

CHAMBER ACTION

1 The Health Care Regulation Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to naturopathic medicine; providing a
7 popular name; changing the title of ch. 462, F.S., from
8 "Naturopathy" to "Naturopathic Medicine"; amending s.
9 462.01, F.S.; revising and providing definitions; creating
10 s. 462.0215, F.S.; creating the Board of Naturopathic
11 Medicine; providing membership and duties of the board;
12 providing guidelines for probable cause panels and
13 disciplinary decisions; providing applicability of ch. 456,
14 F.S.; amending s. 462.023, F.S.; providing powers and
15 duties of the board under ch. 462, F.S., including
16 rulemaking authority; deleting obsolete language; amending
17 s. 462.08, F.S.; conforming terminology; amending s.
18 462.11, F.S.; conforming and correcting terminology;
19 amending s. 462.13, F.S.; providing additional powers and
20 duties of the board; amending s. 462.14, F.S.; specifying
21 authority of the board and the department with respect to
22 disciplinary action and revising grounds for disciplinary
23 action with respect to such authority; conforming

24 terminology; amending s. 462.16, F.S.; specifying authority
 25 for setting the fee for the reissuance of license under
 26 certain circumstances; conforming terminology; amending s.
 27 462.17, F.S.; conforming terminology; amending s. 462.18,
 28 F.S.; revising educational requirements; conforming
 29 terminology; amending s. 462.19, F.S.; increasing the
 30 maximum amount at which the inactive status fee may be set;
 31 creating s. 462.193, F.S.; providing requirements for
 32 licensure as a doctor of naturopathic medicine,
 33 naturopathic doctor, or naturopathic physician; providing
 34 fees; providing grounds for denying or restricting
 35 licenses; providing for the applicability of certain rights
 36 to doctors of naturopathic medicine, naturopathic doctors,
 37 or naturopathic physicians who have certain qualifications;
 38 creating s. 462.195, F.S.; providing exemptions from
 39 licensure requirements; amending s. 462.2001, F.S.;
 40 updating the saving clause; conforming terminology;
 41 providing that certain rights and privileges of active
 42 licensees are retained; amending ss. 20.43, 381.0031,
 43 468.301, 476.044, 477.0135, 485.003, 486.161, 627.351,
 44 893.02, and 921.0022, F.S.; conforming terminology;
 45 creating s. 462.30, F.S.; establishing the Naturopathic
 46 Medical Formulary Council; providing for membership and
 47 terms; providing for establishment of a formulary for
 48 doctors of naturopathic medicine, naturopathic doctors, and
 49 naturopathic physicians; creating s. 462.40, F.S.;
 50 providing responsibility of patients to disclose to their
 51 primary care physicians medications prescribed or

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52 recommended by doctors of naturopathic medicine,
53 naturopathic doctors, and naturopathic physicians;
54 providing an effective date.

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

58 Section 1. This act may be cited as the "Dr. R. Wilson
59 Geldner Naturopathic Medicine Act of 2005."

60 Section 2. Chapter 462, Florida Statutes, which is
61 entitled "Naturopathy," is redesignated as "Naturopathic
62 Medicine."

63 Section 3. Section 462.01, Florida Statutes, is amended to
64 read:

65 462.01 Definitions.--As used in this chapter, the term:

66 (1) "Board" means the Board of Naturopathic Medicine.

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

68 (3) "Doctor of naturopathic medicine," "naturopathic
69 doctor," or "naturopathic physician" means a person licensed to
70 practice naturopathic medicine under this chapter.

71 (4)~~(1)~~ "Natureopathy," and "naturopathy," and
72 "naturopathic medicine" shall be construed as synonymous terms
73 and mean a distinct and comprehensive system of primary health
74 care for the prevention, diagnosis, and treatment of human
75 health conditions, injuries, and disease; the promotion or
76 restoration of health; and the support and stimulation of a
77 patient's self-healing processes through patient education and
78 use of natural therapies and therapeutic substances. Doctors of
79 naturopathic medicine employ the use and practice of

80 | psychological, mechanical, and material health sciences to aid
 81 | in purifying, cleansing, and normalizing human tissues for the
 82 | preservation or restoration of health, according to the
 83 | fundamental principles of anatomy, physiology, and applied
 84 | psychology, as may be required. Naturopathic medicine practice
 85 | employs, among other agencies, phytotherapy, dietetics,
 86 | psychotherapy, suggestotherapy, hydrotherapy, zone therapy,
 87 | biochemistry, external applications, electrotherapy,
 88 | mechanotherapy, mechanical and electrical appliances, hygiene,
 89 | first aid, sanitation, the administration of vitamins, food, and
 90 | food supplements, and heliotherapy. ~~provided,~~ However, ~~that~~
 91 | nothing in this chapter shall be held or construed to authorize
 92 | any doctor of naturopathic medicine, naturopathic doctor, or
 93 | naturopathic physician licensed under this chapter hereunder to
 94 | practice materia medica, ~~or~~ surgery, ~~or~~ chiropractic medicine,
 95 | acupuncture, oriental medicine, child birth attendance, or
 96 | midwifery, or to examine, diagnose, or treat teeth and gums, nor
 97 | shall the provisions of this chapter law in any manner apply to
 98 | or affect the practice of osteopathic medicine, chiropractic
 99 | medicine, Christian Science, or any other treatment authorized
 100 | and provided for by law for the cure or prevention of disease
 101 | and ailments. It is recognized that many of the therapies used
 102 | by naturopathic physicians, including, but not limited to,
 103 | homeopathic remedies, nutritional and dietary supplements,
 104 | herbs, and such physical forces as heat, cold, water, touch, and
 105 | light, are not the exclusive privilege of naturopathic
 106 | physicians. Consistent with the requirements of s. 11.62, the
 107 | Sunrise Act, it is not the intent of this act to prohibit or

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108 restrict to naturopathic physicians the use of the modalities
 109 identified in this chapter.

110 (5) "Approved naturopathic medical program" means:

111 (a) A naturopathic medical education program in the United
 112 States that is accredited by, or has candidacy status with, the
 113 Council on Naturopathic Medical Education or an equivalent
 114 accrediting body for the naturopathic medical profession that is
 115 recognized by the United States Department of Education and the
 116 board. This program shall offer graduate-level didactic and
 117 supervised clinical training leading to the degree of Doctor of
 118 Naturopathy or Doctor of Naturopathic Medicine; or

119 (b) A degree-granting college or university that offers a
 120 full-time structured curriculum in basic sciences and supervised
 121 patient care comprising a doctoral naturopathic medical
 122 education. As a prerequisite to graduation from a college of
 123 liberal arts and naturopathic medicine which is reputable and in
 124 good standing in the judgment of the board, a student must have
 125 been enrolled for not less than 132 weeks and must complete the
 126 course of study within a period of not less than 35 months.

127 "Reputable and in good standing" means the college or university
 128 is accredited by an accrediting body for the naturopathic
 129 medical profession recognized by the United States Department of
 130 Education and that is licensed by the Commission for Independent
 131 Education.

132 Section 4. Section 462.0215, Florida Statutes, is created
 133 to read:

134 462.0215 Board of Naturopathic Medicine.--

135 (1) There is created within the department the Board of
 136 Naturopathic Medicine, composed of seven members appointed by
 137 the Governor and confirmed by the Senate.

138 (2)(a) Five members of the board must be:

139 1. Licensed doctors of naturopathic medicine or
 140 naturopathic physicians in good standing in this state who are
 141 residents of the state and who have been engaged in the practice
 142 of naturopathic medicine for at least 5 years; or

143 2. Persons who have been teaching naturopathic medicine
 144 and who hold a doctorate of naturopathic medicine from an
 145 institution accredited by an accrediting body recognized by the
 146 United States Department of Education.

147 (b) The remaining two members of the board must be
 148 residents of the state who are not and never have been licensed
 149 health care practitioners.

150 (c) At least one member of the board must be 60 years of
 151 age or older.

152 (3) For the purpose of staggering terms, the Governor
 153 shall initially appoint to the board three members for terms of
 154 4 years each, two members for terms of 3 years each, and two
 155 members for terms of 2 years each. As the terms of board members
 156 expire, the Governor shall appoint successors for terms of 4
 157 years and such members shall serve until their successors are
 158 appointed.

159 (4) The board, in conjunction with the department, shall
 160 establish a disciplinary training program for members of the
 161 board. The program shall provide for initial and periodic
 162 training in the grounds for disciplinary action, the actions

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163 that may be taken by the board and the department, changes in
 164 relevant statutes and rules, and any relevant judicial and
 165 administrative decisions. A member of the board may not
 166 participate on a probable cause panel or in a disciplinary
 167 decision of the board unless she or he has completed the
 168 disciplinary training program.

169 (5) During the time members of the board are appointed to
 170 a probable cause panel, they shall attempt to complete their
 171 work on every case presented to them. If consideration of a case
 172 is begun but is not completed during the term of the board
 173 members on the panel, they may reconvene as a probable cause
 174 panel for the purpose of completing their deliberations on that
 175 case.

176 (6) All provisions of chapter 456 relating to activities
 177 of the board are applicable.

178 Section 5. Section 462.023, Florida Statutes, is amended
 179 to read:

180 462.023 Powers and duties of the board and the
 181 department.--The board and the department may adopt such rules
 182 as are necessary to carry out the purposes of this chapter, may
 183 initiate disciplinary action as provided by this chapter, and
 184 shall establish fees as provided by this chapter based on their
 185 ~~its~~ estimates of the revenue required to administer this chapter
 186 provided the fees do but shall not exceed the fee amounts
 187 provided in this chapter. ~~The department shall not adopt any~~
 188 ~~rules which would cause any person who was not licensed in~~
 189 ~~accordance with this chapter on July 1, 1959, and had not been a~~

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190 ~~resident of the state for 2 years prior to such date, to become~~
 191 ~~licensed.~~

192 Section 6. Section 462.08, Florida Statutes, is amended to
 193 read:

194 462.08 Renewal of license to practice naturopathic
 195 medicine naturopathy.--Each licensee licenseholder shall
 196 biennially renew her or his license to practice naturopathic
 197 medicine naturopathy. The applicant must furnish to the board
 198 ~~department~~ such evidence as it requires of the applicant's
 199 compliance with s. 462.18, relating to educational requirements.
 200 The biennial renewal fee, the amount of which shall be
 201 determined by the board ~~department~~ but which may not exceed
 202 \$1,000, must be paid at the time the application for renewal of
 203 the license is filed.

204 Section 7. Section 462.11, Florida Statutes, is amended to
 205 read:

206 462.11 Doctors of naturopathic medicine, naturopathic
 207 doctors, or naturopathic physicians Naturopaths to observe
 208 regulations.--Doctors of naturopathic medicine, naturopathic
 209 doctors, or naturopathic physicians naturopathy shall observe
 210 and be subject to all state, county, and municipal regulations
 211 in regard to the control of contagious and infectious diseases,
 212 the reporting of births and deaths, and to any and all other
 213 matters pertaining to the public health in the same manner as is
 214 required of other practitioners of the healing arts art.

215 Section 8. Section 462.13, Florida Statutes, is amended to
 216 read:

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217 462.13 Additional powers and duties of the board and the
 218 department.--The board and the department may administer oaths,
 219 summon witnesses, and take testimony in all matters relating to
 220 their ~~its~~ duties pursuant to this chapter. Every unrevoked
 221 license shall be presumptive evidence in all courts and places
 222 that the person therein named is legally licensed to practice
 223 naturopathic medicine ~~naturopathy~~. The board and the department
 224 shall aid the prosecuting attorneys of the state in the
 225 enforcement of this chapter.

226 Section 9. Section 462.14, Florida Statutes, is amended to
 227 read:

228 462.14 Grounds for disciplinary action; action by the
 229 board and the department.--

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

232 (a) Attempting to obtain, obtaining, or renewing a license
 233 to practice naturopathic medicine by bribery, by fraudulent
 234 misrepresentation, or through an error of the board or the
 235 department.

236 (b) Having a license to practice naturopathic medicine
 237 revoked, suspended, or otherwise acted against, including the
 238 denial of licensure, by the licensing authority of another
 239 state, territory, or country.

240 (c) Being convicted or found guilty, regardless of
 241 adjudication, of a crime in any jurisdiction which directly
 242 relates to the practice of naturopathic medicine or to the
 243 ability to practice naturopathic medicine. Any plea of nolo

244 | contendere shall be considered a conviction for purposes of this
245 | chapter.

246 | (d) False, deceptive, or misleading advertising.

247 | (e) Advertising, practicing, or attempting to practice
248 | under a name other than one's own.

249 | (f) Failing to report to the department any person who the
250 | licensee knows is in violation of this chapter or of the rules
251 | of the board or the department.

252 | (g) Aiding, assisting, procuring, or advising any
253 | unlicensed person to practice naturopathic medicine contrary to
254 | this chapter or to a rule of the board or the department.

255 | (h) Failing to perform any statutory or legal obligation
256 | placed upon a licensed doctor of naturopathic medicine,
257 | naturopathic doctor, or naturopathic physician.

258 | (i) Making or filing a report which the licensee knows to
259 | be false, intentionally or negligently failing to file a report
260 | or record required by state or federal law, willfully impeding
261 | or obstructing such filing or inducing another person to do so.
262 | Such reports or records shall include only those which are
263 | signed in the capacity as a licensed doctor of naturopathic
264 | medicine, naturopathic doctor, or naturopathic physician.

265 | (j) Paying or receiving any commission, bonus, kickback,
266 | or rebate, or engaging in any split-fee arrangement in any form
267 | whatsoever with a physician, organization, agency, or person,
268 | either directly or indirectly, for patients referred to
269 | providers of health care goods and services, including, but not
270 | limited to, hospitals, nursing homes, clinical laboratories,
271 | ambulatory surgical centers, or pharmacies. The provisions of

272 | this paragraph shall not be construed to prevent a doctor of
 273 | naturopathic medicine, naturopathic doctor, or naturopathic
 274 | physician from receiving a fee for professional consultation
 275 | services.

276 | (k) Exercising influence within a patient-physician
 277 | relationship for purposes of engaging a patient in sexual
 278 | activity. A patient shall be presumed to be incapable of giving
 279 | free, full, and informed consent to sexual activity with her or
 280 | his physician.

281 | (l) Making deceptive, untrue, or fraudulent
 282 | representations in the practice of naturopathic medicine or
 283 | employing a trick or scheme in the practice of naturopathic
 284 | medicine when such scheme or trick fails to conform to the
 285 | generally prevailing standards of treatment in the medical
 286 | community.

287 | (m) Soliciting patients, either personally or through an
 288 | agent, through the use of fraud, intimidation, undue influence,
 289 | or a form of overreaching or vexatious conduct. A "solicitation"
 290 | is any communication which directly or implicitly requests an
 291 | immediate oral response from the recipient.

292 | (n) Failing to keep written medical records justifying the
 293 | course of treatment of the patient, including, but not limited
 294 | to, patient histories, examination results, test results, X
 295 | rays, and records of the prescribing, dispensing, and
 296 | administering of drugs.

297 | (o) Exercising influence on the patient or client in such
 298 | a manner as to exploit the patient or client for the financial
 299 | gain of the licensee or of a third party, which shall include,

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300 but not be limited to, the promoting or selling of services,
301 goods, appliances, or drugs and the promoting or advertising on
302 any prescription form of a community pharmacy unless the form
303 also states "This prescription may be filled at any pharmacy of
304 your choice."

305 (p) Performing professional services which have not been
306 duly authorized by the patient or client, or her or his legal
307 representative, except as provided in s. 743.064, s. 766.103, or
308 s. 768.13.

309 (q) Prescribing, dispensing, administering, mixing, or
310 otherwise preparing a legend drug, including any controlled
311 substance, other than in the course of the doctor of
312 naturopathic medicine's, naturopathic doctor's, or naturopathic
313 physician's professional practice. For the purposes of this
314 paragraph, it shall be legally presumed that prescribing,
315 dispensing, administering, mixing, or otherwise preparing legend
316 drugs, including all controlled substances, inappropriately or
317 in excessive or inappropriate quantities is not in the best
318 interest of the patient and is not in the course of the doctor
319 of naturopathic medicine's, naturopathic doctor's, or
320 naturopathic physician's professional practice, without regard
321 to her or his intent.

322 (r) Prescribing, dispensing, or administering any
323 medicinal drug appearing on any schedule set forth in chapter
324 893 by the doctor of naturopathic medicine, naturopathic doctor,
325 or naturopathic physician to herself or himself, except one
326 prescribed, dispensed, or administered to the doctor of
327 naturopathic medicine, naturopathic doctor, or naturopathic

328 | physician by another practitioner authorized to prescribe,
329 | dispense, or administer medicinal drugs.

330 | (s) Being unable to practice naturopathic medicine with
331 | reasonable skill and safety to patients by reason of illness or
332 | use of alcohol, drugs, narcotics, chemicals, or any other type
333 | of material or as a result of any mental or physical condition.
334 | In enforcing this paragraph, the department shall have, upon
335 | probable cause, authority to compel a doctor of naturopathic
336 | medicine, naturopathic doctor, or naturopathic physician to
337 | submit to a mental or physical examination by physicians
338 | designated by the department. The failure of a doctor of
339 | naturopathic medicine, naturopathic doctor, or naturopathic
340 | physician to submit to such an examination when so directed
341 | shall constitute an admission of the allegations against her or
342 | him upon which a default and final order may be entered without
343 | the taking of testimony or presentation of evidence, unless the
344 | failure was due to circumstances beyond the doctor of
345 | naturopathic medicine's, naturopathic doctor's, or naturopathic
346 | physician's control. A doctor of naturopathic medicine,
347 | naturopathic doctor, or naturopathic physician affected under
348 | this paragraph shall at reasonable intervals be afforded an
349 | opportunity to demonstrate that she or he can resume the
350 | competent practice of naturopathic medicine with reasonable
351 | skill and safety to patients. In any proceeding under this
352 | paragraph, neither the record of proceedings nor the orders
353 | entered by the department may be used against a doctor of
354 | naturopathic medicine, naturopathic doctor, or naturopathic
355 | physician in any other proceeding.

356 (t) Gross or repeated malpractice or the failure to
 357 practice naturopathic medicine with that level of care, skill,
 358 and treatment which is recognized by a reasonably prudent
 359 similar physician as being acceptable under similar conditions
 360 and circumstances. The board ~~department~~ shall give great weight
 361 to the provisions of s. 766.102 when enforcing this paragraph.

362 (u) Performing any procedure or prescribing any therapy
 363 which, by the prevailing standards of medical practice in the
 364 community, constitutes experimentation on a human subject,
 365 without first obtaining full, informed, and written consent.

366 (v) Practicing or offering to practice beyond the scope
 367 permitted by law or accepting and performing professional
 368 responsibilities which the licensee knows or has reason to know
 369 that she or he is not competent to perform.

370 (w) Delegating professional responsibilities to a person
 371 when the licensee delegating such responsibilities knows or has
 372 reason to know that such person is not qualified by training,
 373 experience, or licensure to perform them.

374 (x) Violating a lawful order of the board or the
 375 department previously entered in a disciplinary hearing or
 376 failing to comply with a lawfully issued subpoena of the
 377 department.

378 (y) Conspiring with another licensee or with any other
 379 person to commit an act, or committing an act, which would tend
 380 to coerce, intimidate, or preclude another licensee from
 381 lawfully advertising her or his services.

382 (z) Procuring, or aiding or abetting in the procuring of,
 383 an unlawful termination of pregnancy.

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384 (aa) Presigning blank prescription forms.

385 (bb) Prescribing by the doctor of naturopathic medicine,
 386 naturopathic doctor, or naturopathic physician ~~for office use~~
 387 any controlled substance medicinal drug appearing on Schedule I,
 388 Schedule II, or Schedule III in chapter 893.

389 (cc) Prescribing, ordering, dispensing, administering,
 390 supplying, selling, or giving any drug which is an amphetamine
 391 or sympathomimetic amine drug, or a compound designated pursuant
 392 to chapter 893 as a Schedule II controlled substance to or for
 393 any person except for:

394 1. The treatment of narcolepsy; hyperkinesis; behavioral
 395 syndrome in children characterized by the developmentally
 396 inappropriate symptoms of moderate to severe distractability,
 397 short attention span, hyperactivity, emotional lability, and
 398 impulsivity; or drug-induced brain dysfunction.

399 2. The differential diagnostic psychiatric evaluation of
 400 depression or the treatment of depression shown to be refractory
 401 to other therapeutic modalities.

402 3. The clinical investigation of the effects of such drugs
 403 or compounds when an investigative protocol therefor is
 404 submitted to, reviewed, and approved by the board ~~department~~
 405 before such investigation is begun.

406 (dd) Prescribing, ordering, dispensing, administering,
 407 supplying, selling, or giving growth hormones, testosterone or
 408 its analogs, human chorionic gonadotropin (HCG), or other
 409 hormones for the purpose of muscle building or to enhance
 410 athletic performance. For the purposes of this subsection, the
 411 term "muscle building" does not include the treatment of injured

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412 muscle. A prescription written for the drug products listed
413 above may be dispensed by the pharmacist with the presumption
414 that the prescription is for legitimate medical use.

415 (ee) Violating any provision of this chapter or chapter
416 456, or any rules adopted pursuant thereto.

417 (2) The board ~~department~~ may enter an order denying
418 licensure or imposing any of the penalties in s. 456.072(2)
419 against any applicant for licensure or licensee who is found
420 guilty of violating any provision of subsection (1) of this
421 section or who is found guilty of violating any provision of s.
422 456.072(1).

423 (3) The board ~~department~~ shall not reinstate the license
424 of a doctor of naturopathic medicine, naturopathic doctor, or
425 naturopathic physician until such time as the board ~~department~~
426 is satisfied that such person has complied with all the terms
427 and conditions set forth in the final order and that such person
428 is capable of safely engaging in the practice of naturopathic
429 medicine.

430 (4) The board ~~department~~ shall by rule establish
431 guidelines for the disposition of disciplinary cases involving
432 specific types of violations. Such guidelines may include
433 minimum and maximum fines, periods of supervision or probation,
434 or conditions of probation or reissuance of a license.

435 Section 10. Section 462.16, Florida Statutes, is amended
436 to read:

437 462.16 Reissue of license.--Any person who practices
438 naturopathic medicine ~~shall practice naturopathy~~ after her or
439 his license has been revoked ~~and registration annulled~~ shall be

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440 deemed to have practiced naturopathic medicine ~~naturopathy~~
 441 without a license; ~~provided,~~ however, at any time after 6 months
 442 after the date of said conviction, the department may grant a
 443 license to the person affected, restoring to her or him all the
 444 rights and privileges of and pertaining to the practice of
 445 naturopathic medicine ~~naturopathy~~ as defined and regulated by
 446 this chapter. The fee therefor shall be set by the board not to
 447 exceed \$250.

448 Section 11. Section 462.17, Florida Statutes, is amended
 449 to read:

450 462.17 Penalty for offenses relating to naturopathic
 451 medicine ~~naturopathy~~.--Any person who shall:

452 (1) Sell, fraudulently obtain, or furnish any naturopathic
 453 diploma, license, record, or registration or aid or abet in the
 454 same;

455 (2) Practice naturopathic medicine ~~naturopathy~~ under the
 456 cover of any diploma, license, record, or registration illegally
 457 or fraudulently obtained or secured or issued unlawfully or upon
 458 fraudulent representations;

459 (3) Advertise to practice naturopathic medicine
 460 ~~naturopathy~~ under a name other than her or his own or under an
 461 assumed name;

462 (4) Falsely impersonate another practitioner of a like or
 463 different name;

464 (5) Practice or advertise to practice naturopathic
 465 medicine ~~naturopathy~~ or use in connection with her or his name
 466 any designation tending to imply or to designate the person as a
 467 practitioner of naturopathic medicine ~~naturopathy~~ without then

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468 being lawfully licensed and authorized to practice naturopathic
469 medicine ~~naturopathy~~ in this state; or

470 (6) Practice naturopathic medicine ~~naturopathy~~ during the
471 time her or his license is suspended or revoked

472
473 ~~commits shall be guilty of~~ a felony of the third degree,
474 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

475 Section 12. Section 462.18, Florida Statutes, is amended
476 to read:

477 462.18 Educational requirements.--

478 (1) At the time each licensee renews ~~shall renew~~ her or
479 his license as otherwise provided in this chapter, each
480 licensee, ~~beginning with the license renewal due May 1, 1944,~~ in
481 addition to the payment of the regular renewal fee, shall
482 furnish to the board ~~department~~ satisfactory evidence that, in
483 the year preceding each such application for renewal, the
484 licensee has attended the 2-day educational program as
485 promulgated and conducted by the Florida Naturopathic Physicians
486 Association, Inc., or, as a substitute therefor, the equivalent
487 of that program as approved by the board ~~department~~. The board
488 shall require each licensee to receive at least 40 hours of
489 continuing education every 2 years, including courses on the
490 prevention of medical errors. The licensee must establish that
491 the continuing education was consistent with the requirements of
492 chapter 456. The department shall send a written notice to this
493 effect to every person holding a valid license to practice
494 naturopathic medicine ~~naturopathy~~ within this state at least 30
495 days prior to May 1 in each biennial year, directed to the last

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496 | known address of such licensee, and shall enclose with the
 497 | notice proper blank forms for application for ~~annual~~ license
 498 | renewal. All of the details and requirements of the ~~aforesaid~~
 499 | educational program shall be adopted and prescribed by the board
 500 | ~~department~~. In the event of national emergencies, or for
 501 | sufficient reason, the board may ~~department shall have the power~~
 502 | ~~to~~ excuse ~~the~~ naturopathic physicians as a group or as
 503 | individuals from taking this postgraduate course.

504 | (2) The determination of whether a substitute ~~annual~~
 505 | educational program is necessary shall be solely within the
 506 | discretion of the board ~~department~~.

507 | Section 13. Subsection (3) of section 462.19, Florida
 508 | Statutes, is amended to read:

509 | 462.19 Renewal of license; inactive status.--

510 | (3) A licensee may request that her or his license be
 511 | placed in an inactive status by making application to the
 512 | department and paying a fee in an amount set by the department
 513 | not to exceed \$100 ~~\$50~~.

514 | Section 14. Section 462.193, Florida Statutes, is created
 515 | to read:

516 | 462.193 Licensure by examination; requirements; fees.--

517 | (1) Any person desiring to be licensed as a doctor of
 518 | naturopathic medicine, naturopathic doctor, or naturopathic
 519 | physician shall apply to the department on forms furnished by
 520 | the department. The department shall license each applicant who
 521 | the board certifies:

522 (a) Has completed the application form and remitted a
 523 nonrefundable application fee set by the board not to exceed
 524 \$500.

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

526 (c) Is of good moral character.

527 (d) Has not committed any act or offense in this or any
 528 other jurisdiction which would constitute the basis for
 529 disciplining a doctor of naturopathic medicine, naturopathic
 530 doctor, or naturopathic physician pursuant to s. 462.14.

531 (e) Has been awarded a bachelor's degree from an
 532 institution accredited by an accrediting body for the
 533 naturopathic medical profession recognized by the United States
 534 Department of Education and completed a program of study that
 535 included, at a minimum and as determined by rule of the board,
 536 courses in such fields as anatomy, biology, and chemistry prior
 537 to entering naturopathic medical school.

538 (f) Meets one of the following naturopathic medical
 539 education and postgraduate training requirements:

540 1. Is a graduate of an approved naturopathic medical
 541 program;

542 2. Is a graduate of an approved school of naturopathic
 543 medicine which was licensed by the Florida Commission for
 544 Independent Education to grant the degree of Doctor of
 545 Naturopathic Medicine prior to July 1, 2004; or

546 3. Is a graduate of a foreign medical school recognized by
 547 the Educational Commission for Foreign Medical Graduates (ECFMG)
 548 to be examined in the basic and clinical medical sciences, or a
 549 graduate of an accredited United States allopathic,

550 chiropractic, or osteopathic medical school, and has completed
 551 at least a 2-year course in naturopathic medicine from a board-
 552 approved naturopathic medical school.

553 (g) Has submitted to the department a set of fingerprints
 554 on a form and in accordance with s. 456.039(4)(c) and with
 555 procedures specified by the department, along with payment in an
 556 amount equal to the costs incurred by the department for the
 557 criminal background check of the applicant.

558 (h) Has obtained a passing score on a competency-based
 559 national naturopathic licensing examination administered by the
 560 North American Board of Naturopathic Examiners or equivalent or
 561 successor agency as recognized by the board. For graduates of an
 562 approved naturopathic medical program as defined in s.
 563 462.01(5), eligibility for licensure may be granted upon
 564 submission of evidence of successful passage of a board-approved
 565 state competency examination or a Canadian provincial
 566 examination. For graduates of foreign medical schools or
 567 allopathic, osteopathic, or chiropractic medical schools who
 568 have completed at least a 2-year course in naturopathic medicine
 569 from an approved naturopathic medical program, eligibility for
 570 licensure may be granted upon submission of evidence of
 571 successful passage of their respective medical examinations,
 572 part one, in basic medical sciences, and part two, in clinical
 573 medical sciences, and successful passage of part two in clinical
 574 sciences examinations of the Naturopathic Physicians Licensing
 575 Examination administered by the North American Board of
 576 Naturopathic Examiners or an equivalent or successor agency that
 577 is recognized by the board.

578 (i) Has completed an approved internship or residency of
 579 at least 1 year.

580 (j) Is physically and mentally fit to practice as a doctor
 581 of naturopathic medicine, naturopathic doctor, or naturopathic
 582 physician.

583 (k) Has not had her or his license to practice any
 584 profession refused, revoked, or suspended by any other state,
 585 district, or territory of the United States or another country
 586 for reasons that relate to her or his ability to skillfully and
 587 safely practice as a doctor of naturopathic medicine,
 588 naturopathic doctor, or naturopathic physician in this state.

589 (1) Has not been found guilty of a felony.

590 (2) As prescribed by board rule, the board may require an
 591 applicant who does not pass the licensing examination after five
 592 attempts to complete additional remedial education or training.
 593 The board shall prescribe the additional requirements in a
 594 manner that permits the applicant to complete the requirements
 595 and be reexamined within 2 years after the date the applicant
 596 petitions the board to retake the examination a sixth or
 597 subsequent time. The board has the authority to limit the number
 598 of times that a person may take the examination.

599 (3) The department and the board shall ensure that
 600 applicants for licensure meet the criteria in subsection (1)
 601 through an investigative process. When the investigation is not
 602 completed within the time set out in s. 120.60(1) and the board
 603 or the department has reason to believe that the applicant does
 604 not meet the criteria, the secretary or the secretary's designee
 605 may issue a 90-day licensure delay, which must be in writing and

606 sufficient to notify the applicant of the reason for the delay.
 607 This subsection controls over any conflicting provisions of s.
 608 120.60(1).

609 (4) The board may not certify to the department for
 610 licensure any applicant who is under investigation in another
 611 jurisdiction for an offense that would constitute a violation of
 612 this chapter until the investigation has been completed. Upon
 613 completion of the investigation, s. 462.14 applies. Furthermore,
 614 the department may not issue an unrestricted license to any
 615 individual who has committed an act or offense in any
 616 jurisdiction which would constitute the basis for disciplining a
 617 naturopathic physician under s. 462.14. If the board finds that
 618 an individual has committed an act or offense in any
 619 jurisdiction which would constitute the basis for disciplining a
 620 naturopathic physician under s. 462.14, the board may enter an
 621 order imposing one or more of the sanctions set forth in ss.
 622 462.14 and 456.072(2).

623 (5) Each applicant who meets the requirements of this
 624 chapter shall be licensed as a doctor of naturopathic medicine,
 625 naturopathic doctor, or naturopathic physician, with rights as
 626 defined by law.

627 (6) Upon certification by the board, the department shall
 628 impose conditions, limitations, or restrictions on a license if
 629 the applicant is on probation in another jurisdiction for an act
 630 that would constitute a violation of this chapter.

631 (7) If the board determines that an applicant for
 632 licensure has failed to meet, to the board's satisfaction, any
 633 of the applicable requirements set forth in this section, it may

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634 enter an order that imposes one or more of the following
635 sanctions:

636 (a) Refusal to certify to the department an application
637 for licensure.

638 (b) Certification to the department of an application for
639 licensure with restrictions on the scope of practice of the
640 doctor of naturopathic medicine, naturopathic doctor, or
641 naturopathic physician.

642 (c) Certification to the department of an application for
643 licensure with placement of the doctor of naturopathic medicine,
644 naturopathic doctor, or naturopathic physician on probation for
645 a period of time and subject to such conditions as the board
646 specifies, including, but not limited to, requiring the doctor
647 of naturopathic medicine, naturopathic doctor, or naturopathic
648 physician to submit to treatment, attend continuing education
649 courses, submit to reexamination, or work under the supervision
650 of another doctor of naturopathic medicine, naturopathic doctor,
651 or naturopathic physician.

652 (8) A person may not promote, identify, or describe
653 herself or himself as a doctor of naturopathic medicine
654 (N.M.D.), naturopathic doctor (N.D.), or naturopathic physician
655 (N.P.) without being licensed pursuant to this chapter.

656 Section 15. Section 462.195, Florida Statutes, is created
657 to read:

658 462.195 Exemptions from naturopathic licensure
659 requirements.--Licensure requirements for practitioners of
660 naturopathic medicine under this chapter are inapplicable to:

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661 (1) Any individual who is engaged in selling, marketing,
 662 distributing, using, or recommending, or furnishing information
 663 or counseling about, the use of vitamins, health foods, dietary
 664 supplements, herbs, homeopathic remedies, or other products of
 665 nature the sale of which is not otherwise prohibited under state
 666 or federal law. This exemption does not:

667 (a) Allow a person to diagnose any human disease, ailment,
 668 injury, infirmity, deformity, pain, or other condition; or

669 (b) Prohibit providing information regarding any of the
 670 products listed in this subsection, which information is
 671 truthful and is not misleading.

672 (2) Any individual who is:

673 (a) Engaged in good faith in the practice of the religious
 674 tenets of any church or religious belief, without the use of
 675 prescription drugs; or

676 (b) Acting in good faith for religious reasons as a matter
 677 of conscience or on the basis of a personal belief when
 678 obtaining or providing information regarding health care and the
 679 use of any product.

680 (3) Any individual who is administering a domestic or
 681 family remedy.

682 (4) No provision of this chapter shall be construed to
 683 prohibit any person licensed in this state from the lawful
 684 practice of her or his profession under the statutes applicable
 685 to the profession of chiropractic physician, podiatric
 686 physician, doctor of medicine, massage therapist, nurse,
 687 osteopathic physician or surgeon, optometrist, occupational
 688 therapist, physical therapist, psychologist, or psychotherapist.

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689 Section 16. Section 462.2001, Florida Statutes, is amended
690 to read:

691 462.2001 Saving clause.--All licenses to practice
692 naturopathic medicine ~~naturopathy~~ issued pursuant to this
693 chapter and valid on July 1, 2005 ~~October 1, 1985~~, shall remain
694 in full force and effect.

695 Section 17. Licensed doctors of naturopathic medicine,
696 naturopathic doctors, or naturopathic physicians who hold a
697 license on the effective date of this act shall retain the same
698 rights and privileges as they had before implementation of the
699 amendments to chapter 462, Florida Statutes, by this act.

700 Section 18. Paragraph (g) of subsection (3) of section
701 20.43, Florida Statutes, is amended to read:

702 20.43 Department of Health.--There is created a Department
703 of Health.

704 (3) The following divisions of the Department of Health
705 are established:

706 (g) Division of Medical Quality Assurance, which is
707 responsible for the following boards and professions established
708 within the division:

- 709 1. The Board of Acupuncture, created under chapter 457.
- 710 2. The Board of Medicine, created under chapter 458.
- 711 3. The Board of Osteopathic Medicine, created under
712 chapter 459.
- 713 4. The Board of Chiropractic Medicine, created under
714 chapter 460.
- 715 5. The Board of Podiatric Medicine, created under chapter
716 461.

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- 717 6. The Board of Naturopathic Medicine ~~Naturopathy~~, created
 718 ~~as provided~~ under chapter 462.
- 719 7. The Board of Optometry, created under chapter 463.
- 720 8. The Board of Nursing, created under part I of chapter
 721 464.
- 722 9. Nursing assistants, as provided under part II of
 723 chapter 464.
- 724 10. The Board of Pharmacy, created under chapter 465.
- 725 11. The Board of Dentistry, created under chapter 466.
- 726 12. Midwifery, as provided under chapter 467.
- 727 13. The Board of Speech-Language Pathology and Audiology,
 728 created under part I of chapter 468.
- 729 14. The Board of Nursing Home Administrators, created
 730 under part II of chapter 468.
- 731 15. The Board of Occupational Therapy, created under part
 732 III of chapter 468.
- 733 16. Respiratory therapy, as provided under part V of
 734 chapter 468.
- 735 17. Dietetics and nutrition practice, as provided under
 736 part X of chapter 468.
- 737 18. The Board of Athletic Training, created under part
 738 XIII of chapter 468.
- 739 19. The Board of Orthotists and Prosthetists, created
 740 under part XIV of chapter 468.
- 741 20. Electrolysis, as provided under chapter 478.
- 742 21. The Board of Massage Therapy, created under chapter
 743 480.

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744 22. The Board of Clinical Laboratory Personnel, created
745 under part III of chapter 483.

746 23. Medical physicists, as provided under part IV of
747 chapter 483.

748 24. The Board of Opticianry, created under part I of
749 chapter 484.

750 25. The Board of Hearing Aid Specialists, created under
751 part II of chapter 484.

752 26. The Board of Physical Therapy Practice, created under
753 chapter 486.

754 27. The Board of Psychology, created under chapter 490.

755 28. School psychologists, as provided under chapter 490.

756 29. The Board of Clinical Social Work, Marriage and Family
757 Therapy, and Mental Health Counseling, created under chapter
758 491.

759 Section 19. Subsection (1) of section 381.0031, Florida
760 Statutes, is amended to read:

761 381.0031 Report of diseases of public health significance
762 to department.--

763 (1) Any practitioner licensed in this state to practice
764 medicine, osteopathic medicine, chiropractic medicine,
765 naturopathic medicine ~~naturopathy~~, or veterinary medicine; any
766 hospital licensed under part I of chapter 395; or any laboratory
767 licensed under chapter 483 that diagnoses or suspects the
768 existence of a disease of public health significance shall
769 immediately report the fact to the Department of Health.

770

771 This section does not affect s. 384.25.

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772 Section 20. Subsection (10) of section 468.301, Florida
773 Statutes, is amended to read:

774 468.301 Definitions.--As used in this part, the term:

775 (10) "Licensed practitioner" means a person who is
776 licensed or otherwise authorized by law to practice medicine,
777 podiatric medicine, chiropody, osteopathic medicine,
778 naturopathic medicine ~~naturopathy~~, or chiropractic medicine in
779 this state.

780 Section 21. Subsection (1) of section 476.044, Florida
781 Statutes, is amended to read:

782 476.044 Exemptions.--This chapter does not apply to the
783 following persons when practicing pursuant to their professional
784 responsibilities and duties:

785 (1) Persons authorized under the laws of this state to
786 practice medicine, surgery, osteopathic medicine, chiropractic
787 medicine, naturopathic medicine ~~naturopathy~~, or podiatric
788 medicine;

789 Section 22. Paragraph (a) of subsection (1) of section
790 477.0135, Florida Statutes, is amended to read:

791 477.0135 Exemptions.--

792 (1) This chapter does not apply to the following persons
793 when practicing pursuant to their professional or occupational
794 responsibilities and duties:

795 (a) Persons authorized under the laws of this state to
796 practice medicine, surgery, osteopathic medicine, chiropractic
797 medicine, massage, naturopathic medicine ~~naturopathy~~, or
798 podiatric medicine.

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799 Section 23. Subsections (2) and (3) of section 485.003,
800 Florida Statutes, are amended to read:

801 485.003 Definitions.--In construing this chapter, the
802 words, phrases, or terms, unless the context otherwise
803 indicates, shall have the following meanings:

804 (2) "Healing arts" shall mean the practice of medicine,
805 surgery, psychiatry, dentistry, osteopathic medicine,
806 chiropractic medicine, naturopathic medicine ~~naturopathy~~,
807 podiatric medicine, chiropody, psychology, clinical social work,
808 marriage and family therapy, mental health counseling, and
809 optometry.

810 (3) "Practitioner of the healing arts" shall mean a person
811 licensed under the laws of the state to practice medicine,
812 surgery, psychiatry, dentistry, osteopathic medicine,
813 chiropractic medicine, naturopathic medicine ~~naturopathy~~,
814 podiatric medicine, chiropody, psychology, clinical social work,
815 marriage and family therapy, mental health counseling, or
816 optometry within the scope of his or her professional training
817 and competence and within the purview of the statutes applicable
818 to his or her respective profession, and who may refer a patient
819 for treatment by a qualified person, who shall employ hypnotic
820 techniques under the supervision, direction, prescription, and
821 responsibility of such referring practitioner.

822 Section 24. Subsection (1) of section 486.161, Florida
823 Statutes, is amended to read:

824 486.161 Exemptions.--

825 (1) No provision of this chapter shall be construed to
826 prohibit any person licensed in this state from using any

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827 physical agent as a part of, or incidental to, the lawful
 828 practice of her or his profession under the statutes applicable
 829 to the profession of chiropractic physician, podiatric
 830 physician, doctor of medicine, massage therapist, nurse,
 831 osteopathic physician or surgeon, occupational therapist, or
 832 doctor of naturopathic medicine, naturopathic doctor, or
 833 naturopathic physician ~~naturopath~~.

834 Section 25. Paragraph (h) of subsection (4) of section
 835 627.351, Florida Statutes, is amended to read:

836 627.351 Insurance risk apportionment plans.--

837 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.--

838 (h) As used in this subsection:

839 1. "Health care provider" means hospitals licensed under
 840 chapter 395; physicians licensed under chapter 458; osteopathic
 841 physicians licensed under chapter 459; podiatric physicians
 842 licensed under chapter 461; dentists licensed under chapter 466;
 843 chiropractic physicians licensed under chapter 460; doctors of
 844 naturopathic medicine, naturopathic doctors, or naturopathic
 845 physicians ~~naturopaths~~ licensed under chapter 462; nurses
 846 licensed under part I of chapter 464; midwives licensed under
 847 chapter 467; clinical laboratories registered under chapter 483;
 848 physician assistants licensed under chapter 458 or chapter 459;
 849 physical therapists and physical therapist assistants licensed
 850 under chapter 486; health maintenance organizations certificated
 851 under part I of chapter 641; ambulatory surgical centers
 852 licensed under chapter 395; other medical facilities as defined
 853 in subparagraph 2.; blood banks, plasma centers, industrial
 854 clinics, and renal dialysis facilities; or professional

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855 | associations, partnerships, corporations, joint ventures, or
 856 | other associations for professional activity by health care
 857 | providers.

858 | 2. "Other medical facility" means a facility the primary
 859 | purpose of which is to provide human medical diagnostic services
 860 | or a facility providing nonsurgical human medical treatment, to
 861 | which facility the patient is admitted and from which facility
 862 | the patient is discharged within the same working day, and which
 863 | facility is not part of a hospital. However, a facility existing
 864 | for the primary purpose of performing terminations of pregnancy
 865 | or an office maintained by a physician or dentist for the
 866 | practice of medicine shall not be construed to be an "other
 867 | medical facility."

868 | 3. "Health care facility" means any hospital licensed
 869 | under chapter 395, health maintenance organization certificated
 870 | under part I of chapter 641, ambulatory surgical center licensed
 871 | under chapter 395, or other medical facility as defined in
 872 | subparagraph 2.

873 | Section 26. Subsection (19) of section 893.02, Florida
 874 | Statutes, is amended to read:

875 | 893.02 Definitions.--The following words and phrases as
 876 | used in this chapter shall have the following meanings, unless
 877 | the context otherwise requires:

878 | (19) "Practitioner" means a physician licensed pursuant to
 879 | chapter 458, a dentist licensed pursuant to chapter 466, a
 880 | veterinarian licensed pursuant to chapter 474, an osteopathic
 881 | physician licensed pursuant to chapter 459, a doctor of
 882 | naturopathic medicine, naturopathic doctor, or naturopathic

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883 physician ~~naturopath~~ licensed pursuant to chapter 462, or a
 884 podiatric physician licensed pursuant to chapter 461, provided
 885 such practitioner holds a valid federal controlled substance
 886 registry number.

887 Section 27. Paragraph (g) of subsection (3) of section
 888 921.0022, Florida Statutes, is amended to read:

889 921.0022 Criminal Punishment Code; offense severity
 890 ranking chart.--

891 (3) OFFENSE SEVERITY RANKING CHART

892

Florida Statute	Felony Degree	Description
(g) LEVEL 7		
316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

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897	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
898	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
899	409.920(2)	3rd	Medicaid provider fraud.
900	456.065(2)	3rd	Practicing a health care profession without a license.
901	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
902	458.327(1)	3rd	Practicing medicine without a license.
903	459.013(1)	3rd	Practicing osteopathic medicine without a license.
904	460.411(1)	3rd	Practicing chiropractic medicine without a license.
905	461.012(1)	3rd	Practicing podiatric medicine

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906	462.17	3rd	without a license. Practicing <u>naturopathic</u> <u>medicine</u> naturopathy without a license.
907	463.015(1)	3rd	Practicing optometry without a license.
908	464.016(1)	3rd	Practicing nursing without a license.
909	465.015(2)	3rd	Practicing pharmacy without a license.
910	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
911	467.201	3rd	Practicing midwifery without a license.
912	468.366	3rd	Delivering respiratory care services without a license.
913	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
914	483.901(9)	3rd	Practicing medical physics without a license.
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916	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
917	484.053	3rd	Dispensing hearing aids without a license.
918	494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
919	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
920	560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
921	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

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922	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
923	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
924	782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
925	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
926	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
927	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.

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928	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
929	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
930	784.048(7)	3rd	Aggravated stalking; violation of court order.
931	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
932	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
933	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
934	784.081(1)	1st	Aggravated battery on specified official or employee.
935	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
936	784.083(1)	1st	Aggravated battery on code inspector.
	790.07(4)	1st	Specified weapons violation

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			subsequent to previous conviction of s. 790.07(1) or (2).
937	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
938	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
939	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
940	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
941	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
942	796.03	2nd	Procuring any person under 16 years for prostitution.
943	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of

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			age; offender less than 18 years.
944	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
945	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
946	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
947	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
948	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
949	812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more; <u>cargo stolen valued at \$50,000 or more;</u> property stolen while causing other property damage; 1st degree grand theft.
950	812.014(2)(b)2.	2nd	Property stolen, cargo valued

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			at less than \$50,000, grand theft in 2nd degree.
951	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
952	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
953	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
954	812.131(2)(a)	2nd	Robbery by sudden snatching.
955	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
956	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
957	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
958	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.

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959	817.2341(2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
960	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
961	825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
962	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
963	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
964	837.05(2)	3rd	Giving false information about alleged capital felony to a law

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			enforcement officer.
965	838.015	2nd	Bribery.
966	838.016	2nd	Unlawful compensation or reward for official behavior.
967	838.021(3)(a)	2nd	Unlawful harm to a public servant.
968	838.22	2nd	Bid tampering.
969	872.06	2nd	Abuse of a dead human body.
970	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
971	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d),

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			(2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
972	893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
973	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
974	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
975	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
976	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
977	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
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979	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
980	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
981	893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
982	893.135(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
983	893.135(1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
984	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but

less than \$20,000.

Section 28. Section 462.30, Florida Statutes, is created to read:

462.30 Naturopathic Medical Formulary Council.--

(1) The Naturopathic Medical Formulary Council is established, which is separate and distinct from the board, to be composed of seven members. Two members shall be doctors of naturopathic medicine, naturopathic doctors, or naturopathic physicians licensed under this chapter appointed by the Board of Naturopathic Medicine. Three members shall be pharmacists licensed under chapter 465 appointed by the Board of Naturopathic Medicine from a list of nominees provided by the Board of Pharmacy. Two members shall be physicians licensed under chapter 458 appointed by the Board of Naturopathic Medicine from a list of nominees provided by the Board of Medicine. The initial council shall be appointed as follows: One doctor of naturopathic medicine, naturopathic doctor, or naturopathic physician shall be appointed for a 1-year term; one physician licensed under chapter 458 and one pharmacist shall each be appointed for a 2-year term; and two pharmacists, one doctor of naturopathic medicine, naturopathic doctor, or naturopathic physician, and one physician licensed under chapter 458 shall each be appointed for a 3-year term. Thereafter, the term of office shall be 3 years. A quorum shall consist of five members and shall be required for any vote to be taken.

(2) The council shall establish a formulary for use by naturopathic physicians and immediately upon adoption or

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1012 revision of the formulary, the council shall transmit the
 1013 approved formulary to the board, which shall adopt the formulary
 1014 by temporary rule. The formulary shall be reviewed annually by
 1015 the council or at any time at the request of the board. The
 1016 formulary may not go beyond the scope of prescription medicines
 1017 and medical devices covered by approved naturopathic medical
 1018 education and training and existing naturopathic medical
 1019 formularies or board-approved continuing education. The
 1020 naturopathic medical formulary shall not include medicines and
 1021 devices that are inconsistent with the training provided by
 1022 approved naturopathic medical colleges or universities. Nothing
 1023 in this section authorizes a doctor of naturopathic medicine,
 1024 naturopathic doctor, or naturopathic physician to dispense,
 1025 administer, or prescribe any prescription drug as defined in s.
 1026 893.03 or medical device unless such prescription drug or
 1027 medical device is specifically included in the naturopathic
 1028 medical formulary.

1029 Section 29. Section 462.40, Florida Statutes, is created
 1030 to read:

1031 462.40 Disclosure of medications by patients.--Patients
 1032 who are provided prescriptions for medications, nutrients, or
 1033 other natural medicine substances by their treating doctor of
 1034 naturopathic medicine, naturopathic doctor, or naturopathic
 1035 physician shall have the responsibility to advise their primary
 1036 care physician or other treating health care provider of the
 1037 medications or substances that have been prescribed or
 1038 recommended by their doctor of naturopathic medicine,
 1039 naturopathic doctor, or naturopathic physician. Doctors of

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1040 naturopathic medicine, naturopathic doctors, or naturopathic
1041 physicians shall have the responsibility to advise their
1042 patients of this requirement in writing, maintain a signed copy
1043 of the disclosure in the medical records of that patient, and
1044 provide a copy of the disclosure to their patients upon request.
1045 Failure of any patient to disclose medication prescribed by a
1046 doctor of naturopathic medicine, naturopathic doctor, or
1047 naturopathic physician as required by this section shall
1048 establish a presumption that subsequent injuries sustained by
1049 such patient were caused by the failure to disclose medication
1050 prescribed by a doctor of naturopathic medicine, naturopathic
1051 doctor, or naturopathic physician. This presumption may be
1052 rebutted by clear and convincing evidence that such patient's
1053 injuries were caused by the negligence of the primary care
1054 physician.

1055 Section 30. This act shall take effect January 1, 2006.