies
11 used to duplicate the record, as well as the labor costs
12 associated with the duplication.

13 Section 24. Subsection (3) of section 456.063, Florida
14 Statutes, is amended to read:

15 456.063 Sexual misconduct; disqualification for
16 license, certificate, or registration.--

17 (3) Licensed health care practitioners shall report
18 allegations of sexual misconduct to the department, regardless
19 of the practice setting in which the alleged sexual misconduct
20 occurred. Each board, or the department if there is no board,
21 may adopt rules to administer the requirements for reporting
22 allegations of sexual misconduct, including rules to determine
23 the sufficiency of allegations.

24 Section 25. Paragraphs (aa) and (bb) of subsection (1)
25 of section 456.072, Florida Statutes, are amended, paragraph
26 (ff) is added to that subsection, and subsection (7) is added
27 to that section, to read:

28 456.072 Grounds for discipline; penalties;
29 enforcement.--

30
31

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

4 (aa) Performing or attempting to perform health care
5 services on the wrong patient, a wrong-site procedure, a wrong
6 procedure, or an unauthorized procedure or a procedure that is
7 medically unnecessary or otherwise unrelated to the patient's
8 diagnosis or medical condition. For the purposes of this
9 paragraph, performing or attempting to perform health care
10 services includes invasive actions taken in furtherance of the
11 preparation of the patient, but does not include those
12 preparations that are noninvasive.

13 (bb) Leaving a foreign body in a patient, such as a
14 sponge, clamp, forceps, surgical needle, or other
15 paraphernalia commonly used in surgical, examination, or other
16 diagnostic procedures, unless leaving the foreign body is
17 medically indicated and documented in the patient record. For
18 the purposes of this paragraph, it shall be legally presumed
19 that retention of a foreign body is not in the best interest
20 of the patient and is not within the standard of care of the
21 profession, unless medically indicated and documented in the
22 patient record regardless of the intent of the professional.

23 (ff) Prescribing, administering, dispensing, or
24 distributing a legend drug, including a controlled substance,
25 when the practitioner knows or reasonably should know that the
26 receiving patient has not established a valid professional
27 relationship with the prescribing practitioner. A medical
28 questionnaire completed by Internet, telephone, electronic
29 transfer, or mail does not establish a valid professional
30 relationship.

31

1 (7) In addition to any other discipline imposed by
2 final order and entered on or after July 1, 2004, pursuant to
3 this section, or discipline imposed through final order and
4 entered on or after July 1, 2004, for violation of any
5 practice act, the board, or the department when there is no
6 board, shall assess a nonrefundable fee to defray the costs of
7 monitoring the licensee's compliance with the order in the
8 amount of \$25 per month for each month or portion of a month
9 set forth in the final order to complete the length of term of
10 the probation, suspension, or practice restrictions imposed by
11 the final order. The assessment shall be included in the terms
12 of the final order. The board, or the department if there is
13 no board, may elect to assess the same fee to offset other
14 costs of monitoring compliance with the terms imposed by a
15 final order that does not include probation, suspension, or
16 practice restrictions.

17 Section 26. Subsection (1) of section 456.073, Florida
18 Statutes, is amended to read:

19 456.073 Disciplinary proceedings.--Disciplinary
20 proceedings for each board shall be within the jurisdiction of
21 the department.

22 (1) The department, for the boards under its
23 jurisdiction, shall cause to be investigated any complaint
24 that is filed before it if the complaint is in writing, signed
25 by the complainant, and legally sufficient. A complaint filed
26 by a state prisoner against a health care practitioner
27 employed by or otherwise providing health care services within
28 a facility of the Department of Corrections is not legally
29 sufficient unless there is a showing that the prisoner
30 complainant has exhausted all available administrative
31 remedies within the state correctional system before filing

1 the complaint. However, if the Department of Health determines
2 after a preliminary inquiry of a state prisoner's complaint
3 that the practitioner may present a serious threat to the
4 health and safety of any individual who is not a state
5 prisoner, the Department of Health may determine legal
6 sufficiency and proceed with discipline. The Department of
7 Health shall be notified within 15 days after the Department
8 of Corrections disciplines or allows a health care
9 practitioner to resign for an offense related to the practice
10 of his or her profession. A complaint is legally sufficient if
11 it contains ultimate facts that show that a violation of this
12 chapter, of any of the practice acts relating to the
13 professions regulated by the department, or of any rule
14 adopted by the department or a regulatory board in the
15 department has occurred. In order to determine legal
16 sufficiency, the department may require supporting information
17 or documentation. The department may investigate, and the
18 department or the appropriate board may take appropriate final
19 action on, a complaint even though the original complainant
20 withdraws it or otherwise indicates a desire not to cause the
21 complaint to be investigated or prosecuted to completion. The
22 department may investigate an anonymous complaint if the
23 complaint is in writing and is legally sufficient, if the
24 alleged violation of law or rules is substantial, and if the
25 department has reason to believe, after preliminary inquiry,
26 that the violations alleged in the complaint are true. The
27 department may investigate a complaint made by a confidential
28 informant if the complaint is legally sufficient, if the
29 alleged violation of law or rule is substantial, and if the
30 department has reason to believe, after preliminary inquiry,
31 that the allegations of the complainant are true. The

1 department may initiate an investigation if it has reasonable
2 cause to believe that a licensee or a group of licensees has
3 violated a Florida statute, a rule of the department, or a
4 rule of a board. Notwithstanding subsection (13), the
5 department may investigate information filed pursuant to s.
6 456.041(4) relating to liability actions with respect to
7 practitioners licensed under chapter 458 or chapter 459 which
8 have been reported under s. 456.049 or s. 627.912 within the
9 previous 6 years for any paid claim that exceeds \$50,000.
10 ~~Except as provided in ss. 458.331(9), 459.015(9), 460.413(5),~~
11 ~~and 461.013(6),~~When an investigation of any subject is
12 undertaken, the department shall promptly furnish to the
13 subject or the subject's attorney a copy of the complaint or
14 document that resulted in the initiation of the investigation.
15 The subject may submit a written response to the information
16 contained in such complaint or document within 30 ~~20~~ days
17 after service to the subject of the complaint or document. The
18 subject's written response shall be considered by the probable
19 cause panel. The right to respond does not prohibit the
20 issuance of a summary emergency order if necessary to protect
21 the public. However, if the secretary, or the secretary's
22 designee, and the chair of the respective board or the chair
23 of its probable cause panel agree in writing that such
24 notification would be detrimental to the investigation, the
25 department may withhold notification. The department may
26 conduct an investigation without notification to any subject
27 if the act under investigation is a criminal offense.

28 Section 27. Subsection (2) of section 457.105, Florida
29 Statutes, is amended, and subsection (3) is added to that
30 section, to read:

31 457.105 Licensure qualifications and fees.--

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

3 (a) Is 21 years of age or older, has good moral
4 character, and has the ability to communicate in English,
5 which is demonstrated by having passed the national written
6 examination in English or, if such examination was passed in a
7 foreign language, by also having passed a nationally
8 recognized English proficiency examination;

9 (b) Effective July 31, 2001,has completed 60 college
10 credits from an accredited postsecondary institution as a
11 prerequisite to enrollment in and completion of an authorized
12 ~~3-year course of study in acupuncture and oriental medicine,~~
13 ~~and has completed a 3-year course of study in acupuncture and~~
14 ~~oriental medicine, and effective July 31, 2001, a 4-year~~
15 course of study in acupuncture and oriental medicine, which
16 meets standards established by the board by rule, which
17 standards include, but are not limited to, successful
18 completion of academic courses in western anatomy, western
19 physiology, western pathology, western biomedical terminology,
20 first aid, and cardiopulmonary resuscitation (CPR). However,
21 any person who enrolled in an authorized course of study in
22 acupuncture before August 1, 1997, must have completed only a
23 2-year course of study which meets standards established by
24 the board by rule, which standards must include, but are not
25 limited to, successful completion of academic courses in
26 western anatomy, western physiology, and western pathology. In
27 addition, any person who enrolled in an authorized 3-year
28 course of study in acupuncture and oriental medicine prior to
29 July 31, 2001, must have completed 60 college credits from an
30 accredited postsecondary institution as a prerequisite to
31 enrollment in an authorized 3-year course of study in

1 acupuncture and oriental medicine and must have completed a
2 3-year course of study in acupuncture and oriental medicine
3 which meets standards established by the board by rule;

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

17 (d) Pays the required fees set by the board by rule
18 not to exceed the following amounts:

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

23 2. Application fee: \$300.

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

28 4. Initial biennial licensure fee: \$400, if licensed
29 in the first half of the biennium, and \$200, if licensed in
30 the second half of the biennium.

31

1 (3) Notwithstanding s. 120.60(1), upon receipt of an
2 application for a license, the board shall examine the
3 application and, within 30 days after receipt, notify the
4 applicant of any apparent errors or omissions and request any
5 additional information the board is permitted by law to
6 require. Within 30 days after receipt of such additional
7 information, the board shall review it and may request
8 additional information needed to clarify such information or
9 to answer new questions raised by or directly related to such
10 additional information. Where appropriate, the board may
11 require the results of an evaluation through the Professionals
12 Resource Network as additional information, clarifying
13 information, or as the answer to new questions raised by or
14 directly related to information submitted by an applicant. The
15 department may not deny a license for failure to correct an
16 error or omission or to supply additional information, provide
17 clarifying information, or answer new questions raised by or
18 directly related to additional information unless the board
19 timely notified the applicant within the appropriate 30-day
20 period. An application shall be considered complete upon
21 receipt of all requested information and correction of any
22 error or omission for which the applicant was timely notified
23 or when the time for such notification has expired. Each
24 application for a license shall be approved or denied within
25 90 days after receipt of a completed application unless a
26 shorter period of time for board action is provided by law.
27 The 90-day time period shall be tolled by the initiation of a
28 proceeding under ss. 120.569 and 120.57. An application for a
29 license must be approved or denied within the 90-day or
30 shorter time period, within 15 days after the conclusion of a
31 public hearing held on the application, or within 45 days

1 after a recommended order is submitted to the board and the
2 parties, whichever is later. The board must approve any
3 application for a license or for an examination required for
4 licensure if the board has not approved or denied the
5 application within the time periods prescribed by this
6 subsection.

7 Section 28. Paragraph (c) of subsection (1) of section
8 457.109, Florida Statutes, is amended to read:

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

11 (1) The following acts constitute grounds for denial
12 of a license or disciplinary action, as specified in s.
13 456.072(2):

14 (c) Being convicted or found guilty, or entering a
15 plea of nolo contendere to, regardless of adjudication, in a
16 court of this state or other any jurisdiction of a crime that
17 which directly relates to the practice of acupuncture or to
18 the ability to practice acupuncture. ~~Any plea of nolo~~
19 ~~contendere shall be considered a conviction for purposes of~~
20 ~~this chapter.~~

21 Section 29. Section 458.303, Florida Statutes, is
22 amended to read:

23 458.303 Provisions not applicable to other
24 practitioners; exceptions, etc.--

25 (1) The provisions of ss. 458.301, 458.303, 458.305,
26 458.307, 458.309, 458.311, ~~458.313,~~458.315, ~~458.317,~~458.319,
27 458.321, 458.327, 458.329, 458.331, 458.337, 458.339, 458.341,
28 458.343, 458.345, and 458.347 shall have no application to:

29 (a) Other duly licensed health care practitioners
30 acting within their scope of practice authorized by statute.

31

1 (b) Any physician lawfully licensed in another state
2 or territory or foreign country, when meeting duly licensed
3 physicians of this state in consultation.

4 (c) Commissioned medical officers of the Armed Forces
5 of the United States and of the Public Health Service of the
6 United States while on active duty and while acting within the
7 scope of their military or public health responsibilities.

8 (d) Any person while actually serving without salary
9 or professional fees on the resident medical staff of a
10 hospital in this state, subject to the provisions of s.
11 458.321.

12 (e) Any person furnishing medical assistance in case
13 of an emergency.

14 (f) The domestic administration of recognized family
15 remedies.

16 (g) The practice of the religious tenets of any church
17 in this state.

18 (h) Any person or manufacturer who, without the use of
19 drugs or medicine, mechanically fits or sells lenses,
20 artificial eyes or limbs, or other apparatus or appliances or
21 is engaged in the mechanical examination of eyes for the
22 purpose of constructing or adjusting spectacles, eyeglasses,
23 or lenses.

24 (2) Nothing in s. 458.301, s. 458.303, s. 458.305, s.
25 458.307, s. 458.309, s. 458.311, ~~s. 458.313~~, s. 458.319, s.
26 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s.
27 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347
28 shall be construed to prohibit any service rendered by a
29 registered nurse or a licensed practical nurse, if such
30 service is rendered under the direct supervision and control
31 of a licensed physician who provides specific direction for

1 any service to be performed and gives final approval to all
2 services performed. Further, nothing in this or any other
3 chapter shall be construed to prohibit any service rendered by
4 a medical assistant in accordance with the provisions of s.
5 458.3485.

6 Section 30. Section 458.311, Florida Statutes, is
7 amended to read:

8 (Substantial rewording of section. See
9 s. 458.311, F.S., for present text.)

10 458.311 Licensure; requirements; fees.--

11 (1) Any person desiring to be licensed as a physician
12 shall apply to the department on forms furnished by the
13 department. The department shall license each applicant who
14 the board certifies has met the provisions of this section.

15 (2) Each applicant must demonstrate compliance with
16 the following:

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

19 (b) Is at least 21 years of age.

20 (c) Is of good moral character.

21 (d) Has not committed any act or offense in this or
22 any other jurisdiction which would constitute the basis for
23 disciplining a physician pursuant to s. 458.331.

24 (e) Has submitted to the department a set of
25 fingerprints on a form and under procedures specified by the
26 department, along with a payment in an amount equal to the
27 costs incurred by the department for the criminal history
28 check of the applicant.

29 (f) Has caused to be submitted to the department core
30 credentials verified by the Federation Credentials

31

1 Verification Service of the Federation of State Medical
2 Boards.

3 (g) For an applicant holding a valid active license in
4 another state, has submitted evidence of the active licensed
5 practice of medicine in another jurisdiction for at least 2 of
6 the immediately preceding 4 years or evidence of successful
7 completion of either a board-approved postgraduate training
8 program within 2 years preceding the filing of an application
9 or a board-approved clinical competency examination within the
10 year preceding the filing of an application for licensure. For
11 purposes of this paragraph, the term "active licensed practice
12 of medicine" means that practice of medicine by physicians,
13 including those employed by any governmental entity in
14 community or public health, as defined by this chapter, those
15 designated as medical directors under s. 641.495(11) who are
16 practicing medicine, and those on the active teaching faculty
17 of an accredited medical school. If the applicant fails to
18 meet the requirements of this paragraph, the board may impose
19 conditions on the license, including, but not limited to,
20 supervision of practice.

21 (3) Each applicant must demonstrate that he or she has
22 complied with one of the following:

23 (a) Is a graduate of an allopathic medical school or
24 allopathic college recognized and approved by an accrediting
25 agency recognized by the United States Department of Education
26 or is a graduate of an allopathic medical school or allopathic
27 college within a territorial jurisdiction of the United States
28 recognized by the accrediting agency of the governmental body
29 of that jurisdiction; or

30 (b) Is a graduate of an allopathic international
31 medical school registered with the World Health Organization

1 and has had his or her medical credentials evaluated by the
2 Educational Commission for Foreign Medical Graduates, holds an
3 active, valid certificate issued by that commission, and has
4 passed the examination used by that commission. However, a
5 graduate of an international medical school need not present
6 the certificate issued by the Educational Commission for
7 Foreign Medical Graduates or pass the examination used by that
8 commission if the graduate has:

9 1. Received a bachelor's degree from an accredited
10 United States college or university.

11 2. Studied at a medical school which is recognized by
12 the World Health Organization.

13 3. Completed all of the formal requirements of the
14 international medical school, except the internship or social
15 service requirements, and passed part I of the National Board
16 of Medical Examiners examination or the Educational Commission
17 for Foreign Medical Graduates examination equivalent.

18 4. Completed an academic year of supervised clinical
19 training in a hospital affiliated with a medical school
20 approved by the Council on Medical Education of the American
21 Medical Association and, upon completion, passed part II of
22 the National Board of Medical Examiners examination or the
23 Educational Commission for Foreign Medical Graduates
24 examination equivalent.

25 (4) Each applicant must demonstrate that he or she has
26 completed a residency approved by the Accreditation Council
27 for Graduate Medical Education (ACGME), as defined by board
28 rule, of at least 2 years, or a fellowship of at least 2 years
29 in one specialty area that is counted toward regular or
30 subspecialty certification by a board recognized and certified
31 by the American Board of Medical Specialties. However, each

1 applicant who meets the requirements of paragraph (3)(a) and
2 who completed his or her training prior to October 1, 2003,
3 must demonstrate completion of at least 1 year of an approved
4 residency.

5 (5)(a) Each applicant must demonstrate that he or she
6 has complied with one of the following examination
7 requirements:

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

15 2. On or after January 1, 2000, has obtained a passing
16 score on all three steps of the United States Medical
17 Licensing Examination (USMLE); or

18 3. Has obtained a passing score on a state board
19 examination or the Canadian licensing examination (LLMCC) if
20 the applicant has a current active license in at least one
21 other jurisdiction of the United States or Canada and has
22 practiced pursuant to such licensure continuously for the
23 immediately preceding 10 years without encumbrance on the
24 license.

25 (b) As prescribed by board rule, the board may require
26 an applicant who does not pass any step of the national
27 licensing examination after five attempts to complete
28 additional remedial education or training.

29 (c) As prescribed by board rule, the board may require
30 an applicant who does not pass all steps of the United States
31 Medical Licensing Examination (USMLE) within 7 years to

1 complete additional remedial education or training or to
2 retake the step of the examination which the applicant passed
3 first.

4 (6) The department and the board shall ensure that
5 applicants for licensure meet the criteria of this section
6 through an investigative process.

7 (7) The board may not certify to the department for
8 licensure any applicant who is under investigation in another
9 jurisdiction for an offense that would constitute a violation
10 of this chapter until such investigation is completed. Upon
11 completion of the investigation, the provisions of s. 458.331
12 shall apply. Furthermore, the department may not issue an
13 unrestricted license to any individual who has committed any
14 act or offense in any jurisdiction which would constitute the
15 basis for disciplining a physician pursuant to s. 458.331.
16 When the board finds that an individual has committed an act
17 or offense in any jurisdiction which would constitute the
18 basis for disciplining a physician pursuant to s. 458.331, the
19 board may enter an order imposing one or more of the terms set
20 forth in s. 456.072(2).

21 (8) The board may adopt rules pursuant to ss.
22 120.536(1) and 120.54 necessary to carry out the provisions of
23 this section, which shall be applied on a uniform and
24 consistent basis.

25 (9) When the board determines that any applicant for
26 licensure has failed to meet, to the board's satisfaction,
27 each of the appropriate requirements set forth in this
28 section, it may enter an order requiring one or more of the
29 following terms:

30 (a) Refusal to certify to the department an
31 application for licensure, certification, or registration;

1 (b) Certification to the department of an application
2 for licensure, certification, or registration with
3 restrictions on the scope of practice of the licensee; or

4 (c) Certification to the department of an application
5 for licensure, certification, or registration with placement
6 of the physician on probation for a period of time and subject
7 to conditions specified by the board, including, but not
8 limited to, requiring the physician to submit to treatment,
9 attend continuing education courses, submit to reexamination,
10 or work under the supervision of another physician.

11 Section 31. Subsection (5) of section 458.3124,
12 Florida Statutes, is amended to read:

13 458.3124 Restricted license; certain experienced
14 foreign-trained physicians.--

15 (5) Notwithstanding s. 458.311(3) and (4)~~s.~~
16 ~~458.311(1)(f)~~, a person who successfully meets the
17 requirements of this section and who successfully passes Step
18 III of the United States Medical Licensing Examination is
19 eligible for full licensure as a physician.

20 Section 32. Section 458.315, Florida Statutes, is
21 amended to read:

22 (Substantial rewording of section. See
23 s. 458.315, F.S., for present text.)
24 458.315 Limited licenses.--

25 (1) Any person desiring to obtain a limited license
26 shall apply to the department on forms furnished by the
27 department. The department shall license each applicant who
28 the board certifies:

29 (a) Has submitted to the department, with an
30 application and fee not to exceed \$300, a statement stating
31 that he or she has been licensed to practice medicine in any

1 jurisdiction or territory of the United States or Canada for
2 at least 2 years and intends to practice only pursuant to the
3 restrictions of a limited license granted pursuant to this
4 section. However, if the physician will use the limited
5 license only for noncompensated practice and submits a
6 statement from the employing agency or institution stating
7 that he or she will not receive compensation for any service
8 involving the practice of medicine, the application fee and
9 all licensure fees shall be waived.

10 (b) Has submitted evidence of the active licensed
11 practice of medicine in any jurisdiction or territory of the
12 United States or Canada for at least 2 of the immediately
13 preceding 4 years. For purposes of this paragraph, the term
14 "active licensed practice of medicine" means that practice of
15 medicine by physicians, including those employed by any
16 government entity in community or public health, as defined by
17 this chapter, those designated as medical directors under s.
18 641.495(11) who are practicing medicine, and those on the
19 active teaching faculty of an accredited medical school. If it
20 has been more than 3 years since active practice was conducted
21 by the applicant, a licensed physician approved by the board
22 shall supervise the applicant for a period of 6 months after
23 he or she is granted a limited license for practice, unless
24 the board determines that a shorter period of supervision will
25 be sufficient to ensure that the applicant is qualified for
26 licensure. Procedures for such supervision shall be
27 established by the board.

28 (c) Has submitted to the department a set of
29 fingerprints on a form and following procedures established by
30 the department for the criminal history check of the
31 applicant.

1 (d) Has not committed any act or offense in this or
2 any other jurisdiction which would constitute the basis for
3 disciplining a physician pursuant to s. 458.331.

4 (2) After approval of an application under this
5 section, a limited license may not be issued until the
6 applicant provides to the board an affidavit stating that
7 there have been no substantial changes in his or her status
8 since initial application.

9 (3) The recipient of a limited license used for
10 noncompensated practice shall practice only in the employ of
11 programs or facilities that provide uncompensated health care
12 services by volunteer licensed health care professionals to
13 low-income persons whose family income does not exceed 120
14 percent of the federal poverty level or to uninsured persons.
15 These facilities include, but are not limited to, the
16 department, community and migrant health centers funded under
17 s. 330 of the Public Health Service Act, and volunteer health
18 care provider programs contracted with the department to
19 provide uncompensated care under the provisions of s.
20 766.1115.

21 (4) The recipient of a limited license used for
22 compensated practice shall practice only in the employ of
23 certain programs and facilities that provide health care
24 services and that are located within federally designated
25 primary care health professional shortage areas, unless
26 otherwise approved by the Secretary of Health. These programs
27 and facilities include, but are not limited to, the
28 department, the Department of Corrections, county or municipal
29 correctional facilities, the Department of Juvenile Justice,
30 the Department of Children and Family Services, and those
31

1 programs and facilities funded under s. 330 of the Public
2 Health Service Act.

3 (5) The recipient of a limited license shall, within
4 30 days after accepting employment, notify the board of all
5 approved institutions in which the licensee practices and all
6 approved institutions in which the licensee's practice
7 privileges have been denied. Evidence of noncompensated
8 employment shall be required for the fee waiver under
9 paragraph (1)(a).

10 (6) Upon renewal, a limited licenseholder shall, in
11 addition to complying with other applicable provisions of this
12 chapter, document compliance with the restrictions prescribed
13 in this section.

14 (7) Any person holding an active or inactive license
15 to practice medicine in the state may convert that license to
16 a limited license for the purpose of providing volunteer,
17 uncompensated care for low-income residents of this state. The
18 licensee must submit a statement from the employing agency or
19 institution stating that he or she will not receive
20 compensation for any service involving the practice of
21 medicine. All licensure fees, including neurological injury
22 compensation assessments, shall be waived.

23 (8) This section does not limit in any way any policy
24 by the board, otherwise authorized by law, to grant licenses
25 to physicians duly licensed in other states under conditions
26 less restrictive than the requirements of this section.
27 Notwithstanding any other provision of this section, the board
28 may refuse to authorize a physician otherwise qualified to
29 practice in the employ of any agency or institution if the
30 agency or institution has caused or permitted violations of

31

1 the provisions of this chapter which it knew or should have
2 known were occurring.

3 Section 33. Subsection (4) of section 458.319, Florida
4 Statutes, is amended to read:

5 458.319 Renewal of license.--

6 (4) ~~Notwithstanding the provisions of s. 456.033,A~~
7 physician may complete continuing education on end-of-life
8 care and palliative care in lieu of continuing education in
9 AIDS/HIV, if that physician has completed the AIDS/HIV
10 continuing education in the immediately preceding biennium.

11 Section 34. Paragraph (c) of subsection (5) of section
12 458.320, Florida Statutes, is amended to read:

13 458.320 Financial responsibility.--

14 (5) The requirements of subsections (1), (2), and (3)
15 do not apply to:

16 (c) Any person holding a limited license pursuant to
17 s. 458.315 ~~s. 458.317~~ and practicing under the scope of such
18 limited license.

19 Section 35. Subsection (9) of section 458.331, Florida
20 Statutes, is amended to read:

21 458.331 Grounds for disciplinary action; action by the
22 board and department.--

23 (9) When an investigation of a physician is
24 undertaken, the department shall promptly furnish to the
25 physician or the physician's attorney a copy of the complaint
26 or document which resulted in the initiation of the
27 investigation. For purposes of this subsection, such documents
28 include, but are not limited to: the pertinent portions of an
29 annual report submitted to the department pursuant to s.
30 395.0197(6); a report of an adverse incident which is provided
31 to the department pursuant to s. 395.0197; a report of peer

1 review disciplinary action submitted to the department
2 pursuant to s. 395.0193(4) or s. 458.337, providing that the
3 investigations, proceedings, and records relating to such peer
4 review disciplinary action shall continue to retain their
5 privileged status even as to the licensee who is the subject
6 of the investigation, as provided by ss. 395.0193(8) and
7 458.337(3); a report of a closed claim submitted pursuant to
8 s. 627.912; a presuit notice submitted pursuant to s.
9 766.106(2); and a petition brought under the Florida
10 Birth-Related Neurological Injury Compensation Plan, pursuant
11 to s. 766.305(2). The physician may submit a written response
12 to the information contained in the complaint or document
13 which resulted in the initiation of the investigation within
14 30 ~~45~~ days after service to the physician of the complaint or
15 document. The physician's written response shall be considered
16 by the probable cause panel.

17 Section 36. Paragraph (c) of subsection (1) of section
18 458.345, Florida Statutes, is amended to read:

19 458.345 Registration of resident physicians, interns,
20 and fellows; list of hospital employees; prescribing of
21 medicinal drugs; penalty.--

22 (1) Any person desiring to practice as a resident
23 physician, assistant resident physician, house physician,
24 intern, or fellow in fellowship training which leads to
25 subspecialty board certification in this state, or any person
26 desiring to practice as a resident physician, assistant
27 resident physician, house physician, intern, or fellow in
28 fellowship training in a teaching hospital in this state as
29 defined in s. 408.07(44) or s. 395.805(2), who does not hold a
30 valid, active license issued under this chapter shall apply to
31 the department to be registered and shall remit a fee not to

1 exceed \$300 as set by the board. The department shall
2 register any applicant the board certifies has met the
3 following requirements:

4 (c) Is a graduate of a medical school or college as
5 specified in s. 458.311(3)~~s. 458.311(1)(f)~~.

6 Section 37. Subsection (7) of section 458.347, Florida
7 Statutes, is amended to read:

8 458.347 Physician assistants.--

9 (7) PHYSICIAN ASSISTANT LICENSURE.--

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

14 1. Is at least 18 years of age.

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

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

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

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

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

3 d. Two letters of recommendation.

4 ~~(b)1. Notwithstanding subparagraph (a)2. and~~
5 ~~sub-subparagraph (a)3.a., the department shall examine each~~
6 ~~applicant who the Board of Medicine certifies:~~

7 a. ~~Has completed the application form and remitted a~~
8 ~~nonrefundable application fee not to exceed \$500 and an~~
9 ~~examination fee not to exceed \$300, plus the actual cost to~~
10 ~~the department to provide the examination. The examination fee~~
11 ~~is refundable if the applicant is found to be ineligible to~~
12 ~~take the examination. The department shall not require the~~
13 ~~applicant to pass a separate practical component of the~~
14 ~~examination. For examinations given after July 1, 1998,~~
15 ~~competencies measured through practical examinations shall be~~
16 ~~incorporated into the written examination through a~~
17 ~~multiple-choice format. The department shall translate the~~
18 ~~examination into the native language of any applicant who~~
19 ~~requests and agrees to pay all costs of such translation,~~
20 ~~provided that the translation request is filed with the board~~
21 ~~office no later than 9 months before the scheduled examination~~
22 ~~and the applicant remits translation fees as specified by the~~
23 ~~department no later than 6 months before the scheduled~~
24 ~~examination, and provided that the applicant demonstrates to~~
25 ~~the department the ability to communicate orally in basic~~
26 ~~English. If the applicant is unable to pay translation costs,~~
27 ~~the applicant may take the next available examination in~~
28 ~~English if the applicant submits a request in writing by the~~
29 ~~application deadline and if the applicant is otherwise~~
30 ~~eligible under this section. To demonstrate the ability to~~
31 ~~communicate orally in basic English, a passing score or grade~~

1 ~~is required, as determined by the department or organization~~
2 ~~that developed it, on the test for spoken English (TSE) by the~~
3 ~~Educational Testing Service (ETS), the test of English as a~~
4 ~~foreign language (TOEFL) by ETS, a high school or college~~
5 ~~level English course, or the English examination for~~
6 ~~citizenship, Immigration and Naturalization Service. A~~
7 ~~notarized copy of an Educational Commission for Foreign~~
8 ~~Medical Graduates (ECFMG) certificate may also be used to~~
9 ~~demonstrate the ability to communicate in basic English; and~~
10 ~~b.(I) Is an unlicensed physician who graduated from a~~
11 ~~foreign medical school listed with the World Health~~
12 ~~Organization who has not previously taken and failed the~~
13 ~~examination of the National Commission on Certification of~~
14 ~~Physician Assistants and who has been certified by the Board~~
15 ~~of Medicine as having met the requirements for licensure as a~~
16 ~~medical doctor by examination as set forth in s. 458.311(1),~~
17 ~~(3), (4), and (5), with the exception that the applicant is~~
18 ~~not required to have completed an approved residency of at~~
19 ~~least 1 year and the applicant is not required to have passed~~
20 ~~the licensing examination specified under s. 458.311 or hold a~~
21 ~~valid, active certificate issued by the Educational Commission~~
22 ~~for Foreign Medical Graduates; was eligible and made initial~~
23 ~~application for certification as a physician assistant in this~~
24 ~~state between July 1, 1990, and June 30, 1991; and was a~~
25 ~~resident of this state on July 1, 1990, or was licensed or~~
26 ~~certified in any state in the United States as a physician~~
27 ~~assistant on July 1, 1990; or~~
28 ~~(II) Completed all coursework requirements of the~~
29 ~~Master of Medical Science Physician Assistant Program offered~~
30 ~~through the Florida College of Physician's Assistants prior to~~
31 ~~its closure in August of 1996. Prior to taking the~~

1 ~~examination, such applicant must successfully complete any~~
2 ~~clinical rotations that were not completed under such program~~
3 ~~prior to its termination and any additional clinical rotations~~
4 ~~with an appropriate physician assistant preceptor, not to~~
5 ~~exceed 6 months, that are determined necessary by the council.~~
6 ~~The boards shall determine, based on recommendations from the~~
7 ~~council, the facilities under which such incomplete or~~
8 ~~additional clinical rotations may be completed and shall also~~
9 ~~determine what constitutes successful completion thereof,~~
10 ~~provided such requirements are comparable to those established~~
11 ~~by accredited physician assistant programs. This~~
12 ~~sub-sub-subparagraph is repealed July 1, 2001.~~

13 ~~1.2.~~ The department may grant temporary licensure to
14 an applicant who meets the requirements of s. 458.311
15 ~~subparagraph 1~~. Between meetings of the council, the
16 department may grant temporary licensure to practice based on
17 the completion of all temporary licensure requirements. All
18 such administratively issued licenses shall be reviewed and
19 acted on at the next regular meeting of the council. A
20 temporary license expires 30 days after receipt and notice of
21 scores to the licenseholder from the first available
22 examination specified in s. 458.311 ~~subparagraph 1~~. following
23 licensure by the department. An applicant who fails the
24 proficiency examination is no longer temporarily licensed, but
25 may apply for a one-time extension of temporary licensure
26 after reapplying for the next available examination. Extended
27 licensure shall expire upon failure of the licenseholder to
28 sit for the next available examination or upon receipt and
29 notice of scores to the licenseholder from such examination.

30 ~~2.3.~~ Notwithstanding any other provision of law, the
31 examination specified pursuant to s. 458.311 ~~subparagraph 1~~.

1 shall be administered by the department only five times.
2 Applicants certified by the board for examination shall
3 receive at least 6 months' notice of eligibility prior to the
4 administration of the initial examination. Subsequent
5 examinations shall be administered at 1-year intervals
6 following the reporting of the scores of the first and
7 subsequent examinations. For the purposes of this paragraph,
8 the department may develop, contract for the development of,
9 purchase, or approve an examination that adequately measures
10 an applicant's ability to practice with reasonable skill and
11 safety. The minimum passing score on the examination shall be
12 established by the department, with the advice of the board.
13 Those applicants failing to pass that examination or any
14 subsequent examination shall receive notice of the
15 administration of the next examination with the notice of
16 scores following such examination. Any applicant who passes
17 the examination and meets the requirements of this section
18 shall be licensed as a physician assistant with all rights
19 defined thereby.

20 (c) The license must be renewed biennially. Each
21 renewal must include:

22 1. A renewal fee not to exceed \$500 as set by the
23 boards.

24 2. A sworn statement of no felony convictions in the
25 previous 2 years.

26 (d) Each licensed physician assistant shall biennially
27 complete 100 hours of continuing medical education or shall
28 hold a current certificate issued by the National Commission
29 on Certification of Physician Assistants.

30 (e) Upon employment as a physician assistant, a
31 licensed physician assistant must notify the department in

1 writing within 30 days after such employment or after any
2 subsequent changes in the supervising physician. The
3 notification must include the full name, Florida medical
4 license number, specialty, and address of the supervising
5 physician.

6 (f) Notwithstanding subparagraph (a)2., the department
7 may grant a temporary license to a recent graduate of an
8 approved program, as specified in subsection (6), ~~who expects~~
9 ~~to take the first examination administered by the National~~
10 ~~Commission on Certification of Physician Assistants available~~
11 ~~for registration after the applicant's graduation, a temporary~~
12 license. The temporary license shall expire 1 year after the
13 date of graduation ~~30 days after receipt of scores of the~~
14 ~~proficiency examination administered by the National~~
15 ~~Commission on Certification of Physician Assistants~~. Between
16 meetings of the council, the department may grant a temporary
17 license to practice pursuant to this subsection ~~based on the~~
18 ~~completion of all temporary licensure requirements~~. All such
19 administratively issued licenses shall be reviewed and acted
20 on at the next regular meeting of the council. The recent
21 graduate may be licensed prior to employment, but must comply
22 with paragraph (e). An applicant who has passed the
23 proficiency examination may be granted permanent licensure. ~~An~~
24 ~~applicant failing the proficiency examination is no longer~~
25 ~~temporarily licensed, but may reapply for a 1-year extension~~
26 ~~of temporary licensure. An applicant may not be granted more~~
27 ~~than two temporary licenses and may not be licensed as a~~
28 ~~physician assistant until he or she passes the examination~~
29 ~~administered by the National Commission on Certification of~~
30 ~~Physician Assistants~~. As prescribed by board rule, the council
31 may require an applicant who does not pass the licensing

1 examination after five or more attempts to complete additional
2 remedial education or training. The council shall prescribe
3 the additional requirements in a manner that permits the
4 applicant to complete the requirements and be reexamined
5 within 2 years after the date the applicant petitions the
6 council to retake the examination a sixth or subsequent time.

7 (g) The Board of Medicine may impose any of the
8 penalties authorized under ss. 456.072 and 458.331(2) upon a
9 physician assistant if the physician assistant or the
10 supervising physician has been found guilty of or is being
11 investigated for any act that constitutes a violation of this
12 chapter or chapter 456.

13 Section 38. Subsections (4) and (5) of section
14 459.008, Florida Statutes, are amended to read:

15 459.008 Renewal of licenses and certificates.--

16 (4) The board shall, by rule, prescribe continuing
17 education programs and courses, not to exceed 40 hours
18 biennially, as a condition for renewal of a license. Such
19 programs and courses must build on the basic educational
20 requirements for licensure as an osteopathic physician and
21 must be approved by the board. Notwithstanding any other
22 provision of law, the board may mandate by rule specific
23 continuing medical education requirements and may approve by
24 rule alternative methods of obtaining continuing education
25 credits, including, but not limited to, attending a board
26 meeting at which another licensee is disciplined, serving as a
27 volunteer expert witness for the department in a disciplinary
28 case, or serving as a member of a probable cause panel
29 following the expiration of a board member's term.

30 (5) ~~Notwithstanding the provisions of s. 456.033,~~An
31 osteopathic physician may complete continuing education on

1 end-of-life and palliative care in lieu of continuing
2 education in AIDS/HIV, if that physician has completed the
3 AIDS/HIV continuing education in the immediately preceding
4 biennium.

5 Section 39. Subsection (9) of section 459.015, Florida
6 Statutes, is amended to read:

7 459.015 Grounds for disciplinary action; action by the
8 board and department.--

9 (9) When an investigation of an osteopathic physician
10 is undertaken, the department shall promptly furnish to the
11 osteopathic physician or his or her attorney a copy of the
12 complaint or document which resulted in the initiation of the
13 investigation. For purposes of this subsection, such documents
14 include, but are not limited to: the pertinent portions of an
15 annual report submitted to the department pursuant to s.
16 395.0197(6); a report of an adverse incident which is provided
17 to the department pursuant to s. 395.0197; a report of peer
18 review disciplinary action submitted to the department
19 pursuant to s. 395.0193(4) or s. 459.016, provided that the
20 investigations, proceedings, and records relating to such peer
21 review disciplinary action shall continue to retain their
22 privileged status even as to the licensee who is the subject
23 of the investigation, as provided by ss. 395.0193(8) and
24 459.016(3); a report of a closed claim submitted pursuant to
25 s. 627.912; a presuit notice submitted pursuant to s.
26 766.106(2); and a petition brought under the Florida
27 Birth-Related Neurological Injury Compensation Plan, pursuant
28 to s. 766.305(2). The osteopathic physician may submit a
29 written response to the information contained in the complaint
30 or document which resulted in the initiation of the
31 investigation within 30 ~~45~~ days after service to the

1 osteopathic physician of the complaint or document. The
2 osteopathic physician's written response shall be considered
3 by the probable cause panel.

4 Section 40. Subsections (1), (2), and (5) of section
5 459.021, Florida Statutes, are amended to read:

6 459.021 Registration of resident physicians, interns,
7 and fellows; list of hospital employees; penalty.--

8 (1) Any person who holds a degree of Doctor of
9 Osteopathic Medicine from a college of osteopathic medicine
10 recognized and approved by the American Osteopathic
11 Association who desires to practice as a resident physician,
12 assistant resident physician, house physician, intern, or
13 fellow in fellowship training which leads to subspecialty
14 board certification in this state, or any person desiring to
15 practice as a resident physician, assistant resident
16 physician, house physician, intern, or fellow in fellowship
17 training in a teaching hospital in this state as defined in s.
18 408.07(44) or s. 395.805(2), who does not hold an active
19 license issued under this chapter shall apply to the
20 department to be registered, on an application provided by the
21 department, no later than within 30 days prior to of
22 commencing such a training program and shall remit a fee not
23 to exceed \$300 as set by the board.

24 (2) Any person required to be registered under this
25 section shall renew such registration annually and shall remit
26 a renewal fee not to exceed \$300 as set by the board. Such
27 registration shall be terminated upon the registrant's receipt
28 of an active license issued under this chapter. No person
29 shall be registered under this section for an aggregate of
30 more than 5 years, unless additional years are approved by the
31 board.

1 (5) It is a misdemeanor of the second degree,
2 punishable as provided in s. 775.082 or s. 775.083, for any
3 hospital or teaching hospital, and also for the
4 superintendent, administrator, and other person or persons
5 having administrative authority in such hospital to willfully:

6 (a) ~~To~~ Employ the services in such hospital of any
7 person listed in subsection (3), unless such person is
8 registered with the department under the law or the holder of
9 a license to practice osteopathic medicine under this chapter.

10 (b) ~~To~~ Fail to furnish to the department the list and
11 information required by subsection (3).

12 Section 41. Paragraphs (d) of subsection (1) of
13 section 460.406, Florida Statutes, is amended to read:

14 460.406 Licensure by examination.--

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

27 (d)1. For an applicant who has matriculated in a
28 chiropractic college prior to July 2, 1990, completed at least
29 2 years of residence college work, consisting of a minimum of
30 one-half the work acceptable for a bachelor's degree granted
31 on the basis of a 4-year period of study, in a college or

1 university accredited by an accrediting agency recognized and
2 approved by the United States Department of Education.
3 However, prior to being certified by the board to sit for the
4 examination, each applicant who has matriculated in a
5 chiropractic college after July 1, 1990, shall have been
6 granted a bachelor's degree, based upon 4 academic years of
7 study, by a college or university accredited by a regional
8 accrediting agency which is a member of the Council for Higher
9 Education Accreditation or the United States Department of
10 Education Commission on Recognition of Postsecondary
11 Accreditation.

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

28 Section 42. Subsection (5) of section 460.413, Florida
29 Statutes, is amended to read:

30 460.413 Grounds for disciplinary action; action by
31 board or department.--

1 (5) When an investigation of a chiropractic physician
2 is undertaken, the department shall promptly furnish to the
3 chiropractic physician or her or his attorney a copy of the
4 complaint or document which resulted in the initiation of the
5 investigation. The chiropractic physician may submit a written
6 response to the information contained in such complaint or
7 document within 30 ~~45~~ days after service to the chiropractic
8 physician of the complaint or document. The chiropractic
9 physician's written response shall be considered by the
10 probable cause panel.

11 Section 43. Subsection (6) of section 461.013, Florida
12 Statutes, is amended to read:

13 461.013 Grounds for disciplinary action; action by the
14 board; investigations by department.--

15 (6) When an investigation of a podiatric physician is
16 undertaken, the department shall promptly furnish to the
17 podiatric physician or her or his attorney a copy of the
18 complaint or document which resulted in the initiation of the
19 investigation. The podiatric physician may submit a written
20 response to the information contained in such complaint or
21 document within 30 ~~45~~ days after service to the podiatric
22 physician of the complaint or document. The podiatric
23 physician's written response shall be considered by the
24 probable cause panel.

25 Section 44. Paragraph (b) of subsection (1) of section
26 463.006, Florida Statutes, is amended to read:

27 463.006 Licensure and certification by examination.--

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

1 (b) Submitted proof satisfactory to the department
2 that she or he:

3 1. Is at least 18 years of age.

4 2. Has graduated from an accredited school or college
5 of optometry approved by rule of the board.

6 3. Is of good moral character.

7 4. Has successfully completed at least 110 hours of
8 transcript-quality coursework and clinical training in general
9 and ocular pharmacology as determined by the board, at an
10 institution that:

11 a. Has facilities for both didactic and clinical
12 instructions in pharmacology, ~~and~~

13 b. Is accredited by a regional or professional
14 accrediting organization that is recognized and approved by
15 the Council for Higher Education ~~Commission on Recognition of~~
16 ~~Postsecondary~~ Accreditation or the United States Department of
17 Education.

18 5. Has completed at least 1 year of supervised
19 experience in differential diagnosis of eye disease or
20 disorders as part of the optometric training or in a clinical
21 setting as part of the optometric experience.

22 Section 45. Paragraph (a) of subsection (4) of section
23 464.0205, Florida Statutes, is amended to read:

24 464.0205 Retired volunteer nurse certificate.--

25 (4) A retired volunteer nurse receiving certification
26 from the board shall:

27 (a) Work under the direct supervision of the director
28 of a county health department, a physician working under a
29 limited license issued pursuant to s. 458.315 ~~s. 458.317~~ or s.
30 459.0075, a physician licensed under chapter 458 or chapter
31 459, an advanced registered nurse practitioner certified under

1 s. 464.012, or a registered nurse licensed under s. 464.008 or
2 s. 464.009.

3 Section 46. Subsection (6) is added to section
4 464.201, Florida Statutes, to read:

5 464.201 Definitions.--As used in this part, the term:

6 (6) "Practice of a certified nursing assistant" means
7 providing care and assisting persons with tasks relating to
8 the activities of daily living. Such tasks are those
9 associated with personal care, maintaining mobility, nutrition
10 and hydration, toileting and elimination, assistive devices,
11 safety and cleanliness, data gathering, reporting abnormal
12 signs and symptoms, postmortem care, patient socialization and
13 reality orientation, end-of-life care, CPR and emergency care,
14 notification of residents' or patients' rights, documentation
15 of nursing assistant services, and other tasks that a
16 certified nurse assistant may perform after training beyond
17 that required for initial certification and upon validation of
18 competence in that skill by a registered nurse. This
19 subsection does not restrict the ability of any person who is
20 otherwise trained and educated from performing such tasks.

21 Section 47. Section 464.202, Florida Statutes, is
22 amended to read:

23 464.202 Duties and powers of the board.--The board
24 shall maintain, or contract with or approve another entity to
25 maintain, a state registry of certified nursing assistants.
26 The registry must consist of the name of each certified
27 nursing assistant in this state; other identifying information
28 defined by board rule; certification status; the effective
29 date of certification; other information required by state or
30 federal law; information regarding any crime or any abuse,
31 neglect, or exploitation as provided under chapter 435; and

1 any disciplinary action taken against the certified nursing
2 assistant. The registry shall be accessible to the public, the
3 certificateholder, employers, and other state agencies. The
4 board shall adopt by rule testing procedures for use in
5 certifying nursing assistants and shall adopt rules regulating
6 the practice of certified nursing assistants which specify the
7 scope of practice authorized and level of supervision required
8 for the practice of certified nursing assistants ~~to enforce~~
9 ~~this part~~. The board may contract with or approve another
10 entity or organization to provide the examination services,
11 including the development and administration of examinations.
12 The board shall require that the contract provider offer
13 certified nursing assistant applications via the Internet, and
14 may require the contract provider to accept certified nursing
15 assistant applications for processing via the Internet. The
16 board shall require the contract provider to provide the
17 preliminary results of the certified nursing examination on
18 the date the test is administered. The provider shall pay all
19 reasonable costs and expenses incurred by the board in
20 evaluating the provider's application and performance during
21 the delivery of services, including examination services and
22 procedures for maintaining the certified nursing assistant
23 registry.

24 Section 48. Subsections (1) and (5) of section
25 464.203, Florida Statutes, are amended, and subsections (8)
26 and (9) are added to that section, to read:

27 464.203 Certified nursing assistants; certification
28 requirement.--

29 (1) The board shall issue a certificate to practice as
30 a certified nursing assistant to any person who demonstrates a
31 minimum competency to read and write and successfully passes

1 the required statewide criminal screening through the
2 Department of Law Enforcement, including Level I screening
3 pursuant to chapter 435, or, if the applicant has not
4 maintained continuous residency within the state for 5 years
5 immediately preceding the date of application, Level II
6 screening that includes a fingerprint check through the
7 Department of Law Enforcement and the Federal Bureau of
8 Investigation pursuant to chapter 435, ~~Level I or Level II~~
9 ~~screening pursuant to s. 400.215~~ and meets one of the
10 following requirements:

11 (a) Has successfully completed an approved training
12 program and achieved a minimum score, established by rule of
13 the board, on the nursing assistant competency examination,
14 which consists of a written portion and skills-demonstration
15 portion approved by the board and administered at a site and
16 by personnel approved by the department.

17 (b) Has achieved a minimum score, established by rule
18 of the board, on the nursing assistant competency examination,
19 which consists of a written portion and skills-demonstration
20 portion, approved by the board and administered at a site and
21 by personnel approved by the department and:

- 22 1. Has a high school diploma, or its equivalent; or
- 23 2. Is at least 18 years of age.

24 (c) Is currently certified in another state; is listed
25 on that state's certified nursing assistant registry; and has
26 not been found to have committed abuse, neglect, or
27 exploitation in that state.

28 (d) Has completed the curriculum developed under the
29 Enterprise Florida Jobs and Education Partnership Grant and
30 achieved a minimum score, established by rule of the board, on
31 the nursing assistant competency examination, which consists

1 of a written portion and skills-demonstration portion,
2 approved by the board and administered at a site and by
3 personnel approved by the department.

4 (5) Certification as a nursing assistant, in
5 accordance with this part, may be renewed ~~continues in effect~~
6 until such time as the nursing assistant allows a period of 24
7 consecutive months to pass during which period the nursing
8 assistant fails to perform any nursing-related services for
9 monetary compensation. When a nursing assistant fails to
10 perform any nursing-related services for monetary compensation
11 for a period of 24 consecutive months, the nursing assistant
12 must complete a new training and competency evaluation program
13 or a new competency evaluation program.

14 (8) The department shall renew a certificate upon
15 receipt of the renewal application and imposition of a fee of
16 not less than \$20 and not more than \$50 biennially. The
17 department shall adopt rules establishing a procedure for the
18 biennial renewal of certificates. Any certificate not renewed
19 by July 1, 2006, shall be void.

20 (9) Notwithstanding any provision of law to the
21 contrary, any entity required to conduct a Level I or Level II
22 screening, pursuant to chapter 435, is exempt from rescreening
23 any certified nursing assistant upon employment if the
24 screening date on the certificate issued by the board is
25 within the last 12 months, the certified nursing assistant has
26 not been unemployed for more than 180 days, and the nursing
27 assistant attests under penalty of perjury to not having been
28 convicted of a disqualifying offense since the completion of
29 such screening.

30 Section 49. Paragraph (b) of subsection (1) of section
31 464.204, Florida Statutes, is amended to read:

1 464.204 Denial, suspension, or revocation of
2 certification; disciplinary actions.--

3 (1) The following acts constitute grounds for which
4 the board may impose disciplinary sanctions as specified in
5 subsection (2):

6 (b) ~~Intentionally~~ Violating any provision of part I or
7 part II of this chapter, chapter 456, or the rules adopted by
8 the board.

9 Section 50. Paragraph (a) of subsection (11) of
10 section 465.003, Florida Statutes, is amended to read:

11 465.003 Definitions.--As used in this chapter, the
12 term:

13 (11)(a) "Pharmacy" includes a community pharmacy, an
14 institutional pharmacy, a nuclear pharmacy, ~~and~~ a special
15 pharmacy, and an Internet pharmacy.

16 1. The term "community pharmacy" includes every
17 location where medicinal drugs are compounded, dispensed,
18 stored, or sold or where prescriptions are filled or dispensed
19 on an outpatient basis.

20 2. The term "institutional pharmacy" includes every
21 location in a hospital, clinic, nursing home, dispensary,
22 sanitarium, extended care facility, or other facility,
23 hereinafter referred to as "health care institutions," where
24 medicinal drugs are compounded, dispensed, stored, or sold.

25 3. The term "nuclear pharmacy" includes every location
26 where radioactive drugs and chemicals within the
27 classification of medicinal drugs are compounded, dispensed,
28 stored, or sold. The term "nuclear pharmacy" does not include
29 hospitals licensed under chapter 395 or the nuclear medicine
30 facilities of such hospitals.

31

1 4. The term "special pharmacy" includes every location
2 where medicinal drugs are compounded, dispensed, stored, or
3 sold if such locations are not otherwise defined in this
4 subsection.

5 5. The term "Internet pharmacy" includes locations
6 that are not otherwise defined in this subsection where
7 medicinal drugs are compounded, dispensed, or stored and
8 subsequently sold primarily or exclusively to consumers over
9 the Internet. An Internet pharmacy must be licensed as a
10 pharmacy under this chapter to sell medicinal drugs to persons
11 in this state.

12 Section 51. Subsection (2) of section 465.0075,
13 Florida Statutes, is amended to read:

14 465.0075 Licensure by endorsement; requirements;
15 fee.--

16 (2) An applicant licensed in another state for a
17 period in excess of 2 years from the date of application for
18 licensure in this state shall submit a total of at least 30
19 hours of board-approved continuing education for the 24 months
20 ~~2 calendar years~~ immediately preceding application.

21 Section 52. Paragraph (i) of subsection (1) of section
22 465.016, Florida Statutes, is amended, and paragraph (s) is
23 added to that subsection, to read:

24 465.016 Disciplinary actions.--

25 (1) The following acts constitute grounds for denial
26 of a license or disciplinary action, as specified in s.
27 456.072(2):

28 (i) Compounding, dispensing, or distributing a legend
29 drug, including any controlled substance, other than in the
30 course of the professional practice of pharmacy. For purposes
31 of this paragraph, it shall be legally presumed that the

1 compounding, dispensing, or distributing of legend drugs in
2 excessive or inappropriate quantities is not in the best
3 interests of the patient and is not in the course of the
4 professional practice of pharmacy. A quantity of legend drug
5 which the licensee knows or reasonably should know was not
6 prescribed in the course of a valid professional relationship
7 is presumed to be an excessive or inappropriate quantity. A
8 medical questionnaire completed by Internet, telephone,
9 electronic transfer, or mail does not establish a valid
10 professional relationship.

11 (s) Dispensing any medicinal drug based upon a
12 communication that purports to be a prescription as defined by
13 s. 465.003(14) or s. 893.02(2) when the pharmacist knows or
14 has reason to believe that the purported prescription is not
15 based upon a valid practitioner-patient relationship,
16 including appropriate patient history and a face-to-face or
17 visual encounter by the practitioner.

18 Section 53. Section 465.0161, Florida Statutes, is
19 created to read:

20 465.0161 Distribution of medicinal drugs without a
21 license.--An Internet pharmacy that distributes medicinal
22 drugs to persons in this state without being licensed as a
23 pharmacy under this chapter commits a felony of the second
24 degree, punishable as provided in s. 775.082 or s. 775.083.

25 Section 54. Section 465.018, Florida Statutes, is
26 amended to read:

27 465.018 Community pharmacies; permits.--

28 (1) Any person desiring a permit to operate a
29 community pharmacy shall apply to the department. A permit
30 shall be issued only to a person of good moral character who
31 is at least 21 years of age. A permit shall be issued only to

1 a corporation whose officers are of good moral character and
2 are at least 21 years of age. A permit may not be issued to
3 any person who has been convicted within the past 15 years of
4 any felony relating to the practice of pharmacy in this state
5 or any other state of the United States, and a permit may not
6 be issued to a corporation if any of its officers have been so
7 convicted. The term "conviction" includes entering a plea of
8 guilty or nolo contendere, regardless of adjudication.

9 (2) If the board office certifies that the application
10 complies with the laws of the state and the rules of the board
11 governing pharmacies, the department shall issue the permit.
12 No permit shall be issued unless a licensed pharmacist is
13 designated as the prescription department manager responsible
14 for maintaining all drug records, providing for the security
15 of the prescription department, and following such other rules
16 as relate to the practice of the profession of pharmacy. The
17 permittee and the newly designated prescription department
18 manager shall notify the department within 10 days of any
19 change in prescription department manager.

20 (3) The department may suspend or revoke the permit
21 of, or may refuse to issue a permit to:

22 (a) Any person, firm, or corporation the permit of
23 which has been disciplined, been abandoned, or become null and
24 void after written notice that disciplinary proceedings had
25 been or would be brought against the permit;

26 (b) Any corporation if an officer, director, or person
27 interested directly or indirectly in the corporation has had
28 her or his permit disciplined, abandoned, or become null and
29 void after written notice that disciplinary proceedings had
30 been or would be brought against her or his permit; or

31

1 (c) Any person who is or has been an officer of a
2 corporation, or who was interested directly or indirectly in a
3 corporation, the permit of which has been disciplined, been
4 abandoned, or become null and void after written notice that
5 disciplinary proceedings had been or would be brought against
6 the permit.

7 (4)(a) An applicant for initial licensure must submit
8 a set of fingerprints to the Department of Health for each
9 person owning more than 5 percent of the proposed permit or,
10 in the case of a corporation, each officer of the corporation.

11 (b) The Department of Health shall submit the
12 fingerprints provided by an applicant for initial licensure to
13 the Department of Law Enforcement for a statewide criminal
14 history check, and the Department of Law Enforcement shall
15 forward the fingerprints to the Federal Bureau of
16 Investigation for a national criminal history check of the
17 applicant.

18 Section 55. Subsections (2) and (5) of section
19 465.025, Florida Statutes, are amended to read:

20 465.025 Substitution of drugs.--

21 (2) A pharmacist who receives a prescription for a
22 brand name drug shall, unless requested otherwise by the
23 purchaser, substitute a less expensive, generically equivalent
24 drug product that is+

25 ~~(a)~~ distributed by a business entity doing business,
26 and subject to suit and service of legal process, in the
27 United States ~~and~~

28 ~~(b) Listed in the formulary of generic and brand name~~
29 ~~drug products as provided in subsection (5) for the brand name~~
30 ~~drug prescribed,~~

31

1 unless the prescriber writes the words "MEDICALLY NECESSARY,"
2 in her or his own handwriting, on the face of a written
3 prescription;or unless, in the case of an electronically
4 transmitted prescription, the prescriber indicates in the
5 transmitted prescription that the brand name drug is medically
6 necessary; or unless, in the case of an oral prescription, the
7 prescriber expressly indicates to the pharmacist that the
8 brand name drug prescribed is medically necessary.

9 ~~(5) Each community pharmacy shall establish a~~
10 ~~formulary of generic and brand name drug products which, if~~
11 ~~selected as the drug product of choice, would not pose a~~
12 ~~threat to the health and safety of patients receiving~~
13 ~~prescription medication. In compiling the list of generic and~~
14 ~~brand name drug products for inclusion in the formulary, the~~
15 ~~pharmacist shall rely on drug product research, testing,~~
16 ~~information, and formularies compiled by other pharmacies, by~~
17 ~~states, by the United States Department of Health, Education,~~
18 ~~and Welfare, by the United States Department of Health and~~
19 ~~Human Services, or by any other source which the pharmacist~~
20 ~~deems reliable. Each community pharmacy shall make such~~
21 ~~formulary available to the public, the Board of Pharmacy, or~~
22 ~~any physician requesting same. This formulary shall be~~
23 ~~revised following each addition, deletion, or modification of~~
24 ~~said formulary.~~

25 Section 56. Present subsection (4) of section
26 465.0265, Florida Statutes, is redesignated as subsection (8),
27 and a new subsection (4) and subsections (5), (6), and (7) are
28 added to that section, to read:

29 465.0265 Centralized prescription filling.--

30 (4) A central fill pharmacy may not prepare
31 prescriptions provided directly by a patient or individual

1 practitioner and may not mail or otherwise deliver a filled
2 prescription directly to a patient or individual practitioner.
3 A filled prescription must be transported to the originating
4 pharmacy to which the prescription was delivered for delivery
5 to the patient.

6 (5) A central fill pharmacy may prepare prescriptions
7 only on behalf of pharmacies with which it has a contractual
8 agreement to provide such services or with which it shares a
9 common owner. Each central fill pharmacy shall keep a list of
10 pharmacies for which it has agreed to provide such services
11 and must verify the Drug Enforcement Administration
12 registration of any pharmacy it is doing business with prior
13 to sending or receiving a prescription for a controlled
14 substance.

15 (6) Each pharmacy shall keep a list of those central
16 fill pharmacies permitted to prepare prescriptions on its
17 behalf and verify that those pharmacies are registered with
18 the Drug Enforcement Administration.

19 (7) A central fill pharmacy must comply with the same
20 security requirements applicable to pharmacies, including the
21 general requirement to maintain effective controls and
22 procedures to guard against theft and diversion of controlled
23 substances.

24 Section 57. Paragraph (a) of subsection (3) of section
25 466.007, Florida Statutes, is amended to read:

26 466.007 Examination of dental hygienists.--

27 (3) A graduate of a dental college or school shall be
28 entitled to take the examinations required in this section to
29 practice dental hygiene in this state if, in addition to the
30 requirements specified in subsection (2), the graduate meets
31 the following requirements:

1 (a) Submits the following credentials for review by
2 the board:

3 1. Transcripts totaling of ~~predental education and~~
4 ~~dental education totaling 5 academic years of postsecondary~~
5 ~~education, including~~ 4 academic years of postsecondary dental
6 education; and

7 2. A dental school diploma which is comparable to a
8 D.D.S. or D.M.D.

9
10 Such credentials shall be submitted in a manner provided by
11 rule of the board. The board shall approve those credentials
12 which comply with this paragraph and with rules of the board
13 adopted pursuant to this paragraph. The provisions of this
14 paragraph notwithstanding, an applicant of a foreign dental
15 college or school not accredited in accordance with s.
16 466.006(2)(b) who cannot produce the credentials required by
17 this paragraph, as a result of political or other conditions
18 in the country in which the applicant received his or her
19 education, may seek the board's approval of his or her
20 educational background by submitting, in lieu of the
21 credentials required in this paragraph, such other reasonable
22 and reliable evidence as may be set forth by board rule. The
23 board shall not accept such other evidence until it has made a
24 reasonable attempt to obtain the credentials required by this
25 paragraph from the educational institutions the applicant is
26 alleged to have attended, unless the board is otherwise
27 satisfied that such credentials cannot be obtained.

28 Section 58. Section 466.021, Florida Statutes, is
29 amended to read:

30 466.021 Employment of unlicensed persons by dentist;
31 penalty.--Every duly licensed dentist who uses the services of

1 any unlicensed person for the purpose of constructing,
2 altering, repairing, or duplicating any denture, partial
3 denture, bridge splint, or orthodontic or prosthetic appliance
4 shall be required to furnish such unlicensed person with a
5 written work order in such form as prescribed by rule of the
6 board. This form shall be dated and signed by such dentist and
7 shall include the patient's name or number with sufficient
8 descriptive information to clearly identify the case for each
9 separate and individual piece of work. A copy of such work
10 order shall be retained in a ~~permanent~~ file in the dentist's
11 office for a period of 4 ~~2~~ years, and the original work order
12 shall be retained in a ~~permanent~~ file for a period of 4 ~~2~~
13 years by such unlicensed person in her or his place of
14 business. Such ~~permanent~~ file of work orders to be kept by
15 such dentist or by such unlicensed person shall be open to
16 inspection at any reasonable time by the department or its
17 duly constituted agent. Failure of the dentist to keep such
18 ~~permanent~~ records of such work orders shall subject the
19 dentist to suspension or revocation of her or his license to
20 practice dentistry. Failure of such unlicensed person to have
21 in her or his possession a work order as required by this
22 section shall be admissible evidence of a violation of this
23 chapter and shall constitute a misdemeanor of the second
24 degree, punishable as provided in s. 775.082 or s. 775.083.
25 Nothing in this section shall preclude a registered dental
26 laboratory from working for another registered dental
27 laboratory, provided that such work is performed pursuant to
28 written authorization, in a form to be prescribed by rule of
29 the board, which evidences that the originating laboratory has
30 obtained a valid work order and which sets forth the work to
31 be performed. Furthermore, nothing in this section shall

1 preclude a registered laboratory from providing its services
2 to dentists licensed and practicing in another state, provided
3 that such work is requested or otherwise authorized in written
4 form which clearly identifies the name and address of the
5 requesting dentist and which sets forth the work to be
6 performed.

7 Section 59. Subsection (8) of section 467.009, Florida
8 Statutes, is amended to read:

9 467.009 Midwifery programs; education and training
10 requirements.--

11 (8) Nonpublic educational institutions that conduct
12 approved midwifery programs shall be accredited by an
13 accrediting agency recognized and approved by the Council for
14 Higher Education Accreditation or the United States Department
15 of Education ~~a member of the Commission on Recognition of~~
16 ~~Postsecondary Accreditation~~ and shall be licensed by the
17 Commission for Independent State Board of Nonpublic Career
18 Education.

19 Section 60. Section 467.013, Florida Statutes, is
20 amended to read:

21 467.013 Inactive status.--A licensee may request that
22 his or her license be placed in an inactive status by making
23 application to the department prior to department rule and
24 paying a fee.

25 ~~(1) An inactive license may be renewed for one~~
26 ~~additional biennium upon application to the department and~~
27 ~~payment of the applicable biennium renewal fee. The department~~
28 ~~shall establish by rule procedures and fees for applying to~~
29 ~~place a license on inactive status, renewing an inactive~~
30 ~~license, and reactivating an inactive license. The fee for any~~
31

1 ~~of these procedures may not exceed the biennial renewal fee~~
2 ~~established by the department.~~

3 ~~(2) Any license that is not renewed by the end of the~~
4 ~~biennium established by the department automatically reverts~~
5 ~~to involuntary inactive status unless the licensee has applied~~
6 ~~for voluntary inactive status. Such license may be reactivated~~
7 ~~only if the licensee meets the requirements for reactivating~~
8 ~~the license established by department rule.~~

9 ~~(3) A midwife who desires to reactivate an inactive~~
10 ~~license shall apply to the department, complete the~~
11 ~~reactivation application, remit the applicable fees, and~~
12 ~~submit proof of compliance with the requirements for~~
13 ~~continuing education established by department rule.~~

14 ~~(4) Each licensed midwife whose license has been~~
15 ~~placed on inactive status for more than 1 year must complete~~
16 ~~continuing education hours as a condition of reactivating the~~
17 ~~inactive license.~~

18 ~~(5) The licensee shall submit to the department~~
19 ~~evidence of participation in 10 hours of continuing education,~~
20 ~~approved by the department and clinically related to the~~
21 ~~practice of midwifery, for each year of the biennium in which~~
22 ~~the license was inactive. This requirement is in addition to~~
23 ~~submitting evidence of completing the continuing education~~
24 ~~required for the most recent biennium in which the licensee~~
25 ~~held an active license.~~

26 Section 61. Section 467.0135, Florida Statutes, is
27 amended to read:

28 467.0135 Fees.--The department shall establish fees
29 for application, ~~examination~~, initial licensure, renewal of
30 active status licensure, licensure by endorsement, inactive
31 status, delinquent status, and reactivation of an inactive

1 status license. The appropriate fee must be paid at the time
2 of application and is payable to the Department of Health, in
3 accordance with rules adopted by the department. A fee is
4 nonrefundable, unless otherwise provided by rule. A fee may
5 not exceed:

- 6 ~~(1)~~ ~~Five hundred dollars for examination.~~
7 (1)~~(2)~~ Five hundred dollars for initial licensure.
8 (2)~~(3)~~ Five hundred dollars for renewal of an active
9 status license licensure.
10 (3)~~(4)~~ Two hundred dollars for application, ~~which fee~~
11 ~~is nonrefundable~~.
12 (4)~~(5)~~ Five hundred dollars for renewal reactivation
13 of an inactive status license.
14 (5)~~(6)~~ Five hundred dollars for licensure by
15 endorsement.

16
17 A fee for inactive status, reactivation of an inactive status
18 license, or delinquency may not exceed the fee established by
19 the department for biennial renewal of an active license. All
20 fees collected under this section shall be deposited in the
21 Medical Quality Assurance Trust Fund.

22 Section 62. Subsection (1) of section 467.017, Florida
23 Statutes, is amended to read:

- 24 467.017 Emergency care plan; immunity.--
25 (1) Every licensed midwife shall develop a written
26 plan for the appropriate delivery of emergency care. A copy
27 of the plan shall accompany any application for license
28 issuance and must be made available upon request of the
29 department or renewal. The plan shall address the following:
30 (a) Consultation with other health care providers.
31 (b) Emergency transfer.

1 (c) Access to neonatal intensive care units and
2 obstetrical units or other patient care areas.

3 Section 63. Paragraph (b) of subsection (2) and
4 paragraph (b) of subsection (3) of section 468.1155, Florida
5 Statutes, are amended to read:

6 468.1155 Provisional license; requirements.--

7 (2) The department shall issue a provisional license
8 to practice speech-language pathology to each applicant who
9 the board certifies has:

10 (b) Received a master's degree or is currently
11 enrolled in a doctoral degree program with a major emphasis in
12 speech-language pathology from an institution of higher
13 learning which is, or at the time the applicant was enrolled
14 and graduated was, accredited by an accrediting agency
15 recognized by the Council for Higher Education Accreditation,
16 the United States Department of Education, or a successor
17 organization, or from an institution which is a member in good
18 standing with the Association of Universities and Colleges of
19 Canada. An applicant who graduated from or is currently
20 enrolled in a program at a university or college outside the
21 United States or Canada must present documentation of the
22 determination of equivalency to standards established by the
23 Council for Higher Education Accreditation in order to
24 qualify. The applicant must have completed 60 semester hours
25 that include:

26 1. Fundamental information applicable to the normal
27 development and use of speech, hearing, and language;
28 information about training in management of speech, hearing,
29 and language disorders; and information supplementary to these
30 fields.

31 2. Six semester hours in audiology.

1 3. Thirty of the required 60 semester hours in courses
2 acceptable toward a graduate degree by the college or
3 university in which these courses were taken, of which 24
4 semester hours must be in speech-language pathology.

5 (3) The department shall issue a provisional license
6 to practice audiology to each applicant who the board
7 certifies has:

8 (b) Received a master's degree or is currently
9 enrolled in a doctoral degree program with a major emphasis in
10 audiology from an institution of higher learning which is, or
11 at the time the applicant was enrolled and graduated was,
12 accredited by an accrediting agency recognized by the Council
13 for Higher Education Accreditation, the United States
14 Department of Education, or a successor organization, or from
15 an institution which is a member in good standing with the
16 Association of Universities and Colleges of Canada. An
17 applicant who graduated from or is currently enrolled in a
18 program at a university or college outside the United States
19 or Canada must present documentation of the determination of
20 equivalency to standards established by the Council for Higher
21 Education Accreditation in order to qualify. The applicant
22 must have completed 60 semester hours that include:

23 1. Fundamental information applicable to the normal
24 development and use of speech, hearing, and language;
25 information about training in management of speech, hearing,
26 and language disorders; and information supplementary to these
27 fields.

28 2. Six semester hours in speech-language pathology.

29 3. Thirty of the required 60 semester hours in courses
30 acceptable toward a graduate degree by the college or
31

1 university in which these courses were taken, of which 24
2 semester hours must be in audiology.

3 Section 64. Subsection (2) of section 468.509, Florida
4 Statutes, is amended to read:

5 468.509 Dietitian/nutritionist; requirements for
6 licensure.--

7 (2) The agency shall examine any applicant who the
8 board certifies has completed the application form and
9 remitted the application and examination fees specified in s.
10 468.508 and who:

11 (a)1. Possesses a baccalaureate or postbaccalaureate
12 degree with a major course of study in human nutrition, food
13 and nutrition, dietetics, or food management, or an equivalent
14 major course of study, from a school or program accredited, at
15 the time of the applicant's graduation, by the appropriate
16 accrediting agency recognized by the Council for Higher
17 Education ~~Commission on Recognition of Postsecondary~~
18 Accreditation ~~or~~ ~~and~~ the United States Department of
19 Education; and

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

23 (b)1. Has an academic degree, from a foreign country,
24 that has been validated by an accrediting agency approved by
25 the United States Department of Education as equivalent to the
26 baccalaureate or postbaccalaureate degree conferred by a
27 regionally accredited college or university in the United
28 States;

29 2. Has completed a major course of study in human
30 nutrition, food and nutrition, dietetics, or food management;
31 and

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

4 Section 65. Section 468.707, Florida Statutes, is
5 amended to read:

6 468.707 Licensure by examination; requirements.--

7 ~~(1)~~ Any person desiring to be licensed as an athletic
8 trainer shall apply to the department on a form approved by
9 the department.

10 (1)~~(a)~~ The department shall license each applicant
11 who:

12 (a)~~1.~~ Has completed the application form and remitted
13 the required fees.

14 (b)~~2.~~ Is at least 21 years of age.

15 (c)~~3.~~ Has obtained a baccalaureate degree from a
16 college or university accredited by an accrediting agency
17 recognized and approved by the United States Department of
18 Education or the Council for Higher Education Commission on
19 ~~Recognition of Postsecondary~~ Accreditation, or approved by the
20 board.

21 (d)~~4.~~ Has completed coursework from a college or
22 university accredited by an accrediting agency recognized and
23 approved by the United States Department of Education or the
24 Council for Higher Education Commission on Recognition of
25 ~~Postsecondary~~ Accreditation, or approved by the board, in each
26 of the following areas, as provided by rule: health, human
27 anatomy, kinesiology/biomechanics, human physiology,
28 physiology of exercise, basic athletic training, and advanced
29 athletic training.

30 (e)~~5.~~ Has current certification in standard first aid
31 and cardiovascular pulmonary resuscitation from the American

1 Red Cross or an equivalent certification as determined by the
2 board.

3 (f)~~6~~. Has, within 2 of the preceding 5 years, attained
4 a minimum of 800 hours of athletic training experience under
5 the direct supervision of a licensed athletic trainer or an
6 athletic trainer certified by the National Athletic Trainers'
7 Association or a comparable national athletic standards
8 organization.

9 (g)~~7~~. Has passed an examination administered or
10 approved by the board.

11 (2)~~(b)~~ The department shall also license each
12 applicant who:

13 (a)~~1~~. Has completed the application form and remitted
14 the required fees no later than October 1, 1996.

15 (b)~~2~~. Is at least 21 years of age.

16 (c)~~3~~. Has current certification in standard first aid
17 and cardiovascular pulmonary resuscitation from the American
18 Red Cross or an equivalent certification as determined by the
19 board.

20 (d)~~1.4.a.~~ Has practiced athletic training for at least
21 3 of the 5 years preceding application; or

22 2.b. Is currently certified by the National Athletic
23 Trainers' Association or a comparable national athletic
24 standards organization.

25 ~~(2) Pursuant to the requirements of s. 456.034, each~~
26 ~~applicant shall complete a continuing education course on~~
27 ~~human immunodeficiency virus and acquired immune deficiency~~
28 ~~syndrome as part of initial licensure.~~

29 Section 66. Section 480.033, Florida Statutes, is
30 amended to read:

31 480.033 Definitions.--As used in this act:

1 (1) "Board" means the Board of Massage Therapy.

2 (2) "Department" means the Department of Health.

3 (3) "Massage" means the manipulation of the soft
4 tissues of the human body with the hand, foot, arm, or elbow,
5 whether or not such manipulation is aided by hydrotherapy,
6 including colonic irrigation, or thermal therapy; any
7 electrical or mechanical device; or the application to the
8 human body of a chemical or herbal preparation.

9 (4) "Massage therapist" means a person licensed as
10 required by this act, who administers massage for
11 compensation.

12 ~~(5) "Apprentice" means a person approved by the board~~
13 ~~to study massage under the instruction of a licensed massage~~
14 ~~therapist.~~

15 (5)~~(6)~~ "Colonic irrigation" means a method of
16 hydrotherapy used to cleanse the colon with the aid of a
17 mechanical device and water.

18 (6)~~(7)~~ "Establishment" means a site or premises, or
19 portion thereof, wherein a massage therapist practices
20 massage.

21 (7)~~(8)~~ "Licensure" means the procedure by which a
22 person, hereinafter referred to as a "practitioner," applies
23 to the board for approval to practice massage or to operate an
24 establishment.

25 (8)~~(9)~~ "Board-approved massage school" means a
26 facility which meets minimum standards for training and
27 curriculum as determined by rule of the board and which is
28 licensed by the Department of Education pursuant to chapter
29 1005 or the equivalent licensing authority of another state or
30 is within the public school system of this state.

31

1 (9) "Massage establishment licensed premises" means
2 not only rooms where massage therapy is being practiced by an
3 active licensed massage therapist, but also all other rooms in
4 the building which are so closely connected therewith as to
5 admit the free passage from one room to other rooms over which
6 the massage establishment licensee has some dominion or
7 control, and includes all of the area embraced in the sketch
8 appearing on or attached to the application for the massage
9 establishment license involved and designated as such on the
10 sketch, in addition to that area included or designated by
11 general law. The Board of Massage Therapy may approve an
12 application for expansion of the licensed premises upon
13 submission of a sketch outlining the expanded premises, an
14 application for expansion of the premises, and the appropriate
15 fee if the licensed premises is expanded to meet the
16 requirements for licensure of a massage establishment.

17 (10) "Licensed premises" means an establishment,
18 operated by a legal or business entity, person, or persons,
19 which holds a massage establishment license issued by the
20 Board of Massage Therapy and which meets the qualifications
21 set forth in this chapter.

22 (11) "Relative" means an individual who is related to
23 the licensee or the executive officer, director, or person
24 holding an interest in the licensee as the father, mother,
25 son, daughter, brother, sister, uncle, aunt, first cousin,
26 nephew, niece, husband, wife, father-in-law, mother-in-law,
27 son-in-law, daughter-in-law, brother-in-law, sister-in-law,
28 stepfather, stepmother, stepson, stepdaughter, stepsister,
29 stepbrother, half brother, or half sister.

30 Section 67. Subsection (5) is added to section
31 480.034, Florida Statutes, to read:

1 480.034 Exemptions.--

2 (5) The requirements of this chapter for the licensure
3 of an establishment do not apply to the office of a health
4 care practitioner licensed under chapter 457, chapter 458,
5 chapter 459, chapter 460, chapter 461, chapter 466, or chapter
6 486.

7 Section 68. Section 480.041, Florida Statutes, is
8 amended to read:

9 480.041 Massage therapists; qualifications; licensure;
10 endorsement.--

11 (1) Any person is qualified for licensure as a massage
12 therapist under this act who:

13 (a) Has completed an application form and submitted
14 the appropriate fee to the department, is at least 18 years of
15 age, or has received a high school diploma or graduate
16 equivalency diploma, and demonstrates good moral character;

17 (b) Has completed a course of study at a
18 board-approved massage school ~~or has completed an~~
19 ~~apprenticeship program that meets standards adopted by the~~
20 ~~board;~~ and

21 (c) Has received a passing grade on a board-approved
22 national ~~an~~ examination certified ~~administered~~ by the
23 department.

24 (2) ~~Every person desiring to be examined for licensure~~
25 ~~as a massage therapist shall apply to the department in~~
26 ~~writing upon forms prepared and furnished by the department.~~
27 ~~Such~~ Applicants for licensure shall be subject to the
28 provisions of s. 480.046(1). Applicants may take an
29 examination administered by the department only upon meeting
30 the requirements of this section as determined by the board.

31

1 ~~(3) Upon an applicant's passing the examination and~~
2 ~~paying the initial licensure fee, the department shall issue~~
3 ~~to the applicant a license, valid until the next scheduled~~
4 ~~renewal date, to practice massage.~~

5 (3)(4) The board shall adopt rules:

6 ~~(a) Establishing a minimum training program for~~
7 ~~apprentices.~~

8 (a)(b) Providing for educational standards,
9 examination, and certification for the practice of colonic
10 irrigation, as defined in s. 480.033(6), by massage
11 therapists.

12 (b)(c) Specifying licensing procedures for
13 practitioners desiring to be licensed in this state who hold
14 an active license and have practiced in any other state,
15 territory, or jurisdiction of the United States or any foreign
16 national jurisdiction which has licensing standards
17 substantially similar to, equivalent to, or more stringent
18 than the standards of this state.

19 (4) Notwithstanding the provisions of s. 120.60(1),
20 upon receipt of an application for a license, the board shall
21 examine the application and, within 30 days after such
22 receipt, notify the applicant of any apparent errors or
23 omissions and request any additional information the board is
24 permitted by law to require. Within 30 days after receipt of
25 the additional information, the board shall review it and may
26 request additional information needed to clarify such
27 additional information or to answer new questions raised by or
28 directly related to such additional information. Where
29 appropriate, the board may require the results of an
30 evaluation through the Professionals Resource Network as
31 additional information or clarifying information, or as the

1 answer to new questions raised by or directly related to
2 information submitted by an applicant. The department may not
3 deny a license for failure to correct an error or omission or
4 to supply additional information, provide clarifying
5 information, or answer new questions raised by or directly
6 related to additional information unless the board has timely
7 notified the applicant within the appropriate 30-day period.
8 An application is complete upon receipt of all requested
9 information and correction of any error or omission for which
10 the applicant was timely notified or when the time for such
11 notification has expired. Each application for a license shall
12 be approved or denied within 90 days after receipt of a
13 completed application unless a shorter period of time for
14 department action is provided by law. The 90-day time period
15 shall be tolled by the initiation of a proceeding under ss.
16 120.569 and 120.57. An application for a license must be
17 approved or denied within the 90-day or shorter time period,
18 within 15 days after the conclusion of a public hearing held
19 on the application, or within 45 days after a recommended
20 order is submitted to the department and the parties,
21 whichever is later. The department must approve any
22 application for a license or for an examination required for
23 licensure if the department has not approved or denied the
24 application within the time periods prescribed by this
25 subsection.

26 Section 69. Subsections (3), (4), (7), and (8) of
27 section 480.043, Florida Statutes, are amended to read:

28 480.043 Massage establishments; requisites; licensure;
29 inspection.--

30 (3) Any person, firm, or corporation desiring to
31 operate a massage establishment in the state shall submit to

1 the department an application, upon forms provided by the
2 department, accompanied by any information requested by the
3 department and an application fee.

4 (a) To hold a massage establishment license, a person
5 must be at least 18 years of age. If the applicant for a
6 massage establishment license is a corporation or other
7 business entity, the license shall be issued only to a
8 corporation or other business entity whose officers are at
9 least 18 years of age. The applicant must be a legal or
10 business entity, person, or persons and must include all
11 persons, officers, shareholders, and directors of such legal
12 or business entity who have a direct or indirect interest in
13 the business seeking to be licensed under this chapter as a
14 massage establishment.

15 (b) A massage establishment license may not be issued
16 to any person who has been convicted within the last 5 years
17 in this state, any other state, or in the United States of
18 soliciting for prostitution, pandering, letting premises for
19 prostitution, keeping a disorderly place, or any crime that is
20 a violation of chapter 893 or the controlled substance act of
21 any other state or the Federal Government; or who has been
22 convicted in the last 15 years of any felony in this state,
23 any other state, or the United States; and may not be issued
24 to a corporation or other business entity any of the officers
25 of which have been so convicted. The term "convicted" or
26 "conviction" includes adjudication of guilt on a plea of
27 guilty or nolo contendere or the forfeiture of a bond when
28 charged with a crime.

29 (c) An application for a massage establishment license
30 must include the names of the owners, including all persons,
31 corporations, or other business entities with direct or

1 indirect ownership interest, and the name of the officers,
2 directors, stockholders, or partners of the establishment.

3 (d) Prior to any application for a massage
4 establishment license being approved, the Board of Massage
5 Therapy may require the applicant to file a set of
6 fingerprints on a form and following procedures specified by
7 the department, along with payment in an amount equal to the
8 costs incurred by the Department of Health for the criminal
9 background check of the applicant. The Department of Health
10 shall submit the fingerprints provided by the applicant to the
11 Department of Law Enforcement for a statewide criminal history
12 check, and the Department of Law Enforcement shall forward the
13 fingerprints to the Federal Bureau of Investigation for a
14 national criminal history check of the applicant. The
15 Department of Health shall review the results of the criminal
16 history check, issue a license to an applicant who has met all
17 of the other requirements for licensure and who has no
18 criminal history, and shall refer any applicant having a
19 criminal history to the board for a determination as to
20 whether a license should be issued and under what conditions.
21 The department may not issue a license to any applicant who is
22 under investigation in another state for any act that would
23 constitute a violation of this chapter or chapter 456 until
24 that investigation is complete, at which time the provisions
25 of this chapter shall apply.

26 (4) Upon receiving the application, the board shall
27 ~~department may~~ cause an investigation to be made of the
28 proposed massage establishment, both as to qualifications of
29 the applicant and the premises and location sought to be
30 licensed.

31

1 (7)(a) Once issued, a licensee may not transfer or
2 attempt to transfer any license or interest in a license or
3 business or change executive officers or directors contrary to
4 the provisions of this section. A ~~no~~ license for operation of
5 a massage establishment may not be transferred from one owner
6 to another except as provided in this paragraph. When the
7 holder of a massage establishment license has made a bona fide
8 sale of the business that he or she is licensed to conduct, he
9 or she may obtain a transfer of the license to the purchaser
10 of the business if the application of the purchaser is
11 approved by the Board of Massage Therapy in accordance with
12 the procedures for an initial application for a massage
13 establishment. If the request to transfer the license is
14 denied, the holder of the massage establishment license shall
15 immediately return the original license to the Board of
16 Massage Therapy. A licensee is not entitled as a matter of
17 right to the transfer of a massage establishment license, or
18 of an interest in a massage establishment license, to a
19 relative or any other person, and is not entitled as a matter
20 of right to a change of executive officers or directors.

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

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

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

1 penalty fees for delinquent renewal. An applicant for renewal
2 who has not previously submitted a set of fingerprints for
3 purposes of certification must submit a set of fingerprints to
4 the department as a condition of initial renewal after July 1,
5 2004. The applicant must submit the fingerprints on a form and
6 following procedures specified by the department, along with
7 payment in an amount equal to the costs incurred by the
8 department for a national criminal history check. For
9 subsequent renewals, the applicant for renewed certification
10 must submit information necessary to conduct a statewide
11 criminal history check, along with payment in an amount equal
12 to the costs incurred by the department for a statewide
13 criminal history check.

14 (a) The department shall submit the fingerprints
15 provided by an applicant for initial certification to the
16 Department of Law Enforcement for a statewide criminal history
17 check, and the Department of Law Enforcement shall forward the
18 fingerprints to the Federal Bureau of Investigation for a
19 national criminal history check of the applicant after July 1,
20 2004.

21 (b) For any subsequent renewal of the applicant's
22 certificate, the department shall submit the required
23 information for a statewide criminal history check of the
24 applicant to the Department of Law Enforcement.

25 (c) Any applicant for initial certification or renewal
26 of certification who submits to the department a set of
27 fingerprints and information required for the criminal history
28 check required under this section is not required to provide a
29 subsequent set of fingerprints or other duplicate information
30 required for a criminal history check.

31

1 Section 70. Subsection (3) of section 480.046, Florida
2 Statutes, is amended to read:

3 480.046 Grounds for disciplinary action by the
4 board.--

5 (3) The board shall have the power to revoke or
6 suspend the license of a massage establishment licensed under
7 this act, or to deny subsequent licensure of such an
8 establishment, in ~~either of~~ the following cases:

9 (a) Upon proof that a license has been obtained by
10 fraud or misrepresentation.

11 (b) Upon proof that the holder of a license is guilty
12 of fraud or deceit or of gross negligence, incompetency, or
13 misconduct in the operation of the establishment so licensed.

14 (c) Upon proof that the holder of the massage
15 establishment license, or the licensee's agent, officer,
16 servant, or employee, on the licensed premises, or elsewhere
17 while in the scope of employment, engaged in or permitted
18 disorderly conduct on the premises, prostitution, solicitation
19 of prostitution, pandering, the letting of premises for
20 prostitution, a violation of chapter 893, or a violation of
21 the controlled substance act of any other state or the Federal
22 Government, including permitting another on the licensed
23 premises to violate any of the laws of this state or the
24 United States.

25 (d) Upon proof that the holder of the massage
26 establishment license, or the licensee's agent, officer,
27 servant, or employee, or, if a corporation, any officer or
28 stockholder thereof, committed a violation of this chapter or
29 any rule adopted by the board.

30 (e) Upon proof that the name of the massage
31 establishment or address of the massage establishment was

1 changed prior to receiving written authorization from the
2 board, or upon proof that the owner of the massage
3 establishment transferred or attempted to transfer the
4 ownership from one owner to another without prior written
5 approval of the board.

6 Section 71. Subsection (9) of section 486.021, Florida
7 Statutes, is amended to read:

8 486.021 Definitions.--In this chapter, unless the
9 context otherwise requires, the term:

10 (9) "Direct supervision" means supervision by a
11 physical therapist who is licensed pursuant to this chapter.
12 Except in a case of emergency, direct supervision requires the
13 physical presence of the licensed physical therapist for
14 consultation and direction of the actions of a physical
15 therapist or physical therapist assistant ~~who is practicing~~
16 ~~under a temporary permit and who is a candidate for licensure~~
17 ~~by examination.~~

18 Section 72. Section 486.031, Florida Statutes, is
19 amended to read:

20 486.031 Physical therapist; licensing
21 requirements.--To be eligible for licensing as a physical
22 therapist, an applicant must:

23 (1) Be at least 18 years old.†

24 (2) Be of good moral character.†~~and~~

25 (3)(a) Have been graduated from a school of physical
26 therapy which has been approved for the educational
27 preparation of physical therapists by an ~~the appropriate~~
28 accrediting agency recognized by the Council for Higher
29 Education Commission on Recognition of Postsecondary
30 Accreditation or the United States Department of Education, or
31 a successor organization,at the time of her or his graduation

1 and have passed, to the satisfaction of the board, the
2 American Registry Examination prior to 1971 or a national
3 examination approved by the board to determine her or his
4 fitness for practice as a physical therapist as hereinafter
5 provided;

6 (b) Have received a diploma from a program in physical
7 therapy in a foreign country and have educational credentials
8 deemed equivalent to those required for the educational
9 preparation of physical therapists in this country, as
10 recognized by the appropriate agency as identified by the
11 board, and have passed to the satisfaction of the board an
12 examination to determine her or his fitness for practice as a
13 physical therapist as hereinafter provided; or

14 (c) Be entitled to licensure without examination as
15 provided in s. 486.081.

16 Section 73. Section 486.051, Florida Statutes, is
17 amended to read:

18 486.051 Physical therapist; examination of
19 applicant.--The examinations of an applicant for licensing as
20 a physical therapist shall be in accordance with rules adopted
21 by the board, to test the applicant's qualifications and shall
22 include the taking of tests ~~a test~~ by the applicant. If an
23 applicant fails to pass the examination in three attempts, the
24 applicant ~~shall not be eligible for reexamination unless she~~
25 ~~or he completes additional educational or training~~
26 ~~requirements prescribed by the board. An applicant who has~~
27 ~~completed the additional educational or training requirements~~
28 ~~prescribed by the board may take the examination on two more~~
29 ~~occasions. If the applicant has failed to pass the~~
30 ~~examination after five attempts, she or he is no longer~~
31 eligible to take the examination.

1 Section 74. Section 486.081, Florida Statutes, is
2 amended to read:

3 486.081 Physical therapist; issuance of license by
4 endorsement ~~without examination~~ to a person licensed in
5 another jurisdiction ~~passing examination of another authorized~~
6 ~~examining board; fee.--~~

7 (1) The board may cause a license to be issued through
8 the department by endorsement ~~without examination~~ to any
9 applicant who presents evidence satisfactory to the board,
10 under oath, of having passed the American Registry Examination
11 prior to 1971 or of licensure in another jurisdiction ~~an~~
12 ~~examination in physical therapy before a similar lawfully~~
13 ~~authorized examining board of another state, the District of~~
14 ~~Columbia, a territory, or a foreign country~~, if the standards
15 for licensure in physical therapy in such other jurisdiction
16 ~~state, district, territory, or foreign country~~ are determined
17 by the board to be as high as those of this state, as
18 established by rules adopted pursuant to this chapter. Any
19 person who holds a license pursuant to this section may use
20 the words "physical therapist" or "physiotherapist," or the
21 letters "P.T.," in connection with her or his name or place of
22 business to denote her or his licensure hereunder.

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

28 (3) If an applicant seeking reentry into the
29 profession has not been in active practice within the last 3
30 years, the applicant shall, prior to applying for licensure,
31

1 submit to the board documentation of competence to practice as
2 required by rule of the board.

3 Section 75. Section 486.102, Florida Statutes, is
4 amended to read:

5 486.102 Physical therapist assistant; licensing
6 requirements.--To be eligible for licensing by the board as a
7 physical therapist assistant, an applicant must:

8 (1) Be at least 18 years old.†

9 (2) Be of good moral character.†~~and~~

10 (3)(a) Have been graduated from a school giving a
11 course of not less than 2 years for physical therapist
12 assistants, which has been approved for the educational
13 preparation of physical therapist assistants by the
14 ~~appropriate accrediting~~ agency recognized by the Council for
15 Higher Education Commission on Recognition of Postsecondary
16 Accreditation or the United States Department of Education, or
17 a successor organization, or which is approved by the board,
18 at the time of the applicant's ~~her or his~~ graduation. An
19 applicant must ~~and~~ have passed to the satisfaction of the
20 board an examination to determine the applicant's eligibility
21 for licensure to ~~her or his fitness for practice as a physical~~
22 therapist assistant as hereinafter provided;

23 (b) Be a graduate of a physical therapy assistant
24 ~~program Have been graduated from a school giving a course for~~
25 ~~physical therapist assistants~~ in a foreign country and have
26 educational credentials deemed equivalent to those required
27 for the educational preparation of physical therapist
28 assistants in this country, as recognized by the appropriate
29 agency as identified by the board, and passed to the
30 satisfaction of the board an examination to determine the
31 applicant's eligibility for licensure to ~~her or his fitness~~

1 ~~for~~ practice as a physical therapist assistant as hereinafter
2 provided; or

3 (c) Be entitled to licensure by endorsement ~~without~~
4 ~~examination~~ as provided in s. 486.107.

5 Section 76. Section 486.104, Florida Statutes, is
6 amended to read:

7 486.104 Physical therapist assistant; examination of
8 applicant.--The examination of an applicant for licensing as a
9 physical therapist assistant shall be in accordance with rules
10 adopted by the board, to test the applicant's qualifications
11 and shall include the taking of tests ~~a test~~ by the applicant.
12 If an applicant fails to pass the examination in three
13 attempts, the applicant ~~shall not be eligible for~~
14 ~~reexamination unless she or he completes additional~~
15 ~~educational or training requirements prescribed by the board.~~
16 ~~An applicant who has completed the additional educational or~~
17 ~~training requirements prescribed by the board may take the~~
18 ~~examination on two more occasions. If the applicant has~~
19 ~~failed to pass the examination after five attempts, she or he~~
20 is no longer eligible to take the examination.

21 Section 77. Section 486.107, Florida Statutes, is
22 amended to read:

23 486.107 Physical therapist assistant; issuance of
24 license by endorsement ~~without examination~~ to person licensed
25 in another jurisdiction; fee.--

26 (1) The board may cause a license to be issued through
27 the department by endorsement ~~without examination~~ to any
28 applicant who presents evidence to the board, under oath, of
29 licensure in another jurisdiction ~~state, the District of~~
30 ~~Columbia, or a territory~~, if the standards for registering as
31 a physical therapist assistant or licensing of a physical

1 therapist assistant, as the case may be, in such other
2 jurisdiction state are determined by the board to be as high
3 as those of this state, as established by rules adopted
4 pursuant to this chapter. Any person who holds a license
5 pursuant to this section may use the words "physical therapist
6 assistant," or the letters "P.T.A.," in connection with her or
7 his name to denote licensure hereunder.

8 (2) At the time of making application for licensing by
9 endorsement ~~without examination~~ pursuant to the terms of this
10 section, the applicant shall pay to the department a fee not
11 to exceed \$175 as fixed by the board, no part of which will be
12 returned.

13 (3) An applicant seeking reentry into the profession
14 who has not been in active practice within the last 3 years
15 shall, prior to applying for licensure, submit to the board
16 documentation of competence to practice as required by rule of
17 the board.

18 Section 78. Subsection (2) of section 486.109, Florida
19 Statutes, is amended to read:

20 486.109 Continuing education.--

21 (2) The board shall accept ~~approve~~ only those courses
22 sponsored by a college or university which provides a
23 curriculum for professional education of ~~training~~ physical
24 therapists or physical therapist assistants which is
25 accredited by, or has status with an accrediting agency
26 approved by, the United States Department of Education as
27 determined by board rule, or courses sponsored or approved by
28 the Florida Physical Therapy Association or the American
29 Physical Therapy Association.

30 Section 79. Subsection (2) of section 486.161, Florida
31 Statutes, is amended to read:

1 486.161 Exemptions.--

2 (2) No provision of this chapter shall be construed to
3 prohibit:

4 (a) Any student who is enrolled in a school or course
5 of physical therapy approved by the board from performing such
6 acts of physical therapy as are incidental to her or his
7 course of study, ~~+~~ or

8 (b) Any physical therapist from another state from
9 performing physical therapy incidental to a course of study
10 when taking or giving a postgraduate course or other course of
11 study in this state, provided such physical therapist is
12 licensed in another jurisdiction or holds an appointment on
13 the faculty of a school approved for training physical
14 therapists or physical therapist assistants.

15 (c) Any physical therapist who is licensed in another
16 jurisdiction of the United States or credentialed in another
17 country from performing physical therapy if that person, by
18 contract or employment, is providing physical therapy to
19 individuals affiliated with or employed by an established
20 athletic team, athletic organization, or performing arts
21 company temporarily practicing, competing, or performing in
22 this state for not more than 60 days in a calendar year.

23 Section 80. Section 486.172, Florida Statutes, is
24 amended to read:

25 486.172 Application of s. 456.021.--The provisions of
26 s. 456.021, relating to the qualification of immigrants for
27 examination to practice a licensed profession or occupation,
28 shall also be applicable to the provisions of this chapter.

29 Section 81. Paragraph (b) of subsection (2) of section
30 490.005, Florida Statutes, is amended to read:

31 490.005 Licensure by examination.--

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

5 (b) Submitted satisfactory proof to the department
6 that the applicant:

7 1. Has received a doctorate, specialist, or equivalent
8 degree from a program primarily psychological in nature and
9 has completed 60 semester hours or 90 quarter hours of
10 graduate study, in areas related to school psychology as
11 defined by rule of the department, from a college or
12 university which at the time the applicant was enrolled and
13 graduated was accredited by an accrediting agency recognized
14 and approved by the Council for Higher Education Accreditation
15 or the United States Department of Education ~~Commission on~~
16 ~~Recognition of Postsecondary Accreditation~~ or from an
17 institution that ~~which~~ is publicly recognized as a member in
18 good standing with the Association of Universities and
19 Colleges of Canada.

20 2. Has had a minimum of 3 years of experience in
21 school psychology, 2 years of which must be supervised by an
22 individual who is a licensed school psychologist or who has
23 otherwise qualified as a school psychologist supervisor, by
24 education and experience, as set forth by rule of the
25 department. A doctoral internship may be applied toward the
26 supervision requirement.

27 3. Has passed an examination provided by the
28 department.

29 Section 82. Subsections (1), (3), and (4) of section
30 491.005, Florida Statutes, are amended to read:

31 491.005 Licensure by examination.--

1 (1) CLINICAL SOCIAL WORK.--Upon verification of
2 documentation and payment of a fee not to exceed \$200, as set
3 by board rule, plus the actual per applicant cost to the
4 department for purchase of the examination from the American
5 Association of State Social Worker's Boards or a similar
6 national organization, the department shall issue a license as
7 a clinical social worker to an applicant who the board
8 certifies:

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

11 (b)1. Has received a doctoral degree in social work
12 from a graduate school of social work which at the time the
13 applicant graduated was accredited by an accrediting agency
14 recognized by the United States Department of Education or has
15 received a master's degree in social work from a graduate
16 school of social work which at the time the applicant
17 graduated:

18 a. Was accredited by the Council on Social Work
19 Education;

20 b. Was accredited by the Canadian Association of
21 Schools of Social Work; or

22 c. Has been determined to have been a program
23 equivalent to programs approved by the Council on Social Work
24 Education by the Foreign Equivalency Determination Service of
25 the Council on Social Work Education. An applicant who
26 graduated from a program at a university or college outside of
27 the United States or Canada must present documentation of the
28 equivalency determination from the council in order to
29 qualify.

30 2. The applicant's graduate program must have
31 emphasized direct clinical patient or client health care

1 services, including, but not limited to, coursework in
2 clinical social work, psychiatric social work, medical social
3 work, social casework, psychotherapy, or group therapy. The
4 applicant's graduate program must have included all of the
5 following coursework:

6 a. A supervised field placement which was part of the
7 applicant's advanced concentration in direct practice, during
8 which the applicant provided clinical services directly to
9 clients.

10 b. Completion of 24 semester hours or 32 quarter hours
11 in theory of human behavior and practice methods as courses in
12 clinically oriented services, including a minimum of one
13 course in psychopathology, and no more than one course in
14 research, taken in a school of social work accredited or
15 approved pursuant to subparagraph 1.

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

21 (c) Has had not less than 2 years of clinical social
22 work experience, which took place subsequent to completion of
23 a graduate degree in social work at an institution meeting the
24 accreditation requirements of this section, under the
25 supervision of a licensed clinical social worker or the
26 equivalent who is a qualified supervisor as determined by the
27 board. An individual who intends to practice in Florida to
28 satisfy clinical experience requirements must register
29 pursuant to s. 491.0045 prior to commencing practice. If the
30 applicant's graduate program was not a program which
31 emphasized direct clinical patient or client health care

1 services as described in subparagraph (b)2., the supervised
2 experience requirement must take place after the applicant has
3 completed a minimum of 15 semester hours or 22 quarter hours
4 of the coursework required. A doctoral internship may be
5 applied toward the clinical social work experience
6 requirement. The clinical experience requirement may be met by
7 work performed on or off the premises of the supervising
8 clinical social worker, or the equivalent, if all work is
9 performed under the direct supervision of ~~provided the~~
10 ~~off-premises work is not the independent private practice~~
11 ~~rendering of clinical social work that does not have a~~
12 licensed mental health professional, as determined by the
13 board, ~~on the premises at the same time the intern is~~
14 ~~providing services.~~

15 (d) Has passed a theory and practice examination
16 approved ~~provided~~ by the board ~~department~~ for this purpose,
17 which may be taken only following completion of the
18 requirement for clinical experience.

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

23 (f) Has satisfied all requirements for coursework in
24 this section by successfully completing the required course as
25 a student or by teaching the required graduate course as an
26 instructor or professor in an accredited institution.

27 (3) MARRIAGE AND FAMILY THERAPY.--Upon verification of
28 documentation and payment of a fee not to exceed \$200, as set
29 by board rule, plus the actual cost to the department for the
30 purchase of the examination from the Association of Marital
31 and Family Therapy Regulatory Board, or similar national

1 organization, the department shall issue a license as a
2 marriage and family therapist to an applicant who the board
3 certifies:

4 (a) Has made application therefor and paid the
5 appropriate fee.

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

9 a. Thirty-six semester hours or 48 quarter hours of
10 graduate coursework, which must include a minimum of 3
11 semester hours or 4 quarter hours of graduate-level course
12 credits in each of the following nine areas: dynamics of
13 marriage and family systems; marriage therapy and counseling
14 theory and techniques; family therapy and counseling theory
15 and techniques; individual human development theories
16 throughout the life cycle; personality theory or general
17 counseling theory and techniques; psychopathology; human
18 sexuality theory and counseling techniques; psychosocial
19 theory; and substance abuse theory and counseling techniques.
20 Courses in research, evaluation, appraisal, assessment, or
21 testing theories and procedures; thesis or dissertation work;
22 or practicums, internships, or fieldwork may not be applied
23 toward this requirement.

24 b. A minimum of one graduate-level course of 3
25 semester hours or 4 quarter hours in legal, ethical, and
26 professional standards issues in the practice of marriage and
27 family therapy or a course determined by the board to be
28 equivalent.

29 c. A minimum of one graduate-level course of 3
30 semester hours or 4 quarter hours in diagnosis, appraisal,
31 assessment, and testing for individual or interpersonal

1 disorder or dysfunction; and a minimum of one 3-semester-hour
2 or 4-quarter-hour graduate-level course in behavioral research
3 which focuses on the interpretation and application of
4 research data as it applies to clinical practice. Credit for
5 thesis or dissertation work, practicums, internships, or
6 fieldwork may not be applied toward this requirement.

7 d. A minimum of one supervised clinical practicum,
8 internship, or field experience in a marriage and family
9 counseling setting, during which the student provided 180
10 direct client contact hours of marriage and family therapy
11 services under the supervision of an individual who met the
12 requirements for supervision under paragraph (c). This
13 requirement may be met by a supervised practice experience
14 which took place outside the academic arena, but which is
15 certified as equivalent to a graduate-level practicum or
16 internship program which required a minimum of 180 direct
17 client contact hours of marriage and family therapy services
18 currently offered within an academic program of a college or
19 university accredited by an accrediting agency approved by the
20 United States Department of Education, or an institution which
21 is publicly recognized as a member in good standing with the
22 Association of Universities and Colleges of Canada or a
23 training institution accredited by the Commission on
24 Accreditation for Marriage and Family Therapy Education
25 recognized by the United States Department of Education.
26 Certification shall be required from an official of such
27 college, university, or training institution.

28 2. If the course title which appears on the
29 applicant's transcript does not clearly identify the content
30 of the coursework, the applicant shall be required to provide
31

1 additional documentation, including, but not limited to, a
2 syllabus or catalog description published for the course.
3
4 The required master's degree must have been received in an
5 institution of higher education which at the time the
6 applicant graduated was: fully accredited by a regional
7 accrediting body recognized by the Council for Higher
8 Education Accreditation or the United States Department of
9 Education Commission on Recognition of Postsecondary
10 ~~Accreditation~~; publicly recognized as a member in good
11 standing with the Association of Universities and Colleges of
12 Canada; or an institution of higher education located outside
13 the United States and Canada, which at the time the applicant
14 was enrolled and at the time the applicant graduated
15 maintained a standard of training substantially equivalent to
16 the standards of training of those institutions in the United
17 States which are accredited by a regional accrediting body
18 recognized by the Council for Higher Education Accreditation
19 or the United States Department of Education Commission on
20 ~~Recognition of Postsecondary Accreditation~~. Such foreign
21 education and training must have been received in an
22 institution or program of higher education officially
23 recognized by the government of the country in which it is
24 located as an institution or program to train students to
25 practice as professional marriage and family therapists or
26 psychotherapists. The burden of establishing that the
27 requirements of this provision have been met shall be upon the
28 applicant, and the board shall require documentation, such as,
29 but not limited to, an evaluation by a foreign equivalency
30 determination service, as evidence that the applicant's
31 graduate degree program and education were equivalent to an

1 accredited program in this country. An applicant with a
2 master's degree from a program which did not emphasize
3 marriage and family therapy may complete the coursework
4 requirement in a training institution fully accredited by the
5 Commission on Accreditation for Marriage and Family Therapy
6 Education recognized by the United States Department of
7 Education.

8 (c) Has had not less than 2 years of clinical
9 experience during which 50 percent of the applicant's clients
10 were receiving marriage and family therapy services, which
11 must be at the post-master's level under the supervision of a
12 licensed marriage and family therapist with at least 5 years
13 of experience, or the equivalent, who is a qualified
14 supervisor as determined by the board. An individual who
15 intends to practice in Florida to satisfy the clinical
16 experience requirements must register pursuant to s. 491.0045
17 prior to commencing practice. If a graduate has a master's
18 degree with a major emphasis in marriage and family therapy or
19 a closely related field that did not include all the
20 coursework required under sub-subparagraphs (b)1.a.-c., credit
21 for the post-master's level clinical experience shall not
22 commence until the applicant has completed a minimum of 10 of
23 the courses required under sub-subparagraphs (b)1.a.-c., as
24 determined by the board, and at least 6 semester hours or 9
25 quarter hours of the course credits must have been completed
26 in the area of marriage and family systems, theories, or
27 techniques. Within the 3 years of required experience, the
28 applicant shall provide direct individual, group, or family
29 therapy and counseling, to include the following categories of
30 cases: unmarried dyads, married couples, separating and
31 divorcing couples, and family groups including children. A

1 doctoral internship may be applied toward the clinical
2 experience requirement. The clinical experience requirement
3 may be met by work performed on or off the premises of the
4 supervising marriage and family therapist, or the equivalent,
5 if all work is performed under the direct supervision of
6 ~~provided the off-premises work is not the independent private~~
7 ~~practice rendering of marriage and family therapy services~~
8 ~~that does not have a licensed mental health professional, as~~
9 ~~determined by the board, on the premises at the same time the~~
10 ~~intern is providing services.~~

11 (d) Has passed a theory and practice examination
12 approved ~~provided~~ by the board ~~department~~ for this purpose,
13 which may be taken only following completion of the
14 requirement for clinical experience.

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

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

23 (g) Has satisfied all requirements for coursework in
24 this section by successfully completing the required course as
25 a student or by teaching the required graduate course as an
26 instructor or professor in an accredited institution.

27 (4) MENTAL HEALTH COUNSELING.--Upon verification of
28 documentation and payment of a fee not to exceed \$200, as set
29 by board rule, plus the actual per applicant cost to the
30 department for purchase of the examination from the
31 Professional Examination Service for the National Academy of

1 Certified Clinical Mental Health Counselors or a similar
2 national organization, the department shall issue a license as
3 a mental health counselor to an applicant who the board
4 certifies:

5 (a) Has made application therefor and paid the
6 appropriate fee.

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

19 a. Thirty-three semester hours or 44 quarter hours of
20 graduate coursework, which must include a minimum of 3
21 semester hours or 4 quarter hours of graduate-level coursework
22 in each of the following 11 content areas: counseling theories
23 and practice; human growth and development; diagnosis and
24 treatment of psychopathology; human sexuality; group theories
25 and practice; individual evaluation and assessment; career and
26 lifestyle assessment; research and program evaluation; social
27 and cultural foundations; counseling in community settings;
28 and substance abuse. Courses in research, thesis or
29 dissertation work, practicums, internships, or fieldwork may
30 not be applied toward this requirement.

31

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

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

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

23
24 Education and training in mental health counseling must have
25 been received in an institution of higher education which at
26 the time the applicant graduated was: fully accredited by a
27 regional accrediting body recognized by the Council for Higher
28 Education Accreditation or the United States Department of
29 Education Commission on Recognition of Postsecondary
30 Accreditation; publicly recognized as a member in good
31 standing with the Association of Universities and Colleges of

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

21 (c) Has had not less than 2 years of clinical
22 experience in mental health counseling, which must be at the
23 post-master's level under the supervision of a licensed mental
24 health counselor or the equivalent who is a qualified
25 supervisor as determined by the board. An individual who
26 intends to practice in Florida to satisfy the clinical
27 experience requirements must register pursuant to s. 491.0045
28 prior to commencing practice. If a graduate has a master's
29 degree with a major related to the practice of mental health
30 counseling that did not include all the coursework required
31 under sub-subparagraphs (b)1.a.-b., credit for the

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

15 (d) Has passed a theory and practice examination
16 approved ~~provided~~ by the board ~~department~~ for this purpose,
17 which may be taken only following completion of the
18 requirement for clinical experience.

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

23 (f) Has satisfied all requirements for coursework in
24 this section by successfully completing the required course as
25 a student or by teaching the required graduate course as an
26 instructor or professor in an accredited institution.

27 Section 83. Paragraph (b) of subsection (1) of section
28 491.006, Florida Statutes, is amended to read:

29 491.006 Licensure or certification by endorsement.--

30 (1) The department shall license or grant a
31 certificate to a person in a profession regulated by this

1 chapter who, upon applying to the department and remitting the
2 appropriate fee, demonstrates to the board that he or she:

3 (b)1. Holds an active valid license to practice and
4 has actively practiced the profession for which licensure is
5 applied in another state for 3 of the last 5 years immediately
6 preceding licensure.

7 2. Meets the education requirements of this chapter
8 for the profession for which licensure is applied.

9 3. Has passed a substantially equivalent licensing
10 examination in another state or has passed the licensure
11 examination in this state in the profession for which the
12 applicant seeks licensure.

13 4. Holds a license in good standing, is not under
14 investigation for an act that would constitute a violation of
15 this chapter, and has not been found to have committed any act
16 that would constitute a violation of this chapter. The fees
17 paid by any applicant for certification as a master social
18 worker under this section are nonrefundable.

19
20 An applicant for licensure by endorsement as a mental health
21 counselor who has not completed a psychopathology or abnormal
22 psychology course may be accepted for licensure by the board
23 if the applicant has completed 2 years of post-master's level
24 supervised clinical experience and has actively practiced as a
25 mental health counselor in another state or territory for 5 of
26 the last 6 years without being subject to disciplinary action.

27 Section 84. Subsection (2) of section 491.009, Florida
28 Statutes, is amended to read:

29 491.009 Discipline.--

30 (2) The department, in the case of a certified master
31 social worker, or, in the case of psychologists, the board,

1 may enter an order denying licensure or imposing any of the
2 penalties in s. 456.072(2) against any applicant for licensure
3 or licensee who is found guilty of violating any provision of
4 subsection (1) of this section or who is found guilty of
5 violating any provision of s. 456.072(1).

6 Section 85. Section 491.0145, Florida Statutes, is
7 amended to read:

8 491.0145 Certified master social worker.--The
9 department may not adopt any rules that would cause any person
10 who was not licensed as a certified master social worker in
11 accordance with this chapter on January 1, 1990, to become
12 licensed.The department may certify an applicant for a
13 designation as a certified master social worker upon the
14 following conditions:

15 (1) The applicant completes an application to be
16 provided by the department and pays a nonrefundable fee not to
17 exceed \$250 to be established by rule of the department. The
18 completed application must be received by the department at
19 least 60 days before the date of the examination in order for
20 the applicant to qualify to take the scheduled exam.

21 (2) The applicant submits proof satisfactory to the
22 department that the applicant has received a doctoral degree
23 in social work, or a master's degree with a major emphasis or
24 specialty in clinical practice or administration, including,
25 but not limited to, agency administration and supervision,
26 program planning and evaluation, staff development, research,
27 community organization, community services, social planning,
28 and human service advocacy. Doctoral degrees must have been
29 received from a graduate school of social work which at the
30 time the applicant was enrolled and graduated was accredited
31 by an accrediting agency approved by the United States

1 Department of Education. Master's degrees must have been
2 received from a graduate school of social work which at the
3 time the applicant was enrolled and graduated was accredited
4 by the Council on Social Work Education or the Canadian
5 Association of Schools of Social Work or by one that meets
6 comparable standards.

7 (3) The applicant has had at least 3 years'
8 experience, as defined by rule, including, but not limited to,
9 clinical services or administrative activities as defined in
10 subsection (2), 2 years of which must be at the post-master's
11 level under the supervision of a person who meets the
12 education and experience requirements for certification as a
13 certified master social worker, as defined by rule, or
14 licensure as a clinical social worker under this chapter. A
15 doctoral internship may be applied toward the supervision
16 requirement.

17 (4) Any person who holds a master's degree in social
18 work from institutions outside the United States may apply to
19 the department for certification if the academic training in
20 social work has been evaluated as equivalent to a degree from
21 a school accredited by the Council on Social Work Education.
22 Any such person shall submit a copy of the academic training
23 from the Foreign Equivalency Determination Service of the
24 Council on Social Work Education.

25 (5) The applicant has passed an examination required
26 by the department for this purpose. The nonrefundable fee for
27 such examination may not exceed \$250 as set by department
28 rule.

29 (6) Nothing in this chapter shall be construed to
30 authorize a certified master social worker to provide clinical
31 social work services.

1 Section 86. Section 491.0146, Florida Statutes, is
2 created to read:

3 491.0146 Saving clause.--All licenses to practice as a
4 certified master social worker issued pursuant to this chapter
5 and valid on October 1, 2002, shall remain in full force and
6 effect.

7 Section 87. Paragraph (a) of subsection (2) of section
8 817.505, Florida Statutes, is amended to read:

9 817.505 Patient brokering prohibited; exceptions;
10 penalties.--

11 (2) For the purposes of this section, the term:

12 (a) "Health care provider or health care facility"
13 means any person or entity licensed, certified, or registered
14 with the Department of Health or the Agency for Health Care
15 Administration; any person or entity that has contracted with
16 the Agency for Health Care Administration to provide goods or
17 services to Medicaid recipients as provided under s. 409.907;
18 a county health department established under part I of chapter
19 154; any community service provider contracting with the
20 Department of Children and Family Services to furnish alcohol,
21 drug abuse, or mental health services under part IV of chapter
22 394; any substance abuse service provider licensed under
23 chapter 397; or any federally supported primary care program
24 such as a migrant or community health center authorized under
25 ss. 329 and 330 of the United States Public Health Services
26 Act.

27 Section 88. Subsection (1) of section 817.567, Florida
28 Statutes, is amended to read:

29 817.567 Making false claims of academic degree or
30 title.--

31

1 (1) No person in the state may claim, either orally or
2 in writing, to possess an academic degree, as defined in s.
3 1005.02, or the title associated with said degree, unless the
4 person has, in fact, been awarded said degree from an
5 institution that is:

6 (a) Accredited by a regional or professional
7 accrediting agency recognized by the United States Department
8 of Education or the Council for Higher Education ~~Commission on~~
9 ~~Recognition of Postsecondary~~ Accreditation;

10 (b) Provided, operated, and supported by a state
11 government or any of its political subdivisions or by the
12 Federal Government;

13 (c) A school, institute, college, or university
14 chartered outside the United States, the academic degree from
15 which has been validated by an accrediting agency approved by
16 the United States Department of Education as equivalent to the
17 baccalaureate or postbaccalaureate degree conferred by a
18 regionally accredited college or university in the United
19 States;

20 (d) Licensed by the State Board of Independent
21 Colleges and Universities pursuant to ss. 1005.01-1005.38 or
22 exempt from licensure pursuant to s. 246.085; or

23 (e) A religious seminary, institute, college, or
24 university which offers only educational programs that prepare
25 students for a religious vocation, career, occupation,
26 profession, or lifework, and the nomenclature of whose
27 certificates, diplomas, or degrees clearly identifies the
28 religious character of the educational program.

29 Section 89. Paragraph (a) of subsection (1) of section
30 895.02, Florida Statutes, is amended to read:

31

1 895.02 Definitions.--As used in ss. 895.01-895.08, the
2 term:
3 (1) "Racketeering activity" means to commit, to
4 attempt to commit, to conspire to commit, or to solicit,
5 coerce, or intimidate another person to commit:
6 (a) Any crime which is chargeable by indictment or
7 information under the following provisions of the Florida
8 Statutes:
9 1. Section 210.18, relating to evasion of payment of
10 cigarette taxes.
11 2. Section 403.727(3)(b), relating to environmental
12 control.
13 3. Section 409.920, relating to Medicaid provider
14 fraud.
15 ~~4.3.~~ Section 414.39, relating to public assistance
16 fraud.
17 ~~5.4.~~ Section 409.920, relating to Medicaid provider
18 fraud.
19 ~~6.5.~~ Section 440.105 or s. 440.106, relating to
20 workers' compensation.
21 7. Section 465.0161, relating to distribution of
22 medicinal drugs without a license as an Internet pharmacy.
23 ~~8.6.~~ Sections 499.0051, 499.0052, 499.0053, 499.0054,
24 and 499.0691, relating to crimes involving contraband and
25 adulterated drugs.
26 ~~9.7.~~ Part IV of chapter 501, relating to
27 telemarketing.
28 ~~10.8.~~ Chapter 517, relating to sale of securities and
29 investor protection.
30 ~~11.9.~~ Section 550.235, s. 550.3551, or s. 550.3605,
31 relating to dogracing and horseracing.

1 ~~12.10.~~ Chapter 550, relating to jai alai frontons.
2 ~~13.11.~~ Chapter 552, relating to the manufacture,
3 distribution, and use of explosives.
4 ~~14.12.~~ Chapter 560, relating to money transmitters, if
5 the violation is punishable as a felony.
6 ~~15.13.~~ Chapter 562, relating to beverage law
7 enforcement.
8 ~~16.14.~~ Section 624.401, relating to transacting
9 insurance without a certificate of authority, s.
10 624.437(4)(c)1., relating to operating an unauthorized
11 multiple-employer welfare arrangement, or s. 626.902(1)(b),
12 relating to representing or aiding an unauthorized insurer.
13 ~~17.15.~~ Section 655.50, relating to reports of currency
14 transactions, when such violation is punishable as a felony.
15 ~~18.16.~~ Chapter 687, relating to interest and usurious
16 practices.
17 ~~19.17.~~ Section 721.08, s. 721.09, or s. 721.13,
18 relating to real estate timeshare plans.
19 ~~20.18.~~ Chapter 782, relating to homicide.
20 ~~21.19.~~ Chapter 784, relating to assault and battery.
21 ~~22.20.~~ Chapter 787, relating to kidnapping.
22 ~~23.21.~~ Chapter 790, relating to weapons and firearms.
23 ~~24.22.~~ Section 796.03, s. 796.04, s. 796.05, or s.
24 796.07, relating to prostitution.
25 ~~25.23.~~ Chapter 806, relating to arson.
26 ~~26.24.~~ Section 810.02(2)(c), relating to specified
27 burglary of a dwelling or structure.
28 ~~27.25.~~ Chapter 812, relating to theft, robbery, and
29 related crimes.
30 ~~28.26.~~ Chapter 815, relating to computer-related
31 crimes.

1 ~~29.27.~~ Chapter 817, relating to fraudulent practices,
2 false pretenses, fraud generally, and credit card crimes.
3 ~~30.28.~~ Chapter 825, relating to abuse, neglect, or
4 exploitation of an elderly person or disabled adult.
5 ~~31.29.~~ Section 827.071, relating to commercial sexual
6 exploitation of children.
7 ~~32.30.~~ Chapter 831, relating to forgery and
8 counterfeiting.
9 ~~33.31.~~ Chapter 832, relating to issuance of worthless
10 checks and drafts.
11 ~~34.32.~~ Section 836.05, relating to extortion.
12 ~~35.33.~~ Chapter 837, relating to perjury.
13 ~~36.34.~~ Chapter 838, relating to bribery and misuse of
14 public office.
15 ~~37.35.~~ Chapter 843, relating to obstruction of
16 justice.
17 ~~38.36.~~ Section 847.011, s. 847.012, s. 847.013, s.
18 847.06, or s. 847.07, relating to obscene literature and
19 profanity.
20 ~~39.37.~~ Section 849.09, s. 849.14, s. 849.15, s.
21 849.23, or s. 849.25, relating to gambling.
22 ~~40.38.~~ Chapter 874, relating to criminal street gangs.
23 ~~41.39.~~ Chapter 893, relating to drug abuse prevention
24 and control.
25 ~~42.40.~~ Chapter 896, relating to offenses related to
26 financial transactions.
27 ~~43.41.~~ Sections 914.22 and 914.23, relating to
28 tampering with a witness, victim, or informant, and
29 retaliation against a witness, victim, or informant.
30 ~~44.42.~~ Sections 918.12 and 918.13, relating to
31 tampering with jurors and evidence.

1 Section 90. Subsection (13) of section 1009.992,
2 Florida Statutes, is amended to read:

3 1009.992 Definitions.--As used in this act:

4 (13) "Institution" means any college or university
5 which, by virtue of law or charter, is accredited by and holds
6 membership in the Council for Higher Education ~~Commission on~~
7 ~~Recognition of Postsecondary~~ Accreditation; which grants
8 baccalaureate or associate degrees; which is not a pervasively
9 sectarian institution; and which does not discriminate in the
10 admission of students on the basis of race, color, religion,
11 sex, or creed.

12 Section 91. Sections 456.033, 456.034, 458.313,
13 458.3147, 458.316, 458.3165, 458.317, subsection (3) of
14 section 468.711, and paragraph (h) of subsection (1) of
15 section 480.044, Florida Statutes, are repealed.

16 Section 92. This act shall take effect July 1, 2004.

17
18 *****

19 SENATE SUMMARY

20 Revises various provisions of law concerning the
21 regulation of health care practitioners by the Department
22 of Health. Corrects terminology and cross-references.
23 Provides procedures for resolving conflicts between two
24 or more boards. Revises requirements for continuing
25 education concerning HIV and AIDS. Prohibits dispensing a
26 drug if the patient does not have a valid professional
27 relationship with the prescribing practitioner. Requires
28 the licensure of Internet pharmacies. Provides that the
29 distribution of medicinal drugs without a license is a
30 second-degree felony. Revises the requirements for
31 background checks for certain professionals and officers
of a corporation. Includes Medicaid provider fraud and
the distribution of drugs without a license within those
offenses covered by the Florida RICO Act. (See bill for
details.)