



926644

LEGISLATIVE ACTION

Senate	.	House
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Senator Fasano moved the following:

**Senate Amendment (with title amendment)**

Delete lines 2689 - 2716

and insert:

Section 62. Paragraph (b) of subsection (1) of section 483.23, Florida Statutes, is amended to read:

483.23 Offenses; criminal penalties.—

(1)

(b) The performance of any act specified in paragraph (a) shall be referred by the agency to the local law enforcement agency and constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Additionally, the agency may issue and deliver a notice to cease



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14 and desist from such act and may impose by citation an  
15 administrative penalty not to exceed \$5,000 per act. Each day  
16 that unlicensed activity continues after issuance of a notice to  
17 cease and desist constitutes a separate act.

18 Section 63. Subsection (1) of section 483.245, Florida  
19 Statutes, is amended, and subsection (3) is added to that  
20 section, to read:

21 483.245 Rebates prohibited; penalties.—

22 (1) It is unlawful for any person to pay or receive any  
23 commission, bonus, kickback, or rebate or engage in any split-  
24 fee arrangement in any form whatsoever with any dialysis  
25 facility, physician, surgeon, organization, agency, or person,  
26 either directly or indirectly, for patients referred to a  
27 clinical laboratory licensed under this part. A clinical  
28 laboratory is prohibited from providing, directly or indirectly,  
29 through employees, contractors, an independent staffing company,  
30 lease agreement, or otherwise, personnel to perform any  
31 functions or duties in a physician's office, or any part of a  
32 physician's office, for any purpose whatsoever, including for  
33 the collection or handling of specimens, unless the laboratory  
34 and the physician's office are wholly owned and operated by the  
35 same entity. A clinical laboratory is prohibited from leasing  
36 space within any part of a physician's office for any purpose,  
37 including for the purpose of establishing a collection station.

38 (3) The agency shall promptly investigate all complaints of  
39 noncompliance with subsection (1). The agency shall impose a  
40 fine of \$5,000 for each separate violation of subsection (1). In  
41 addition, the agency shall deny an application for a license or  
42 license renewal if the applicant, or any other entity with one



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43 or more common controlling interests in the applicant,  
44 demonstrates a pattern of violating subsection (1). A pattern  
45 may be demonstrated by a showing of at least two such  
46 violations.

47  
48 ===== T I T L E A M E N D M E N T =====

49 And the title is amended as follows:

50 Delete lines 245 - 251

51 and insert:

52 license; amending s. 483.23, F.S.; requiring the  
53 agency to refer criminal acts regarding the operation  
54 of a clinical laboratory to a local law enforcement  
55 agency; authorizing the agency to issue and deliver  
56 notice to cease and desist and impose an  
57 administrative penalty for each act; amending s.  
58 483.245, F.S.; providing that a clinical laboratory is  
59 prohibited from providing personnel to perform  
60 functions or duties in a physician's office unless the  
61 laboratory and the physician's office are owned and  
62 operated by the same entity; prohibiting a clinical  
63 laboratory from leasing space in a physician's office;  
64 requiring the agency to investigate complaints, impose  
65 fines, and deny an application for a license or  
66 license renewal under certain circumstances; amending  
67 s. 483.294,