

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Health Quality
 2 Subcommittee
 3 Representative Gonzalez offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (10) and (12) of section 215.5602,
 8 Florida Statutes, are amended to read:

9 215.5602 James and Esther King Biomedical Research

10 Program.—

11 (10) The council shall submit a fiscal-year progress
 12 report on the programs under its purview to the Governor, the
 13 State Surgeon General, the President of the Senate, and the
 14 Speaker of the House of Representatives by December 15. The
 15 report must include:

16 (a) For each ~~A list of research project projects~~ supported
 17 by grants or fellowships awarded under the program:—

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18 1.(b) A summary list of the research project and results
19 or expected results of the research recipients of program grants
20 or fellowships.

21 2.(e) The status of the research project, including
22 whether it has concluded or the estimated date of completion.

23 3. The amount of the grant or fellowship awarded and the
24 estimated or actual cost of the research project.

25 4. A list of principal investigators under the research
26 project.

27 5. The title, citation, and summary of findings of a
28 publication publications in a peer reviewed journal journals
29 involving resulting from the research supported by grants or
30 fellowships awarded under the program.

31 6.(d) The source and amount of any federal, state, or
32 local government grants or donations or private grants or
33 donations generated as a result of the research project.

34 7. The status of a patent, if any, generated from the
35 research project and an economic analysis of the impact of the
36 resulting patent.

37 8. A list of postsecondary educational institutions
38 involved in the research project, a description of each
39 postsecondary educational institution's involvement in the
40 research project, and the number of students receiving training
41 or performing research under the research project.

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42 (b) The state ranking and total amount of biomedical
43 research funding currently flowing into the state from the
44 National Institutes of Health.

45 ~~(c) New grants for biomedical research which were funded~~
46 ~~based on research supported by grants or fellowships awarded~~
47 ~~under the program.~~

48 (c)~~(f)~~ Progress towards programmatic goals, particularly
49 in the prevention, diagnosis, treatment, and cure of diseases
50 related to tobacco use, including cancer, cardiovascular
51 disease, stroke, and pulmonary disease.

52 (d)~~(g)~~ Recommendations to further the mission of the
53 programs.

54 (12) (a) Beginning in the 2011-2012 fiscal year and
55 thereafter, \$25 million from the revenue deposited into the
56 Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7)
57 shall be reserved for research of tobacco-related or cancer-
58 related illnesses. Of the revenue deposited in the Health Care
59 Trust Fund pursuant to this section, \$25 million shall be
60 transferred to the Biomedical Research Trust Fund within the
61 Department of Health. Subject to annual appropriations in the
62 General Appropriations Act, \$5 million shall be appropriated to
63 the James and Esther King Biomedical Research Program, \$5
64 million shall be appropriated to the William G. "Bill" Bankhead,
65 Jr., and David Coley Cancer Research Program created under s.
66 381.922.

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67 (b) Beginning July 1, 2014, an entity which performs or is
68 associated with cancer research or care that receives a specific
69 appropriation for biomedical research, research-related
70 functions, operations or other supportive functions, or
71 expansion of operations in the General Appropriations Act
72 without statutory reporting requirements for the receipt of
73 those funds, must submit an annual fiscal-year progress report
74 to the President of the Senate and the Speaker of the House of
75 Representatives by December 15. The report must:

76 1. Describe the general use of the funds.

77 2. Summarize ~~Specify~~ the research, if any, funded by the
78 appropriation, and provide the:

79 a. Status of the research, including whether the research
80 has concluded.

81 b. Results or expected results of the research.

82 c. Names of principal investigators performing the
83 research.

84 d. Title, citation, and summary of findings of a
85 publication in a peer reviewed journal resulting from the
86 research.

87 e. Status of a patent, if any, generated from the research
88 and an economic analysis of the impact of the resulting patent.

89 f. List of postsecondary educational institutions involved
90 in the research, a description of each postsecondary educational
91 institution's involvement in the research, and the number of
92 students receiving training or performing research.

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93 3. Describe any fixed capital outlay project funded by the
94 appropriation, the need for the project, how the project will be
95 utilized, and the timeline for and status of the project, if
96 applicable.

97 4. Identify any federal, state, or local government grants
98 or donations or private grants or donations generated as a
99 result of the appropriation or activities funded by the
100 appropriation, if applicable and traceable.

101 Section 2. Subsection (3) of section 381.0034, Florida
102 Statutes, is amended to read:

103 381.0034 Requirement for instruction on HIV and AIDS.—

104 (3) The department shall require, as a condition of
105 granting a license under chapter 467 or part III of chapter 483
106 ~~the chapters specified in subsection (1)~~, that an applicant
107 making initial application for licensure complete an educational
108 course acceptable to the department on human immunodeficiency
109 virus and acquired immune deficiency syndrome. Upon submission
110 of an affidavit showing good cause, an applicant who has not
111 taken a course at the time of licensure must ~~shall, upon an~~
112 ~~affidavit showing good cause~~, be allowed 6 months to complete
113 this requirement.

114 Section 3. Subsection (4) of section 381.82, Florida
115 Statutes, is amended and subsection (8) is created to read:

116 381.82 Ed and Ethel Moore Alzheimer's Disease Research
117 Program.—

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118 (4) The board shall submit a fiscal-year progress report
119 on the programs under its purview annually to the Governor, the
120 President of the Senate, the Speaker of the House of
121 Representatives, and the State Surgeon General by February 15.
122 The report must include:

123 (a) For each A list of research project projects supported
124 by grants or fellowships awarded under the program:-

125 1.(b) A summary list of the research project and results
126 or expected results of the research recipients of program grants
127 or fellowships.

128 2.(c) The status of the research project, including
129 whether it has concluded or the estimated date of completion.

130 3. The amount of the grant or fellowship awarded and the
131 estimated or actual cost of the research project.

132 4. A list of principal investigators under the research
133 project.

134 5. The title, citation, and summary of findings of a
135 publication publications in a peer-reviewed journal journals
136 involving resulting from the research supported by grants or
137 fellowships awarded under the program.

138 6.(d) The source and amount of any federal, state, or
139 local government grants or donations or private grants or
140 donations generated as a result of the research project.

141 7. The status of a patent, if any, generated from the
142 research project and an economic analysis of the impact of the
143 resulting patent.

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144 8. A list of postsecondary educational institutions
145 involved in the research project, a description of each
146 postsecondary educational institution's involvement in the
147 research project, and the number of students receiving training
148 or performing research under the research project.

149 (b) The state ranking and total amount of Alzheimer's
150 disease research funding currently flowing into the state from
151 the National Institutes of Health.

152 ~~(c) New grants for Alzheimer's disease research which were~~
153 ~~funded based on research supported by grants or fellowships~~
154 ~~awarded under the program.~~

155 (c)-(f) Progress toward programmatic goals, particularly in
156 the prevention, diagnosis, treatment, and cure of Alzheimer's
157 disease.

158 (d)-(g) Recommendations to further the mission of the
159 program.

160 (8) Notwithstanding s. 216.301 and pursuant to s. 216.351,
161 the balance of any appropriation from the General Revenue Fund
162 for the Ed and Ethel Moore Alzheimer's Disease Research Program
163 which is not disbursed but which is obligated pursuant to
164 contract or committed to be expended by June 30 of the fiscal
165 year in which the funds are appropriated may be carried forward
166 for up to 5 years after the effective date of the original
167 appropriation.

168 Section 4. Subsection (6) is added to section 381.922,
169 Florida Statutes, to read:

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170 381.922 William G. "Bill" Bankhead, Jr., and David Coley
171 Cancer Research Program.—

172 (6) The Biomedical Research Advisory Council shall submit
173 a report relating to grants awarded under the program to the
174 Governor, the President of the Senate, and the Speaker of the
175 House of Representatives by December 15 each year. The report
176 must include:

177 (a) For each research project supported by grants or
178 fellowships awarded under the program:

179 1. A summary of the research project and results or
180 expected results of the research.

181 2. The status of the research project, including whether
182 it has concluded or the estimated date of completion.

183 3. The amount of the grant or fellowship awarded and the
184 estimated or actual cost of the research project.

185 4. A list of principal investigators under the research
186 project.

187 5. The title, citation, and summary of findings of a
188 publication in a peer-reviewed journal resulting from the
189 research.

190 6. The source and amount of any federal, state, or local
191 government grants or donations or private grants or donations
192 generated as a result of the research project.

193 7. The status of a patent, if any, generated from the
194 research project and an economic analysis of the impact of the
195 resulting patent.

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196 8. A list of postsecondary educational institutions
197 involved in the research project, a description of each
198 postsecondary educational institution's involvement in the
199 research project, and the number of students receiving training
200 or performing research under the research project.

201 (b) The state ranking and total amount of cancer research
202 funding currently flowing into the state from the National
203 Institutes of Health.

204 (c) Progress toward programmatic goals, particularly in
205 the prevention, diagnosis, treatment, and cure of cancer.

206 (d) Recommendations to further the mission of the program.

207 Section 5. Subsection (7) of section 456.013, Florida
208 Statutes, is amended to read:

209 456.013 Department; general licensing provisions.—

210 (7) The boards, or the department when there is no board,
211 shall require the completion of a 2-hour course relating to
212 prevention of medical errors as part of the biennial licensure
213 ~~and~~ renewal process. The 2-hour course counts toward ~~shall count~~
214 ~~towards~~ the total number of continuing education hours required
215 for the profession. The course must ~~shall~~ be approved by the
216 board or department, as appropriate, and must ~~shall~~ include a
217 study of root-cause analysis, error reduction and prevention,
218 and patient safety. In addition, the course approved by the
219 Board of Medicine and the Board of Osteopathic Medicine must
220 ~~shall~~ include information relating to the five most misdiagnosed
221 conditions during the previous biennium, as determined by the

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222 board. If the course is being offered by a facility licensed
223 pursuant to chapter 395 for its employees, the board may approve
224 up to 1 hour of the 2-hour course to be specifically related to
225 error reduction and prevention methods used in that facility.

226 Section 6. Paragraph (a) of subsection (3) and subsection
227 (4) of section 456.024, Florida Statutes, are amended to read:

228 456.024 Members of Armed Forces in good standing with
229 administrative boards or the department; spouses; licensure.-

230 (3)(a) A person is eligible for licensure as a health care
231 practitioner in this state if he or she is:

232 1. A person who serves or has served as a health care
233 practitioner in the United States Armed Forces, United States
234 Reserve Forces, or the National Guard;

235 2. A ~~or a~~ person who serves or has served on active duty
236 with the United States Armed Forces as a health care
237 practitioner in the United States Public Health Service; or

238 3. A spouse of a person who serves on active duty in the
239 United States Armed Forces and is a health care practitioner in
240 another state, the District of Columbia, or a possession or
241 territory of the United States ~~is eligible for licensure in this~~

242 state. The department shall develop an application form, and
243 each board, or the department if there is no board, shall waive
244 the application fee, licensure fee, and unlicensed activity fee
245 for such applicants. For purposes of this subsection, "health
246 care practitioner" means a health care practitioner as defined

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247 in s. 456.001 and a person licensed under part III of chapter
248 401 or part IV of chapter 468.

249 (b)-(a) The board, or department if there is no board,
250 shall issue a license to practice in this state to a person who:

251 1. Submits a complete application.

252 2. If a member of the military, submits proof he or she
253 has received ~~Receives~~ an honorable discharge within 6 months
254 before, or will receive an honorable discharge within 6 months
255 after, the date of submission of the application.

256 3.a. Holds an active, unencumbered license issued by
257 another state, the District of Columbia, or a possession or
258 territory of the United States and who has not had disciplinary
259 action taken against him or her in the 5 years preceding the
260 date of submission of the application;

261 b. Is a military health care practitioner in a profession
262 for which licensure in a state or jurisdiction is not required
263 to practice in the United States Armed Services, if the
264 applicant submits to the department evidence of military
265 training or experience substantially equivalent to the
266 requirements for licensure in this state in that profession, and
267 evidence that the applicant has obtained a passing score on the
268 appropriate examination of a national or regional standards
269 organization if required for licensure in this state; or

270 c. Is a spouse of a person serving in the United States
271 Armed Forces and is a health care practitioner in a profession
272 for which licensure in another state or jurisdiction may not be

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273 required, if the applicant submits to the department evidence of
274 training or experience substantially equivalent to the
275 requirements for licensure in this state in that profession, and
276 evidence that the applicant has obtained a passing score on the
277 appropriate examination of a national or regional standards
278 organization if required for licensure in this state.

279 4. Attests that he or she is not, at the time of
280 submission, the subject of a disciplinary proceeding in a
281 jurisdiction in which he or she holds a license or by the United
282 States Department of Defense for reasons related to the practice
283 of the profession for which he or she is applying.

284 5. Actively practiced the profession for which he or she
285 is applying for the 3 years preceding the date of submission of
286 the application.

287 6. Submits a set of fingerprints for a background
288 screening pursuant to s. 456.0135, if required for the
289 profession for which he or she is applying.

290
291 The department shall verify information submitted by the
292 applicant under this subsection using the National Practitioner
293 Data Bank.

294 ~~(4) (a) The board, or the department if there is no board,~~
295 ~~may issue a temporary professional license to the spouse of an~~
296 ~~active duty member of the Armed Forces of the United States who~~
297 ~~submits to the department:~~

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298 ~~1. A completed application upon a form prepared and~~
299 ~~furnished by the department in accordance with the board's~~
300 ~~rules;~~

301 ~~2. The required application fee;~~

302 ~~3. Proof that the applicant is married to a member of the~~
303 ~~Armed Forces of the United States who is on active duty;~~

304 ~~4. Proof that the applicant holds a valid license for the~~
305 ~~profession issued by another state, the District of Columbia, or~~
306 ~~a possession or territory of the United States, and is not the~~
307 ~~subject of any disciplinary proceeding in any jurisdiction in~~
308 ~~which the applicant holds a license to practice a profession~~
309 ~~regulated by this chapter;~~

310 ~~5. Proof that the applicant's spouse is assigned to a duty~~
311 ~~station in this state pursuant to the member's official active~~
312 ~~duty military orders; and~~

313 ~~6. Proof that the applicant would otherwise be entitled to~~
314 ~~full licensure under the appropriate practice act, and is~~
315 ~~eligible to take the respective licensure examination as~~
316 ~~required in Florida.~~

317 ~~(b) The applicant must also submit to the Department of~~
318 ~~Law Enforcement a complete set of fingerprints. The Department~~
319 ~~of Law Enforcement shall conduct a statewide criminal history~~
320 ~~check and forward the fingerprints to the Federal Bureau of~~
321 ~~Investigation for a national criminal history check.~~

322 ~~(c) Each board, or the department if there is no board,~~
323 ~~shall review the results of the state and federal criminal~~

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324 ~~history checks according to the level 2 screening standards in~~
325 ~~s. 435.04 when granting an exemption and when granting or~~
326 ~~denying the temporary license.~~

327 ~~(d) The applicant shall pay the cost of fingerprint~~
328 ~~processing. If the fingerprints are submitted through an~~
329 ~~authorized agency or vendor, the agency or vendor shall collect~~
330 ~~the required processing fees and remit the fees to the~~
331 ~~Department of Law Enforcement.~~

332 ~~(e) The department shall set an application fee, which may~~
333 ~~not exceed the cost of issuing the license.~~

334 ~~(f) A temporary license expires 12 months after the date~~
335 ~~of issuance and is not renewable.~~

336 ~~(g) An applicant for a temporary license under this~~
337 ~~subsection is subject to the requirements under s. 456.013(3) (a)~~
338 ~~and (c).~~

339 ~~(h) An applicant shall be deemed ineligible for a~~
340 ~~temporary license pursuant to this section if the applicant:~~

341 ~~1. Has been convicted of or pled nolo contendere to,~~
342 ~~regardless of adjudication, any felony or misdemeanor related to~~
343 ~~the practice of a health care profession;~~

344 ~~2. Has had a health care provider license revoked or~~
345 ~~suspended from another of the United States, the District of~~
346 ~~Columbia, or a United States territory;~~

347 ~~3. Has been reported to the National Practitioner Data~~
348 ~~Bank, unless the applicant has successfully appealed to have his~~
349 ~~or her name removed from the data bank; or~~

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350 ~~4. Has previously failed the Florida examination required~~
351 ~~to receive a license to practice the profession for which the~~
352 ~~applicant is seeking a license.~~

353 ~~(i) The board, or department if there is no board, may~~
354 ~~revoke a temporary license upon finding that the individual~~
355 ~~violated the profession's governing practice act.~~

356 ~~(j) An applicant who is issued a temporary professional~~
357 ~~license to practice as a dentist pursuant to this section must~~
358 ~~practice under the indirect supervision, as defined in s.~~
359 ~~466.003, of a dentist licensed pursuant to chapter 466.~~

360 Section 7. Section 456.0241, Florida Statutes, is created
361 to read:

362 456.0241 Temporary certificate for active duty military
363 health care practitioners.-

364 (1) As used in this section, the term:

365 (a) "Military health care practitioner" means a person
366 practicing as a health care practitioner as defined in s.
367 456.001, as a person licensed under part III of chapter 401, or
368 as a person licensed under part IV of chapter 468 who is serving
369 on active duty in the United States Armed Forces, United States
370 Reserve Forces, or National Guard, or serving on active duty in
371 the United States Armed Forces and serving in the United States
372 Public Health Service.

373 (b) "Military platform" means a military training
374 agreement with a nonmilitary health care provider, which is
375 designed to develop and support medical, surgical, or other

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376 health care treatment opportunities in the nonmilitary health
377 care provider setting to allow a military health care
378 practitioner to develop and maintain technical proficiency to
379 meet the present and future health care needs of the United
380 States Armed Forces. Such agreements may include Training
381 Affiliation Agreements and External Resourcing Sharing
382 Agreements.

383 (2) The department may issue a temporary certificate to an
384 active duty military health care practitioner to practice in a
385 regulated profession, as defined in s. 456.001, if the
386 applicant:

387 (a) Submits proof he or she will be practicing pursuant to
388 a military platform.

389 (b) Submits a complete application and a nonrefundable
390 application fee.

391 (c) Holds a valid and unencumbered license to practice as
392 a health care professional in another state, the District of
393 Columbia, or a possession or territory of the United States or
394 is a military health care practitioner in a profession for which
395 licensure in a state or jurisdiction is not required for
396 practice in the United States Armed Services and who provides
397 evidence of military training and experience substantially
398 equivalent to the requirements for licensure in this state in
399 that profession.

400 (d) Attests that he or she is not, at the time of
401 submission, the subject of a disciplinary proceeding in a

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402 jurisdiction in which he or she holds a license, or by the
403 United States Department of Defense, for reasons related to the
404 practice of the profession for which he or she is applying.

405 (e) Has been determined to be competent in the profession
406 for which they are applying for a temporary certificate.

407 (f) Submits a set of fingerprints for a background
408 screening pursuant to s. 456.0135, if required for the
409 profession for which he or she is applying for a temporary
410 certificate.

411
412 The department shall verify information submitted by the
413 applicant under this subsection using the National Practitioner
414 Data Bank.

415 (4) A temporary certificate issued under this section
416 expires 6 months after issuance, but may be renewed upon proof
417 of continuing orders in this state and evidence that the
418 military health care practitioner continues to be a military
419 platform participant.

420 (5) A military health care practitioner applying under
421 this section is exempt from the requirements of ss. 456.039-
422 456.046. All other provisions of chapter 456 apply.

423 (6) An applicant for a temporary certificate under this
424 section shall be deemed ineligible if the applicant:

425 (a) Has been convicted of or pled nolo contendere to,
426 regardless of adjudication, any felony or misdemeanor related to
427 the practice of a health care profession;

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428 (b) Has had a health care provider license revoked or
429 suspended in another state, the District of Columbia, or a
430 possession or territory of the United States;

431 (c) Has failed the Florida examination required to receive
432 a license to practice the profession for which the applicant is
433 seeking a temporary certificate;

434 (d) Is under investigation in another jurisdiction for an
435 act that would constitute a violation of the applicable
436 licensing chapter or chapter 456 until such time as the
437 investigation is complete and the military health care
438 practitioner is found innocent of all charges.

439 (7) The department shall, by rule, set an application fee
440 not to exceed \$50 and a renewal fee not to exceed \$50.

441 (8) Application shall be made on a form prepared and
442 furnished by the department.

443 (9) The department shall adopt rules as needed to
444 implement the provisions of this section.

445 Section 8. Present subsections (3) through (11) of section
446 456.025, Florida Statutes, are redesignated as subsections (2)
447 through (10), respectively, and present subsections (2), (3),
448 (7), and (8) of that section are amended, to read:

449 456.025 Fees; receipts; disposition.-

450 ~~(2) The chairpersons of the boards and councils listed in~~
451 ~~s. 20.43(3)(g) shall meet annually at division headquarters to~~
452 ~~review the long range policy plan required by s. 456.005 and~~
453 ~~current and proposed fee schedules. The chairpersons shall make~~

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454 ~~recommendations for any necessary statutory changes relating to~~
455 ~~fees and fee caps. Such recommendations shall be compiled by the~~
456 ~~Department of Health and be included in the annual report to the~~
457 ~~Legislature required by s. 456.026 as well as be included in the~~
458 ~~long-range policy plan required by s. 456.005.~~

459 (2)(3) Each board within the jurisdiction of the
460 department, or the department when there is no board, shall
461 determine by rule the amount of license fees for the profession
462 it regulates, based upon long-range estimates prepared by the
463 department of the revenue required to implement laws relating to
464 the regulation of professions by the department and the board.
465 Each board, or the department if there is no board, shall ensure
466 that license fees are adequate to cover all anticipated costs
467 and to maintain a reasonable cash balance, as determined by rule
468 of the agency, with advice of the applicable board. ~~If~~
469 ~~sufficient action is not taken by a board within 1 year after~~
470 ~~notification by the department that license fees are projected~~
471 ~~to be inadequate, the department shall set license fees on~~
472 ~~behalf of the applicable board to cover anticipated costs and to~~
473 ~~maintain the required cash balance. The department shall include~~
474 ~~recommended fee cap increases in its annual report to the~~
475 ~~Legislature.~~ Further, it is the intent of the Legislature
476 legislative intent that a ~~no~~ regulated profession not operate
477 with a negative cash balance. If, however, a profession's fees
478 are at their statutory fee cap and the requirements of
479 subsections (1) and (4) are met, a profession may operate at a

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480 deficit until the deficit is eliminated ~~The department may~~
481 ~~provide by rule for advancing sufficient funds to any profession~~
482 ~~operating with a negative cash balance. The advancement may be~~
483 ~~for a period not to exceed 2 consecutive years, and the~~
484 ~~regulated profession must pay interest. Interest shall be~~
485 ~~calculated at the current rate earned on investments of a trust~~
486 ~~fund used by the department to implement this chapter. Interest~~
487 ~~earned shall be allocated to the various funds in accordance~~
488 ~~with the allocation of investment earnings during the period of~~
489 ~~the advance.~~

490 (6) ~~(7)~~ Each board, or the department if there is no board,
491 shall establish, ~~by rule,~~ a fee of up to ~~not to exceed~~ \$250 for
492 anyone seeking ~~approval~~ to provide continuing education courses
493 or programs and ~~shall establish by rule~~ a biennial renewal fee
494 of up to ~~not to exceed~~ \$250 for the renewal of an approval to
495 provide providership of such courses. The fees collected ~~from~~
496 ~~continuing education providers~~ shall be used for the purposes of
497 reviewing course provider applications, monitoring the integrity
498 of the courses provided, covering legal expenses incurred as a
499 result of not granting or renewing an approval ~~a providership,~~
500 and developing and maintaining an electronic continuing
501 education tracking system pursuant to s. 456.0361. ~~The~~
502 ~~department shall implement an electronic continuing education~~
503 ~~tracking system for each new biennial renewal cycle for which~~
504 ~~electronic renewals are implemented after the effective date of~~
505 ~~this act and shall integrate such system into the licensure and~~

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506 ~~renewal system.~~ All approved continuing education providers
507 shall provide information on course attendance to the department
508 necessary to implement the electronic tracking system. The
509 department shall, by rule, specify the form and procedures by
510 which the information is to be submitted.

511 (7)~~(8)~~ All moneys collected by the department from fees or
512 fines or from costs awarded to the agency by a court shall be
513 paid into a trust fund used by the department to implement this
514 chapter. The Legislature shall appropriate funds from this trust
515 fund sufficient to administer ~~carry out~~ this chapter and the
516 provisions of law with respect to professions regulated by the
517 Division of Medical Quality Assurance within the department and
518 the boards. The department may contract with public and private
519 entities to receive and deposit revenue pursuant to this
520 section. The department shall maintain separate accounts in the
521 trust fund used by the department to implement this chapter for
522 every profession within the department. To the maximum extent
523 possible, the department shall directly charge all expenses to
524 the account of each regulated profession. For the purpose of
525 this subsection, direct charge expenses include, but are not
526 limited to, costs for investigations, examinations, and legal
527 services. For expenses that cannot be charged directly, the
528 department shall provide for the proportionate allocation among
529 the accounts of expenses incurred by the department in the
530 performance of its duties with respect to each regulated
531 profession. If a profession has established renewal fees that

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532 meet the requirements of subsection (1), has fees that are at
533 the statutory fee cap, and has been operating in a deficit for 2
534 or more fiscal years, the department may waive allocated
535 administrative and operational indirect costs until such time as
536 the profession has a positive cash balance. The costs related to
537 administration and operations include, but are not limited to,
538 the costs of the director's office and the costs of system
539 support, communications, central records, and other such
540 administrative functions. Such waived costs shall be allocated
541 to the other professions that must meet the requirements of this
542 section, and cash in the unlicensed activity account under s.
543 456.065 of the profession whose costs have been waived shall be
544 transferred to the operating account in an amount not to exceed
545 the amount of the deficit. The regulation by the department of
546 professions, as defined in this chapter, must ~~shall~~ be financed
547 solely from revenue collected by the department ~~it~~ from fees and
548 other charges and deposited in the Medical Quality Assurance
549 Trust Fund, and all such revenue is hereby appropriated to the
550 department, which. ~~However, it is legislative intent that each~~
551 ~~profession shall operate within its anticipated fees. The~~
552 ~~department may not expend funds from the account of a profession~~
553 ~~to pay for the expenses incurred on behalf of another~~
554 ~~profession, except that the Board of Nursing must pay for any~~
555 ~~costs incurred in the regulation of certified nursing~~
556 ~~assistants. The department shall maintain adequate records to~~
557 support its allocation of agency expenses. The department shall

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558 provide any board with reasonable access to these records upon
559 request. On or before October 1 of each year, the department
560 shall provide each board an annual report of revenue and direct
561 and allocated expenses related to the operation of that
562 profession. The board shall use these reports and the
563 department's adopted long-range plan to determine the amount of
564 license fees. ~~A condensed version of this information, with the~~
565 ~~department's recommendations, shall be included in the annual~~
566 ~~report to the Legislature prepared under s. 456.026.~~

567 Section 9. Section 456.0361, Florida Statutes, is created
568 to read:

569 456.0361 Compliance with continuing education
570 requirements.-

571 (1) The department shall establish an electronic
572 continuing education tracking system to monitor licensee
573 compliance with applicable continuing education requirements and
574 to determine whether a licensee is in full compliance with the
575 requirements at the time of his or her application for license
576 renewal. The tracking system shall be integrated into the
577 department's licensure and renewal process.

578 (2) The department may not renew a license until the
579 licensee complies with all applicable continuing education
580 requirements. This subsection does not prohibit the department
581 or the boards from imposing additional penalties under the
582 applicable professional practice act or applicable rules for
583 failure to comply with continuing education requirements.

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584 (3) The department may adopt rules to implement this
585 section.

586 Section 10. Subsection (20) of section 456.057, Florida
587 Statutes, is amended to read:

588 456.057 Ownership and control of patient records; report
589 or copies of records to be furnished; disclosure of
590 information.—

591 (20) The board with department approval, or department
592 when there is no board, may temporarily or permanently appoint a
593 person or an entity as a custodian of medical records in the
594 event of the death of a practitioner, the mental or physical
595 incapacitation of a ~~the~~ practitioner, or the abandonment of
596 medical records by a practitioner. Such ~~The~~ custodian ~~appointed~~
597 shall comply with ~~all provisions of~~ this section. The department
598 may contract with a third party to provide these services under
599 the confidentiality and disclosure requirements of this section,
600 ~~including the release of patient records.~~

601 Section 11. Subsection (2) of section 456.0635, Florida
602 Statutes, is amended to read:

603 456.0635 Health care fraud; disqualification for license,
604 certificate, or registration.—

605 (2) Each board within the jurisdiction of the department,
606 or the department if there is no board, shall refuse to admit a
607 candidate to any examination and refuse to issue a license,
608 certificate, or registration to any applicant if the candidate

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609 or applicant or any principal, officer, agent, managing
610 employee, or affiliated person of the applicant:

611 (a) Has been convicted of, or entered a plea of guilty or
612 nolo contendere to, regardless of adjudication, a felony under
613 chapter 409, chapter 817, or chapter 893, or a similar felony
614 offense committed in another state or jurisdiction, unless the
615 candidate or applicant has successfully completed a drug court
616 program for that felony and provides proof that the plea has
617 been withdrawn or the charges have been dismissed. Any such
618 conviction or plea shall exclude the applicant or candidate from
619 licensure, examination, certification, or registration unless
620 the sentence and any subsequent period of probation for such
621 conviction or plea ended:

622 1. For felonies of the first or second degree, more than
623 15 years before the date of application.

624 2. For felonies of the third degree, more than 10 years
625 before the date of application, except for felonies of the third
626 degree under s. 893.13(6)(a).

627 3. For felonies of the third degree under s. 893.13(6)(a),
628 more than 5 years before the date of application;

629 (b) Has been convicted of, or entered a plea of guilty or
630 nolo contendere to, regardless of adjudication, a felony under
631 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the
632 sentence and any subsequent period of probation for such
633 conviction or plea ended more than 15 years before the date of
634 the application;

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635 (c) Has been terminated for cause from the Florida
636 Medicaid program pursuant to s. 409.913, unless the candidate or
637 applicant has been in good standing with the Florida Medicaid
638 program for the most recent 5 years;

639 (d) Has been terminated for cause, pursuant to the appeals
640 procedures established by the state, from any other state
641 Medicaid program, unless the candidate or applicant has been in
642 good standing with a state Medicaid program for the most recent
643 5 years and the termination occurred at least 20 years before
644 the date of the application; or

645 (e) Is currently listed on the United States Department of
646 Health and Human Services Office of Inspector General's List of
647 Excluded Individuals and Entities.

648
649 ~~This subsection does not apply to candidates or applicants for~~
650 ~~initial licensure or certification who were enrolled in an~~
651 ~~educational or training program on or before July 1, 2009, which~~
652 ~~was recognized by a board or, if there is no board, recognized~~
653 ~~by the department, and who applied for licensure after July 1,~~
654 ~~2012.~~

655 Section 12. Subsection (3) of section 457.107, Florida
656 Statutes, is amended to read:

657 457.107 Renewal of licenses; continuing education.—

658 (3) The board shall ~~by rule~~ prescribe by rule continuing
659 education requirements of up to, ~~not to exceed~~ 30 hours
660 biennially, as a condition for renewal of a license. All

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661 education programs that contribute to the advancement,
662 extension, or enhancement of professional skills and knowledge
663 related to the practice of acupuncture, whether conducted by a
664 nonprofit or profitmaking entity, are eligible for approval. The
665 continuing professional education requirements must be in
666 acupuncture or oriental medicine subjects, including, but not
667 limited to, anatomy, biological sciences, adjunctive therapies,
668 sanitation and sterilization, emergency protocols, and diseases.
669 The board may ~~shall have the authority to~~ set a fee of up to,
670 ~~not to exceed~~ \$100, for each continuing education provider. The
671 licensee shall retain in his or her records the certificates of
672 completion of continuing professional education requirements ~~to~~
673 ~~prove compliance with this subsection. The board may request~~
674 ~~such documentation without cause from applicants who are~~
675 ~~selected at random.~~ All national and state acupuncture and
676 oriental medicine organizations and acupuncture and oriental
677 medicine schools are approved to provide continuing professional
678 education in accordance with this subsection.

679 Section 13. Paragraph (e) of subsection (4) of section
680 458.347, Florida Statutes, is amended to read:

681 458.347 Physician assistants.—

682 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

683 (e) A supervisory physician may delegate to a fully
684 licensed physician assistant the authority to prescribe or
685 dispense any medication used in the supervisory physician's
686 practice unless such medication is listed on the formulary

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687 created pursuant to paragraph (f). A fully licensed physician
688 assistant may only prescribe or dispense such medication under
689 the following circumstances:

690 1. A physician assistant must clearly identify to the
691 patient that he or she is a physician assistant and.
692 ~~Furthermore, the physician assistant must~~ inform the patient
693 that the patient has the right to see the physician before a
694 ~~prior to any~~ prescription is being prescribed or dispensed by
695 the physician assistant.

696 2. The supervisory physician must notify the department of
697 his or her intent to delegate, on a department-approved form,
698 before delegating such authority and ~~notify the department~~ of
699 any change in prescriptive privileges of the physician
700 assistant. Authority to dispense may be delegated only by a
701 supervising physician who is registered as a dispensing
702 practitioner in compliance with s. 465.0276.

703 3. The physician assistant must complete ~~file with the~~
704 ~~department a signed affidavit that he or she has completed~~ a
705 minimum of 10 continuing medical education hours in the
706 specialty practice in which the physician assistant has
707 prescriptive privileges with each licensure renewal ~~application~~.

708 4. The department may issue a prescriber number to the
709 physician assistant granting authority for the prescribing of
710 medicinal drugs authorized within this paragraph upon completion
711 of the ~~foregoing~~ requirements of this paragraph. The physician

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712 assistant is ~~shall~~ not ~~be~~ required to independently register
713 pursuant to s. 465.0276.

714 5. The prescription must be written in a form that
715 complies with chapter 499 and, in addition to the supervisory
716 physician's name, address, and telephone number, must contain,
717 ~~in addition to the supervisory physician's name, address, and~~
718 ~~telephone number,~~ the physician assistant's prescriber number.
719 Unless it is a drug or drug sample dispensed by the physician
720 assistant, the prescription must be filled in a pharmacy
721 permitted under chapter 465 and must be dispensed in that
722 pharmacy by a pharmacist licensed under chapter 465. The
723 inclusion ~~appearance~~ of the prescriber number creates a
724 presumption that the physician assistant is authorized to
725 prescribe the medicinal drug and the prescription is valid.

726 6. The physician assistant must note the prescription or
727 dispensing of medication in the appropriate medical record.

728 Section 14. Subsection (3) of section 463.007, Florida
729 Statutes, is amended to read:

730 463.007 Renewal of license; continuing education.—

731 (3) As a condition of license renewal, a licensee must
732 ~~Unless otherwise provided by law, the board shall require~~
733 ~~licensees to periodically demonstrate~~ his or her ~~their~~
734 ~~professional competence, as a condition of renewal of a license,~~
735 by completing up to 30 hours of continuing education during the
736 2-year period preceding license renewal. For certified
737 optometrists, the 30-hour continuing education requirement

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738 ~~includes shall include~~ 6 or more hours of approved transcript-
739 quality coursework in ocular and systemic pharmacology and the
740 diagnosis, treatment, and management of ocular and systemic
741 conditions and diseases during the 2-year period preceding
742 application for license renewal.

743 Section 15. Subsection (7) of section 464.203, Florida
744 Statutes, is amended to read:

745 464.203 Certified nursing assistants; certification
746 requirement.—

747 (7) A certified nursing assistant shall complete 24 ~~12~~
748 hours of inservice training during each biennium ~~calendar year~~.
749 The certified nursing assistant shall maintain ~~be responsible~~
750 ~~for maintaining~~ documentation demonstrating compliance with
751 these provisions. ~~The Council on Certified Nursing Assistants,~~
752 ~~in accordance with s. 464.2085(2) (b), shall propose rules to~~
753 ~~implement this subsection.~~

754 Section 16. Section 464.2085, Florida Statutes, is
755 repealed.

756 Section 17. Paragraph (b) of subsection (1) and subsection
757 (3) of section 465.0276, Florida Statutes, are amended to read:

758 465.0276 Dispensing practitioner.—

759 (1)

760 (b) A practitioner registered under this section may not
761 dispense a controlled substance listed in Schedule II or
762 Schedule III as provided in s. 893.03. This paragraph does not
763 apply to:

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764 1. The dispensing of complimentary packages of medicinal
765 drugs which are labeled as a drug sample or complimentary drug
766 as defined in s. 499.028 to the practitioner's own patients in
767 the regular course of her or his practice without the payment of
768 a fee or remuneration of any kind, whether direct or indirect,
769 as provided in subsection (4) ~~subsection (5)~~.

770 2. The dispensing of controlled substances in the health
771 care system of the Department of Corrections.

772 3. The dispensing of a controlled substance listed in
773 Schedule II or Schedule III in connection with the performance
774 of a surgical procedure. The amount dispensed pursuant to the
775 subparagraph may not exceed a 14-day supply. This exception does
776 not allow for the dispensing of a controlled substance listed in
777 Schedule II or Schedule III more than 14 days after the
778 performance of the surgical procedure. For purposes of this
779 subparagraph, the term "surgical procedure" means any procedure
780 in any setting which involves, or reasonably should involve:

781 a. Perioperative medication and sedation that allows the
782 patient to tolerate unpleasant procedures while maintaining
783 adequate cardiorespiratory function and the ability to respond
784 purposefully to verbal or tactile stimulation and makes intra-
785 and postoperative monitoring necessary; or

786 b. The use of general anesthesia or major conduction
787 anesthesia and preoperative sedation.

788 4. The dispensing of a controlled substance listed in
789 Schedule II or Schedule III pursuant to an approved clinical

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790 trial. For purposes of this subparagraph, the term "approved
791 clinical trial" means a clinical research study or clinical
792 investigation that, in whole or in part, is state or federally
793 funded or is conducted under an investigational new drug
794 application that is reviewed by the United States Food and Drug
795 Administration.

796 5. The dispensing of methadone in a facility licensed
797 under s. 397.427 where medication-assisted treatment for opiate
798 addiction is provided.

799 6. The dispensing of a controlled substance listed in
800 Schedule II or Schedule III to a patient of a facility licensed
801 under part IV of chapter 400.

802 ~~(3) The department shall inspect any facility where a
803 practitioner dispenses medicinal drugs pursuant to subsection
804 (2) in the same manner and with the same frequency as it
805 inspects pharmacies for the purpose of determining whether the
806 practitioner is in compliance with all statutes and rules
807 applicable to her or his dispensing practice.~~

808 Section 18. Subsection (3) of section 466.0135, Florida
809 Statutes, is amended to read:

810 466.0135 Continuing education; dentists.—

811 (3) ~~A In applying for license renewal, the dentist shall~~
812 complete ~~submit a sworn affidavit, on a form acceptable to the~~
813 ~~department, attesting that she or he has completed the~~ required
814 continuing education as provided ~~required~~ in this section ~~in~~
815 ~~accordance with the guidelines and provisions of this section~~

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816 ~~and listing the date, location, sponsor, subject matter, and~~
817 ~~hours of completed continuing education courses. An The~~
818 applicant shall retain in her or his records any such receipts,
819 vouchers, or certificates ~~as may be necessary to document~~
820 completion of such ~~the~~ continuing education courses ~~listed in~~
821 ~~accordance with this subsection. With cause, the board may~~
822 ~~request such documentation by the applicant, and the board may~~
823 ~~request such documentation from applicants selected at random~~
824 ~~without cause.~~

825 Section 19. Section 466.014, Florida Statutes, is amended
826 to read:

827 466.014 Continuing education; dental hygienists.—In
828 addition to the other requirements for relicensure for dental
829 hygienists set out in this chapter ~~act~~, the board shall require
830 each licensed dental hygienist to complete at least ~~not less~~
831 ~~than~~ 24 hours but not ~~or~~ more than 36 hours of continuing
832 professional education in dental subjects, biennially, in
833 programs prescribed or approved by the board or in equivalent
834 programs of continuing education. Programs of continuing
835 education approved by the board are ~~shall be~~ programs of
836 learning which, in the opinion of the board, contribute directly
837 to the dental education of the dental hygienist. The board shall
838 adopt rules and guidelines to administer and enforce ~~the~~
839 ~~provisions of this section. In applying for license renewal, the~~
840 ~~dental hygienist shall submit a sworn affidavit, on a form~~
841 ~~acceptable to the department, attesting that she or he has~~

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842 ~~completed the continuing education required in this section in~~
843 ~~accordance with the guidelines and provisions of this section~~
844 ~~and listing the date, location, sponsor, subject matter, and~~
845 ~~hours of completed continuing education courses. An The~~
846 applicant shall retain in her or his records any ~~such~~ receipts,
847 vouchers, or certificates ~~as may be necessary to document~~
848 completion of such ~~the~~ continuing education courses ~~listed in~~
849 ~~accordance with this section. With cause, the board may request~~
850 ~~such documentation by the applicant, and the board may request~~
851 ~~such documentation from applicants selected at random without~~
852 ~~cause.~~ Compliance with the continuing education requirements is
853 ~~shall be~~ mandatory for issuance of the renewal certificate. The
854 board may ~~shall have the authority to~~ excuse licensees, as a
855 group or as individuals, from all or part of the continuing
856 educational requirements if, ~~or any part thereof, in the event~~
857 an unusual circumstance, emergency, or hardship has prevented
858 compliance with this section.

859 Section 20. Subsection (5) of section 466.032, Florida
860 Statutes, is amended to read:

861 466.032 Registration.—

862 (5) A ~~The~~ dental laboratory owner or at least one employee
863 of any dental laboratory renewing registration on or after July
864 1, 2010, shall complete 18 hours of continuing education
865 biennially. Programs of continuing education must ~~shall~~ be
866 programs of learning that contribute directly to the education
867 of the dental technician and may include, but are not limited

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868 to, attendance at lectures, study clubs, college courses, or
869 scientific sessions of conventions and research.

870 (a) The aim of continuing education for dental technicians
871 is to improve dental health care delivery to the public as such
872 is impacted through the design, manufacture, and use of
873 artificial human oral prosthetics and related restorative
874 appliances.

875 (b) Continuing education courses shall address one or more
876 of the following areas of professional development, including,
877 but not limited to:

878 1. Laboratory and technological subjects, including, but
879 not limited to, laboratory techniques and procedures, materials,
880 and equipment; and

881 2. Subjects pertinent to oral health, infection control,
882 and safety.

883 (c) Programs that meet ~~meeting~~ the general requirements of
884 continuing education may be developed and offered to dental
885 technicians by the Florida Dental Laboratory Association and the
886 Florida Dental Association. Other organizations, schools, or
887 agencies may also be approved to develop and offer continuing
888 education in accordance with specific criteria established by
889 the department.

890 ~~(d) Any dental laboratory renewing a registration on or~~
891 ~~after July 1, 2010, shall submit a sworn affidavit, on a form~~
892 ~~approved by the department, attesting that either the dental~~
893 ~~laboratory owner or one dental technician employed by the~~

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894 ~~registered dental laboratory has completed the continuing~~
895 ~~education required in this subsection in accordance with the~~
896 ~~guidelines and provisions of this subsection and listing the~~
897 ~~date, location, sponsor, subject matter, and hours of completed~~
898 ~~continuing education courses. The dental laboratory shall retain~~
899 ~~in its records such receipts, vouchers, or certificates as may~~
900 ~~be necessary to document completion of the continuing education~~
901 ~~courses listed in accordance with this subsection. With cause,~~
902 ~~the department may request that the documentation be provided by~~
903 ~~the applicant. The department may also request the documentation~~
904 ~~from applicants selected at random without cause.~~

905 (d)~~(e)~~1. This subsection does not apply to a dental
906 laboratory that is physically located within a dental practice
907 operated by a dentist licensed under this chapter.

908 2. A dental laboratory in another state or country which
909 provides service to a dentist licensed under this chapter is not
910 required to register with the state and may continue to provide
911 services to such dentist with a proper prescription. However, a
912 dental laboratory in another state or country, ~~however,~~ may
913 voluntarily comply with this subsection.

914 Section 21. Section 468.1201, Florida Statutes, is
915 repealed.

916 Section 22. Paragraph (a) of subsection (3), subsections
917 (4) and (5), paragraphs (a) and (e) of subsection (6), and
918 subsection (7) of section 483.901, Florida Statutes, are

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919 amended, and paragraph (k) is added to subsection (6) of that
920 section, to read:

921 483.901 Medical physicists; definitions; licensure.—

922 (3) DEFINITIONS.—As used in this section, the term:

923 ~~(a) "Council" means the Advisory Council of Medical~~
924 ~~Physicists in the Department of Health.~~

925 ~~(4) COUNCIL. The Advisory Council of Medical Physicists is~~
926 ~~created in the Department of Health to advise the department in~~
927 ~~regulating the practice of medical physics in this state.~~

928 ~~(a) The council shall be composed of nine members~~
929 ~~appointed by the State Surgeon General as follows:~~

930 1. ~~A licensed medical physicist who specializes in~~
931 ~~diagnostic radiological physics.~~

932 2. ~~A licensed medical physicist who specializes in~~
933 ~~therapeutic radiological physics.~~

934 3. ~~A licensed medical physicist who specializes in medical~~
935 ~~nuclear radiological physics.~~

936 4. ~~A physician who is board certified by the American~~
937 ~~Board of Radiology or its equivalent.~~

938 5. ~~A physician who is board certified by the American~~
939 ~~Osteopathic Board of Radiology or its equivalent.~~

940 6. ~~A chiropractic physician who practices radiology.~~

941 7. ~~Three consumer members who are not, and have never~~
942 ~~been, licensed as a medical physicist or licensed in any closely~~
943 ~~related profession.~~

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944 ~~(b) The State Surgeon General shall appoint the medical~~
945 ~~physicist members of the council from a list of candidates who~~
946 ~~are licensed to practice medical physics.~~

947 ~~(c) The State Surgeon General shall appoint the physician~~
948 ~~members of the council from a list of candidates who are~~
949 ~~licensed to practice medicine in this state and are board~~
950 ~~certified in diagnostic radiology, therapeutic radiology, or~~
951 ~~radiation oncology.~~

952 ~~(d) The State Surgeon General shall appoint the public~~
953 ~~members of the council.~~

954 ~~(e) As the term of each member expires, the State Surgeon~~
955 ~~General shall appoint the successor for a term of 4 years. A~~
956 ~~member shall serve until the member's successor is appointed,~~
957 ~~unless physically unable to do so.~~

958 ~~(f) An individual is ineligible to serve more than two~~
959 ~~full consecutive 4-year terms.~~

960 ~~(g) If a vacancy on the council occurs, the State Surgeon~~
961 ~~General shall appoint a member to serve for a 4-year term.~~

962 ~~(h) A council member must be a United States citizen and~~
963 ~~must have been a resident of this state for 2 consecutive years~~
964 ~~immediately before being appointed.~~

965 ~~1. A member of the council who is a medical physicist must~~
966 ~~have practiced for at least 6 years before being appointed or be~~
967 ~~board certified for the specialty in which the member practices.~~

968 ~~2. A member of the council who is a physician must be~~
969 ~~licensed to practice medicine in this state and must have~~

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970 ~~practiced diagnostic radiology or radiation oncology in this~~
971 ~~state for at least 2 years before being appointed.~~

972 ~~3. The public members of the council must not have a~~
973 ~~financial interest in any endeavor related to the practice of~~
974 ~~medical physics.~~

975 ~~(i) A council member may be removed from the council if~~
976 ~~the member:~~

977 ~~1. Did not have the required qualifications at the time of~~
978 ~~appointment;~~

979 ~~2. Does not maintain the required qualifications while~~
980 ~~serving on the council; or~~

981 ~~3. Fails to attend the regularly scheduled council~~
982 ~~meetings in a calendar year as required by s. 456.011.~~

983 ~~(j) Members of the council may not receive compensation~~
984 ~~for their services; however, they are entitled to reimbursement,~~
985 ~~from funds deposited in the Medical Quality Assurance Trust~~
986 ~~Fund, for necessary travel expenses as specified in s. 112.061~~
987 ~~for each day they engage in the business of the council.~~

988 ~~(k) At the first regularly scheduled meeting of each~~
989 ~~calendar year, the council shall elect a presiding officer and~~
990 ~~an assistant presiding officer from among its members. The~~
991 ~~council shall meet at least once each year and at other times in~~
992 ~~accordance with department requirements.~~

993 ~~(l) The department shall provide administrative support to~~
994 ~~the council for all licensing activities.~~

995 ~~(m) The council may conduct its meetings electronically.~~

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996 ~~(5) POWERS OF COUNCIL. The council shall:~~

997 ~~(a) Recommend rules to administer this section.~~

998 ~~(b) Recommend practice standards for the practice of~~
999 ~~medical physics which are consistent with the Guidelines for~~
1000 ~~Ethical Practice for Medical Physicists prepared by the American~~
1001 ~~Association of Physicists in Medicine and disciplinary~~
1002 ~~guidelines adopted under s. 456.079.~~

1003 ~~(c) Develop and recommend continuing education~~
1004 ~~requirements for licensed medical physicists.~~

1005 ~~(4)-(6)~~ LICENSE REQUIRED.—An individual may not engage in
1006 the practice of medical physics, including the specialties of
1007 diagnostic radiological physics, therapeutic radiological
1008 physics, medical nuclear radiological physics, or medical health
1009 physics, without a license issued by the department for the
1010 appropriate specialty.

1011 (a) The department shall adopt rules to administer this
1012 section which specify license application and renewal fees,
1013 continuing education requirements, and standards for practicing
1014 medical physics. ~~The council shall recommend to the department~~
1015 ~~continuing education requirements that shall be a condition of~~
1016 ~~license renewal.~~ The department shall require a minimum of 24
1017 hours per biennium of continuing education offered by an
1018 organization ~~recommended by the council and~~ approved by the
1019 department. The department, ~~upon recommendation of the council,~~
1020 may adopt rules to specify continuing education requirements for
1021 persons who hold a license in more than one specialty.

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1022 (e) Upon ~~On~~ receipt of an application and fee as specified
1023 in this section, the department may issue a license to practice
1024 medical physics in this state ~~on or after October 1, 1997,~~ to a
1025 person who is board certified in the medical physics specialty
1026 in which the applicant applies to practice by the American Board
1027 of Radiology for diagnostic radiological physics, therapeutic
1028 radiological physics, or medical nuclear radiological physics;
1029 by the American Board of Medical Physics for diagnostic
1030 radiological physics, therapeutic radiological physics, or
1031 medical nuclear radiological physics; or by the American Board
1032 of Health Physics or an equivalent certifying body approved by
1033 the department.

1034 (k) Upon proof of a completed residency program and
1035 receipt of the fee set forth by rule, the department may issue a
1036 temporary license for no more than 1 year. The department may
1037 adopt by rule requirements for temporary licensure and renewal
1038 of temporary licenses.

1039 ~~(5)-(7)~~ FEES.—The fee for the initial license application
1040 shall be \$500 and is nonrefundable. The fee for license renewal
1041 may not be more than \$500. These fees may cover only the costs
1042 incurred by the department ~~and the council~~ to administer this
1043 section. By July 1 each year, the department shall determine
1044 ~~advise the council~~ if the fees are insufficient to administer
1045 this section.

1046 Section 23. Subsection (2) of section 484.047, Florida
1047 Statutes, is amended to read:

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1048 484.047 Renewal of license.—

1049 (2) In addition to the other requirements for renewal
1050 provided in this section and by the board, the department shall
1051 renew a license upon receipt of the renewal application and, the
1052 renewal fee, ~~and a written statement affirming compliance with~~
1053 ~~all other requirements set forth in this section and by the~~
1054 ~~board.~~ A licensee must maintain, if applicable, a certificate
1055 from a manufacturer or independent testing agent certifying that
1056 the testing room meets the requirements of s. 484.0501(6) and,
1057 if applicable, a certificate from a manufacturer or independent
1058 testing agent stating that all audiometric testing equipment
1059 used by the licensee has been calibrated acoustically to
1060 American National Standards Institute standards on an annual
1061 basis ~~acoustically to American National Standards Institute~~
1062 ~~standard specifications.~~ Possession of any applicable
1063 certificate is ~~the certificates shall be~~ a prerequisite to
1064 renewal.

1065 Section 24. Subsections (1) and (4) of section 486.109,
1066 Florida Statutes, are amended to read:

1067 486.109 Continuing education.—

1068 (1) The board shall require licensees to ~~periodically~~
1069 demonstrate their professional competence as a condition of
1070 renewal of a license by completing 24 hours of continuing
1071 education biennially.

1072 (4) Each licensee shall maintain ~~be responsible for~~
1073 ~~maintaining~~ sufficient records ~~in a format as determined by rule~~

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1074 ~~which shall be subject to a random audit by the department to~~
 1075 ~~demonstrate assure~~ compliance with this section.

1076 Section 25. Paragraph (a) of subsection (15) of section
 1077 499.028, Florida Statutes, is amended to read:

1078 499.028 Drug samples or complimentary drugs; starter
 1079 packs; permits to distribute.-

1080 (15) A person may not possess a prescription drug sample
 1081 unless:

1082 (a) The drug sample was prescribed to her or him as
 1083 evidenced by the label required in s. 465.0276(4) ~~s.~~
 1084 ~~465.0276(5)~~.

1085 Section 26. Paragraph (g) of subsection (3) of section
 1086 921.0022, Florida Statutes, is amended to read:

1087 921.0022 Criminal Punishment Code; offense severity
 1088 ranking chart.-

1089 (3) OFFENSE SEVERITY RANKING CHART
 1090 (g) LEVEL 7

1091

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in

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1094			serious bodily injury.
1094	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.
1095	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
1096	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
1097	409.920	3rd	Medicaid provider

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1098	(2) (b) 1.a.		fraud; \$10,000 or less.
	409.920	2nd	Medicaid provider
	(2) (b) 1.b.		fraud; more than \$10,000, but less than \$50,000.
1099			
	456.065 (2)	3rd	Practicing a health care profession without a license.
1100			
	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
1101			
	458.327 (1)	3rd	Practicing medicine without a license.
1102			
	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
1103			
	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
1104			
	461.012 (1)	3rd	Practicing podiatric

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			medicine without a license.
1105	462.17	3rd	Practicing naturopathy without a license.
1106	463.015 (1)	3rd	Practicing optometry without a license.
1107	464.016 (1)	3rd	Practicing nursing without a license.
1108	465.015 (2)	3rd	Practicing pharmacy without a license.
1109	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
1110	467.201	3rd	Practicing midwifery without a license.
1111	468.366	3rd	Delivering respiratory care services without a license.
1112	483.828 (1)	3rd	Practicing as clinical

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			laboratory personnel without a license.
1113	<u>483.901(7)</u> 483.901(9)	3rd	Practicing medical physics without a license.
1114	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
1115	484.053	3rd	Dispensing hearing aids without a license.
1116	494.0018(2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
1117	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money

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1118			services business.
1119	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
1120	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
1121	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
1122	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
	775.21 (10) (g)	3rd	Failure to report or providing false

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1123			information about a sexual predator; harbor or conceal a sexual predator.
1123	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
1124	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
1125	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
1126	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

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1127	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
1128	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
1129	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
1130	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
1131	784.048 (7)	3rd	Aggravated stalking; violation of court order.
1132	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
1133	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility

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			staff.
1134	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
1135	784.081 (1)	1st	Aggravated battery on specified official or employee.
1136	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
1137	784.083 (1)	1st	Aggravated battery on code inspector.
1138	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
1139	787.06 (3) (e) 2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to

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within the state.

1140	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
1141	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
1142	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
1143	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
1144	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
1145	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction

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			while committing or attempting to commit a felony.
1146	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
1147	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
1148	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
1149	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
1150	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of

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1151			age; offender younger than 18 years of age.
1151	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
1152	800.04(5)(e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
1153	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
1154	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
1155	810.02(3)(b)	2nd	Burglary of unoccupied

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1156			dwelling; unarmed; no assault or battery.
1157	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
1158	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
1159	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
1160	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
	812.014 (2) (b) 3.	2nd	Property stolen,

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1161	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
1162	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
1163	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
1164	812.131 (2) (a)	2nd	Robbery by sudden snatching.
1165	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.

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1166	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
1167	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
1168	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
1169	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
1170	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.

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1171	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
1172	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
1173	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
1174	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
1175	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
1176	837.05 (2)	3rd	Giving false information

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			about alleged capital felony to a law enforcement officer.
1177			
	838.015	2nd	Bribery.
1178			
	838.016	2nd	Unlawful compensation or reward for official behavior.
1179			
	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
1180			
	838.22	2nd	Bid tampering.
1181			
	843.0855 (2)	3rd	Impersonation of a public officer or employee.
1182			
	843.0855 (3)	3rd	Unlawful simulation of legal process.
1183			
	843.0855 (4)	3rd	Intimidation of a public officer or employee.
1184			
	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.

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1185	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
1186	872.06	2nd	Abuse of a dead human body.
1187	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
1188	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
1189	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

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1190	893.13(1)(e)1.	1st	feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
1191	893.13(4)(a)	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.
1192	893.135(1)(a)1.	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). Trafficking in cannabis, more than 25 lbs., less than 2,000

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lbs.

1193	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
1194	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
1195	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
1196	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
1197	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
1198	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
1199			

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1200	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
1201	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
1202	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
1203	893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
1204	893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
	893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or

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1205			more, less than 5 kilograms.
1205	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
1206	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
1207	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
1208	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
1209	943.0435 (4) (c)	2nd	Sexual offender vacating

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1210	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
1211	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
1212	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1213	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

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1214	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
1215	944.607(10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1216	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1217	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
1218	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.

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1233 perform or are associated with cancer research or care
1234 and that receive a specific appropriation; amending s.
1235 381.0034, F.S.; deleting the requirement that
1236 applicants making initial application for certain
1237 licensure complete certain courses; amending s.
1238 381.82, F.S.; revising the reporting requirements for
1239 the Alzheimer's Disease Research Grant Advisory Board
1240 under the Ed and Ethel Moore Alzheimer's Disease
1241 Research Program; providing for the carryforward of
1242 any unexpended balance of an appropriation for the Ed
1243 and Ethel Moore Alzheimer's Disease Research Program;
1244 amending s. 381.922, F.S.; creating reporting
1245 requirements for the Biomedical Research Advisory
1246 Council under the William G. "Bill" Bankhead, Jr. and
1247 David Coley Cancer Research Program; amending s.
1248 456.013, F.S.; revising course requirements for
1249 renewing a certain license; amending s. 456.024, F.S.;
1250 revising the eligibility criteria for a military
1251 health care practitioner to be issued a license to
1252 practice as a health care practitioner in this state;
1253 authorizing a spouse of an active duty military member
1254 to be licensed as a health care practitioner in this
1255 state if certain criteria are met; deleting temporary
1256 professional licensure for spouses of active duty
1257 members of the Armed Forces of the United States;
1258 creating s. 456.0241, F.S., providing for the issuance

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1259 of a temporary certificate under certain conditions
1260 for certain military health care practitioners to
1261 provide or receive educational training or to provide
1262 medical or surgical treatment or other appropriate
1263 health care services; providing definitions; providing
1264 eligibility requirements for the issuance of the
1265 temporary certificate; providing for the automatic
1266 expiration of the temporary certificate unless
1267 renewed; setting an application fee; authorizing the
1268 department to adopt rules; amending s. 456.025, F.S.;
1269 deleting the requirement for an annual meeting of
1270 chairpersons of Division of Medical Quality Assurance
1271 boards and professions; deleting the requirement that
1272 certain recommendations be included in a report to the
1273 Legislature; deleting a requirement that the
1274 Department of Health set license fees and recommend
1275 fee cap increases in certain circumstances; providing
1276 that a profession may operate at a deficit for a
1277 certain time period; deleting a provision authorizing
1278 the department to advance funds under certain
1279 circumstances; deleting a requirement that the
1280 department implement an electronic continuing
1281 education tracking system; authorizing the department
1282 to waive specified costs under certain circumstances;
1283 revising legislative intent; deleting a prohibition
1284 against the expenditure of funds by the department

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1285 from the account of a profession to pay for the
1286 expenses of another profession; deleting a requirement
1287 that the department include certain information in an
1288 annual report to the Legislature; creating s.
1289 456.0361, F.S.; requiring the department to establish
1290 an electronic continuing education tracking system;
1291 prohibiting the department from renewing a license
1292 unless the licensee has complied with all continuing
1293 education requirements; authorizing the department to
1294 adopt rules; amending s. 456.057, F.S.; revising a
1295 provision for a person or an entity appointed by the
1296 board to be approved by the department; authorizing
1297 the department to contract with a third party to
1298 provide record custodian services; amending s.
1299 456.0635, F.S.; deleting a provision on applicability
1300 relating to the issuance of licenses; amending s.
1301 457.107, F.S.; deleting a provision authorizing the
1302 Board of Acupuncture to request certain documentation
1303 from applicants; amending s. 458.347, F.S.; deleting a
1304 requirement that a physician assistant file a signed
1305 affidavit with the department; amending s. 463.007,
1306 F.S.; making technical changes; amending s. 464.203,
1307 F.S.; revising inservice training requirements for
1308 certified nursing assistants; deleting a rulemaking
1309 requirement; repealing s. 464.2085, F.S., relating to
1310 the Council on Certified Nursing Assistants; amending

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1311 s. 465.0276, F.S.; deleting a requirement that the
1312 department inspect certain facilities; amending s.
1313 466.0135, F.S.; deleting a requirement that a dentist
1314 file a signed affidavit with the department; deleting
1315 a provision authorizing the Board of Dentistry to
1316 request certain documentation from applicants;
1317 amending s. 466.014, F.S.; deleting a requirement that
1318 a dental hygienist file a signed affidavit with the
1319 department; deleting a provision authorizing the board
1320 to request certain documentation from applicants;
1321 amending s. 466.032, F.S.; deleting a requirement that
1322 a dental laboratory file a signed affidavit with the
1323 department; deleting a provision authorizing the
1324 department to request certain documentation from
1325 applicants; repealing s. 468.1201, F.S., relating to a
1326 requirement for instruction on human immunodeficiency
1327 virus and acquired immune deficiency syndrome;
1328 amending s. 483.901, F.S.; deleting provisions
1329 relating to the Advisory Council of Medical Physicists
1330 in the department; authorizing the department to issue
1331 temporary licenses in certain circumstances;
1332 authorizing the department to adopt rules; amending s.
1333 484.047, F.S.; deleting a requirement for a written
1334 statement from an applicant in certain circumstances;
1335 amending s. 486.109, F.S.; deleting a provision
1336 authorizing the department to conduct a random audit

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1337 | for certain information; amending ss. 499.028 and
1338 | 921.0022, F.S.; conforming cross-references; providing
1339 | an effective date.
1340 |