



1           allowed to practice medicine in the state;  
2           providing for the adoption of rules; providing  
3           an expiration date for an expert witness  
4           certificate; amending s. 459.015, F.S.;  
5           providing that a physician who gives  
6           misleading, deceptive, or fraudulent expert  
7           witness testimony may be disciplined; amending  
8           s. 766.102, F.S.; requiring an expert who gives  
9           testimony in certain actions against a  
10          physician to be licensed in this state or hold  
11          an expert witness certificate; providing an  
12          effective date.

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

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

18           458.3175 Expert witness certificate.--

19           (1) Any physician who is licensed to practice  
20 allopathic medicine in any other state or Canada, whose  
21 license is currently active and valid, who completes a  
22 registration form prescribed by the board, who pays the  
23 application fee, and who has not had a previous expert witness  
24 certificate revoked by the board, shall be issued a  
25 certificate to provide expert testimony.

26           (2) A recipient of an expert witness certificate may  
27 use the license only to give a verified written medical expert  
28 opinion as provided in s. 766.203 and to provide expert  
29 testimony concerning the prevailing professional standard of  
30 care in connection with any medical negligence litigation  
31 pending in this state against a physician licensed under

1 chapter 458 or chapter 459. The receipt of an expert witness  
2 certificate alone does not entitle the recipient to engage in  
3 the practice of medicine as defined in s. 458.305.

4 (3) Each application for an expert witness certificate  
5 shall be approved or denied within 5 business days after  
6 receipt of a completed application. Any application for a  
7 certificate which is not approved or denied within the  
8 required time is considered approved. Any applicant for an  
9 expert witness certificate seeking to claim licensure by  
10 default shall notify the board, in writing, of the intent to  
11 rely on the default license provision of this subsection.

12 (4) All licensure fees other than the initial  
13 application fee, including neurological injury compensation  
14 assessments, shall be waived for those persons obtaining an  
15 expert witness certificate but not otherwise allowed to  
16 practice medicine in this state.

17 (5) The board shall adopt rules to administer this  
18 section, including rules setting the amount of the application  
19 fee for an expert witness certificate. The application fee for  
20 the expert witness certificate may not exceed \$50. An expert  
21 witness certificate shall expire 2 years after the date of  
22 issuance.

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

25 458.331 Grounds for disciplinary action; action by the  
26 board and department.--

27 (1) The following acts constitute grounds for denial  
28 of a license or disciplinary action, as specified in s.  
29 456.072(2):

30 (oo) Providing misleading, deceptive, or fraudulent  
31 expert witness testimony related to the practice of medicine.

1           Section 3. Section 459.0094, Florida Statutes, is  
2 created to read:

3           459.0094 Expert witness certificate.--

4           (1) Any physician who is licensed to practice  
5 osteopathic medicine in any other state or Canada, whose  
6 license is currently active and valid, who completes a  
7 registration form prescribed by the board, who pays the  
8 application fee, and who has not had a previous expert witness  
9 certificate revoked by the board, shall be issued a  
10 certificate to provide expert testimony.

11           (2) A recipient of an expert witness certificate may  
12 use the license only to give a verified written medical expert  
13 opinion as provided in s. 766.203 and to provide expert  
14 testimony concerning the prevailing professional standard of  
15 care in connection with any medical negligence litigation  
16 pending in this state against a physician licensed under  
17 chapter 458 or chapter 459. The receipt of an expert witness  
18 certificate alone does not entitle the recipient to engage in  
19 the practice of medicine as defined in s. 458.305.

20           (3) Each application for an expert witness certificate  
21 shall be approved or denied within 5 business days after  
22 receipt of a completed application. Any application for a  
23 certificate which is not approved or denied within the  
24 required time is considered approved. Any applicant for an  
25 expert witness certificate seeking to claim licensure by  
26 default shall notify the board, in writing, of the intent to  
27 rely on the default license provision of this subsection.

28           (4) All licensure fees other than the initial  
29 application fee, including neurological injury compensation  
30 assessments, shall be waived for those persons obtaining an  
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1 expert witness certificate but not otherwise allowed to  
2 practice medicine in this state.

3 (5) The board shall adopt rules to administer this  
4 section, including rules setting the amount of the application  
5 fee for an expert witness certificate. The application fee for  
6 the expert witness certificate may not exceed \$50. An expert  
7 witness certificate shall expire 2 years after the date of  
8 issuance.

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

11 459.015 Grounds for disciplinary action; action by the  
12 board and department.--

13 (1) The following acts constitute grounds for denial  
14 of a license or disciplinary action, as specified in s.  
15 456.072(2):

16 (qq) Providing misleading, deceptive, or fraudulent  
17 expert witness testimony related to the practice of medicine.

18 Section 5. Present subsection (12) of section 766.102,  
19 Florida Statutes, is redesignated as subsection (13), and a  
20 new subsection (12) is added to that section, to read:

21 766.102 Medical negligence; standards of recovery;  
22 expert witness.--

23 (12) In any action for damages involving a claim of  
24 negligence against a physician licensed under chapter 458 or  
25 chapter 459, an expert witness who offers testimony concerning  
26 the prevailing professional standard of care must be licensed  
27 in this state under chapter 458 or chapter 459 or hold an  
28 expert witness certificate as provided in s. 458.3175 or s.  
29 459.0094.

