

By Senator Rodriguez

40-00147B-24

2024898__

1 A bill to be entitled
2 An act relating to naturopathic medicine;
3 redesignating the title of ch. 462, F.S., from
4 "Naturopathy" to "Naturopathic Medicine"; creating s.
5 462.001, F.S.; providing legislative findings and
6 purpose; creating s. 462.002, F.S.; providing
7 applicability and construction; renumbering and
8 amending s. 462.01, F.S.; revising and defining terms;
9 creating s. 462.004, F.S.; creating the Board of
10 Naturopathic Medicine within the Department of Health;
11 providing for membership of the board; requiring the
12 board, in conjunction with the department, to
13 establish a disciplinary training program for board
14 members; providing requirements for the program;
15 providing that board members may not participate in
16 probable cause panels or disciplinary decisions unless
17 they have completed the training program; requiring
18 board members appointed to probable cause panels to
19 attempt to complete their work on every case presented
20 to them; authorizing board members to reconvene a
21 probable cause panel under certain circumstances;
22 providing applicability; renumbering and amending s.
23 462.023, F.S.; authorizing the board to adopt rules;
24 deleting obsolete language; creating s. 462.006, F.S.;
25 prohibiting certain unlicensed persons from practicing
26 naturopathic medicine or promoting, identifying, or
27 describing themselves using specified titles or
28 abbreviations; providing construction; creating ss.
29 462.007 and 462.008, F.S.; providing for licensure by

40-00147B-24

2024898__

30 examination and by endorsement, respectively, of
31 naturopathic physicians; requiring the department and
32 the board to use an investigative process to ensure
33 that applicants meet the applicable criteria;
34 authorizing the State Surgeon General or her or his
35 designee to issue a 90-day licensure delay under
36 certain circumstances; providing construction;
37 prohibiting the board from certifying for licensure
38 certain applicants until a certain investigation is
39 completed; providing applicability; prohibiting the
40 department from issuing a license to certain
41 applicants until the board has reviewed the
42 application and certified the applicant for licensure;
43 authorizing the board to enter an order imposing
44 certain sanctions against or conditions on an
45 applicant for licensure under certain circumstances;
46 renumbering and amending s. 462.08, F.S.; revising
47 requirements for licensure renewal for naturopathic
48 physicians; requiring the department to adopt rules;
49 renumbering and amending s. 462.18, F.S.; revising
50 continuing education requirements for naturopathic
51 physicians; requiring naturopathic physicians to use
52 the department's electronic continuing education
53 tracking system to demonstrate compliance with
54 continuing education requirements; renumbering and
55 amending s. 462.19, F.S.; revising provisions related
56 to reactivation of inactive naturopathic physician
57 licenses; requiring the board to adopt rules relating
58 to the reactivation of inactive licenses; providing

40-00147B-24

2024898__

59 requirements for the rules; prohibiting the department
60 from reactivating a license until certain conditions
61 have been met; renumbering and amending s. 462.11,
62 F.S.; conforming a provision to changes made by the
63 act; creating s. 462.014, F.S.; requiring the board to
64 adopt rules providing for the handling of medical
65 records by licensed naturopathic physicians; providing
66 requirements for such rules; creating s. 462.015,
67 F.S.; providing financial responsibility requirements
68 as a condition of licensure for naturopathic
69 physicians; providing exemptions from such
70 requirements; requiring certain insuring entities to
71 promptly notify the department of a naturopathic
72 physician's cancellation or nonrenewal of insurance;
73 requiring the department to suspend the license of a
74 naturopathic physician under certain circumstances
75 until the licensee demonstrates compliance with
76 specified requirements; providing applicability;
77 requiring certain naturopathic physicians to provide a
78 specified notice to their patients; providing
79 requirements for the notice; providing for permanent
80 disqualification from any exemption from the financial
81 responsibility requirements, and for disciplinary
82 action, for specified conduct; requiring certain
83 naturopathic physicians to notify the department in
84 writing of any change in circumstance and demonstrate
85 compliance with certain requirements; requiring the
86 department to suspend the license of a naturopathic
87 physician under certain circumstances until certain

40-00147B-24

2024898__

88 requirements are met; providing applicability;
89 requiring the board to adopt rules; renumbering and
90 amending s. 462.13, F.S.; conforming a provision to
91 changes made by the act; renumbering and amending s.
92 462.14, F.S.; revising grounds for disciplinary
93 action; providing construction; providing for
94 disciplinary actions by the board and department;
95 providing for the standard of proof in certain
96 administrative actions; providing requirements for the
97 reinstatement of a license for certain persons;
98 providing requirements for disciplinary guidelines
99 adopted by the board; providing requirements and
100 procedures for the department's receipt of certain
101 closed claims and reports involving a licensed
102 naturopathic physician; authorizing the department to
103 bring an action to enjoin a naturopathic physician
104 from providing medical services under certain
105 circumstances; requiring the department to promptly
106 furnish certain documents to a naturopathic physician
107 or her or his attorney upon undertaking an
108 investigation of the naturopathic physician;
109 authorizing a naturopathic physician who is the
110 subject of such investigation to submit a written
111 response within a specified timeframe; requiring the
112 response to be considered by the probable cause panel,
113 if held on the matter; creating s. 462.018, F.S.;
114 prohibiting licensed naturopathic physicians from
115 holding themselves out as board-certified specialists
116 unless certified by the board regulating such

40-00147B-24

2024898__

117 specialty; authorizing licensed naturopathic
118 physicians to accurately indicate or state which
119 services or types of services they provide within the
120 scope of practice of naturopathic medicine;
121 renumbering and amending s. 462.17, F.S.; providing
122 criminal penalties for specified violations relating
123 to the practice of naturopathic medicine; creating s.
124 462.024, F.S.; providing that patients are responsible
125 for advising treating health care practitioners about
126 any legend drugs, nutrients, or natural medicinal
127 substances that a naturopathic physician has
128 prescribed or recommended to the patient; requiring
129 naturopathic physicians to advise their patients of
130 such responsibility; creating a rebuttable presumption
131 that certain injuries sustained by a patient are
132 caused by her or his failure to disclose such
133 information as required; providing for the rebuttal of
134 such presumption under certain circumstances;
135 providing construction; providing that a naturopathic
136 physician is not required to confirm whether a patient
137 has disclosed this information to another treating
138 health care practitioner; creating s. 462.025, F.S.;
139 establishing the Naturopathic Medical Formulary
140 Council, separate and distinct from the board;
141 providing for membership of the council; requiring the
142 council to establish the Naturopathic Medical
143 Formulary; providing requirements for the formulary;
144 requiring the council to review the formulary annually
145 and at any time upon board request; providing that

40-00147B-24

2024898__

146 naturopathic physicians may prescribe, administer, and
147 dispense only those drugs included in the formulary;
148 providing construction; creating s. 462.026, F.S.;
149 providing severability; renumbering s. 462.09, F.S.,
150 relating to disposition of fees; repealing s. 462.16,
151 F.S., relating to reissue of license; repealing s.
152 462.2001, F.S., relating to saving clause; amending s.
153 921.0022, F.S.; conforming a cross-reference;
154 providing an effective date.

155
156 Be It Enacted by the Legislature of the State of Florida:

157
158 Section 1. Chapter 462, Florida Statutes, entitled
159 "Naturopathy," is redesignated as "Naturopathic Medicine."

160 Section 2. Section 462.001, Florida Statutes, is created to
161 read:

162 462.001 Legislative findings; purpose.—

163 (1) The Legislature finds that a significant number of this
164 state's residents choose naturopathic medicine for their health
165 care needs, and the Legislature acknowledges that naturopathic
166 medicine is a distinct health care profession that affects the
167 public health, safety, and welfare and contributes to freedom of
168 choice in health care.

169 (2) The purpose of this chapter is to provide standards for
170 the licensing and regulation of naturopathic physicians in order
171 to protect the public health, safety, and welfare; to ensure
172 that naturopathic health care provided by qualified naturopathic
173 physicians is available to residents of this state; and to
174 provide a means of identifying qualified naturopathic

40-00147B-24

2024898__

175 physicians.

176 Section 3. Section 462.002, Florida Statutes, is created to
177 read:

178 462.002 Exceptions.—

179 (1) This chapter does not apply to:

180 (a) Other duly licensed health care practitioners acting
181 within their scopes of practice, as authorized by statute.

182 (b) Students practicing under the direct supervision of a
183 licensed naturopathic physician as part of a preceptorship
184 program while enrolled in a college or university program that
185 is accredited by, or has candidacy status with, the Council on
186 Naturopathic Medical Education or an equivalent accrediting body
187 for the naturopathic medical profession which is recognized by
188 the United States Department of Education and the board.

189 (c) Naturopathic residents practicing under the direct
190 supervision of a licensed naturopathic physician at a residency
191 site recognized by the Council on Naturopathic Medical Education
192 or by an equivalent accrediting body for the naturopathic
193 medical profession which is recognized by the United States
194 Department of Education and the board.

195 (d) The practice of the religious tenets of any church in
196 this state.

197 (e) The domestic administration of recognized family
198 remedies.

199 (2) This chapter may not be construed to prohibit any
200 service rendered by a person if such service is rendered under
201 the direct supervision and control of a licensed naturopathic
202 physician who is available if needed, provides specific
203 direction for any service to be performed, and gives final

40-00147B-24

2024898__

204 approval for all services performed.

205 Section 4. Section 462.01, Florida Statutes, is renumbered
206 as section 462.003, Florida Statutes, and amended to read:

207 462.003 ~~462.01~~ Definitions.—As used in this chapter, the
208 term:

209 (1) “Board” means the Board of Naturopathic Medicine
210 ~~“Naturopathy” and “Naturopathy” shall be construed as~~
211 ~~synonymous terms and mean the use and practice of psychological,~~
212 ~~mechanical, and material health sciences to aid in purifying,~~
213 ~~cleansing, and normalizing human tissues for the preservation or~~
214 ~~restoration of health, according to the fundamental principles~~
215 ~~of anatomy, physiology, and applied psychology, as may be~~
216 ~~required. Naturopathic practice employs, among other agencies,~~
217 ~~phytotherapy, dietetics, psychotherapy, suggestotherapy,~~
218 ~~hydrotherapy, zone therapy, biochemistry, external applications,~~
219 ~~electrotherapy, mechanotherapy, mechanical and electrical~~
220 ~~appliances, hygiene, first aid, sanitation, and heliotherapy;~~
221 ~~provided, however, that nothing in this chapter shall be held or~~
222 ~~construed to authorize any naturopathic physician licensed~~
223 ~~hereunder to practice materia medica or surgery or chiropractic~~
224 ~~medicine, nor shall the provisions of this law in any manner~~
225 ~~apply to or affect the practice of osteopathic medicine,~~
226 ~~chiropractic medicine, Christian Science, or any other treatment~~
227 ~~authorized and provided for by law for the cure or prevention of~~
228 ~~disease and ailments.~~

229 (2) “Department” means the Department of Health.

230 (3) “Division” means the Division of Medical Quality
231 Assurance of the department.

232 (4) “Legend drug” has the same meaning as “prescription

40-00147B-24

2024898__

233 drug as defined in s. 499.003.

234 (5) "Naturopathic doctoral degree" means the "Doctor of
235 Naturopathic Medicine," "Doctor of Naturopathy," or "Diploma of
236 Naturopathic Medicine" degree, designated as "N.D." or "N.M.D.,"
237 from a college or university that is accredited by, or has
238 candidacy with, the Council on Naturopathic Medical Education or
239 an equivalent accrediting body for the naturopathic medical
240 profession which is recognized by the United States Department
241 of Education and the board. When referring to a naturopathic
242 school of medicine degree, each of these degrees must be
243 construed as equivalent to each other.

244 (6) "Naturopathic Medical Formulary" or "formulary" means
245 the Naturopathic Medical Formulary established under s. 462.025,
246 which authorizes licensed naturopathic physicians to prescribe,
247 dispense, and administer specific legend drugs that are
248 consistent with the practice of naturopathic medicine.

249 (7) "Naturopathic physician" means a person licensed to
250 practice naturopathic medicine under this chapter.

251 (8) "Naturopathic therapeutic order" means a set of
252 guidelines to help naturopathic physicians completely resolve a
253 patient's symptoms and address the underlying cause while using
254 the least force necessary.

255 (9) (a) "Practice of naturopathic medicine" means the
256 diagnosis, prevention, treatment, and prescription of lifestyle
257 change, natural medicines, including vitamins, minerals, dietary
258 supplements, botanical medicines, medicinal fungi, and
259 homeopathic medicines, and legend drugs as specified by the
260 Naturopathic Medical Formulary established under s. 462.025
261 which are provided and administered, through the appropriate

40-00147B-24

2024898__

262 route of administration, by a naturopathic physician for
263 preventative and therapeutic purposes for any human disease,
264 pain, injury, deformity, or other physical or mental condition;
265 which is based on and consistent with the naturopathic
266 educational standards and requirements of the Council on
267 Naturopathic Medical Education or an equivalent accrediting body
268 for the naturopathic medical profession which is recognized by
269 the United States Department of Education and the board; and
270 which emphasizes the importance of the principles of
271 naturopathic medicine and the naturopathic therapeutic order in
272 the maintenance and restoration of health.

273 (b) The term does not include any of the following:

- 274 1. Prescribing, dispensing, or administering any legend
275 drug other than those authorized under the Naturopathic Medical
276 Formulary established under s. 462.025.
- 277 2. Performing any surgical procedure.
- 278 3. Practicing or claiming to practice as a medical doctor
279 or physician, an osteopathic physician, a dentist, a podiatric
280 physician, an optometrist, a psychologist, a nurse practitioner,
281 a physician assistant, a chiropractic physician, a physical
282 therapist, an acupuncturist, a midwife, or any other health care
283 practitioner as defined in s. 456.001.
- 284 4. Using general or spinal anesthetics.
- 285 5. Administering ionizing radioactive substances.
- 286 6. Performing chiropractic or osteopathic adjustments or
287 manipulations that include high-velocity thrusts at or beyond
288 the end range of normal joint motion, unless the naturopathic
289 physician is also licensed as a chiropractic physician or an
290 osteopathic physician.

40-00147B-24

2024898__

291 7. Performing acupuncture, unless the naturopathic
292 physician is also licensed as an acupuncturist.

293 8. Prescribing, dispensing, or administering for cosmetic
294 purposes any nonprescription drug or legend drug listed in the
295 Naturopathic Medical Formulary.

296 (10) "Preceptorship program" means a component of a
297 naturopathic doctoral degree program which allows naturopathic
298 medical students to observe health care practitioners while
299 attending patients, giving naturopathic medical students a wide
300 variety of experiences in different health care settings in
301 order to develop clinical knowledge, attitudes, and skills
302 relevant to the role of a naturopathic physician.

303 (11) "Principles of naturopathic medicine" means the
304 foundations of naturopathic medical education and practice as
305 set forth by the American Association of Naturopathic
306 Physicians, including all of the following principles:

307 (a) The healing power of nature.

308 (b) Identify and treat the causes.

309 (c) First do no harm.

310 (d) Doctor as teacher.

311 (e) Treat the whole person.

312 (f) Prevention.

313 Section 5. Section 462.004, Florida Statutes, is created to
314 read:

315 462.004 Board of Naturopathic Medicine.—

316 (1) There is created within the department the Board of
317 Naturopathic Medicine, composed of seven members appointed by
318 the Governor and confirmed by the Senate.

319 (2) (a) Five members of the board must be licensed

40-00147B-24

2024898

320 naturopathic physicians in good standing in this state who are
321 residents of this state.

322 (b) Two members must be residents of this state who are
323 not, and have never been, licensed health care practitioners.

324 (c) At least one member must be 55 years of age or older.

325 (3) For the purpose of staggering terms, the Governor shall
326 initially appoint to the board three members for terms of 4
327 years each, two members for terms of 3 years each, and two
328 members for terms of 2 years each. As the terms of board members
329 expire, the Governor shall appoint successors for terms of 4
330 years, and such members shall serve until their successors are
331 appointed.

332 (4) The board, in conjunction with the department, shall
333 establish a disciplinary training program for members of the
334 board. The program must provide for initial and, thereafter,
335 periodic training on the grounds for disciplinary action, the
336 actions that may be taken by the board and the department,
337 changes in relevant statutes and rules, and any relevant
338 judicial and administrative decisions. A member of the board may
339 not participate on a probable cause panel or in a disciplinary
340 decision of the board unless she or he has completed the
341 disciplinary training program.

342 (5) During the terms of service of members of the board on
343 a probable cause panel, such members shall attempt to complete
344 their work on every case presented to them. If consideration of
345 a case has begun but is not completed during the terms of
346 service of the board members on the panel, the board members may
347 reconvene as a probable cause panel for the purpose of
348 completing their deliberations on that case.

40-00147B-24

2024898__

349 (6) All provisions of chapter 456 relating to activities of
350 boards apply to the board.

351 Section 6. Section 462.023, Florida Statutes, is renumbered
352 as section 462.005, Florida Statutes, and amended to read:

353 462.005 ~~462.023~~ Rulemaking authority; powers and duties of
354 the board department.—The board department may adopt ~~such~~ rules
355 pursuant to ss. 120.536(1) and 120.54 to implement the
356 provisions of this chapter conferring duties upon it and as are
357 necessary to carry out the purposes of this chapter, and may
358 initiate disciplinary action as provided by this chapter,~~and~~
359 ~~shall establish fees based on its estimates of the revenue~~
360 ~~required to administer this chapter but shall not exceed the fee~~
361 ~~amounts provided in this chapter. The department shall not adopt~~
362 ~~any rules which would cause any person who was not licensed in~~
363 ~~accordance with this chapter on July 1, 1959, and had not been a~~
364 ~~resident of the state for 2 years prior to such date, to become~~
365 ~~licensed.~~

366 Section 7. Section 462.006, Florida Statutes, is created to
367 read:

368 462.006 License required.—Unless licensed under this
369 chapter, a person may not practice naturopathic medicine in this
370 state and may not promote, identify, or describe himself or
371 herself as a "doctor of naturopathic medicine," a "naturopathic
372 doctor," a "doctor of naturopathy," or a "naturopathic
373 physician" or use the abbreviations "N.D." or "N.M.D." However,
374 this section may not be construed to prohibit any person
375 licensed in this state under any other law from engaging in the
376 practice for which she or he is licensed.

377 Section 8. Section 462.007, Florida Statutes, is created to

40-00147B-24

2024898__

378 read:

379 462.007 Licensure by examination.-

380 (1) Any person desiring to be licensed as a naturopathic
381 physician must apply to the department on forms furnished by the
382 department. The department shall license each applicant who
383 completes the application form and who the board certifies has
384 met all of the following criteria:

385 (a) Is at least 21 years of age.

386 (b) Has received a bachelor's degree from one of the
387 following:

388 1. A college or university accredited by an accrediting
389 agency recognized by the United States Department of Education
390 or the Council for Higher Education Accreditation or its
391 successor entity.

392 2. A college or university in Canada which is a member of
393 Universities Canada.

394 3. A college or university in a foreign country and has
395 provided evidence that her or his educational credentials are
396 deemed equivalent to those provided in this country. To have
397 educational credentials deemed equivalent, the applicant must
398 provide her or his foreign educational credentials, including
399 transcripts, course descriptions or syllabi, and diplomas, to a
400 nationally recognized educational credential evaluating agency
401 approved by the board for the evaluation and determination of
402 equivalency of the foreign educational credentials.

403 (c) Has received a naturopathic doctoral degree from a
404 college or program accredited by the Council on Naturopathic
405 Medical Education or another accrediting agency recognized by
406 the United States Department of Education.

40-00147B-24

2024898__

407 (d) Is physically and mentally fit to practice as a
408 naturopathic physician.

409 (e) Is of good moral character and has not:

410 1. Committed any act or offense in this or any other
411 jurisdiction which would constitute the basis for disciplining a
412 naturopathic physician pursuant to s. 462.017.

413 2. Had an application for licensure in any profession
414 denied or had her or his license to practice any profession
415 revoked or suspended by any other state, district, or territory
416 of the United States or another country for reasons that relate
417 to her or his ability to practice skillfully and safely as a
418 naturopathic physician.

419 3. Been found guilty of a felony.

420
421 The board and the department shall ensure that applicants for
422 licensure meet the criteria of this paragraph by independently
423 verifying the provided information through the department's
424 investigative process.

425 (f) Has submitted to the department a set of fingerprints
426 on a form and in accordance with procedures specified by the
427 department under s. 456.039(4), along with payment in an amount
428 equal to the costs incurred by the department for the criminal
429 background check of the applicant.

430 (g) Has demonstrated compliance with the financial
431 responsibility requirements imposed under s. 462.015.

432 (h) Has obtained a passing score, as determined by board
433 rule, on Part I - Biomedical Science Examination, Part II - Core
434 Clinical Science Examination, and Part II - Clinical Elective
435 Pharmacology Examination of the competency-based national

40-00147B-24

2024898__

436 Naturopathic Physician Licensing Examination administered by the
437 North American Board of Naturopathic Examiners, or an equivalent
438 examination offered by an equivalent or successor entity, as
439 approved by the board.

440 (2) The department and the board shall ensure that
441 applicants for licensure satisfy applicable criteria in this
442 section through an investigative process. If the investigative
443 process is not completed within the timeframe established in s.
444 120.60(1) and the department or board has reason to believe that
445 the applicant does not meet such criteria, the State Surgeon
446 General or her or his designee may issue a 90-day licensure
447 delay, which must be in writing and sufficient to notify the
448 applicant of the reason for the delay. This subsection prevails
449 over any conflicting provisions of s. 120.60(1).

450 (3) The board may not certify to the department for
451 licensure any applicant who is under investigation in another
452 jurisdiction for an offense that would constitute a violation of
453 this chapter or chapter 456 until the investigation has been
454 completed. Upon completion of the investigation, s. 462.017
455 applies.

456 (4) (a) The department may not issue a license to any
457 individual who has committed an act or offense in any
458 jurisdiction which would constitute the basis for disciplining a
459 naturopathic physician under s. 462.017 until the board has
460 reviewed the application and certified the applicant for
461 licensure.

462 (b) If the board finds that an applicant for licensure has
463 committed an act or offense in any jurisdiction which would
464 constitute the basis for disciplining a naturopathic physician

40-00147B-24

2024898

465 under s. 462.017, the board may enter an order imposing one or
466 more of the sanctions set forth in that section and s.
467 456.072(2) as applicable to applicants for licensure, including
468 refusing to certify an application for licensure or certifying
469 an application for licensure with conditions.

470 (5) If the board determines that an applicant for licensure
471 has failed to meet, to the board's satisfaction, any of the
472 requirements of this section, it may enter an order imposing one
473 or more of the following:

474 (a) Refusal to certify to the department an application for
475 licensure.

476 (b) Certification to the department of an application for
477 licensure with restrictions on the scope of practice of the
478 naturopathic physician.

479 (c) Certification to the department of an application for
480 licensure with a probationary period for the applicant, subject
481 to such conditions as the board specifies, including, but not
482 limited to, requiring the naturopathic physician to submit to
483 treatment, attend continuing education courses, submit to
484 reexamination, or work under the supervision of another
485 naturopathic physician.

486 Section 9. Section 462.008, Florida Statutes, is created to
487 read:

488 462.008 Licensure by endorsement.—

489 (1) Any person licensed to practice naturopathic medicine
490 in another state or territory of the United States or in Canada
491 who desires to be licensed as a naturopathic physician in this
492 state must apply to the department on forms furnished by the
493 department. The department shall issue a license by endorsement

40-00147B-24

2024898__

494 to any applicant who completes the application form and who the
495 board certifies has met all of the following criteria:

496 (a) Has met the qualifications for licensure established in
497 s. 462.007(1)(a)-(g).

498 (b)1. Has submitted evidence of holding an active license
499 to practice naturopathic medicine in another state or territory
500 of the United States or in Canada for at least the 5 years
501 immediately preceding the filing of her or his application; or

502 2. If an applicant has held an active license to practice
503 naturopathic medicine in another state or territory of the
504 United States or in Canada for less than the 5 years immediately
505 preceding the filing of her or his application, has obtained a
506 passing score on the national licensing examination, as
507 specified in s. 462.007(1)(h), within the year immediately
508 preceding the filing of the application.

509 (2) The department and the board shall ensure that
510 applicants for licensure by endorsement meet applicable criteria
511 in this section through an investigative process. When the
512 investigative process is not completed within the timeframe
513 established in s. 120.60(1) and the department or board has
514 reason to believe that the applicant does not meet the criteria,
515 the State Surgeon General or her or his designee may issue a 90-
516 day licensure delay, which must be in writing and sufficient to
517 notify the applicant of the reason for the delay. This
518 subsection controls over any conflicting provisions of s.
519 120.60(1).

520 (3) The board may not certify to the department for
521 licensure by endorsement any applicant who is under
522 investigation in another jurisdiction for an offense that would

40-00147B-24

2024898__

523 constitute a violation of this chapter or chapter 456 until the
524 investigation has been completed. Upon completion of the
525 investigation, s. 462.017 applies.

526 (4) (a) The department may not issue a license by
527 endorsement to any individual who has committed an act or
528 offense in any jurisdiction which would constitute the basis for
529 disciplining a naturopathic physician under s. 462.017 until the
530 board has reviewed the application and certified the applicant
531 for licensure.

532 (b) If the board finds that an applicant for licensure by
533 endorsement has committed an act or offense in any jurisdiction
534 which would constitute the basis for disciplining a naturopathic
535 physician under s. 462.017, the board may enter an order
536 imposing one or more of the sanctions set forth in that section
537 and s. 456.072(2) as applicable to applicants for licensure,
538 including refusing to certify an application for licensure or
539 certifying an application for licensure with conditions.

540 (5) If the board determines that an applicant for licensure
541 has failed to meet, to the board's satisfaction, any of the
542 requirements of this section, it may enter an order imposing one
543 or more of the following:

544 (a) Refusal to certify to the department an application for
545 licensure.

546 (b) Certification to the department of an application for
547 licensure with restrictions on the scope of practice of the
548 naturopathic physician.

549 (c) Certification to the department of an application for
550 licensure with a probationary period for the applicant, subject
551 to such conditions as the board specifies, including, but not

40-00147B-24

2024898__

552 limited to, requiring the naturopathic physician to submit to
553 treatment, attend continuing education courses, submit to
554 reexamination, or work under the supervision of another
555 naturopathic physician.

556 Section 10. Section 462.08, Florida Statutes, is renumbered
557 as section 462.009, Florida Statutes, and amended to read:

558 462.009 ~~462.08~~ Renewal of license to practice naturopathic
559 medicine naturopathy.—

560 (1) In order to continue practicing naturopathic medicine
561 in this state, each licensed naturopathic physician must
562 ~~licenseholder shall~~ biennially renew her or his license to
563 practice naturopathic medicine naturopathy. The applicant for
564 license renewal must furnish to the board ~~department~~ such
565 evidence as it requires of the applicant's compliance with s.
566 462.011 ~~s. 462.18~~, relating to continuing education ~~educational~~
567 requirements, and s. 462.015, relating to financial
568 responsibility requirements. ~~The biennial renewal fee, the~~
569 ~~amount of which shall be determined by the department but which~~
570 ~~may not exceed \$1,000, must be paid at the time the application~~
571 ~~for renewal of the license is filed.~~

572 (2) The department shall adopt rules establishing
573 procedures for the biennial renewal of licenses under this
574 chapter.

575 Section 11. Section 462.18, Florida Statutes, is renumbered
576 as section 462.011, Florida Statutes, and amended to read:

577 462.011 ~~462.18~~ Continuing education ~~Educational~~
578 requirements.—

579 (1) At the time each licensee renews ~~shall renew~~ her or his
580 license as ~~otherwise~~ provided in s. 462.009 ~~this chapter~~, each

40-00147B-24

2024898__

581 ~~licensee must, in addition to the payment of the regular renewal~~
582 ~~fee, shall furnish to the board department~~ satisfactory evidence
583 that, in the preceding biennial period, the licensee has
584 completed the continuing education requirements of this section.

585 (2) The board shall require each naturopathic physician to
586 receive at least 60 hours of continuing education during each
587 biennial renewal period.

588 (a) At least 10 hours of the 60 hours of continuing
589 education must be in pharmacology, addressing the use of legend
590 drugs that are consistent with the education and training of
591 naturopathic physicians.

592 (b) The board shall approve organizations that accredit
593 naturopathic continuing education providers, including, but not
594 limited to, the American Association of Naturopathic Physicians,
595 the North American Naturopathic Continuing Education
596 Accreditation Council, and the Oregon Association of
597 Naturopathic Physicians.

598 (c) The determination of whether substitute continuing
599 education programs are permissible is solely within the
600 discretion of the board.

601 (3) The naturopathic physician must use the electronic
602 continuing education tracking system developed by the department
603 under s. 456.0361 to demonstrate compliance with the continuing
604 education requirements of this section ~~year preceding each such~~
605 ~~application for renewal, the licensee has attended the 2-day~~
606 ~~educational program as promulgated and conducted by the Florida~~
607 ~~Naturopathic Physicians Association, Inc., or, as a substitute~~
608 ~~therefor, the equivalent of that program as approved by the~~
609 ~~department. The department shall send a written notice to this~~

40-00147B-24

2024898__

610 ~~effect to every person holding a valid license to practice~~
611 ~~naturopathy within this state at least 30 days prior to May 1 in~~
612 ~~each even-numbered year, directed to the last known address of~~
613 ~~such licensee, and shall enclose with the notice proper blank~~
614 ~~forms for application for annual license renewal. All of the~~
615 ~~details and requirements of the aforesaid educational program~~
616 ~~shall be adopted and prescribed by the department. In the event~~
617 ~~of national emergencies, or for sufficient reason, the~~
618 ~~department shall have the power to excuse the naturopathic~~
619 ~~physicians as a group or as individuals from taking this~~
620 ~~postgraduate course.~~

621 ~~(2) The determination of whether a substitute annual~~
622 ~~educational program is necessary shall be solely within the~~
623 ~~discretion of the department.~~

624 Section 12. Section 462.19, Florida Statutes, is renumbered
625 as section 462.012, Florida Statutes, and amended to read:

626 462.012 ~~462.19~~ Renewal of license; Inactive status;
627 reactivation of license.-

628 (1) A licensee may reactivate an inactive license by
629 applying to the department and submitting proof of compliance
630 with the financial responsibility requirements of s. 462.015.

631 (2) The board shall adopt rules relating to reactivation of
632 licenses that have become inactive and for the renewal of
633 inactive licenses. The rules must include continuing education
634 requirements as a condition of reactivating a license. The
635 continuing education requirements for reactivating a license may
636 not be fewer than 20 classroom hours for each year the license
637 was inactive.

638 (3) The department may not reactivate a license unless the

40-00147B-24

2024898__

639 financial responsibility requirements of s. 462.015 have been
640 satisfied ~~The department shall renew a license upon receipt of~~
641 ~~the renewal application and fee.~~

642 ~~(2) A licensee may request that her or his license be~~
643 ~~placed in an inactive status by making application to the~~
644 ~~department and paying a fee in an amount set by the department~~
645 ~~not to exceed \$50.~~

646 Section 13. Section 462.11, Florida Statutes, is renumbered
647 as section 462.013, Florida Statutes, and amended to read:

648 462.013 ~~462.11~~ Obligations of naturopathic physicians
649 ~~Naturopaths to observe regulations.~~ Naturopathic physicians
650 ~~Doctors of naturopathy~~ shall comply with ~~observe~~ and are ~~be~~
651 subject to all state, county, and municipal regulations relating
652 ~~in regard~~ to the control of contagious and infectious diseases,
653 the reporting of births and deaths, and ~~to any and all~~ other
654 matters pertaining to the public health in the same manner as is
655 required of other health care practitioners of the healing art.

656 Section 14. Section 462.014, Florida Statutes, is created
657 to read:

658 462.014 Patient records; termination of practice. ~~The board~~
659 shall adopt rules providing for the handling of medical records
660 by licensed naturopathic physicians, including when a
661 naturopathic physician sells or otherwise terminates a practice.
662 The rules must provide for notification of the naturopathic
663 physician's patients and for an opportunity for the patients to
664 request the transfer of their medical records to another
665 physician or health care practitioner upon payment of actual
666 costs for such transfer.

667 Section 15. Section 462.015, Florida Statutes, is created

40-00147B-24

2024898__

668 to read:

669 462.015 Financial responsibility.-

670 (1) As a condition of licensure, a naturopathic physician
671 must, by one of the following methods, demonstrate to the
672 satisfaction of the board and the department that she or he has
673 the ability to pay claims and ancillary costs arising from the
674 rendering of, or the failure to render, medical care or
675 services:

676 (a) Establishing and maintaining an escrow account
677 consisting of cash or assets eligible for deposit in accordance
678 with s. 625.52 in the per-claim amounts specified in paragraph
679 (b). Expenditures may not be made from the escrow amount for
680 litigation costs or attorney fees for the defense of any medical
681 malpractice claim.

682 (b) Obtaining and maintaining professional liability
683 coverage in an amount not less than \$100,000 per claim, with a
684 minimum annual aggregate of not less than \$300,000, from an
685 authorized insurer as defined under s. 624.09, from an eligible
686 surplus lines insurer as defined under s. 626.914(2), from a
687 risk retention group as defined under s. 627.942, from the Joint
688 Underwriting Association operated under s. 627.351(4), or
689 through self-insurance as provided in s. 627.357. Expenditures
690 may not be made from the required coverage amount for litigation
691 costs or attorney fees for the defense of any medical
692 malpractice claim.

693 (c) Obtaining and maintaining an unexpired, irrevocable
694 letter of credit, issued pursuant to chapter 675, in an amount
695 not less than \$100,000 per claim, with a minimum aggregate
696 availability of credit of not less than \$300,000. The letter of

40-00147B-24

2024898__

697 credit must be payable to the naturopathic physician as
698 beneficiary upon presentment of a final judgment indicating
699 liability and awarding damages to be paid by the naturopathic
700 physician or upon presentment of a settlement agreement signed
701 by all parties to such agreement when such final judgment or
702 settlement is a result of a claim arising out of the rendering
703 of, or the failure to render, medical care or services. The
704 letter of credit may not be used for litigation costs or
705 attorney fees for the defense of any medical malpractice claim.
706 The letter of credit must be nonassignable and nontransferable
707 and be issued by a bank or savings association organized and
708 existing under the laws of this state or a bank or savings
709 association organized under the laws of the United States which
710 has its principal place of business in this state or has a
711 branch office that is authorized under the laws of this state or
712 of the United States to receive deposits in this state.

713 (2) (a) Meeting the financial responsibility requirements of
714 this section or the criteria for any exemption from such
715 requirements must be demonstrated at the time of issuance,
716 renewal, or reactivation of a naturopathic physician license.

717 (b) Any person may, at any time, submit to the department a
718 request for an advisory opinion regarding such person's
719 qualifications for exemption.

720 (3) (a) Each insurer, self-insurer, or risk retention group
721 or the Joint Underwriting Association must promptly notify the
722 department of a cancellation or nonrenewal of insurance required
723 by this section. Unless the naturopathic physician demonstrates
724 that she or he is otherwise in compliance with the requirements
725 of this section, the department shall suspend the license of the

40-00147B-24

2024898__

726 naturopathic physician pursuant to ss. 120.569 and 120.57 and
727 notify all health care facilities licensed under part IV of
728 chapter 394 or chapter 395 or a health maintenance organization
729 certified under part I of chapter 641 of such action. Any
730 suspension imposed under this subsection remains in effect until
731 the naturopathic physician demonstrates compliance with the
732 requirements of this section. If any judgments or settlements
733 are pending at the time of suspension, those judgments or
734 settlements must be paid in accordance with this section unless
735 otherwise mutually agreed to in writing by the parties. This
736 paragraph does not abrogate a judgment debtor's obligation to
737 satisfy the entire amount of any judgment.

738 (b) If the financial responsibility requirements are met by
739 maintaining an escrow account or letter of credit as provided in
740 this section, upon the entry of an adverse final judgment
741 arising from a medical malpractice arbitration award, from a
742 claim in contract or tort of medical malpractice, or from
743 noncompliance with the terms of a settlement agreement arising
744 from a claim in contract or tort of medical malpractice, the
745 naturopathic physician must pay the entire amount of the
746 judgment together with all accrued interest or the amount
747 maintained in the escrow account or provided in the letter of
748 credit as required by this section, whichever is less, within 60
749 days after the date such judgment becomes final and subject to
750 execution, unless otherwise mutually agreed to in writing by the
751 parties. If timely payment is not made by the naturopathic
752 physician, the department must suspend the license of the
753 naturopathic physician pursuant to procedures set forth in
754 subparagraphs (4) (f) 3., 4., and 5. This paragraph does not

40-00147B-24

2024898__

755 abrogate a judgment debtor's obligation to satisfy the entire
756 amount of any judgment.

757 (4) The requirements imposed in subsection (1) do not apply
758 to:

759 (a) Any person licensed under this chapter who practices
760 naturopathic medicine exclusively as an officer, employee, or
761 agent of the Federal Government or of the state or its agencies
762 or subdivisions. For purposes of this subsection, an agent of
763 the state, its agencies, or its subdivisions is a person who is
764 eligible for coverage under any self-insurance or insurance
765 program as provided in s. 768.28(16).

766 (b) Any person whose license has become inactive under this
767 chapter and who is not practicing naturopathic medicine in this
768 state. Any person applying for reactivation of a naturopathic
769 physician license must either:

770 1. Demonstrate that she or he maintained tail insurance
771 coverage that provided liability coverage for incidents that
772 occurred on or after the initial date of licensure in this state
773 and for incidents that occurred before the date on which the
774 license became inactive; or

775 2. Submit an affidavit stating that she or he has no
776 unsatisfied medical malpractice judgments or settlements at the
777 time of application for reactivation of the license.

778 (c) Any person licensed under this chapter who practices
779 only in conjunction with her or his teaching duties at a college
780 of naturopathic medicine. Such person may engage in the practice
781 of naturopathic medicine to the extent that such practice is
782 incidental to and a necessary part of duties in connection with
783 the teaching position in the college of naturopathic medicine.

40-00147B-24

2024898__

784 (d) Any person holding an active naturopathic physician
785 license under this chapter who is not practicing naturopathic
786 medicine in this state. If such person initiates or resumes any
787 practice of naturopathic medicine in this state, she or he must
788 notify the department of such activity and fulfill the financial
789 responsibility requirements of this section before resuming the
790 practice of naturopathic medicine in this state.

791 (e) Any person holding an active naturopathic physician
792 license under this chapter who meets all of the following
793 criteria:

794 1. Has held an active license to practice naturopathic
795 medicine in this state or another state or some combination
796 thereof for more than 15 years.

797 2. Has either retired from the practice of naturopathic
798 medicine or maintains a part-time practice of naturopathic
799 medicine of no more than 1,000 patient contact hours per year.

800 3. Has had no more than two claims for medical malpractice
801 resulting in an indemnity exceeding \$25,000 within the previous
802 5-year period.

803 4. Has not been convicted of, or pled guilty or nolo
804 contendere to, any criminal violation specified in this chapter
805 or the practice act of any other state.

806 5. Has not been subject, within the last 10 years of
807 practice, to license revocation or suspension for any period of
808 time, probation for a period of 3 years or longer, or a fine of
809 \$500 or more for a violation of this chapter or the naturopathic
810 medical practice act of another jurisdiction. A regulatory
811 agency's acceptance of a naturopathic physician's relinquishment
812 of her or his license or of a stipulation, consent order, or

40-00147B-24

2024898__

813 other settlement, offered in response to or in anticipation of
814 the filing of administrative charges against her or his license,
815 constitutes action against the naturopathic physician's license
816 for the purposes of this paragraph.

817 6. Has submitted a form supplying necessary information as
818 required by the department and an affidavit affirming compliance
819 with this paragraph.

820 7. Biennially submits to the department a certification
821 stating compliance with this paragraph. The naturopathic
822 physician must also demonstrate compliance with this paragraph
823 at any time upon department request.

824
825 A naturopathic physician who meets the requirements of this
826 paragraph must provide notice to patients, either by prominently
827 displaying a sign in the reception area of her or his practice
828 in a manner clearly visible to patients or by providing a
829 written statement to each patient to whom she or he provides
830 naturopathic medical services. The sign or statement must read
831 as follows: "Under Florida law, naturopathic physicians are
832 generally required to carry medical malpractice insurance or
833 otherwise demonstrate financial responsibility to cover
834 potential claims for medical malpractice. However, certain part-
835 time naturopathic physicians who meet certain criteria are
836 exempt from the financial responsibility requirements. YOUR
837 NATUROPATHIC PHYSICIAN MEETS THE EXEMPTION CRITERIA AND HAS
838 DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice
839 is provided pursuant to Florida law."

840 (f) Any person holding an active naturopathic physician
841 license under this chapter who agrees to all of the following

40-00147B-24

2024898__

842 conditions:

843 1. Upon the entry of an adverse final judgment arising from
844 a medical malpractice arbitration award, from a claim of medical
845 malpractice either in contract or tort, or from noncompliance
846 with the terms of a settlement agreement arising from a claim of
847 medical malpractice either in contract or tort, the naturopathic
848 physician agrees to pay the judgment creditor the lesser of the
849 entire amount of the judgment with all accrued interest or
850 either \$100,000, if the naturopathic physician is licensed
851 pursuant to this chapter but does not maintain hospital staff
852 privileges, or \$250,000, if the naturopathic physician is
853 licensed pursuant to this chapter and maintains hospital staff
854 privileges, within 60 days after the date such judgment becomes
855 final and subject to execution, unless otherwise mutually agreed
856 to in writing by the parties. Such adverse final judgment must
857 include any cross-claim, counterclaim, or claim for indemnity or
858 contribution arising from the claim of medical malpractice. Upon
859 notification of the existence of an unsatisfied judgment or
860 payment pursuant to this subparagraph, the department shall
861 notify the naturopathic physician by certified mail that she or
862 he is subject to disciplinary action unless, within 30 days
863 after the date of mailing, the naturopathic physician either:

864 a. Shows proof that the unsatisfied judgment has been paid
865 in the amount specified in this subparagraph; or

866 b. Furnishes the department with a copy of a timely filed
867 notice of appeal and either:

868 (I) A copy of a supersedeas bond properly posted in the
869 amount required by law; or

870 (II) An order from a court of competent jurisdiction

40-00147B-24

2024898__

871 staying execution on the final judgment, pending disposition of
872 the appeal.

873 2. The department shall issue an emergency order suspending
874 the license of any naturopathic physician who, 31 days or more
875 after receipt of a notice from the department, has failed to
876 satisfy a medical malpractice claim against him or her; furnish
877 the department a copy of a timely filed notice of appeal;
878 furnish the department a copy of a supersedeas bond properly
879 posted in the amount required by law; or furnish the department
880 an order from a court of competent jurisdiction staying
881 execution on the final judgment pending disposition of the
882 appeal.

883 3. Upon the next meeting of the probable cause panel of the
884 board 31 days or more after the date of mailing the notice of
885 disciplinary action to the naturopathic physician, the panel
886 shall make a determination as to whether probable cause exists
887 to take disciplinary action against the naturopathic physician
888 for a violation of subparagraph 1.

889 4. If the board determines that the factual requirements of
890 subparagraph 1. are met, it must take disciplinary action as it
891 deems appropriate against the naturopathic physician. Such
892 disciplinary action must include, at a minimum, probation of the
893 license with the restriction that the naturopathic physician
894 must make payments to the judgment creditor on a schedule
895 determined by the board to be reasonable and within the
896 financial capability of the naturopathic physician.
897 Notwithstanding any other disciplinary penalty imposed, the
898 disciplinary penalty may include suspension of the license for a
899 period not to exceed 5 years. In the event that an agreement to

40-00147B-24

2024898__

900 satisfy a judgment has been met, the board must remove any
901 restriction on the license.

902 5. The naturopathic physician must complete a form
903 supplying necessary information as required by department rule.

904
905 A naturopathic physician who agrees to the conditions of this
906 paragraph must provide notice to patients, either by prominently
907 displaying a sign in the reception area of her or his practice
908 in a manner clearly visible to patients or by providing a
909 written statement to each patient to whom she or he provides
910 naturopathic medical services. The sign or statement must read
911 as follows: "Under Florida law, naturopathic physicians are
912 generally required to carry medical malpractice insurance or
913 otherwise demonstrate financial responsibility to cover
914 potential claims for medical malpractice. However, certain part-
915 time naturopathic physicians who meet certain criteria are
916 exempt from the financial responsibility requirements. YOUR
917 NATUROPATHIC PHYSICIAN MEETS THE EXEMPTION CRITERIA AND HAS
918 DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice
919 is provided pursuant to Florida law."

920 (5) A naturopathic physician who makes any deceptive,
921 untrue, or fraudulent representation with respect to any
922 provision of this section is permanently disqualified from any
923 exemption from financial responsibility requirements under this
924 section and is subject to disciplinary action under s. 462.017
925 for such conduct.

926 (6) Any naturopathic physician who relies on an exemption
927 from the financial responsibility requirements must notify the
928 department in writing of any change of circumstance regarding

40-00147B-24

2024898__

929 her or his qualifications for such exemption and must
930 demonstrate that she or he is in compliance with the
931 requirements of this section.

932 (7) Notwithstanding any other provision of this section,
933 the department shall suspend the license of any naturopathic
934 physician against whom a final judgment, arbitration award, or
935 other order has been entered or who has entered into a
936 settlement agreement to pay damages arising out of a claim for
937 medical malpractice if all appellate remedies have been
938 exhausted and payment up to the amounts required by this section
939 has not been made within 30 days after the entering of such
940 judgment, award, or order or agreement. A suspension under this
941 subsection remains in effect until proof of payment is received
942 by the department or a payment schedule has been agreed upon by
943 the naturopathic physician and the claimant and presented to the
944 department. This subsection does not apply to a naturopathic
945 physician who has met the financial responsibility requirements
946 under paragraph (1) (b).

947 (8) The board shall adopt rules to implement this section.

948 Section 16. Section 462.13, Florida Statutes, is renumbered
949 as section 462.016, Florida Statutes, and amended to read:

950 462.016 ~~462.13~~ Additional powers and duties of the board
951 and the department.—The board and the department may administer
952 oaths, summon witnesses, and take testimony in all matters
953 relating to their respective ~~its~~ duties under ~~pursuant to~~ this
954 chapter. Evidence of an active, Every unrevoked license must
955 shall be presumed by ~~presumptive evidence in~~ all courts and
956 places to be evidence that the person therein named is legally
957 licensed to practice naturopathic medicine in this state

40-00147B-24

2024898__

958 ~~naturopathy.~~ The board and the department shall aid the
959 prosecuting attorneys of the state in the enforcement of this
960 chapter.

961 Section 17. Section 462.14, Florida Statutes, is renumbered
962 as section 462.017, Florida Statutes, and amended to read:

963 462.017 ~~462.14~~ Grounds for disciplinary action; action by
964 the board and department.—

965 (1) The following acts constitute grounds for denial of a
966 license or disciplinary action, as specified in s. 456.072(2):

967 (a) Attempting to obtain, obtaining, or renewing a license
968 to practice naturopathic medicine by bribery, by fraudulent
969 misrepresentation, or through an error of the board or the
970 department.

971 (b) Having a license to practice naturopathic medicine
972 revoked, suspended, or otherwise acted against, including the
973 denial of licensure, by the licensing authority of another
974 state, territory, or country. The licensing authority's
975 acceptance of a naturopathic physician's relinquishment of her
976 or his license or of a stipulation, a consent order, or other
977 settlement offered in response to or in anticipation of the
978 filing of administrative charges against her or his license
979 shall be construed as action against the naturopathic
980 physician's license.

981 (c) Being convicted or found guilty, regardless of
982 adjudication, of a crime in any jurisdiction which directly
983 relates to the practice of naturopathic medicine or to the
984 ability to practice naturopathic medicine. Any plea of nolo
985 contendere creates a rebuttable presumption of guilt to the
986 underlying criminal charges ~~shall be considered a conviction for~~

40-00147B-24

2024898__

987 ~~purposes of this chapter.~~

988 (d) False, deceptive, or misleading advertising.

989 (e) ~~Advertising, practicing, or attempting to practice~~
990 ~~under a name other than one's own.~~

991 ~~(f)~~ Failing to report to the department or the department's
992 impaired practitioner program consultant, as applicable, any
993 person whom ~~who~~ the licensee knows is in violation of this
994 chapter or of the rules of the board or department. However, a
995 person whom ~~who~~ the licensee knows is unable to practice
996 naturopathic medicine with reasonable skill and safety to
997 patients by reason of illness or use of alcohol, drugs,
998 narcotics, chemicals, or any other type of material, or as a
999 result of a mental or physical condition, may be reported to a
1000 consultant operating an impaired practitioner program as
1001 described in s. 456.076 rather than to the department.

1002 ~~(f)~~ ~~(g)~~ Aiding, assisting, procuring, or advising any
1003 unlicensed person to practice naturopathic medicine contrary to
1004 this chapter or to a rule of the board or department.

1005 ~~(g)~~ ~~(h)~~ Failing to perform any statutory or legal obligation
1006 placed upon a licensed naturopathic physician.

1007 (h) Giving false testimony in the course of any legal or
1008 administrative proceedings relating to the practice of
1009 naturopathic medicine or the delivery of health care services.

1010 (i) Making or filing a report which the licensee knows to
1011 be false, intentionally or negligently failing to file a report
1012 or record required by state or federal law, willfully impeding
1013 or obstructing such filing or inducing another person to do so.
1014 Such reports or records must ~~shall~~ include only those which are
1015 signed in the capacity as a licensed naturopathic physician.

40-00147B-24

2024898__

1016 (j) Paying or receiving any commission, bonus, kickback, or
1017 rebate, or engaging in any split-fee arrangement in any form
1018 whatsoever with a physician, an organization, an agency, a ~~or~~
1019 person, a partnership, a firm, a corporation, or other business
1020 entity, either directly or indirectly, for patients referred to
1021 providers of health care goods and services, including, but not
1022 limited to, hospitals, nursing homes, clinical laboratories,
1023 ambulatory surgical centers, or pharmacies. ~~The provisions of~~
1024 This paragraph may ~~shall~~ not be construed to prevent a
1025 naturopathic physician from receiving a fee for professional
1026 consultation services.

1027 (k) Refusing to provide health care based on a patient's
1028 participation in pending or past litigation or participation in
1029 any disciplinary action conducted pursuant to this chapter,
1030 unless such litigation or disciplinary action directly involves
1031 the naturopathic physician requested to provide services.

1032 (l) Exercising influence within a patient-physician
1033 relationship for purposes of engaging a patient in sexual
1034 activity. A patient is ~~shall be~~ presumed to be incapable of
1035 giving free, full, and informed consent to sexual activity with
1036 her or his naturopathic physician.

1037 (m) ~~(l)~~ Making deceptive, untrue, or fraudulent
1038 representations in or related to the practice of naturopathic
1039 medicine or employing a trick or scheme in the practice of
1040 naturopathic medicine ~~when such scheme or trick fails to conform~~
1041 ~~to the generally prevailing standards of treatment in the~~
1042 ~~medical community.~~

1043 (n) ~~(m)~~ Soliciting patients, either personally or through an
1044 agent, through the use of fraud, intimidation, undue influence,

40-00147B-24

2024898__

1045 or a form of overreaching or vexatious conduct. A "solicitation"
1046 is any communication which directly or implicitly requests an
1047 immediate oral response from the recipient.

1048 (o)~~(n)~~ Failing to keep legible, written medical records, as
1049 defined by department rule in consultation with the board, which
1050 identify by name and professional title the licensed
1051 naturopathic physician or the supervising naturopathic physician
1052 who is responsible for rendering, ordering, supervising, or
1053 billing for each diagnostic or treatment procedure and which
1054 justify ~~justifying~~ the course of treatment of the patient,
1055 including, but not limited to, patient histories, examination
1056 results, test results, X rays, ~~and~~ records of medicine
1057 prescribed, dispensed, or administered, and reports of
1058 consultations and hospitalizations ~~the prescribing, dispensing~~
1059 ~~and administering of drugs.~~

1060 (p) Fraudulently altering or destroying records relating to
1061 patient care or treatment, including, but not limited to,
1062 patient histories, examination results, test results, X rays,
1063 records of medicine prescribed, dispensed, or administered, and
1064 reports of consultations and hospitalizations.

1065 (q)~~(o)~~ Exercising influence on the patient ~~or client~~ in
1066 such a manner as to exploit the patient ~~or client~~ for the
1067 financial gain of the licensee or of a third party, which
1068 includes ~~shall include~~, but is not ~~be~~ limited to, the promoting
1069 or selling of services, goods, appliances, or medicines. ~~drugs~~
1070 ~~and the~~

1071 (r) Promoting or advertising on any prescription form of a
1072 community pharmacy unless the form also states "This
1073 prescription may be filled at any pharmacy of your choice."

40-00147B-24

2024898__

1074 ~~(s)(p)~~ Performing professional services that ~~which~~ have not
1075 been duly authorized by the patient ~~or client~~, or her or his
1076 legal representative, except as provided in s. 743.064, s.
1077 766.103, or s. 768.13.

1078 ~~(t)(q)~~ Except as authorized by the Naturopathic Medical
1079 Formulary established under s. 462.025, prescribing, dispensing,
1080 administering, supplying, selling, giving, mixing, or otherwise
1081 preparing a legend drug, including any controlled substance,
1082 other than in the course of the naturopathic physician's
1083 professional practice. For the purposes of this paragraph, it is
1084 ~~shall be~~ legally presumed that prescribing, dispensing,
1085 administering, supplying, selling, giving, mixing, or otherwise
1086 preparing legend drugs, including all controlled substances,
1087 inappropriately or in excessive or inappropriate quantities is
1088 not in the best interest of the patient and is not in the scope
1089 ~~course~~ of the naturopathic physician's professional practice,
1090 regardless of ~~without regard to~~ her or his intent.

1091 ~~(u)(r)~~ Prescribing or, ~~dispensing, or administering~~ any
1092 legend medicinal drug appearing on any schedule set forth in
1093 chapter 893 ~~by the naturopathic physician~~ to herself or himself
1094 or administering any such drug to herself or himself unless such
1095 drug is, ~~except one~~ prescribed for, ~~dispensed, or administered~~
1096 ~~to~~ the naturopathic physician by another practitioner authorized
1097 to prescribe legend, ~~dispense, or administer~~ medicinal drugs.

1098 ~~(v)(s)~~ Being unable to practice naturopathic medicine with
1099 reasonable skill and safety to patients by reason of illness or
1100 use of alcohol, drugs, narcotics, chemicals, or any other type
1101 of material or as a result of any mental or physical condition.
1102 In enforcing this paragraph, the department ~~shall have~~, upon a

40-00147B-24

2024898__

1103 showing of probable cause, has the authority to issue an order
1104 to compel a naturopathic physician to submit to a mental or
1105 physical examination by naturopathic physicians designated by
1106 the department. If the failure of a naturopathic physician
1107 refuses to comply with such order, the department's order
1108 directing submit to such an examination may be enforced by
1109 filing a petition for enforcement in the circuit court where the
1110 naturopathic physician resides or does business. The
1111 naturopathic physician against whom the petition is filed may
1112 not be named or identified by initials in any public court
1113 records or documents, and the proceedings must be closed to the
1114 public. The department is entitled to the summary procedure
1115 provided in s. 51.011 when so directed shall constitute an
1116 admission of the allegations against her or him upon which a
1117 default and final order may be entered without the taking of
1118 testimony or presentation of evidence, unless the failure was
1119 due to circumstances beyond the naturopathic physician's
1120 control. A naturopathic physician subject to an order issued
1121 affected under this paragraph must, shall at reasonable
1122 intervals, be afforded an opportunity to demonstrate that she or
1123 he can resume the competent practice of naturopathic medicine
1124 with reasonable skill and safety to patients. In any proceeding
1125 under this paragraph, neither the record of proceedings nor the
1126 orders entered by the department may be used against a
1127 naturopathic physician in any other proceeding.

1128 (w) Notwithstanding s. 456.072(2) but as specified in s.
1129 456.50(2):

1130 1. Committing medical malpractice as defined in s. 456.50.
1131 The board shall give great weight to s. 766.102 when enforcing

40-00147B-24

2024898__

1132 this paragraph. Medical malpractice may not be construed to
1133 require more than one instance, event, or act.

1134 2. Committing gross medical malpractice.

1135 3. Committing repeated medical malpractice as defined in s.
1136 456.50. A person found by the board to have committed such
1137 repeated malpractice may not be licensed or continue to be
1138 licensed to provide health care services as a naturopathic
1139 physician in this state.

1140

1141 This paragraph may not be construed to require that a
1142 naturopathic physician be deemed incompetent to practice
1143 naturopathic medicine in order to be disciplined pursuant to
1144 this paragraph. A recommended order by an administrative law
1145 judge or a final order of the board finding a violation under
1146 this paragraph must specify whether the naturopathic physician
1147 was found to have committed gross medical malpractice, repeated
1148 medical malpractice, or medical malpractice, or any combination
1149 thereof, and any publication by the board must include the
1150 specified finding.

1151 ~~(t) Gross or repeated malpractice or the failure to~~
1152 ~~practice naturopathic medicine with that level of care, skill,~~
1153 ~~and treatment which is recognized by a reasonably prudent~~
1154 ~~similar physician as being acceptable under similar conditions~~
1155 ~~and circumstances. The department shall give great weight to the~~
1156 ~~provisions of s. 766.102 when enforcing this paragraph.~~

1157 (x) ~~(u)~~ Performing any procedure or prescribing any therapy
1158 that ~~which~~, by the prevailing standards of medical practice in
1159 the naturopathic medical community, constitutes experimentation
1160 on a human subject, without first obtaining full, informed, and

40-00147B-24

2024898__

1161 written consent.

1162 (y)~~(v)~~ Practicing or offering to practice beyond the scope
 1163 permitted by law or accepting and performing professional
 1164 responsibilities that ~~which~~ the licensee knows or has reason to
 1165 know ~~that~~ she or he is not competent to perform. The board may
 1166 establish by rule standards of practice and standards of care
 1167 for particular practice areas, including, but not limited to,
 1168 education and training, equipment and supplies, medications as
 1169 specified by the Naturopathic Medical Formulary under s.
 1170 462.025, assistance from and delegation to other personnel,
 1171 transfer agreements, sterilization, records, performance of
 1172 complex or multiple procedures, informed consent, and policy and
 1173 procedure manuals.

1174 (z)~~(w)~~ Delegating professional responsibilities to a person
 1175 when the licensee delegating such responsibilities knows or has
 1176 reason to know that such person is not qualified by training,
 1177 experience, or licensure to perform them.

1178 (aa)~~(*)~~ Violating a lawful order of the board or the
 1179 department previously entered in a disciplinary hearing or
 1180 failing to comply with a lawfully issued subpoena of the board
 1181 or department.

1182 (bb)~~(y)~~ Conspiring with another licensee or with any other
 1183 person to commit an act, or committing an act, which would tend
 1184 to coerce, intimidate, or preclude another licensee from
 1185 lawfully advertising her or his services.

1186 (cc)~~(z)~~ Procuring, or aiding or abetting in the procuring
 1187 of, an unlawful termination of pregnancy.

1188 (dd)~~(aa)~~ Presigning blank prescription forms.

1189 (ee) Failing to adequately supervise the activities of any

40-00147B-24

2024898__

1190 persons acting under the supervision of the naturopathic
1191 physician.

1192 ~~(bb) Prescribing by the naturopathic physician for office~~
1193 ~~use any medicinal drug appearing on Schedule II in chapter 893.~~

1194 ~~(cc) Prescribing, ordering, dispensing, administering,~~
1195 ~~supplying, selling, or giving any drug which is an amphetamine~~
1196 ~~or sympathomimetic amine drug, or a compound designated pursuant~~
1197 ~~to chapter 893 as a Schedule II controlled substance to or for~~
1198 ~~any person except for:~~

1199 ~~1. The treatment of narcolepsy; hyperkinesis; behavioral~~
1200 ~~syndrome in children characterized by the developmentally~~
1201 ~~inappropriate symptoms of moderate to severe distractability,~~
1202 ~~short attention span, hyperactivity, emotional lability, and~~
1203 ~~impulsivity; or drug-induced brain dysfunction.~~

1204 ~~2. The differential diagnostic psychiatric evaluation of~~
1205 ~~depression or the treatment of depression shown to be refractory~~
1206 ~~to other therapeutic modalities.~~

1207 ~~3. The clinical investigation of the effects of such drugs~~
1208 ~~or compounds when an investigative protocol therefor is~~
1209 ~~submitted to, reviewed, and approved by the department before~~
1210 ~~such investigation is begun.~~

1211 (ff) ~~(dd)~~ Prescribing, ordering, dispensing, administering,
1212 supplying, selling, or giving growth hormones, testosterone or
1213 its analogs, human chorionic gonadotropin (HCG), or other
1214 hormones for the purpose of muscle building or to enhance
1215 athletic performance. For the purposes of this subsection, the
1216 term "muscle building" does not include the treatment of injured
1217 muscle. A prescription written for the drug products identified
1218 in this paragraph ~~listed above~~ may be dispensed by the

40-00147B-24

2024898__

1219 pharmacist with the presumption that the prescription is for
1220 legitimate medical use.

1221 (gg) Misrepresenting or concealing a material fact at any
1222 time during any phase of a licensing or disciplinary process or
1223 procedure.

1224 (hh) Interfering with an investigation or with any
1225 disciplinary proceeding.

1226 (ii) Failing to report to the department any person
1227 licensed under chapter 458, chapter 459, or this chapter whom
1228 the naturopathic physician knows has violated the grounds for
1229 disciplinary action set out in the law under which that person
1230 is licensed and who provides health care services in a facility
1231 licensed under chapter 395, or a health maintenance organization
1232 certificated under part I of chapter 641, in which the
1233 naturopathic physician also provides services.

1234 (jj) Being found by any court in this state to have
1235 provided, without reasonable investigation, corroborating
1236 written medical expert opinion attached to any statutorily
1237 required notice of claim or intent or to any statutorily
1238 required response rejecting a claim.

1239 (kk) Except as provided in s. 462.018, advertising or
1240 holding oneself out as a board-certified specialist in violation
1241 of this chapter.

1242 (ll) Failing to comply with the requirements of ss. 381.026
1243 and 381.0261 to provide patients with information about their
1244 patient rights and how to file a patient complaint.

1245 (mm) ~~(ee)~~ Violating any provision of this chapter or chapter
1246 456, or any rules adopted pursuant thereto.

1247 (nn) Providing deceptive or fraudulent expert witness

40-00147B-24

2024898__

1248 testimony related to the practice of naturopathic medicine.

1249 (oo) Promoting or advertising through any communication
1250 medium the use, sale, or dispensing of any controlled substance
1251 appearing on any schedule in chapter 893 which is not within the
1252 scope of the Naturopathic Medical Formulary established under s.
1253 462.025.

1254 (pp) Willfully failing to comply with s. 627.64194 or s.
1255 641.513 with such frequency as to indicate a general business
1256 practice.

1257 (2) The board ~~department~~ may enter an order denying
1258 licensure or imposing any of the penalties in s. 456.072(2)
1259 against any applicant for licensure or licensee who commits a
1260 violation of ~~is found guilty of violating any provision of~~
1261 subsection (1) of this section or who is found guilty of
1262 violating any provision of s. 456.072(1). In determining what
1263 action is appropriate, the board must first consider which
1264 sanctions are necessary to protect the public or to compensate
1265 the patient. Only after those sanctions have been imposed may
1266 the board consider and include in the order other requirements
1267 designed to rehabilitate the naturopathic physician. All costs
1268 associated with compliance with orders issued under this
1269 subsection are the obligation of the naturopathic physician.

1270 (3) In any administrative action against a naturopathic
1271 physician which does not involve a revocation or suspension of
1272 license, the division has the burden, by the greater weight of
1273 the evidence, to establish the existence of grounds for
1274 disciplinary action. The division shall establish grounds for
1275 revocation or suspension of license by clear and convincing
1276 evidence.

40-00147B-24

2024898__

1277 (4) The board may ~~department shall~~ not reinstate the
1278 license of a naturopathic physician or cause a license to be
1279 issued to a person it has deemed unqualified until such time as
1280 it ~~the department~~ is satisfied that such person has complied
1281 with all the terms and conditions set forth in the final order
1282 and that such person is capable of safely engaging in the
1283 practice of naturopathic medicine. However, the board may not
1284 issue a license to, or reinstate the license of, any person
1285 found by the board to have committed repeated medical
1286 malpractice as defined in s. 456.50, regardless of the extent to
1287 which the licensed naturopathic physician or prospective
1288 licensed naturopathic physician has complied with all terms and
1289 conditions set forth in the final order or whether she or he is
1290 capable of safely engaging in the practice of naturopathic
1291 medicine.

1292 (5)~~(4)~~ The board ~~department~~ shall establish by rule
1293 ~~establish~~ guidelines for the disposition of disciplinary cases
1294 involving specific types of violations. Such guidelines must
1295 establish offenses and circumstances for which revocation will
1296 be presumed to be appropriate, as well as offenses and
1297 circumstances for which suspension for particular periods of
1298 time will be presumed to be appropriate. The guidelines must
1299 also ~~may~~ include minimum and maximum fines, periods of
1300 supervision or probation, ~~or~~ conditions of probation, and
1301 conditions for ~~or~~ reissuance of a license with respect to
1302 particular circumstances and offenses. Gross medical
1303 malpractice, repeated medical malpractice, and medical
1304 malpractice, respectively, as specified in paragraph (1)(w),
1305 must each be considered a distinct violation requiring specific

40-00147B-24

2024898__

1306 individual guidelines.

1307 (6) Upon the department's receipt of a closed claim against
1308 a naturopathic physician submitted by an insurer or self-insurer
1309 pursuant to s. 627.912 or information reported to the Office of
1310 Insurance Regulation by a health care practitioner pursuant to
1311 s. 456.049, or receipt from a claimant of presuit notice against
1312 a naturopathic physician under s. 766.106, the department shall
1313 review such information and determine whether it potentially
1314 involves conduct by a licensed naturopathic physician which is
1315 subject to disciplinary action, in which case s. 456.073
1316 applies. However, if the department receives information that a
1317 naturopathic physician has had three or more claims filed
1318 against her or him, each with indemnities exceeding \$50,000,
1319 within the previous 5-year period, the department must
1320 investigate the occurrences upon which the claims were based and
1321 determine if action by the department against the naturopathic
1322 physician is warranted.

1323 (7) Upon the department's receipt of a report from the
1324 Agency for Health Care Administration pursuant to s. 395.0197
1325 related to a naturopathic physician whose conduct may constitute
1326 grounds for disciplinary action, the department shall
1327 investigate the occurrences upon which the report was based and
1328 determine if action by the department against the naturopathic
1329 physician is warranted.

1330 (8) If any naturopathic physician commits such
1331 unprofessional conduct or negligence or demonstrates mental or
1332 physical incapacity or impairment such that the department
1333 determines that she or he is unable to practice with reasonable
1334 skill and safety and presents a danger to patients, the

40-00147B-24

2024898__

1335 department may bring an action in circuit court enjoining such
1336 naturopathic physician from providing medical services to the
1337 public until the naturopathic physician demonstrates the ability
1338 to practice with reasonable skill and safety and without danger
1339 to patients.

1340 (9) (a) If an investigation of a naturopathic physician is
1341 undertaken, the department must promptly furnish to the
1342 naturopathic physician or her or his attorney a copy of the
1343 complaint or document that prompted initiation of the
1344 investigation. For purposes of this subsection, such documents
1345 include, but are not limited to:

1346 1. The pertinent portions of an annual report submitted by
1347 a licensed facility to the Agency for Health Care Administration
1348 pursuant to s. 395.0197(6).

1349 2. A report of an adverse incident which is provided by a
1350 licensed facility to the department pursuant to s. 395.0197.

1351 3. A report of peer review disciplinary action submitted to
1352 the department pursuant to s. 395.0193(4), provided that the
1353 investigations, proceedings, and records relating to such peer
1354 review disciplinary action continue to retain their privileged
1355 status even as to the naturopathic physician who is the subject
1356 of the investigation, as provided by s. 395.0193(8).

1357 4. A closed claim report submitted pursuant to s. 627.912.

1358 5. A presuit notice submitted pursuant to s. 766.106(2).

1359 6. A petition brought under the Florida Birth-Related
1360 Neurological Injury Compensation Plan pursuant to s. 766.305(2).

1361 (b) A naturopathic physician may submit to the department a
1362 written response to the information contained in the complaint
1363 or document that prompted the initiation of the investigation

40-00147B-24

2024898__

1364 within 45 days after she or he receives service of such
1365 complaint or document. The naturopathic physician's written
1366 response must be considered by the probable cause panel, if held
1367 on the matter.

1368 Section 18. Section 462.018, Florida Statutes, is created
1369 to read:

1370 462.018 Specialties.—A naturopathic physician licensed
1371 under this chapter may not hold himself or herself out as a
1372 board-certified specialist unless the naturopathic physician has
1373 successfully completed the requirements for certification as set
1374 forth by the board regulating such specialty. A naturopathic
1375 physician may indicate the services offered and may state that
1376 her or his practice is limited to one or more types of services
1377 if it accurately reflects the scope of practice of the
1378 naturopathic physician.

1379 Section 19. Section 462.17, Florida Statutes, is renumbered
1380 as section 462.019, Florida Statutes, and amended to read:

1381 462.019 ~~462.17~~ Penalty for offenses relating to
1382 naturopathy.—Any person who shall:

1383 (1) Each of the following acts constitutes a felony of the
1384 third degree, punishable as provided in s. 775.082, s. 775.083,
1385 or s. 775.084:

1386 (a) Practicing, or attempting to practice, naturopathic
1387 medicine without an active license issued under this chapter.

1388 (b) A licensed naturopathic physician practicing beyond the
1389 scope of practice authorized under this chapter.

1390 (c) Obtaining, or attempting to obtain, a license to
1391 practice naturopathic medicine by a knowing misrepresentation.

1392 (d) Obtaining, or attempting to obtain, a position as a

40-00147B-24

2024898__

1393 naturopathic physician or naturopathic medical resident in a
1394 clinic or hospital by knowingly misrepresenting education,
1395 training, or experience.

1396 (e) Dispensing a controlled substance listed in Schedule II
1397 or Schedule III of s. 893.03 in violation of s. 465.0276.

1398 (2) Each of the following acts constitutes a misdemeanor of
1399 the first degree, punishable as provided in s. 775.082 or s.
1400 775.083:

1401 (a) Knowingly concealing information relating to violations
1402 of this chapter.

1403 (b) Making a false oath or affirmation when an oath or
1404 affirmation is required by this chapter.

1405 (3) Each of the following constitutes a misdemeanor of the
1406 second degree, punishable as provided in s. 775.082 or s.
1407 775.083:

1408 (a) Fraudulently altering, defacing, or falsifying any
1409 records relating to patient care or treatment, including, but
1410 not limited to, patient histories, examination results, and test
1411 results.

1412 (b) Referring any patient for health care goods or services
1413 to any partnership, firm, corporation, or other business entity
1414 in which the naturopathic physician or the naturopathic
1415 physician's employer has an equity interest of 10 percent or
1416 more, unless, before such referral, the naturopathic physician
1417 notifies the patient of her or his financial interest and of the
1418 patient's right to obtain such goods or services at the location
1419 of the patient's choice. This section does not apply to the
1420 following types of equity interest:

1421 1. The ownership of registered securities issued by a

40-00147B-24

2024898__

1422 publicly held corporation or the ownership of securities issued
1423 by a publicly held corporation, the shares of which are traded
1424 on a national exchange or the over-the-counter market.

1425 2. A naturopathic physician's own practice, whether the
1426 naturopathic physician is a sole practitioner or part of a
1427 group, when the health care good or service is prescribed or
1428 provided solely for the naturopathic physician's own patients
1429 and is provided or performed by the naturopathic physician or
1430 under the naturopathic physician's supervision.

1431 3. An interest in real property resulting in a landlord-
1432 tenant relationship between the naturopathic physician and the
1433 entity in which the equity interest is held, unless the rent is
1434 determined, in whole or in part, by the business volume or
1435 profitability of the tenant or is otherwise unrelated to fair
1436 market value.

1437 (c) Paying or receiving any commission, bonus, kickback, or
1438 rebate or engaging in any split-fee arrangement in any form with
1439 a physician, an organization, an agency, a person, a
1440 partnership, a firm, a corporation, or other business entity for
1441 patients referred to providers of health care goods and
1442 services, including, but not limited to, hospitals, nursing
1443 homes, clinical laboratories, ambulatory surgical centers, or
1444 pharmacies. This paragraph may not be construed to prevent a
1445 naturopathic physician from receiving a fee for professional
1446 consultation services ~~Sell, fraudulently obtain, or furnish any~~
1447 ~~naturopathic diploma, license, record, or registration or aid or~~
1448 ~~abet in the same;~~

1449 ~~(2) Practice naturopathy under the cover of any diploma,~~
1450 ~~license, record, or registration illegally or fraudulently~~

40-00147B-24

2024898__

1451 ~~obtained or secured or issued unlawfully or upon fraudulent~~
1452 ~~representations;~~

1453 ~~(3) Advertise to practice naturopathy under a name other~~
1454 ~~than her or his own or under an assumed name;~~

1455 ~~(4) Falsely impersonate another practitioner of a like or~~
1456 ~~different name;~~

1457 ~~(5) Practice or advertise to practice naturopathy or use in~~
1458 ~~connection with her or his name any designation tending to imply~~
1459 ~~or to designate the person as a practitioner of naturopathy~~
1460 ~~without then being lawfully licensed and authorized to practice~~
1461 ~~naturopathy in this state; or~~

1462 ~~(6) Practice naturopathy during the time her or his license~~
1463 ~~is suspended or revoked~~

1464
1465 ~~shall be guilty of a felony of the third degree, punishable as~~
1466 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

1467 Section 20. Section 462.024, Florida Statutes, is created
1468 to read:

1469 462.024 Disclosure of medications by patients.-

1470 (1) A patient who takes prescribed legend drugs consistent
1471 with the Naturopathic Medical Formulary established under s.
1472 462.025 or nutrients or other natural medicinal substances upon
1473 the recommendation of her or his treating naturopathic physician
1474 is responsible for advising any other treating health care
1475 practitioner of her or his use of such legend drugs, nutrients,
1476 or other natural medicinal substances.

1477 (2) Naturopathic physicians shall advise their patients of
1478 this requirement in writing, maintain a signed copy of a
1479 patient's disclosure in the patient's medical records, and

40-00147B-24

2024898__

1480 provide a copy of the disclosure to their patients, upon
1481 request.

1482 (3) A patient's failure to disclose her or his use of
1483 prescribed legend drugs or recommended nutrients or other
1484 natural medicinal substances to any other treating health care
1485 practitioner creates a rebuttable presumption that any
1486 subsequent related injuries sustained by the patient were caused
1487 by the patient's failure to disclose such information. This
1488 presumption may be rebutted by clear and convincing evidence
1489 that the patient's injuries were caused by the negligence of the
1490 other treating health care practitioner.

1491 (4) This section may not be construed to preclude a patient
1492 of a naturopathic physician from consulting with a medical
1493 physician, an osteopathic physician, or other health care
1494 practitioner.

1495 (5) A naturopathic physician is not required to confirm a
1496 patient's consultation with, or disclosure to, any other health
1497 care practitioner.

1498 Section 21. Section 462.025, Florida Statutes, is created
1499 to read:

1500 462.025 Naturopathic Medical Formulary Council;
1501 establishment of formulary.-

1502 (1) The Naturopathic Medical Formulary Council is
1503 established, separate and distinct from the board, to be
1504 composed of five members.

1505 (a) Two members must be naturopathic physicians licensed
1506 under this chapter, appointed by the board.

1507 (b) Three members must be pharmacists licensed under
1508 chapter 465, appointed by the board from a list of nominees

40-00147B-24

2024898__

1509 provided by the Board of Pharmacy.

1510 (c) Each member shall be appointed for a 3-year term;
1511 however, for the purpose of providing staggered terms, the
1512 initial appointments to the council shall be as follows: one
1513 naturopathic physician appointed for a 1-year term, one
1514 pharmacist appointed for a 2-year term, and two pharmacists and
1515 one naturopathic physician, each appointed for a 3-year term.

1516 (d) A quorum consists of three members and is required for
1517 any vote to be taken.

1518 (2) (a) The council shall establish the Naturopathic Medical
1519 Formulary of legend drugs that a licensed naturopathic physician
1520 may prescribe in the practice of naturopathic medicine. The
1521 formulary may not include drugs:

1522 1. That are inconsistent with the education and training
1523 provided by approved colleges and programs of naturopathic
1524 medicine or board-approved continuing education courses for
1525 naturopathic physicians; or

1526 2. The prescription of which requires education and
1527 training beyond that of a naturopathic physician.

1528 (b) The council shall submit the formulary to the board
1529 immediately upon adoption of, and any revision to, the
1530 formulary. The board shall adopt the formulary, and any revision
1531 thereto, by rule.

1532 (c) The council shall review the formulary at least
1533 annually and at any time upon board request.

1534 (d) A naturopathic physician may prescribe, administer, or
1535 dispense only those drugs included in the formulary adopted by
1536 the board. This section may not be construed to authorize a
1537 naturopathic physician to prescribe, administer, or dispense any

40-00147B-24

2024898__

1538 controlled substance under s. 893.03 unless such substance is
 1539 specifically included in the formulary.

1540 Section 22. Section 462.026, Florida Statutes, is created
 1541 to read:

1542 462.026 Severability.—The provisions of this chapter are
 1543 severable. If any provision of this chapter or its application
 1544 is held invalid or unconstitutional by any court of competent
 1545 jurisdiction, that invalidity or unconstitutionality does not
 1546 affect other provisions or applications of this chapter which
 1547 can be given effect without the invalid or unconstitutional
 1548 provision or application.

1549 Section 23. Section 462.09, Florida Statutes, is renumbered
 1550 as section 462.027, Florida Statutes.

1551 Section 24. Section 462.16, Florida Statutes, is repealed.

1552 Section 25. Section 462.2001, Florida Statutes, is
 1553 repealed.

1554 Section 26. Paragraph (g) of subsection (3) of section
 1555 921.0022, Florida Statutes, is amended to read:

1556 921.0022 Criminal Punishment Code; offense severity ranking
 1557 chart.—

1558 (3) OFFENSE SEVERITY RANKING CHART

1559 (g) LEVEL 7

1560

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.

1561

40-00147B-24

2024898__

1562

316.193 (3) (c) 2.

3rd

DUI resulting in serious
bodily injury.

1563

316.1935 (3) (b)

1st

Causing serious bodily
injury or death to another
person; driving at high
speed or with wanton
disregard for safety while
fleeing or attempting to
elude law enforcement
officer who is in a patrol
vehicle with siren and
lights activated.

1564

327.35 (3) (c) 2.

3rd

Vessel BUI resulting in
serious bodily injury.

1565

402.319 (2)

2nd

Misrepresentation and
negligence or intentional
act resulting in great
bodily harm, permanent
disfiguration, permanent
disability, or death.

1566

409.920
(2) (b) 1.a.

3rd

Medicaid provider fraud;
\$10,000 or less.

1567

409.920

2nd

Medicaid provider fraud;

	40-00147B-24		2024898__
	(2) (b) 1.b.		more than \$10,000, but less than \$50,000.
1568	456.065 (2)	3rd	Practicing a health care profession without a license.
1569	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
1570	458.327 (1)	3rd	Practicing medicine without a license.
1571	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
1572	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
1573	461.012 (1)	3rd	Practicing podiatric medicine without a license.
1574	<u>462.019</u> 462.17	3rd	Practicing <u>naturopathic</u> <u>medicine</u> naturopathy

40-00147B-24

2024898__

1575			without a license.
	463.015 (1)	3rd	Practicing optometry without a license.
1576			
	464.016 (1)	3rd	Practicing nursing without a license.
1577			
	465.015 (2)	3rd	Practicing pharmacy without a license.
1578			
	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
1579			
	467.201	3rd	Practicing midwifery without a license.
1580			
	468.366	3rd	Delivering respiratory care services without a license.
1581			
	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
1582			
	483.901 (7)	3rd	Practicing medical physics without a license.
1583			

	40-00147B-24		2024898__
1584	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
1585	484.053	3rd	Dispensing hearing aids without a license.
1586	494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
1587	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
1588	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
	655.50 (10) (b) 1.	3rd	Failure to report financial transactions

40-00147B-24

2024898__

1589

775.21(10)(a)

3rd

exceeding \$300 but less than \$20,000 by financial institution.

Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.

1590

775.21(10)(b)

3rd

Sexual predator working where children regularly congregate.

1591

775.21(10)(g)

3rd

Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

1592

782.051(3)

2nd

Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

1593

782.07(1)

2nd

Killing of a human being by the act, procurement, or culpable negligence of

40-00147B-24

2024898__

1594

782.071

2nd

another (manslaughter).

Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).

1595

782.072

2nd

Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

1596

784.045 (1) (a) 1.

2nd

Aggravated battery; intentionally causing great bodily harm or disfigurement.

1597

784.045 (1) (a) 2.

2nd

Aggravated battery; using deadly weapon.

1598

784.045 (1) (b)

2nd

Aggravated battery; perpetrator aware victim pregnant.

1599

784.048 (4)

3rd

Aggravated stalking; violation of injunction or court order.

40-00147B-24

2024898__

1600

784.048 (7) 3rd Aggravated stalking;
violation of court order.

1601

784.07 (2) (d) 1st Aggravated battery on law
enforcement officer.

1602

784.074 (1) (a) 1st Aggravated battery on
sexually violent predators
facility staff.

1603

784.08 (2) (a) 1st Aggravated battery on a
person 65 years of age or
older.

1604

784.081 (1) 1st Aggravated battery on
specified official or
employee.

1605

784.082 (1) 1st Aggravated battery by
detained person on visitor
or other detainee.

1606

784.083 (1) 1st Aggravated battery on code
inspector.

1607

787.06 (3) (a) 2. 1st Human trafficking using
coercion for labor and
services of an adult.

40-00147B-24

2024898__

1608

787.06(3)(e)2.

1st

Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.

1609

790.07(4)

1st

Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).

1610

790.16(1)

1st

Discharge of a machine gun under specified circumstances.

1611

790.165(2)

2nd

Manufacture, sell, possess, or deliver hoax bomb.

1612

790.165(3)

2nd

Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

1613

790.166(3)

2nd

Possessing, selling, using, or attempting to

40-00147B-24

2024898__

1614
1615
1616
1617
1618
1619

790.166(4)

2nd

use a hoax weapon of mass destruction.

Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

790.23

1st, PBL

Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

794.08(4)

3rd

Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.

796.05(1)

1st

Live on earnings of a prostitute; 2nd offense.

796.05(1)

1st

Live on earnings of a prostitute; 3rd and subsequent offense.

40-00147B-24 2024898__

1620 800.04 (5) (c) 1. 2nd Lewd or lascivious
molestation; victim
younger than 12 years of
age; offender younger than
18 years of age.

1621 800.04 (5) (c) 2. 2nd Lewd or lascivious
molestation; victim 12
years of age or older but
younger than 16 years of
age; offender 18 years of
age or older.

1622 800.04 (5) (e) 1st Lewd or lascivious
molestation; victim 12
years of age or older but
younger than 16 years;
offender 18 years or
older; prior conviction
for specified sex offense.

1623 806.01 (2) 2nd Maliciously damage
structure by fire or
explosive.

1624 810.02 (3) (a) 2nd Burglary of occupied
dwelling; unarmed; no
assault or battery.

40-00147B-24 2024898__

1625 810.02 (3) (b) 2nd Burglary of unoccupied dwelling; unarmed; no assault or battery.

1626 810.02 (3) (d) 2nd Burglary of occupied conveyance; unarmed; no assault or battery.

1627 810.02 (3) (e) 2nd Burglary of authorized emergency vehicle.

1628 812.014 (2) (a) 1. 1st Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.

1629 812.014 (2) (b) 2. 2nd Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.

1630 812.014 (2) (b) 3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.

40-00147B-24 2024898__

1631	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
1632	812.014 (2) (f)	2nd	Grand theft; second degree; firearm with previous conviction of s. 812.014 (2) (c) 5.
1633	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
1634	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
1635	812.131 (2) (a)	2nd	Robbery by sudden snatching.
1636	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
	817.034 (4) (a) 1.	1st	Communications fraud, value greater than

40-00147B-24

2024898__

\$50,000.

1637

817.234 (8) (a)

2nd

Solicitation of motor vehicle accident victims with intent to defraud.

1638

817.234 (9)

2nd

Organizing, planning, or participating in an intentional motor vehicle collision.

1639

817.234 (11) (c)

1st

Insurance fraud; property value \$100,000 or more.

1640

817.2341
(2) (b) & (3) (b)

1st

Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

1641

817.418 (2) (a)

3rd

Offering for sale or advertising personal protective equipment with intent to defraud.

1642

817.504 (1) (a)

3rd

Offering or advertising a

40-00147B-24

2024898__

1643

vaccine with intent to defraud.

817.535 (2) (a)

3rd

Filing false lien or other unauthorized document.

1644

817.611 (2) (b)

2nd

Traffic in or possess 15 to 49 counterfeit credit cards or related documents.

1645

825.102 (3) (b)

2nd

Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

1646

825.103 (3) (b)

2nd

Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.

1647

827.03 (2) (b)

2nd

Neglect of a child causing great bodily harm, disability, or disfigurement.

1648

827.04 (3)

3rd

Impregnation of a child

40-00147B-24

2024898__

			under 16 years of age by person 21 years of age or older.
1649	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
1650	838.015	2nd	Bribery.
1651	838.016	2nd	Unlawful compensation or reward for official behavior.
1652	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
1653	838.22	2nd	Bid tampering.
1654	843.0855 (2)	3rd	Impersonation of a public officer or employee.
1655	843.0855 (3)	3rd	Unlawful simulation of legal process.
1656	843.0855 (4)	3rd	Intimidation of a public officer or employee.
1657			

	40-00147B-24		2024898__
1658	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
1659	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
1660	872.06	2nd	Abuse of a dead human body.
1661	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
1662	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	893.13 (1) (c) 1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or

40-00147B-24

2024898__

1663	893.13(1)(e)1.	1st	(2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
1664	893.13(4)(a)	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site.
1665	893.135(1)(a)1.	1st	Use or hire of minor; deliver to minor other controlled substance.
1666	893.135 (1)(b)1.a.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs. Trafficking in cocaine, more than 28 grams, less

40-00147B-24

2024898__

			than 200 grams.
1667	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
1668	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
1669	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
1670	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
1671	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
1672	893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
1673	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.

40-00147B-24

2024898__

1674
1675
1676
1677
1678
1679
1680

893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

	40-00147B-24		2024898__
1681	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
1682	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
1683	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
1684	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
1685	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less

40-00147B-24

2024898__

than \$20,000.

1686

943.0435 (4) (c)

2nd

Sexual offender vacating permanent residence; failure to comply with reporting requirements.

1687

943.0435 (8)

2nd

Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

1688

943.0435 (9) (a)

3rd

Sexual offender; failure to comply with reporting requirements.

1689

943.0435 (13)

3rd

Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

1690

943.0435 (14)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

40-00147B-24

2024898__

1691

944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.

1692

944.607(10) (a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

1693

944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

1694

944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

1695

985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

1696

985.4815(12) 3rd Failure to report or providing false information about a sexual

40-00147B-24

2024898__

offender; harbor or
conceal a sexual offender.

1697

985.4815(13)

3rd

Sexual offender; failure
to report and reregister;
failure to respond to
address verification;
providing false
registration information.

1698

1699

Section 27. This act shall take effect December 31, 2024.