

1 A bill to be entitled
 2 An act relating to health care practitioner
 3 discipline; amending s. 456.072, F.S.; subjecting
 4 health care practitioners to disciplinary action for
 5 specified offenses; amending s. 456.074, F.S.;
 6 revising provisions relating to immediate suspension
 7 of licensure to apply to all health care
 8 practitioners; requiring the Department of Health to
 9 issue emergency orders to suspend a health care
 10 practitioner's license if he or she pleads guilty to,
 11 is convicted or found guilty of, or enters a plea of
 12 nolo contendere to, regardless of adjudication, a
 13 felony relating to homicide or is arrested for
 14 committing or attempting, soliciting, or conspiring to
 15 commit acts that would constitute violations of
 16 specified criminal offenses; providing an effective
 17 date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

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 21 Section 1. Paragraph (rr) is added to subsection (1) of
 22 section 456.072, Florida Statutes, to read:

23 456.072 Grounds for discipline; penalties; enforcement.—

24 (1) The following acts shall constitute grounds for which
 25 the disciplinary actions specified in subsection (2) may be

26 taken:

27 (rr) Being convicted or found guilty of, entering a plea
 28 of guilty or nolo contendere to, regardless of adjudication, or
 29 committing or attempting, soliciting, or conspiring to commit an
 30 act that would constitute a violation of any of the offenses
 31 listed in s. 456.074(5) or a similar offense in another
 32 jurisdiction.

33 Section 2. Subsection (5) of section 456.074, Florida
 34 Statutes, is renumbered as subsection (6), subsection (1) of
 35 that section is amended, and a new subsection (5) is added to
 36 that section, to read:

37 456.074 Certain health care practitioners; immediate
 38 suspension of license.—

39 (1) The department shall issue an emergency order
 40 suspending the license of any health care practitioner person
 41 ~~licensed under chapter 458, chapter 459, chapter 460, chapter~~
 42 ~~461, chapter 462, chapter 463, chapter 464, chapter 465, chapter~~
 43 ~~466, or chapter 484~~ who pleads guilty to, is convicted or found
 44 guilty of, or ~~who~~ enters a plea of nolo contendere to,
 45 regardless of adjudication, any of the following ~~to~~:

46 (a) A felony under chapter 409, chapter 817, or chapter
 47 893 or under 21 U.S.C. ss. 801-970 or under 42 U.S.C. ss. 1395-
 48 1396. ~~†~~

49 (b) A misdemeanor or felony under 18 U.S.C. s. 669, ss.
 50 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s.

51 1349, or s. 1518 or 42 U.S.C. ss. 1320a-7b, relating to the
52 Medicaid program. ~~or~~

53 (c) A felony under s. 784.086, relating to a reproductive
54 battery.

55 (d) A felony under chapter 782, relating to homicide.

56 (5) The department shall issue an emergency order
57 suspending the license of any health care practitioner who is
58 arrested for committing or attempting, soliciting, or conspiring
59 to commit any act that would constitute a violation of any of
60 the following criminal offenses in this state or similar
61 offenses in another jurisdiction:

62 (a) Section 393.135(2), relating to sexual misconduct with
63 an individual with a developmental disability.

64 (b) Section 394.4593(2), relating to sexual misconduct
65 with a patient who resides in a receiving or treatment facility
66 or is otherwise in the custody of the department.

67 (c) Section 787.01, relating to kidnapping.

68 (d) Section 787.02, relating to false imprisonment.

69 (e) Section 787.025(2), relating to luring or enticing a
70 child.

71 (f) Section 787.06(3)(b), (d), (f), or (g), relating to
72 human trafficking for commercial sexual activity.

73 (g) Former s. 787.06(3)(h), relating to human trafficking
74 of a child under the age of 15 for commercial sexual activity.

75 (h) Section 787.07, relating to human smuggling.

76 (i) Section 794.011, relating to sexual battery, excluding
77 s. 794.011(10).

78 (j) Section 794.05, relating to unlawful sexual activity
79 with certain minors.

80 (k) Section 794.08, relating to female genital mutilation.

81 (l) Former s. 796.03, relating to procuring a person under
82 the age of 18 for prostitution.

83 (m) Former s. 796.035, relating to the selling or buying
84 of minors into prostitution.

85 (n) Section 796.04, relating to forcing, compelling, or
86 coercing another to become a prostitute.

87 (o) Section 796.05, relating to deriving support from the
88 proceeds of prostitution.

89 (p) Section 796.07(4)(a)3., relating to a felony of the
90 third degree for a third or subsequent violation of s. 796.07,
91 relating to prohibiting prostitution and related acts.

92 (q) Section 800.04, relating to lewd or lascivious
93 offenses committed upon or in the presence of persons younger
94 than 16 years of age.

95 (r) Section 810.145(8), relating to video voyeurism of a
96 minor.

97 (s) Section 825.1025, relating to lewd or lascivious
98 offenses committed upon or in the presence of an elderly person
99 or disabled person.

100 (t) Section 827.071, relating to sexual performance by a

101 child.

102 (u) Section 847.011, relating to prohibited acts in
103 connection with obscene, lewd, and other materials.

104 (v) Section 847.012, relating to materials harmful to
105 minors.

106 (w) Section 847.013, relating to exposing minors to
107 harmful motion pictures, exhibitions, shows, presentations, or
108 representations.

109 (x) Section 847.0133, relating to the protection of minors
110 from obscene materials.

111 (y) Section 847.0135, relating to computer pornography,
112 prohibited computer usage, or traveling to meet minors,
113 excluding s. 847.0135(6).

114 (z) Section 847.0137, relating to transmission of child
115 pornography by electronic device or equipment.

116 (aa) Section 847.0138, relating to the transmission of
117 material harmful to minors to a minor by electronic device or
118 equipment.

119 (bb) Section 847.0145, relating to the selling or buying
120 of minors.

121 (cc) Section 856.022, relating to loitering or prowling in
122 close proximity to children.

123 (dd) Section 895.03, relating to racketeering activity, if
124 the court makes a written finding that the racketeering activity
125 involved at least one sexual offense listed in this subsection

126 | or at least one offense listed in this subsection which was
127 | committed with sexual intent or motive.

128 | (ee) Section 916.1075(2), relating to sexual misconduct
129 | against a forensic client of a civil or forensic facility for
130 | defendants who have a mental illness or an intellectual
131 | disability.

132 | (ff) Section 985.701(1), relating to sexual misconduct
133 | against a juvenile offender.

134 | (gg) Any similar offense committed in this state which has
135 | been redesignated from a former statute number to one of those
136 | listed in this subsection.

137 | Section 3. This act shall take effect July 1, 2021.