

1                                   A bill to be entitled  
2     An act relating to naturopathic medicine; providing a  
3     short title; changing the title of ch. 462, F.S., from  
4     "Naturopathy" to "Naturopathic Medicine"; amending s.  
5     462.01, F.S.; revising and providing definitions; creating  
6     s. 462.0215, F.S.; creating the Board of Naturopathic  
7     Medicine; providing membership and duties of the board;  
8     providing guidelines for probable cause panels and  
9     disciplinary decisions; providing applicability of ch.  
10    456, F.S.; amending s. 462.023, F.S.; providing powers and  
11    duties of the board under ch. 462, F.S., including  
12    rulemaking authority; deleting obsolete language; amending  
13    s. 462.08, F.S.; conforming terminology; amending s.  
14    462.11, F.S.; conforming and correcting terminology;  
15    amending s. 462.13, F.S.; providing additional powers and  
16    duties of the board; amending s. 462.14, F.S.; specifying  
17    authority of the board and the department with respect to  
18    disciplinary action and revising grounds for disciplinary  
19    action with respect to such authority; conforming  
20    terminology; amending s. 462.16, F.S.; specifying  
21    authority for setting the fee for the reissuance of  
22    license under certain circumstances; conforming  
23    terminology; amending s. 462.17, F.S.; conforming  
24    terminology; amending s. 462.18, F.S.; revising  
25    educational requirements; conforming terminology; amending  
26    s. 462.19, F.S.; increasing the maximum amount at which  
27    the inactive status fee may be set; creating s. 462.193,  
28    F.S.; providing requirements for licensure as a doctor of

29 naturopathic medicine, naturopathic doctor, or  
 30 naturopathic physician; providing fees; providing grounds  
 31 for denying or restricting licenses; providing for the  
 32 applicability of certain rights to doctors of naturopathic  
 33 medicine, naturopathic doctors, or naturopathic physicians  
 34 who have certain qualifications; creating s. 462.195,  
 35 F.S.; providing exemptions from licensure requirements;  
 36 amending s. 462.2001, F.S.; updating the saving clause;  
 37 conforming terminology; providing that certain rights and  
 38 privileges of active licensees are retained; amending ss.  
 39 20.43, 381.0031, 468.301, 476.044, 477.0135, 485.003,  
 40 486.161, 627.351, 893.02, and 921.0022, F.S.; conforming  
 41 terminology; creating s. 462.30, F.S.; establishing the  
 42 Naturopathic Medical Formulary Council; providing for  
 43 membership and terms; providing for establishment of a  
 44 formulary for doctors of naturopathic medicine,  
 45 naturopathic doctors, and naturopathic physicians;  
 46 creating s. 462.40, F.S.; providing responsibility of  
 47 patients to disclose to their primary care physicians  
 48 medications prescribed or recommended by doctors of  
 49 naturopathic medicine, naturopathic doctors, and  
 50 naturopathic physicians; providing an effective date.

51  
 52 Be It Enacted by the Legislature of the State of Florida:

53  
 54 Section 1. This act may be cited as the "Dr. R. Wilson  
 55 Geldner Naturopathic Medicine Act of 2006."

56 Section 2. Chapter 462, Florida Statutes, which is

57 entitled "Naturopathy," is redesignated as "Naturopathic  
 58 Medicine."

59 Section 3. Section 462.01, Florida Statutes, is amended to  
 60 read:

61 462.01 Definitions.--As used in this chapter, the term:

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

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

64 (3) "Doctor of naturopathic medicine," "naturopathic  
 65 doctor," or "naturopathic physician" means a person licensed to  
 66 practice naturopathic medicine under this chapter.

67 (4) ~~(1)~~ "Natureopathy," and "naturopathy," and  
 68 "naturopathic medicine" shall be construed as synonymous terms  
 69 and mean a distinct and comprehensive system of primary health  
 70 care for the prevention, diagnosis, and treatment of human  
 71 health conditions, injuries, and disease; the promotion or  
 72 restoration of health; and the support and stimulation of a  
 73 patient's self-healing processes through patient education and  
 74 use of natural therapies and therapeutic substances. Doctors of  
 75 naturopathic medicine employ the use and practice of  
 76 psychological, mechanical, and material health sciences to aid  
 77 in purifying, cleansing, and normalizing human tissues for the  
 78 preservation or restoration of health, according to the  
 79 fundamental principles of anatomy, physiology, and applied  
 80 psychology, as may be required. Naturopathic medicine practice  
 81 employs, among other agencies, phytotherapy, dietetics,  
 82 psychotherapy, suggestotherapy, hydrotherapy, zone therapy,  
 83 biochemistry, external applications, electrotherapy,  
 84 mechanotherapy, mechanical and electrical appliances, hygiene,

85 first aid, sanitation, the administration of vitamins, food, and  
 86 food supplements, and heliotherapy.; ~~provided,~~ However, ~~that~~  
 87 nothing in this chapter shall be held or construed to authorize  
 88 any doctor of naturopathic medicine, naturopathic doctor, or  
 89 naturopathic physician licensed under this chapter hereunder to  
 90 practice materia medica, ~~or~~ surgery, ~~or~~ chiropractic medicine,  
 91 acupuncture, oriental medicine, child birth attendance, or  
 92 midwifery, or to examine, diagnose, or treat teeth and gums, nor  
 93 shall the provisions of this chapter law in any manner apply to  
 94 or affect the practice of osteopathic medicine, chiropractic  
 95 medicine, Christian Science, or any other treatment authorized  
 96 and provided for by law for the cure or prevention of disease  
 97 and ailments. It is recognized that many of the therapies used  
 98 by naturopathic physicians, including, but not limited to,  
 99 homeopathic remedies, nutritional and dietary supplements,  
 100 herbs, and such physical forces as heat, cold, water, touch, and  
 101 light, are not the exclusive privilege of naturopathic  
 102 physicians. Consistent with the requirements of s. 11.62, the  
 103 Sunrise Act, it is not the intent of this act to prohibit or  
 104 restrict to naturopathic physicians the use of the modalities  
 105 identified in this chapter.

- 106 (5) "Approved naturopathic medical program" means:  
 107 (a) A naturopathic medical education program in the United  
 108 States that is accredited by, or has candidacy status with, the  
 109 Council on Naturopathic Medical Education or an equivalent  
 110 accrediting body for the naturopathic medical profession that is  
 111 recognized by the United States Department of Education and the  
 112 board. This program shall offer graduate-level didactic and

113 supervised clinical training leading to the degree of Doctor of  
 114 Naturopathy or Doctor of Naturopathic Medicine; or

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

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

128 Section 4. Section 462.0215, Florida Statutes, is created  
 129 to read:

130 462.0215 Board of Naturopathic Medicine.--

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

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

135 1. Licensed doctors of naturopathic medicine or  
 136 naturopathic physicians in good standing in this state who are  
 137 residents of the state and who have been engaged in the practice  
 138 of naturopathic medicine for at least 5 years; or

139 2. Persons who have been teaching naturopathic medicine  
 140 and who hold a doctorate of naturopathic medicine from an

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141 institution accredited by an accrediting body recognized by the  
142 United States Department of Education.

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

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

148 (3) For the purpose of staggering terms, the Governor  
149 shall initially appoint to the board three members for terms of  
150 4 years each, two members for terms of 3 years each, and two  
151 members for terms of 2 years each. As the terms of board members  
152 expire, the Governor shall appoint successors for terms of 4  
153 years and such members shall serve until their successors are  
154 appointed.

155 (4) The board, in conjunction with the department, shall  
156 establish a disciplinary training program for members of the  
157 board. The program shall provide for initial and periodic  
158 training in the grounds for disciplinary action, the actions  
159 that may be taken by the board and the department, changes in  
160 relevant statutes and rules, and any relevant judicial and  
161 administrative decisions. A member of the board may not  
162 participate on a probable cause panel or in a disciplinary  
163 decision of the board unless she or he has completed the  
164 disciplinary training program.

165 (5) During the time members of the board are appointed to  
166 a probable cause panel, they shall attempt to complete their  
167 work on every case presented to them. If consideration of a case  
168 is begun but is not completed during the term of the board

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169 members on the panel, they may reconvene as a probable cause  
 170 panel for the purpose of completing their deliberations on that  
 171 case.

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

174 Section 5. Section 462.023, Florida Statutes, is amended  
 175 to read:

176 462.023 Powers and duties of the board and the  
 177 department.--The board and the department may adopt such rules  
 178 as are necessary to carry out the purposes of this chapter, may  
 179 initiate disciplinary action as provided by this chapter, and  
 180 shall establish fees as provided by this chapter based on their  
 181 ~~its~~ estimates of the revenue required to administer this chapter  
 182 provided the fees do but shall not exceed the fee amounts  
 183 provided in this chapter. ~~The department shall not adopt any~~  
 184 ~~rules which would cause any person who was not licensed in~~  
 185 ~~accordance with this chapter on July 1, 1959, and had not been a~~  
 186 ~~resident of the state for 2 years prior to such date, to become~~  
 187 ~~licensed.~~

188 Section 6. Section 462.08, Florida Statutes, is amended to  
 189 read:

190 462.08 Renewal of license to practice naturopathic  
 191 medicine naturopathy.--Each licensee ~~licenseholder~~ shall  
 192 biennially renew her or his license to practice naturopathic  
 193 medicine naturopathy. The applicant must furnish to the board  
 194 ~~department~~ such evidence as it requires of the applicant's  
 195 compliance with s. 462.18, relating to educational requirements.  
 196 The biennial renewal fee, the amount of which shall be

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197 determined by the board ~~department~~ but which may not exceed  
 198 \$1,000, must be paid at the time the application for renewal of  
 199 the license is filed.

200 Section 7. Section 462.11, Florida Statutes, is amended to  
 201 read:

202 462.11 Doctors of naturopathic medicine, naturopathic  
 203 doctors, or naturopathic physicians ~~Naturopaths~~ to observe  
 204 regulations.--Doctors of naturopathic medicine, naturopathic  
 205 doctors, or naturopathic physicians ~~naturopathy~~ shall observe  
 206 and be subject to all state, county, and municipal regulations  
 207 in regard to the control of contagious and infectious diseases,  
 208 the reporting of births and deaths, and to any and all other  
 209 matters pertaining to the public health in the same manner as is  
 210 required of other practitioners of the healing arts ~~art~~.

211 Section 8. Section 462.13, Florida Statutes, is amended to  
 212 read:

213 462.13 Additional powers and duties of the board and the  
 214 department.--The board and the department may administer oaths,  
 215 summon witnesses, and take testimony in all matters relating to  
 216 their ~~its~~ duties pursuant to this chapter. Every unrevoked  
 217 license shall be presumptive evidence in all courts and places  
 218 that the person therein named is legally licensed to practice  
 219 naturopathic medicine ~~naturopathy~~. The board and the department  
 220 shall aid the prosecuting attorneys of the state in the  
 221 enforcement of this chapter.

222 Section 9. Section 462.14, Florida Statutes, is amended to  
 223 read:

224 462.14 Grounds for disciplinary action; action by the



225 board and the department.--

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

228 (a) Attempting to obtain, obtaining, or renewing a license  
229 to practice naturopathic medicine by bribery, by fraudulent  
230 misrepresentation, or through an error of the board or the  
231 department.

232 (b) Having a license to practice naturopathic medicine  
233 revoked, suspended, or otherwise acted against, including the  
234 denial of licensure, by the licensing authority of another  
235 state, territory, or country.

236 (c) Being convicted or found guilty, regardless of  
237 adjudication, of a crime in any jurisdiction which directly  
238 relates to the practice of naturopathic medicine or to the  
239 ability to practice naturopathic medicine. Any plea of nolo  
240 contendere shall be considered a conviction for purposes of this  
241 chapter.

242 (d) False, deceptive, or misleading advertising.

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

245 (f) Failing to report to the department any person who the  
246 licensee knows is in violation of this chapter or of the rules  
247 of the board or the department.

248 (g) Aiding, assisting, procuring, or advising any  
249 unlicensed person to practice naturopathic medicine contrary to  
250 this chapter or to a rule of the board or the department.

251 (h) Failing to perform any statutory or legal obligation  
252 placed upon a licensed doctor of naturopathic medicine,

253 naturopathic doctor, or naturopathic physician.

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

261 (j) Paying or receiving any commission, bonus, kickback,  
 262 or rebate, or engaging in any split-fee arrangement in any form  
 263 whatsoever with a physician, organization, agency, or person,  
 264 either directly or indirectly, for patients referred to  
 265 providers of health care goods and services, including, but not  
 266 limited to, hospitals, nursing homes, clinical laboratories,  
 267 ambulatory surgical centers, or pharmacies. The provisions of  
 268 this paragraph shall not be construed to prevent a doctor of  
 269 naturopathic medicine, naturopathic doctor, or naturopathic  
 270 physician from receiving a fee for professional consultation  
 271 services.

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

277 (l) Making deceptive, untrue, or fraudulent  
 278 representations in the practice of naturopathic medicine or  
 279 employing a trick or scheme in the practice of naturopathic  
 280 medicine when such scheme or trick fails to conform to the

281 generally prevailing standards of treatment in the medical  
282 community.

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

288 (n) Failing to keep written medical records justifying the  
289 course of treatment of the patient, including, but not limited  
290 to, patient histories, examination results, test results, X  
291 rays, and records of the prescribing, dispensing, and  
292 administering of drugs.

293 (o) Exercising influence on the patient or client in such  
294 a manner as to exploit the patient or client for the financial  
295 gain of the licensee or of a third party, which shall include,  
296 but not be limited to, the promoting or selling of services,  
297 goods, appliances, or drugs and the promoting or advertising on  
298 any prescription form of a community pharmacy unless the form  
299 also states "This prescription may be filled at any pharmacy of  
300 your choice."

301 (p) Performing professional services which have not been  
302 duly authorized by the patient or client, or her or his legal  
303 representative, except as provided in s. 743.064, s. 766.103, or  
304 s. 768.13.

305 (q) Prescribing, dispensing, administering, mixing, or  
306 otherwise preparing a legend drug, including any controlled  
307 substance, other than in the course of the doctor of  
308 naturopathic medicine's, naturopathic doctor's, or naturopathic

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

318 (r) Prescribing, dispensing, or administering any  
319 medicinal drug appearing on any schedule set forth in chapter  
320 893 by the doctor of naturopathic medicine, naturopathic doctor,  
321 or naturopathic physician to herself or himself, except one  
322 prescribed, dispensed, or administered to the doctor of  
323 naturopathic medicine, naturopathic doctor, or naturopathic  
324 physician by another practitioner authorized to prescribe,  
325 dispense, or administer medicinal drugs.

326 (s) Being unable to practice naturopathic medicine with  
327 reasonable skill and safety to patients by reason of illness or  
328 use of alcohol, drugs, narcotics, chemicals, or any other type  
329 of material or as a result of any mental or physical condition.  
330 In enforcing this paragraph, the department shall have, upon  
331 probable cause, authority to compel a doctor of naturopathic  
332 medicine, naturopathic doctor, or naturopathic physician to  
333 submit to a mental or physical examination by physicians  
334 designated by the department. The failure of a doctor of  
335 naturopathic medicine, naturopathic doctor, or naturopathic  
336 physician to submit to such an examination when so directed

337 shall constitute an admission of the allegations against her or  
338 him upon which a default and final order may be entered without  
339 the taking of testimony or presentation of evidence, unless the  
340 failure was due to circumstances beyond the doctor of  
341 naturopathic medicine's, naturopathic doctor's, or naturopathic  
342 physician's control. A doctor of naturopathic medicine,  
343 naturopathic doctor, or naturopathic physician affected under  
344 this paragraph shall at reasonable intervals be afforded an  
345 opportunity to demonstrate that she or he can resume the  
346 competent practice of naturopathic medicine with reasonable  
347 skill and safety to patients. In any proceeding under this  
348 paragraph, neither the record of proceedings nor the orders  
349 entered by the department may be used against a doctor of  
350 naturopathic medicine, naturopathic doctor, or naturopathic  
351 physician in any other proceeding.

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

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

362 (v) Practicing or offering to practice beyond the scope  
363 permitted by law or accepting and performing professional  
364 responsibilities which the licensee knows or has reason to know

365 that she or he is not competent to perform.

366 (w) Delegating professional responsibilities to a person  
 367 when the licensee delegating such responsibilities knows or has  
 368 reason to know that such person is not qualified by training,  
 369 experience, or licensure to perform them.

370 (x) Violating a lawful order of the board or the  
 371 department previously entered in a disciplinary hearing or  
 372 failing to comply with a lawfully issued subpoena of the  
 373 department.

374 (y) Conspiring with another licensee or with any other  
 375 person to commit an act, or committing an act, which would tend  
 376 to coerce, intimidate, or preclude another licensee from  
 377 lawfully advertising her or his services.

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

380 (aa) Presigning blank prescription forms.

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

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

390 1. The treatment of narcolepsy; hyperkinesis; behavioral  
 391 syndrome in children characterized by the developmentally  
 392 inappropriate symptoms of moderate to severe distractability,

393 short attention span, hyperactivity, emotional lability, and  
 394 impulsivity; or drug-induced brain dysfunction.

395 2. The differential diagnostic psychiatric evaluation of  
 396 depression or the treatment of depression shown to be refractory  
 397 to other therapeutic modalities.

398 3. The clinical investigation of the effects of such drugs  
 399 or compounds when an investigative protocol therefor is  
 400 submitted to, reviewed, and approved by the board ~~department~~  
 401 before such investigation is begun.

402 (dd) Prescribing, ordering, dispensing, administering,  
 403 supplying, selling, or giving growth hormones, testosterone or  
 404 its analogs, human chorionic gonadotropin (HCG), or other  
 405 hormones for the purpose of muscle building or to enhance  
 406 athletic performance. For the purposes of this subsection, the  
 407 term "muscle building" does not include the treatment of injured  
 408 muscle. A prescription written for the drug products listed  
 409 above may be dispensed by the pharmacist with the presumption  
 410 that the prescription is for legitimate medical use.

411 (ee) Violating any provision of this chapter or chapter  
 412 456, or any rules adopted pursuant thereto.

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

419 (3) The board ~~department~~ shall not reinstate the license  
 420 of a doctor of naturopathic medicine, naturopathic doctor, or

421 naturopathic physician until such time as the board ~~department~~  
 422 is satisfied that such person has complied with all the terms  
 423 and conditions set forth in the final order and that such person  
 424 is capable of safely engaging in the practice of naturopathic  
 425 medicine.

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

431 Section 10. Section 462.16, Florida Statutes, is amended  
 432 to read:

433 462.16 Reissue of license.--Any person who practices  
 434 naturopathic medicine ~~shall practice naturopathy~~ after her or  
 435 his license has been revoked and ~~registration annulled~~ shall be  
 436 deemed to have practiced naturopathic medicine ~~naturopathy~~  
 437 without a license; ~~provided,~~ however, at any time after 6 months  
 438 after the date of said conviction, the department may grant a  
 439 license to the person affected, restoring to her or him all the  
 440 rights and privileges of and pertaining to the practice of  
 441 naturopathic medicine ~~naturopathy~~ as defined and regulated by  
 442 this chapter. The fee therefor shall be set by the board not to  
 443 exceed \$250.

444 Section 11. Section 462.17, Florida Statutes, is amended  
 445 to read:

446 462.17 Penalty for offenses relating to naturopathic  
 447 medicine ~~naturopathy~~.--Any person who shall:

448 (1) Sell, fraudulently obtain, or furnish any naturopathic



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449 diploma, license, record, or registration or aid or abet in the  
450 same;

451 (2) Practice naturopathic medicine ~~naturopathy~~ under the  
452 cover of any diploma, license, record, or registration illegally  
453 or fraudulently obtained or secured or issued unlawfully or upon  
454 fraudulent representations;

455 (3) Advertise to practice naturopathic medicine  
456 ~~naturopathy~~ under a name other than her or his own or under an  
457 assumed name;

458 (4) Falsely impersonate another practitioner of a like or  
459 different name;

460 (5) Practice or advertise to practice naturopathic  
461 medicine ~~naturopathy~~ or use in connection with her or his name  
462 any designation tending to imply or to designate the person as a  
463 practitioner of naturopathic medicine ~~naturopathy~~ without then  
464 being lawfully licensed and authorized to practice naturopathic  
465 medicine ~~naturopathy~~ in this state; or

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

468  
469 ~~commits shall be guilty of~~ a felony of the third degree,  
470 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

471 Section 12. Section 462.18, Florida Statutes, is amended  
472 to read:

473 462.18 Educational requirements.--

474 (1) At the time each licensee renews ~~shall renew~~ her or  
475 his license as otherwise provided in this chapter, each  
476 licensee, ~~beginning with the license renewal due May 1, 1944,~~ in

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477 addition to the payment of the regular renewal fee, shall  
478 furnish to the board ~~department~~ satisfactory evidence that, in  
479 the year preceding each such application for renewal, the  
480 licensee has attended the 2-day educational program as  
481 promulgated and conducted by the Florida Naturopathic Physicians  
482 Association, Inc., or, as a substitute therefor, the equivalent  
483 of that program as approved by the board ~~department~~. The board  
484 shall require each licensee to receive at least 40 hours of  
485 continuing education every 2 years, including courses on the  
486 prevention of medical errors. The licensee shall establish that  
487 the continuing education was consistent with the requirements of  
488 chapter 456. The department shall send a written notice to this  
489 effect to every person holding a valid license to practice  
490 naturopathic medicine ~~naturopathy~~ within this state at least 30  
491 days prior to May 1 in each biennial year, directed to the last  
492 known address of such licensee, and shall enclose with the  
493 notice proper blank forms for application for ~~annual~~ license  
494 renewal. All of the details and requirements of the ~~aforsaid~~  
495 educational program shall be adopted and prescribed by the board  
496 ~~department~~. In the event of national emergencies, or for  
497 sufficient reason, the board may ~~department shall have the power~~  
498 ~~to~~ excuse the naturopathic physicians as a group or as  
499 individuals from taking this postgraduate course.

500 (2) The determination of whether a substitute ~~annual~~  
501 educational program is necessary shall be solely within the  
502 discretion of the board ~~department~~.

503 Section 13. Subsection (3) of section 462.19, Florida  
504 Statutes, is amended to read:

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505 462.19 Renewal of license; inactive status.--

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

510 Section 14. Section 462.193, Florida Statutes, is created  
511 to read:

512 462.193 Licensure by examination; requirements; fees.--

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

518 (a) Has completed the application form and remitted a  
519 nonrefundable application fee set by the board not to exceed  
520 \$500.

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

522 (c) Is of good moral character.

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

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

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533 to entering naturopathic medical school.

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

536 1. Is a graduate of an approved naturopathic medical  
537 program;

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

542 3. Is a graduate of a foreign medical school recognized by  
543 the Educational Commission for Foreign Medical Graduates (ECFMG)  
544 to be examined in the basic and clinical medical sciences, or a  
545 graduate of an accredited United States allopathic,  
546 chiropractic, or osteopathic medical school, and has completed  
547 at least a 2-year course in naturopathic medicine from a board-  
548 approved naturopathic medical school.

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

554 (h) Has obtained a passing score on a competency-based  
555 national naturopathic licensing examination administered by the  
556 North American Board of Naturopathic Examiners or equivalent or  
557 successor agency as recognized by the board. For graduates of an  
558 approved naturopathic medical program as defined in s.  
559 462.01(5), eligibility for licensure may be granted upon  
560 submission of evidence of successful passage of a board-approved

561 state competency examination or a Canadian provincial  
562 examination. For graduates of foreign medical schools or  
563 allopathic, osteopathic, or chiropractic medical schools who  
564 have completed at least a 2-year course in naturopathic medicine  
565 from an approved naturopathic medical program, eligibility for  
566 licensure may be granted upon submission of evidence of  
567 successful passage of their respective medical examinations,  
568 part one, in basic medical sciences, and part two, in clinical  
569 medical sciences, and successful passage of part two in clinical  
570 sciences examinations of the Naturopathic Physicians Licensing  
571 Examination administered by the North American Board of  
572 Naturopathic Examiners or an equivalent or successor agency that  
573 is recognized by the board.

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

576 (j) Is physically and mentally fit to practice as a doctor  
577 of naturopathic medicine, naturopathic doctor, or naturopathic  
578 physician.

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

585 (l) Has not been found guilty of a felony.

586 (2) As prescribed by board rule, the board may require an  
587 applicant who does not pass the licensing examination after five  
588 attempts to complete additional remedial education or training.

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589 The board shall prescribe the additional requirements in a  
590 manner that permits the applicant to complete the requirements  
591 and be reexamined within 2 years after the date the applicant  
592 petitions the board to retake the examination a sixth or  
593 subsequent time. The board has the authority to limit the number  
594 of times that a person may take the examination.

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

605 (4) The board may not certify to the department for  
606 licensure any applicant who is under investigation in another  
607 jurisdiction for an offense that would constitute a violation of  
608 this chapter until the investigation has been completed. Upon  
609 completion of the investigation, s. 462.14 applies. Furthermore,  
610 the department may not issue an unrestricted license to any  
611 individual who has committed an act or offense in any  
612 jurisdiction which would constitute the basis for disciplining a  
613 naturopathic physician under s. 462.14. If the board finds that  
614 an individual has committed an act or offense in any  
615 jurisdiction which would constitute the basis for disciplining a  
616 naturopathic physician under s. 462.14, the board may enter an

617 order imposing one or more of the sanctions set forth in ss.  
 618 462.14 and 456.072(2).

619 (5) Each applicant who meets the requirements of this  
 620 chapter shall be licensed as a doctor of naturopathic medicine,  
 621 naturopathic doctor, or naturopathic physician, with rights as  
 622 defined by law.

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

627 (7) If the board determines that an applicant for  
 628 licensure has failed to meet, to the board's satisfaction, any  
 629 of the applicable requirements set forth in this section, it may  
 630 enter an order that imposes one or more of the following  
 631 sanctions:

632 (a) Refusal to certify to the department an application  
 633 for licensure.

634 (b) Certification to the department of an application for  
 635 licensure with restrictions on the scope of practice of the  
 636 doctor of naturopathic medicine, naturopathic doctor, or  
 637 naturopathic physician.

638 (c) Certification to the department of an application for  
 639 licensure with placement of the doctor of naturopathic medicine,  
 640 naturopathic doctor, or naturopathic physician on probation for  
 641 a period of time and subject to such conditions as the board  
 642 specifies, including, but not limited to, requiring the doctor  
 643 of naturopathic medicine, naturopathic doctor, or naturopathic  
 644 physician to submit to treatment, attend continuing education

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645 courses, submit to reexamination, or work under the supervision  
646 of another doctor of naturopathic medicine, naturopathic doctor,  
647 or naturopathic physician.

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

652 Section 15. Section 462.195, Florida Statutes, is created  
653 to read:

654 462.195 Exemptions from naturopathic licensure  
655 requirements.--Licensure requirements for practitioners of  
656 naturopathic medicine under this chapter are inapplicable to:

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

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

665 (b) Prohibit providing information regarding any of the  
666 products listed in this subsection, which information is  
667 truthful and is not misleading.

668 (2) Any individual who is:

669 (a) Engaged in good faith in the practice of the religious  
670 tenets of any church or religious belief, without the use of  
671 prescription drugs; or

672 (b) Acting in good faith for religious reasons as a matter



673 of conscience or on the basis of a personal belief when  
 674 obtaining or providing information regarding health care and the  
 675 use of any product.

676 (3) Any individual who is administering a domestic or  
 677 family remedy.

678 (4) Any individual licensed in this state who is engaging  
 679 in the lawful practice of her or his profession under the  
 680 statutes applicable to the profession of chiropractic physician,  
 681 podiatric physician, doctor of medicine, massage therapist,  
 682 nurse, osteopathic physician or surgeon, optometrist,  
 683 occupational therapist, physical therapist, psychologist, or  
 684 psychotherapist.

685 Section 16. Section 462.2001, Florida Statutes, is amended  
 686 to read:

687 462.2001 Saving clause.--All licenses to practice  
 688 naturopathic medicine ~~naturopathy~~ issued pursuant to this  
 689 chapter and valid on July 1, 2006 ~~October 1, 1985~~, shall remain  
 690 in full force and effect.

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

696 Section 18. Paragraph (g) of subsection (3) of section  
 697 20.43, Florida Statutes, is amended to read:

698 20.43 Department of Health.--There is created a Department  
 699 of Health.

700 (3) The following divisions of the Department of Health

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701 are established:

702 (g) Division of Medical Quality Assurance, which is  
 703 responsible for the following boards and professions established  
 704 within the division:

705 1. The Board of Acupuncture, created under chapter 457.

706 2. The Board of Medicine, created under chapter 458.

707 3. The Board of Osteopathic Medicine, created under  
 708 chapter 459.

709 4. The Board of Chiropractic Medicine, created under  
 710 chapter 460.

711 5. The Board of Podiatric Medicine, created under chapter  
 712 461.

713 6. The Board of Naturopathic Medicine ~~Naturopathy~~, created  
 714 ~~as provided~~ under chapter 462.

715 7. The Board of Optometry, created under chapter 463.

716 8. The Board of Nursing, created under part I of chapter  
 717 464.

718 9. Nursing assistants, as provided under part II of  
 719 chapter 464.

720 10. The Board of Pharmacy, created under chapter 465.

721 11. The Board of Dentistry, created under chapter 466.

722 12. Midwifery, as provided under chapter 467.

723 13. The Board of Speech-Language Pathology and Audiology,  
 724 created under part I of chapter 468.

725 14. The Board of Nursing Home Administrators, created  
 726 under part II of chapter 468.

727 15. The Board of Occupational Therapy, created under part  
 728 III of chapter 468.

- 729           16. Respiratory therapy, as provided under part V of  
730 chapter 468.
- 731           17. Dietetics and nutrition practice, as provided under  
732 part X of chapter 468.
- 733           18. The Board of Athletic Training, created under part  
734 XIII of chapter 468.
- 735           19. The Board of Orthotists and Prosthetists, created  
736 under part XIV of chapter 468.
- 737           20. Electrolysis, as provided under chapter 478.
- 738           21. The Board of Massage Therapy, created under chapter  
739 480.
- 740           22. The Board of Clinical Laboratory Personnel, created  
741 under part III of chapter 483.
- 742           23. Medical physicists, as provided under part IV of  
743 chapter 483.
- 744           24. The Board of Opticianry, created under part I of  
745 chapter 484.
- 746           25. The Board of Hearing Aid Specialists, created under  
747 part II of chapter 484.
- 748           26. The Board of Physical Therapy Practice, created under  
749 chapter 486.
- 750           27. The Board of Psychology, created under chapter 490.
- 751           28. School psychologists, as provided under chapter 490.
- 752           29. The Board of Clinical Social Work, Marriage and Family  
753 Therapy, and Mental Health Counseling, created under chapter  
754 491.
- 755           Section 19. Subsection (1) of section 381.0031, Florida  
756 Statutes, is amended to read:

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757 381.0031 Report of diseases of public health significance  
758 to department.--

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

766

767 This section does not affect s. 384.25.

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

770 468.301 Definitions.--As used in this part, the term:

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

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

778 476.044 Exemptions.--This chapter does not apply to the  
779 following persons when practicing pursuant to their professional  
780 responsibilities and duties:

781 (1) Persons authorized under the laws of this state to  
782 practice medicine, surgery, osteopathic medicine, chiropractic  
783 medicine, naturopathic medicine ~~naturopathy~~, or podiatric  
784 medicine;

785 Section 22. Paragraph (a) of subsection (1) of section  
 786 477.0135, Florida Statutes, is amended to read:

787 477.0135 Exemptions.--

788 (1) This chapter does not apply to the following persons  
 789 when practicing pursuant to their professional or occupational  
 790 responsibilities and duties:

791 (a) Persons authorized under the laws of this state to  
 792 practice medicine, surgery, osteopathic medicine, chiropractic  
 793 medicine, massage, naturopathic medicine ~~naturopathy~~, or  
 794 podiatric medicine.

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

797 485.003 Definitions.--In construing this chapter, the  
 798 words, phrases, or terms, unless the context otherwise  
 799 indicates, shall have the following meanings:

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

806 (3) "Practitioner of the healing arts" shall mean a person  
 807 licensed under the laws of the state to practice medicine,  
 808 surgery, psychiatry, dentistry, osteopathic medicine,  
 809 chiropractic medicine, naturopathic medicine ~~naturopathy~~,  
 810 podiatric medicine, chiropody, psychology, clinical social work,  
 811 marriage and family therapy, mental health counseling, or  
 812 optometry within the scope of his or her professional training

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813 and competence and within the purview of the statutes applicable  
 814 to his or her respective profession, and who may refer a patient  
 815 for treatment by a qualified person, who shall employ hypnotic  
 816 techniques under the supervision, direction, prescription, and  
 817 responsibility of such referring practitioner.

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

820 486.161 Exemptions.--

821 (1) No provision of this chapter shall be construed to  
 822 prohibit any person licensed in this state from using any  
 823 physical agent as a part of, or incidental to, the lawful  
 824 practice of her or his profession under the statutes applicable  
 825 to the profession of chiropractic physician, podiatric  
 826 physician, doctor of medicine, massage therapist, nurse,  
 827 osteopathic physician or surgeon, occupational therapist, or  
 828 doctor of naturopathic medicine, naturopathic doctor, or  
 829 naturopathic physician naturopath.

830 Section 25. Paragraph (h) of subsection (4) of section  
 831 627.351, Florida Statutes, is amended to read:

832 627.351 Insurance risk apportionment plans.--

833 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.--

834 (h) As used in this subsection:

835 1. "Health care provider" means hospitals licensed under  
 836 chapter 395; physicians licensed under chapter 458; osteopathic  
 837 physicians licensed under chapter 459; podiatric physicians  
 838 licensed under chapter 461; dentists licensed under chapter 466;  
 839 chiropractic physicians licensed under chapter 460; doctors of  
 840 naturopathic medicine, naturopathic doctors, or naturopathic

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841 physicians ~~naturopaths~~ licensed under chapter 462; nurses  
842 licensed under part I of chapter 464; midwives licensed under  
843 chapter 467; clinical laboratories registered under chapter 483;  
844 physician assistants licensed under chapter 458 or chapter 459;  
845 physical therapists and physical therapist assistants licensed  
846 under chapter 486; health maintenance organizations certificated  
847 under part I of chapter 641; ambulatory surgical centers  
848 licensed under chapter 395; other medical facilities as defined  
849 in subparagraph 2.; blood banks, plasma centers, industrial  
850 clinics, and renal dialysis facilities; or professional  
851 associations, partnerships, corporations, joint ventures, or  
852 other associations for professional activity by health care  
853 providers.

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

864       3. "Health care facility" means any hospital licensed  
865 under chapter 395, health maintenance organization certificated  
866 under part I of chapter 641, ambulatory surgical center licensed  
867 under chapter 395, or other medical facility as defined in  
868 subparagraph 2.

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869 Section 26. Subsection (19) of section 893.02, Florida  
 870 Statutes, is amended to read:

871 893.02 Definitions.--The following words and phrases as  
 872 used in this chapter shall have the following meanings, unless  
 873 the context otherwise requires:

874 (19) "Practitioner" means a physician licensed pursuant to  
 875 chapter 458, a dentist licensed pursuant to chapter 466, a  
 876 veterinarian licensed pursuant to chapter 474, an osteopathic  
 877 physician licensed pursuant to chapter 459, a doctor of  
 878 naturopathic medicine, naturopathic doctor, or naturopathic  
 879 physician ~~naturopath~~ licensed pursuant to chapter 462, or a  
 880 podiatric physician licensed pursuant to chapter 461, provided  
 881 such practitioner holds a valid federal controlled substance  
 882 registry number.

883 Section 27. Paragraph (g) of subsection (3) of section  
 884 921.0022, Florida Statutes, is amended to read:

885 921.0022 Criminal Punishment Code; offense severity  
 886 ranking chart.--

887 (3) OFFENSE SEVERITY RANKING CHART

888

Florida	Felony	Description
Statute	Degree	
		(g) LEVEL 7
316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.

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892	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.
893	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
894	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
895	409.920 (2)	3rd	Medicaid provider fraud.
896	456.065 (2)	3rd	Practicing a health care profession without a license.
897	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily

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			injury.
898	458.327 (1)	3rd	Practicing medicine without a license.
899	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
900	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
901	461.012 (1)	3rd	Practicing podiatric medicine without a license.
902	462.17	3rd	Practicing <u>naturopathic medicine</u> <del>naturopathy</del> without a license.
903	463.015 (1)	3rd	Practicing optometry without a license.
904	464.016 (1)	3rd	Practicing nursing without a license.
905	465.015 (2)	3rd	Practicing pharmacy without a license.
906	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
907	467.201	3rd	Practicing midwifery without a license.

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908	468.366	3rd	Delivering respiratory care services without a license.
909	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
910	483.901 (9)	3rd	Practicing medical physics without a license.
911	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
912	484.053	3rd	Dispensing hearing aids without a license.
913	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.
914	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
915	560.125 (5) (a)	3rd	Money transmitter business by unauthorized person, currency or

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			payment instruments exceeding \$300 but less than \$20,000.
916	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
917	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
918	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
919	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
920	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
921	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable

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			negligence of another (manslaughter).
922	782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
923	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
924	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
925	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
926	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
927	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
928	784.048 (7)	3rd	Aggravated stalking; violation of court order.
929	784.07 (2) (d)	1st	Aggravated battery on law

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			enforcement officer.
930	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
931	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
932	784.081 (1)	1st	Aggravated battery on specified official or employee.
933	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
934	784.083 (1)	1st	Aggravated battery on code inspector.
935	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
936	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
937	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
938	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb

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			while committing or attempting to commit a felony.
939	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
940	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
941	796.03	2nd	Procuring any person under 16 years for prostitution.
942	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
943	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.
944	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
945	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.

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946	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
947	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
948	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
949	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
950	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
951	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
952	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
953	812.131 (2) (a)	2nd	Robbery by sudden snatching.
954			



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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.
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.
	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is

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			valued at \$20,000 or more, but less than \$100,000.
961	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
962	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
963	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
964	838.015	2nd	Bribery.
965	838.016	2nd	Unlawful compensation or reward for official behavior.
966	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
967	838.22	2nd	Bid tampering.
968	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
969	872.06	2nd	Abuse of a dead human body.
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971	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.
972	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), (2) (a), (2) (b), or (2) (c) 4., within 1,000 feet of property used for religious services or a specified business site.
973	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).
974	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

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975	893.135 (1) (c) 1.a.	1st	28 grams, less than 200 grams. 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.
978	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
979	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
980	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
981	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

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982	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
983	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
984	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
985	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
986	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
987	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
988	943.0435 (13)	3rd	Failure to report or providing

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989	943.0435(14)	3rd	false information about a sexual offender; harbor or conceal a sexual offender.
990	944.607(9)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
991	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
992	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
993	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.

994  
 995 Section 28. Section 462.30, Florida Statutes, is created  
 996 to read:

997 462.30 Naturopathic Medical Formulary Council.--  
 998 (1) The Naturopathic Medical Formulary Council is

999 established, which is separate and distinct from the board, to  
 1000 be composed of seven members. Two members shall be doctors of  
 1001 naturopathic medicine, naturopathic doctors, or naturopathic  
 1002 physicians licensed under this chapter appointed by the Board of  
 1003 Naturopathic Medicine. Three members shall be pharmacists  
 1004 licensed under chapter 465 appointed by the Board of  
 1005 Naturopathic Medicine from a list of nominees provided by the  
 1006 Board of Pharmacy. Two members shall be physicians licensed  
 1007 under chapter 458 appointed by the Board of Naturopathic  
 1008 Medicine from a list of nominees provided by the Board of  
 1009 Medicine. The initial council shall be appointed as follows: One  
 1010 doctor of naturopathic medicine, naturopathic doctor, or  
 1011 naturopathic physician shall be appointed for a 1-year term; one  
 1012 physician licensed under chapter 458 and one pharmacist shall  
 1013 each be appointed for a 2-year term; and two pharmacists, one  
 1014 doctor of naturopathic medicine, naturopathic doctor, or  
 1015 naturopathic physician, and one physician licensed under chapter  
 1016 458 shall each be appointed for a 3-year term. Thereafter, the  
 1017 term of office shall be 3 years. A quorum shall consist of five  
 1018 members and shall be required for any vote to be taken.

1019 (2) The council shall establish a formulary for use by  
 1020 naturopathic physicians and immediately upon adoption or  
 1021 revision of the formulary, the council shall transmit the  
 1022 approved formulary to the board, which shall adopt the formulary  
 1023 by temporary rule. The formulary shall be reviewed annually by  
 1024 the council or at any time at the request of the board. The  
 1025 formulary may not go beyond the scope of prescription medicines  
 1026 and medical devices covered by approved naturopathic medical

1027 education and training and existing naturopathic medical  
 1028 formularies or board-approved continuing education. The  
 1029 naturopathic medical formulary shall not include medicines and  
 1030 devices that are inconsistent with the training provided by  
 1031 approved naturopathic medical colleges or universities. Nothing  
 1032 in this section authorizes a doctor of naturopathic medicine,  
 1033 naturopathic doctor, or naturopathic physician to dispense,  
 1034 administer, or prescribe any prescription drug as defined in s.  
 1035 893.03 or medical device unless such prescription drug or  
 1036 medical device is specifically included in the naturopathic  
 1037 medical formulary.

1038 Section 29. Section 462.40, Florida Statutes, is created  
 1039 to read:

1040 462.40 Disclosure of medications by patients.--Patients  
 1041 who are provided prescriptions for medications, nutrients, or  
 1042 other natural medicine substances by their treating doctor of  
 1043 naturopathic medicine, naturopathic doctor, or naturopathic  
 1044 physician shall have the responsibility to advise their primary  
 1045 care physician or other treating health care provider of the  
 1046 medications or substances that have been prescribed or  
 1047 recommended by their doctor of naturopathic medicine,  
 1048 naturopathic doctor, or naturopathic physician. Doctors of  
 1049 naturopathic medicine, naturopathic doctors, or naturopathic  
 1050 physicians shall have the responsibility to advise their  
 1051 patients of this requirement in writing, maintain a signed copy  
 1052 of the disclosure in the medical records of that patient, and  
 1053 provide a copy of the disclosure to their patients upon request.  
 1054 Failure of any patient to disclose medication prescribed by a



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1055 doctor of naturopathic medicine, naturopathic doctor, or  
1056 naturopathic physician as required by this section shall  
1057 establish a presumption that subsequent injuries sustained by  
1058 such patient were caused by the failure to disclose medication  
1059 prescribed by a doctor of naturopathic medicine, naturopathic  
1060 doctor, or naturopathic physician. This presumption may be  
1061 rebutted by clear and convincing evidence that such patient's  
1062 injuries were caused by the negligence of the primary care  
1063 physician.

1064 Section 30. This act shall take effect January 1, 2007.