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A bill to be entitled
 An act relating to medical expert witnesses; creating s.
 458.3175, F.S.; authorizing the Board of Medicine to issue
 expert witness certificates; providing requirements for
 certification; providing a limitation; requiring the board
 to implement rules and set fees; amending s. 458.331,
 F.S.; providing that certain false, deceptive, or
 misleading expert witness testimony is grounds for
 disciplinary action; providing penalties; creating s.
 459.0066, F.S.; authorizing the Board of Osteopathic
 Medicine to issue expert witness certificates; providing
 requirements for certification; providing a limitation;
 requiring the board to implement rules and set fees;
 amending s. 459.015, F.S.; providing that certain false,
 deceptive, or misleading expert witness testimony is
 grounds for disciplinary action; providing penalties;
 amending s. 766.102, F.S.; providing that certain medical
 expert testimony shall not be admissible unless the expert
 witness meets certain requirements; providing an effective
 date.

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

Section 1. Section 458.3175, Florida Statutes, is created
 to read:

458.3175 Expert witness certificate.--

(1) Any person who holds a valid, active license to
 practice medicine in another state, who pays an application fee

29 in an amount set by the board, and who has not had a previous
30 expert witness certificate revoked by the board may apply for a
31 certificate to provide expert medical testimony in connection
32 with any medical negligence litigation pending in this state.

33 (2) The board shall approve an application for an expert
34 witness certificate for any person who holds a valid, active
35 license to practice medicine in another state but may deny an
36 application for an expert witness certificate if the board
37 determines the applicant has been disciplined in another state
38 by that state's medical licensing entity for fraud, dishonesty,
39 deception, coercion, intimidation, undue influence,
40 incompetence, or substance abuse. Once an expert witness
41 certificate is granted, the board may revoke the expert witness
42 certificate if the board finds the certificateholder has been
43 disciplined in another state by that state's medical licensing
44 entity for fraud, dishonesty, deception, coercion, intimidation,
45 undue influence, incompetence, or substance abuse or if the
46 board finds the certificateholder has committed these acts while
47 testifying in a medical negligence proceeding in this state.

48 (3) Nothing in this section may be construed to authorize
49 a person who is not licensed to practice medicine in this state
50 to qualify for or otherwise engage in the practice of medicine
51 in this state.

52 (4) The board shall adopt rules to implement this section,
53 including rules setting the amount of the expert witness
54 certificate application fee. The application fees for expert
55 witness certificates may not exceed the cost to administer the
56 certification program. An expert witness certificate is subject

57 to renewal every 2 years upon payment of a fee in an amount set
 58 by the board.

59 Section 2. Paragraph (oo) is added to subsection (1) of
 60 section 458.331, Florida Statutes, to read:

61 458.331 Grounds for disciplinary action; action by the
 62 board and department.--

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

65 (oo) Providing false, deceptive, or misleading expert
 66 witness testimony related to the practice of medicine.

67 Section 3. Section 459.0066, Florida Statutes, is created
 68 to read:

69 459.0066 Expert witness certificate.--

70 (1) Any person who holds a valid, active license to
 71 practice osteopathic medicine in another state, who pays an
 72 application fee in an amount set by the board, and who has not
 73 had a previous expert witness certificate revoked by the board
 74 may apply for a certificate to provide expert medical testimony
 75 in connection with any medical negligence litigation pending in
 76 this state.

77 (2) The board shall approve an application for an expert
 78 witness certificate for any person who holds a valid, active
 79 license to practice osteopathic medicine in another state but
 80 may deny an application for an expert witness certificate if the
 81 board determines the applicant has been disciplined in another
 82 state by that state's osteopathic medical licensing entity for
 83 fraud, dishonesty, deception, coercion, intimidation, undue
 84 influence, incompetence, or substance abuse. Once an expert

85 witness certificate is granted, the board may revoke the expert
 86 witness certificate if the board finds the certificateholder has
 87 been disciplined in another state by that state's osteopathic
 88 medical licensing entity for fraud, dishonesty, deception,
 89 coercion, intimidation, undue influence, incompetence, or
 90 substance abuse or if the board finds the certificateholder has
 91 committed these acts while testifying in a medical negligence
 92 proceeding in this state.

93 (3) Nothing in this section may be construed to authorize
 94 a person who is not licensed to practice osteopathic medicine in
 95 this state to qualify for or otherwise engage in the practice of
 96 osteopathic medicine in this state.

97 (4) The board shall adopt rules to implement this section,
 98 including rules setting the amount of the expert witness
 99 certificate application fee. The application fees for expert
 100 witness certificates may not exceed the cost to administer the
 101 certification program. An expert witness certificate is subject
 102 to renewal every 2 years upon payment of a fee in an amount set
 103 by the board.

104 Section 4. Paragraph (qq) is added to subsection (1) of
 105 section 459.015, Florida Statutes, to read:

106 459.015 Grounds for disciplinary action; action by the
 107 board and department.--

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

110 (qq) Providing false, deceptive, or misleading expert
 111 witness testimony related to the practice of medicine.

HB 1275

2005

112 Section 5. Subsection (12) of section 766.102, Florida
113 Statutes, is renumbered as subsection (13), and a new subsection
114 (12) is added to said section, to read:

115 766.102 Medical negligence; standards of recovery; expert
116 witness.--

117 (12) If the party against whom or on whose behalf expert
118 testimony concerning the prevailing professional standard of
119 care is offered is a physician licensed under chapter 458 or an
120 osteopathic physician licensed under chapter 459, the expert
121 witness shall be licensed in this state under chapter 458 or
122 chapter 459 or hold an expert witness certificate as provided in
123 s. 458.3175 or s. 459.0066. Expert testimony shall not be
124 admissible unless the expert providing such testimony holds a
125 license issued by this state or an expert witness certificate
126 issued pursuant to s. 458.3175 or s. 459.0066.

127 Section 6. This act shall take effect July 1, 2005.