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LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (Book) recommended the following:

Senate Amendment (with title amendment)

Delete lines 35 - 189

and insert:

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

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

(1) The department shall issue an emergency order



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12 suspending the license of any health care practitioner person
13 licensed under chapter 458, chapter 459, chapter 460, chapter
14 461, chapter 462, chapter 463, chapter 464, chapter 465, chapter
15 466, or chapter 484 who pleads guilty to, is convicted or found
16 guilty of, or ~~who~~ enters a plea of nolo contendere to,
17 regardless of adjudication, any of the following ~~to~~:

18 (a) A felony under chapter 409, chapter 817, or chapter 893
19 or under 21 U.S.C. ss. 801-970 or under 42 U.S.C. ss. 1395-
20 1396.~~†~~

21 (b) A misdemeanor or felony under 18 U.S.C. s. 669, ss.
22 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s.
23 1349, or s. 1518 or 42 U.S.C. ss. 1320a-7b, relating to the
24 Medicaid program.~~† or~~

25 (c) A felony under s. 784.086, relating to a reproductive
26 battery.

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

28 (5) The department shall issue an emergency order
29 suspending the license of any health care practitioner who is
30 arrested for committing or attempting, soliciting, or conspiring
31 to commit any act that would constitute a violation of any of
32 the following criminal offenses in this state or similar
33 offenses in another jurisdiction:

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

36 (b) Section 394.4593(2), relating to sexual misconduct with
37 a patient who resides in a receiving or treatment facility or is
38 otherwise in the custody of the Department of Children and
39 Families.

40 (c) Section 787.01, relating to kidnapping.



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- 41 (d) Section 787.02, relating to false imprisonment.
- 42 (e) Section 787.025(2), relating to luring or enticing a
- 43 child.
- 44 (f) Section 787.06(3)(b), (d), (f), or (g), relating to
- 45 human trafficking for commercial sexual activity.
- 46 (g) Former s. 787.06(3)(h), relating to human trafficking
- 47 of a child under the age of 15 for commercial sexual activity.
- 48 (h) Section 787.07, relating to human smuggling.
- 49 (i) Section 794.011, relating to sexual battery, excluding
- 50 s. 794.011(10).
- 51 (j) Section 794.05, relating to unlawful sexual activity
- 52 with certain minors.
- 53 (k) Section 794.08, relating to female genital mutilation.
- 54 (l) Former s. 796.03, relating to procuring a person under
- 55 the age of 18 for prostitution.
- 56 (m) Former s. 796.035, relating to the selling or buying of
- 57 minors into prostitution.
- 58 (n) Section 796.04, relating to forcing, compelling, or
- 59 coercing another to become a prostitute.
- 60 (o) Section 796.05, relating to deriving support from the
- 61 proceeds of prostitution.
- 62 (p) Section 796.07(4)(a)3., relating to a felony of the
- 63 third degree for a third or subsequent violation of s. 796.07,
- 64 relating to prohibiting prostitution and related acts.
- 65 (q) Section 800.04, relating to lewd or lascivious offenses
- 66 committed upon or in the presence of persons younger than 16
- 67 years of age.
- 68 (r) Section 810.145(8), relating to video voyeurism of a
- 69 minor.



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70 (s) Section 825.1025, relating to lewd or lascivious
71 offenses committed upon or in the presence of an elderly person
72 or disabled person.

73 (t) Section 827.071, relating to sexual performance by a
74 child.

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

77 (v) Section 847.012, relating to materials harmful to
78 minors.

79 (w) Section 847.013, relating to exposing minors to harmful
80 motion pictures, exhibitions, shows, presentations, or
81 representations.

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

84 (y) Section 847.0135, relating to computer pornography,
85 prohibited computer usage, or traveling to meet minors,
86 excluding s. 847.0135(6).

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

89 (aa) Section 847.0138, relating to the transmission of
90 material harmful to minors to a minor by electronic device or
91 equipment.

92 (bb) Section 847.0145, relating to the selling or buying of
93 minors.

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

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



99 or at least one offense listed in this subsection which was
100 committed with sexual intent or motive.

101 (ee) Section 916.1075(2), relating to sexual misconduct
102 against a forensic client of a civil or forensic facility for
103 defendants who have a mental illness or an intellectual
104 disability.

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

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

110
111 ===== T I T L E A M E N D M E N T =====

112 And the title is amended as follows:

113 Delete lines 6 - 19

114 and insert:

115 revising provisions relating to immediate suspension
116 of licensure to apply to all health care
117 practitioners; requiring the Department of Health to
118 issue emergency orders to suspend health care
119 practitioners' licenses if they enter a criminal plea
120 to, or are convicted or found guilty of, a felony
121 relating to homicide or are arrested for committing or
122 attempting, soliciting, or conspiring to commit acts
123 that would constitute violations of specified criminal
124 offenses; providing an effective date.