

By the Committee on Health Policy; and Senators Burton and Passidomo

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1 A bill to be entitled
2 An act relating to health care practitioner specialty
3 titles and designations; amending s. 456.003, F.S.;
4 revising legislative findings; amending s. 456.065,
5 F.S.; providing circumstances under which the
6 Department of Health may issue a notice to cease and
7 desist and pursue other remedies upon finding probable
8 cause; creating s. 456.65, F.S.; prohibiting the use
9 of specified titles and designations by health care
10 practitioners not licensed as physicians or
11 osteopathic physicians, as applicable, with an
12 exception; providing that the use of such titles and
13 designations constitutes the unlicensed practice of
14 medicine or osteopathic medicine, as applicable;
15 authorizing the department to pursue specified
16 remedies for such violations; authorizing health care
17 practitioners to use names and titles, and their
18 corresponding designations and initials, authorized by
19 their respective practice acts; specifying the manner
20 in which health care practitioners may represent their
21 specialty practice areas; specifying titles and
22 abbreviations certain health care practitioners may
23 use; amending ss. 458.3312 and 459.0152, F.S.;
24 specifying specialist titles and designations that
25 physicians and osteopathic physicians, respectively,
26 are prohibited from using unless they have received
27 formal recognition by the appropriate recognizing
28 agency for such specialty certifications; authorizing
29 the Board of Medicine and the Board of Osteopathic

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30 Medicine, as applicable, to adopt certain rules;
31 providing an effective date.

32
33 Be It Enacted by the Legislature of the State of Florida:

34
35 Section 1. Subsection (2) of section 456.003, Florida
36 Statutes, is amended to read:

37 456.003 Legislative intent; requirements.—

38 (2) The Legislature further finds ~~believes~~ that such
39 professions must ~~shall~~ be regulated only for the preservation of
40 the health, safety, and welfare of the public under the police
41 powers of the state, and that the health, safety, and welfare of
42 the public may be harmed or endangered by the unlawful practice
43 of a profession; by a misleading, deceptive, or fraudulent
44 representation relating to a person's authority to practice a
45 profession lawfully; or when patients are uninformed about the
46 profession under which a health care practitioner is practicing
47 before receiving professional consultation or services from the
48 practitioner. As a matter of great public importance, such
49 professions must ~~shall~~ be regulated when:

50 (a) Their unregulated practice can harm or endanger the
51 health, safety, and welfare of the public, and when the
52 potential for such harm is recognizable and clearly outweighs
53 any anticompetitive impact which may result from regulation.

54 (b) The public is not effectively protected by other means,
55 including, but not limited to, other state statutes, local
56 ordinances, or federal legislation.

57 (c) Less restrictive means of regulation are not available.

58 Section 2. Paragraph (a) of subsection (2) of section

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59 456.065, Florida Statutes, is amended to read:

60 456.065 Unlicensed practice of a health care profession;
61 intent; cease and desist notice; penalties; enforcement;
62 citations; fees; allocation and disposition of moneys
63 collected.—

64 (2) The penalties for unlicensed practice of a health care
65 profession shall include the following:

66 (a)1. When the department has probable cause to believe
67 that any person not licensed by the department, or the
68 appropriate regulatory board within the department, has violated
69 any provision of this chapter or any statute that relates to the
70 practice of a profession regulated by the department, or any
71 rule adopted pursuant thereto, the department may issue and
72 deliver to such person a notice to cease and desist from such
73 violation.

74 2. When the department has probable cause to believe that
75 any licensed health care practitioner has engaged in the
76 unlicensed practice of a health care profession by violating s.
77 456.65, the department may issue and deliver to such health care
78 practitioner a notice to cease and desist from such violation
79 and may pursue other remedies authorized under this section
80 which apply to the unlicensed practice of a health care
81 profession.

82 3. In addition to the remedies under subparagraphs 1. and
83 2., the department may issue and deliver a notice to cease and
84 desist to any person who aids and abets the unlicensed practice
85 of a profession by employing the ~~such unlicensed~~ person engaging
86 in the unlicensed practice.

87 4. The issuance of a notice to cease and desist shall not

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88 constitute agency action for which a hearing under ss. 120.569
89 and 120.57 may be sought. For the purpose of enforcing a cease
90 and desist order, the department may file a proceeding in the
91 name of the state seeking issuance of an injunction or a writ of
92 mandamus against any person who violates any provisions of such
93 order.

94 Section 3. Section 456.65, Florida Statutes, is created to
95 read:

96 456.65 Specialties.-

97 (1) (a) A health care practitioner not licensed as a
98 physician under chapter 458 may not hold himself or herself out
99 to a patient or the public at large as a specialist by
100 describing himself or herself or his or her practice through the
101 use of any specialist title or designation specifically listed
102 under s. 458.3312(2), either alone or in combination, or in
103 connection with other words, unless the practitioner is
104 authorized to use such specialist title or designation under
105 subsection (3).

106 (b) A health care practitioner not licensed as a physician
107 under chapter 459 may not hold himself or herself out to a
108 patient or the public at large as a specialist by describing
109 himself or herself or his or her practice through the use of any
110 specialist title or designation specifically listed under s.
111 459.0152(2), either alone or in combination, or in connection
112 with other words, unless the practitioner is authorized to use
113 such specialist title or designation under subsection (3).

114 (2) A violation of subsection (1) constitutes the
115 unlicensed practice of medicine or osteopathic medicine, as
116 applicable, and the department may pursue remedies under s.

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117 456.065 for such violation.

118 (3) Notwithstanding subsection (1):

119 (a) A licensed health care practitioner may use the name or
120 title of his or her profession which is authorized under his or
121 her practice act, and any corresponding designations or initials
122 so authorized, to describe himself or herself and his or her
123 practice.

124 (b) A licensed health care practitioner who has a specialty
125 area of practice authorized under his or her practice act may
126 use the following format to identify himself or herself or
127 describe his or her practice: "... (name or title of the
128 practitioner's profession)..., specializing in ... (name of the
129 practitioner's specialty)...."

130 (c) A chiropractic physician licensed under chapter 460 may
131 use the title "chiropractic radiologist" and other titles,
132 abbreviations, or designations authorized under his or her
133 practice act reflecting those chiropractic specialty areas in
134 which the chiropractic physician has attained diplomate status
135 as recognized by the American Chiropractic Association, the
136 International Chiropractors Association, the International
137 Academy of Clinical Neurology, or the International Chiropractic
138 Pediatric Association.

139 (d) A podiatric physician licensed under chapter 461 may
140 use the following titles and abbreviations as applicable to his
141 or her license, specialty, and certification: "podiatric
142 surgeon," "Fellow in the American College of Foot and Ankle
143 Surgeons," and any other titles or abbreviations authorized
144 under his or her practice act.

145 (e) A dentist licensed under chapter 466 may use the

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146 following titles and abbreviations as applicable to his or her
147 license, specialty, and certification: "doctor of dental
148 surgery," "D.D.S.," "oral surgeon," "maxillofacial surgeon,"
149 "oral and maxillofacial surgeon," "O.M.S.," "dental
150 anesthesiologist," "oral pathologist," "oral radiologist," and
151 any other titles or abbreviations authorized under his or her
152 practice act.

153 (f) An anesthesiologist assistant licensed under chapter
154 458 or chapter 459 may use the titles "anesthesiologist
155 assistant" or "certified anesthesiologist assistant" and the
156 abbreviations "A.A." or "C.A.A.," as applicable.

157 (g) A physician licensed under chapter 458 or chapter 459
158 may use a specialist title or designation according to s.
159 458.3312 or s. 459.0152, as applicable.

160 Section 4. Section 458.3312, Florida Statutes, is amended
161 to read:

162 458.3312 Specialties.—

163 (1) A physician licensed under this chapter may not hold
164 himself or herself out as a board-certified specialist unless
165 the physician has received formal recognition as a specialist
166 from a specialty board of the American Board of Medical
167 Specialties or other recognizing agency that has been approved
168 by the board. However, a physician may indicate the services
169 offered and may state that his or her practice is limited to one
170 or more types of services when this accurately reflects the
171 scope of practice of the physician.

172 (2) Specialist titles and designations to which subsection
173 (1) applies include:

174 (a) Surgeon.

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175 (b) Neurosurgeon.
176 (c) General surgeon.
177 (d) Plastic surgeon.
178 (e) Thoracic surgeon.
179 (f) Allergist.
180 (g) Anesthesiologist.
181 (h) Cardiologist.
182 (i) Dermatologist.
183 (j) Endocrinologist.
184 (k) Gastroenterologist.
185 (l) Geriatrician.
186 (m) Gynecologist.
187 (n) Hematologist.
188 (o) Hospitalist.
189 (p) Immunologist.
190 (q) Intensivist.
191 (r) Internist.
192 (s) Laryngologist.
193 (t) Nephrologist.
194 (u) Neurologist.
195 (v) Neurotologist.
196 (w) Obstetrician.
197 (x) Oncologist.
198 (y) Ophthalmologist.
199 (z) Orthopedic surgeon.
200 (aa) Orthopedist.
201 (bb) Otologist.
202 (cc) Otolaryngologist.
203 (dd) Otorhinolaryngologist.

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204 (ee) Pathologist.
205 (ff) Pediatrician.
206 (gg) Proctologist.
207 (hh) Psychiatrist.
208 (ii) Pulmonologist.
209 (jj) Radiologist.
210 (kk) Rheumatologist.
211 (ll) Rhinologist.
212 (mm) Urologist.
213 (3) The board may adopt by rule additional specialist
214 titles and designations to which subsection (1) applies.
215 Section 5. Section 459.0152, Florida Statutes, is amended
216 to read:
217 459.0152 Specialties.—
218 (1) An osteopathic physician licensed under this chapter
219 may not hold himself or herself out as a board-certified
220 specialist unless the osteopathic physician has successfully
221 completed the requirements for certification by the American
222 Osteopathic Association or the Accreditation Council on Graduate
223 Medical Education and is certified as a specialist by a
224 certifying agency approved by the board. However, an osteopathic
225 physician may indicate the services offered and may state that
226 his or her practice is limited to one or more types of services
227 when this accurately reflects the scope of practice of the
228 osteopathic physician.
229 (2) Specialist titles and designations to which subsection
230 (1) applies include:
231 (a) Surgeon.
232 (b) Neurosurgeon.

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- 233 (c) General surgeon.
234 (d) Plastic surgeon.
235 (e) Thoracic surgeon.
236 (f) Allergist.
237 (g) Anesthesiologist.
238 (h) Cardiologist.
239 (i) Dermatologist.
240 (j) Endocrinologist.
241 (k) Gastroenterologist.
242 (l) Geriatrician.
243 (m) Gynecologist.
244 (n) Hematologist.
245 (o) Hospitalist.
246 (p) Immunologist.
247 (q) Intensivist.
248 (r) Internist.
249 (s) Laryngologist.
250 (t) Nephrologist.
251 (u) Neurologist.
252 (v) Neurotologist.
253 (w) Obstetrician.
254 (x) Oncologist.
255 (y) Ophthalmologist.
256 (z) Orthopedic surgeon.
257 (aa) Orthopedist.
258 (bb) Otologist.
259 (cc) Otolaryngologist.
260 (dd) Otorhinolaryngologist.
261 (ee) Pathologist.

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262 (ff) Pediatrician.
263 (gg) Proctologist.
264 (hh) Psychiatrist.
265 (ii) Pulmonologist.
266 (jj) Radiologist.
267 (kk) Rheumatologist.
268 (ll) Rhinologist.
269 (mm) Urologist.
270 (3) The board may adopt by rule additional specialist
271 titles and designations to which subsection (1) applies.
272 Section 6. This act shall take effect July 1, 2025.