

By the Committee on Rules; and Senators Book and Taddeo

595-04298-21

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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 health care
10 practitioners' licenses if they enter a criminal plea
11 to, or are convicted or found guilty of, a felony
12 relating to homicide or are arrested for committing or
13 attempting, soliciting, or conspiring to commit acts
14 that would constitute violations of specified criminal
15 offenses; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Paragraph (rr) is added to subsection (1) of
20 section 456.072, Florida Statutes, to read:

21 456.072 Grounds for discipline; penalties; enforcement.—

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

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

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30 jurisdiction.

31 Section 2. Present subsection (5) of section 456.074,
32 Florida Statutes, is redesignated as subsection (6), a new
33 subsection (5) is added to that section, and subsection (1) of
34 that section is amended, to read:

35 456.074 Certain health care practitioners; immediate
36 suspension of license.—

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

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

47 (b) A misdemeanor or felony under 18 U.S.C. s. 669, ss.
48 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s.
49 1349, or s. 1518 or 42 U.S.C. ss. 1320a-7b, relating to the
50 Medicaid program.~~†~~ ~~or~~

51 (c) A felony under s. 784.086, relating to a reproductive
52 battery.

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

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

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59 offenses in another jurisdiction:

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

62 (b) Section 394.4593(2), relating to sexual misconduct with
63 a patient who resides in a receiving or treatment facility or is
64 otherwise in the custody of the Department of Children and
65 Families.

66 (c) Section 787.01, relating to kidnapping.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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117 equipment.

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

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

122 (dd) Section 895.03, relating to racketeering activity, if
123 the court makes a written finding that the racketeering activity
124 involved at least one sexual offense listed in this subsection
125 or at least one offense listed in this subsection which was
126 committed with sexual intent or motive.

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

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

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

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