



26 | and make public a statement of the rights and responsibilities  
27 | of the residents of such facilities and shall treat such  
28 | residents in accordance with the provisions of that statement.

29 | The statement shall assure each resident the following:

30 |       (o) The right to be free from mental and physical abuse,  
31 | sexual abuse, neglect, exploitation, corporal punishment,  
32 | extended involuntary seclusion, and ~~from~~ physical and chemical  
33 | restraints, except those restraints authorized in writing by a  
34 | physician for a specified and limited period of time or as are  
35 | necessitated by an emergency. In case of an emergency, restraint  
36 | may be applied only by a qualified licensed nurse who shall set  
37 | forth in writing the circumstances requiring the use of  
38 | restraint, and, in the case of use of a chemical restraint, a  
39 | physician shall be consulted immediately thereafter. Restraints  
40 | may not be used in lieu of staff supervision or merely for staff  
41 | convenience, for punishment, or for reasons other than resident  
42 | protection or safety.

43 |       Section 2. Subsection (6) of section 408.812, Florida  
44 | Statutes, is amended to read:

45 |       408.812 Unlicensed activity.—

46 |       (6) In addition to granting injunctive relief pursuant to  
47 | subsection (2), if the agency determines that a person or entity  
48 | is operating or maintaining a provider without obtaining a  
49 | license and determines that a condition exists that poses a  
50 | threat to the health, safety, or welfare of a client of the

51 provider, the person or entity is subject to the same actions  
52 and fines imposed against a licensee as specified in this part,  
53 authorizing statutes, and agency rules.

54 (a) The agency may petition the circuit court for an ex  
55 parte temporary injunction against continued unlicensed activity  
56 when agency personnel have verified, through an onsite  
57 inspection, that a person or entity is advertising, offering, or  
58 providing services that require licensure and has previously  
59 received notification from the agency to discontinue such  
60 activity.

61 (b) A sworn petition seeking the issuance of an ex parte  
62 temporary injunction against continued unlicensed activity shall  
63 allege the location of the unlicensed activity, the owners and  
64 operators of the unlicensed provider, the type of services that  
65 require licensure, and specific facts supporting the conclusion  
66 that the respondent is engaged in unlicensed activity, including  
67 the date, time, and location at which the respondent was  
68 notified to discontinue such activity, whether the respondent  
69 prohibited the agency from conducting a subsequent investigation  
70 to determine current compliance or noncompliance, any previous  
71 injunctive relief granted against the respondent, and any  
72 previous agency determination that the respondent has previously  
73 been identified as engaging in unlicensed activity.

74 (c) A bond may not be required by the court for the entry  
75 of an ex parte temporary injunction.

76        (d) Except as provided in s. 90.204, in a hearing ex parte  
77 for the purpose of obtaining an ex parte temporary injunction,  
78 evidence other than verified pleadings or affidavits by agency  
79 personnel or others with firsthand knowledge of the alleged  
80 unlicensed activity may not be used as evidence, unless the  
81 respondent appears at the hearing. A denial of a petition for an  
82 ex parte temporary injunction shall be by written order noting  
83 the legal grounds for denial. This paragraph does not affect the  
84 agency's right to promptly amend any petition or otherwise be  
85 heard in person on any petition in accordance with the Florida  
86 Rules of Civil Procedure.

87        (e) If it appears to the court that the respondent is  
88 engaged in unlicensed activity and has not discontinued that  
89 activity after notification by the agency, the court may grant  
90 an ex parte temporary injunction, pending a full hearing, and  
91 may grant such relief as the court deems proper, including an ex  
92 parte temporary injunction restraining the respondent from  
93 advertising, offering, or providing services for which licensure  
94 is required under this chapter and authorizing statutes, and  
95 requiring the respondent to provide agency personnel with full  
96 access to facility personnel, records, and clients for a future  
97 inspection of the premises.

98        (f) Any such ex parte temporary injunction shall be  
99 effective for a fixed period not to exceed 30 days.

100        (g) The agency must conduct an inspection of the

101 identified premises within 20 days after issuance of the ex  
102 parte temporary injunction to verify the respondent's compliance  
103 or noncompliance with the ex parte temporary injunction. If the  
104 respondent is found to have complied with the ex parte temporary  
105 injunction, the agency shall voluntarily dismiss the ex parte  
106 temporary injunction. If the agency identifies that unlicensed  
107 activity has continued in violation of the ex parte temporary  
108 injunction, the agency may file a petition for permanent  
109 injunction within 10 days after identifying the continued  
110 noncompliance at which time a full hearing shall be set as soon  
111 as practicable. The agency may, along with the filing of a  
112 petition for permanent injunction, move for an extension of the  
113 ex parte temporary injunction until disposition of the permanent  
114 injunction proceedings.

115 (h) An ex parte temporary injunction against continued  
116 unlicensed activity shall be served by the sheriff of the county  
117 in which the respondent's activities are conducted.

118 (i) Remedies in this subsection are not exclusive but are  
119 in addition to any other administrative or criminal remedies for  
120 unlicensed activity.

121 (j) The agency is not required to exhaust its  
122 administrative remedies before seeking the relief provided under  
123 this subsection.

124 (k) The agency is authorized to provide any and all  
125 records of agency inspections to local law enforcement or state

126 attorneys' offices upon request and without redaction.

127 Section 3. Subsection (2) of section 458.328, Florida  
128 Statutes, renumbered as subsection (3), and a new subsection (2)  
129 is added to that section to read:

130 458.328 Office surgeries.-

131 (2) STANDARD OF PRACTICE.-

132 (a) For purposes of this section, the term:

133 1. "Office surgery" means a surgery performed at an office  
134 that primarily serves as a physician's office at which a  
135 physician regularly performs consultations with surgical  
136 patients, presurgical examinations, and postoperative monitoring  
137 and care related to office surgeries and at which patient  
138 records are readily maintained and available.

139 2. "Physician" means a physician or surgeon licensed to  
140 practice under this chapter.

141 (b) A physician performing a gluteal fat grafting  
142 procedure in an office surgery setting shall adhere to standards  
143 of practice pursuant to this subsection and rules adopted by the  
144 board. The board may not adopt by rule standards of practice  
145 that conflict with this subsection.

146 (c) Office surgeries may not:

147 1. Result in blood loss of more than 10 percent of  
148 estimated blood volume in a patient with a normal hemoglobin  
149 level;

150 2. Require major or prolonged intracranial, intrathoracic,

151 abdominal, or joint replacement procedures, except for  
152 laparoscopic procedures;

153 3. Involve major blood vessels performed with direct  
154 visualization by open exposure of the major blood vessel, except  
155 for percutaneous endovascular intervention; or

156 4. Be emergent or life threatening.

157 (d)1. A physician performing a gluteal fat grafting  
158 procedure must be a cosmetic surgeon certified by the American  
159 Board of Cosmetic Surgery.

160 2. Any duty delegated by a physician, with a patient's  
161 informed consent, to be performed during a gluteal fat grafting  
162 procedure must be performed under the direct supervision of the  
163 physician performing such procedure. Gluteal fat injections must  
164 be performed by the physician and may not be delegated.

165 3. Gluteal fat may only be injected into the subcutaneous  
166 space of the patient and may not cross the fascia overlying the  
167 gluteal muscle. Intramuscular or submuscular fat injections are  
168 prohibited.

169 4. When the physician performing a gluteal fat grafting  
170 procedure injects fat into the subcutaneous space of the  
171 patient, the physician must use ultrasound guidance during the  
172 placement and navigation of the canula to ensure that the fat is  
173 injected into the subcutaneous space of the patient above the  
174 fascia overlying the gluteal muscle. Ultrasound guidance is not  
175 required for other portions of such procedure.

176 (e) An office at which office surgeries will be performed  
 177 must be inspected by the department before registration. If the  
 178 office refuses the preregistration inspection, the office may  
 179 not be registered by the department until completion of an  
 180 inspection. If a registered office refuses any subsequent  
 181 inspection, the registration of such office shall be immediately  
 182 suspended until completion of an inspection by the department.

183 (f) If a procedure in an office surgery setting results in  
 184 hospitalization, the type of procedure performed and the  
 185 location at which the procedure was performed, if known, must be  
 186 included in the hospital intake information for the purpose of  
 187 adverse incident reporting.

188 (g) A health care facility that meets the definition of an  
 189 ambulatory surgical center as defined in s. 395.002 or a  
 190 hospital or an abortion clinic as defined in s. 390.011,  
 191 respectively, may not register as an office under this section  
 192 or rules adopted by the board.

193 Section 4. Subsection (2) of section 459.0138, Florida  
 194 Statutes, is renumbered as subsection (3), and a new subsection  
 195 (2) is added to that section to read:

196 459.0138 Office surgeries.—

197 (2) STANDARD OF PRACTICE.—

198 (a) For purposes of this section, the term:

199 1. "Office surgery" means a surgery performed at an office  
 200 that primarily serves as a physician's office at which a

201 physician performs surgeries as permitted under this section.  
202 The physician's office must be an office at which such physician  
203 regularly performs consultations with surgical patients,  
204 presurgical examinations, and postoperative monitoring and care  
205 related to office surgeries and at which patient records are  
206 readily maintained and available.

207 2. "Physician" means a physician or surgeon licensed to  
208 practice under this chapter.

209 (b) A physician performing a gluteal fat grafting  
210 procedure in an office surgery setting shall adhere to standards  
211 of practice pursuant to this subsection and rules adopted by the  
212 board. The board may not adopt by rule standards of practice  
213 that conflict with this subsection.

214 (c) Office surgeries may not:

215 1. Result in blood loss of more than 10 percent of  
216 estimated blood volume in a patient with a normal hemoglobin  
217 level;

218 2. Require major or prolonged intracranial, intrathoracic,  
219 abdominal, or joint replacement procedures, except for  
220 laparoscopic procedures;

221 3. Involve major blood vessels performed with direct  
222 visualization by open exposure of the major blood vessel, except  
223 for percutaneous endovascular intervention; or

224 4. Be emergent or life threatening.

225 (d)1. A physician performing a gluteal fat grafting

226 procedure must be a cosmetic surgeon certified by the American  
227 Board of Cosmetic Surgery.

228 2. Any duty delegated by a physician, with a patient's  
229 informed consent, to be performed during a gluteal fat grafting  
230 procedure must be performed under the direct supervision of the  
231 physician performing such procedure. Gluteal fat injections must  
232 be performed by the physician and may not be delegated.

233 3. Gluteal fat may only be injected into the subcutaneous  
234 space of the patient and may not cross the fascia overlying the  
235 gluteal muscle. Intramuscular or submuscular fat injections are  
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238 procedure injects fat into the subcutaneous space of the  
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240 placement and navigation of the canula to ensure that the fat is  
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242 fascia overlying the gluteal muscle. Ultrasound guidance is not  
243 required for other portions of such procedure.

244 (e) An office at which office surgeries will be performed  
245 must be inspected by the department before registration. If the  
246 office refuses the preregistration inspection, the office may  
247 not be registered by the department until completion of an  
248 inspection. If a registered office refuses any subsequent  
249 inspection, the registration of such office shall be immediately  
250 suspended until completion of an inspection by the department.

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251 (f) If a procedure in an office surgery setting results in  
252 hospitalization, the type of procedure performed and the  
253 location at which the procedure was performed, if known, must be  
254 included in the hospital intake information for the purpose of  
255 adverse incident reporting.

256 (g) A health care facility that meets the definition of an  
257 ambulatory surgical center in s. 395.002 or a hospital or an  
258 abortion clinic as defined in s. 390.011, respectively, may not  
259 register as an office under this section or rules adopted by the  
260 board.

261 Section 5. This act shall take effect July 1, 2023.