

By Senator Rodriguez

40-00657B-25

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A bill to be entitled  
An act relating to naturopathic medicine;  
redesignating the title of ch. 462, F.S., from  
"Naturopathy" to "Naturopathic Medicine"; creating s.  
462.001, F.S.; providing legislative findings and  
purpose; creating s. 462.002, F.S.; providing  
applicability and construction; renumbering and  
amending s. 462.01, F.S.; revising and defining terms;  
creating s. 462.004, F.S.; creating the Board of  
Naturopathic Medicine within the Department of Health;  
providing for membership of the board; requiring the  
board, in conjunction with the department, to  
establish a disciplinary training program for board  
members; providing requirements for the program;  
providing that board members may not participate in  
probable cause panels or disciplinary decisions unless  
they have completed the training program; requiring  
board members appointed to probable cause panels to  
attempt to complete their work on every case  
presented; authorizing board members to reconvene a  
probable cause panel under certain circumstances;  
providing applicability; renumbering and amending s.  
462.023, F.S.; authorizing the board to adopt rules;  
deleting obsolete language; creating s. 462.006, F.S.;  
prohibiting certain unlicensed persons from practicing  
naturopathic medicine or promoting, identifying, or  
describing themselves using specified titles or  
abbreviations; providing construction; creating s.  
462.007, F.S.; providing for licensure by examination

40-00657B-25

2025470\_\_

of naturopathic physicians; requiring the department and the board to use an investigative process that ensures applicants meet the applicable criteria; authorizing the State Surgeon General or her or his designee to issue a 90-day licensure delay under certain circumstances; providing construction; prohibiting the board from certifying for licensure certain applicants until a certain investigation is completed; providing applicability; prohibiting the department from issuing a license to certain applicants until the board has reviewed the application and certified the applicant for licensure; authorizing the board to enter an order imposing certain sanctions against or conditions on an applicant for licensure under certain circumstances; creating s. 462.008, F.S.; providing for licensure by endorsement of naturopathic physicians; renumbering and amending s. 462.08, F.S.; revising requirements for licensure renewal for naturopathic physicians; requiring the department to adopt rules; renumbering and amending s. 462.18, F.S.; revising continuing education requirements for naturopathic physicians; requiring naturopathic physicians to use the department's electronic continuing education tracking system to demonstrate compliance with continuing education requirements; renumbering and amending s. 462.19, F.S.; revising provisions related to reactivation of inactive naturopathic physician licenses; requiring the board to adopt rules relating

40-00657B-25

2025470\_\_

to the reactivation of inactive licenses; providing requirements for the rules; prohibiting the department from reactivating a license until certain conditions have been met; renumbering and amending s. 462.11, F.S.; conforming a provision to changes made by the act; creating s. 462.014, F.S.; requiring the board to adopt rules providing for the handling of medical records by licensed naturopathic physicians; providing requirements for such rules; creating s. 462.015, F.S.; providing financial responsibility requirements as a condition of licensure for naturopathic physicians; providing exemptions from such requirements; requiring certain insuring entities to notify the department promptly of a naturopathic physician's cancellation or nonrenewal of insurance; requiring the department to suspend the license of a naturopathic physician under certain circumstances until the licensee demonstrates compliance with specified requirements; providing applicability; requiring certain naturopathic physicians to provide a specified notice to their patients; providing requirements for the notice; providing for permanent disqualification from any exemption from the financial responsibility requirements, and for disciplinary action, for specified conduct; requiring certain naturopathic physicians to notify the department in writing of any change in circumstance and demonstrate compliance with certain requirements; requiring the department to suspend the license of a naturopathic

40-00657B-25

2025470\_\_

physician under certain circumstances until certain requirements are met; providing applicability; requiring the board to adopt rules; renumbering and amending s. 462.13, F.S.; conforming a provision to changes made by the act; renumbering and amending s. 462.14, F.S.; revising grounds for disciplinary action; providing construction; providing for disciplinary actions by the board and department; providing for the standard of proof in certain administrative actions; providing requirements for the reinstatement of a license for certain persons; providing requirements for disciplinary guidelines adopted by the board; providing requirements and procedures for the department's receipt of certain closed claims and reports involving a licensed naturopathic physician; authorizing the department to bring an action to enjoin a naturopathic physician from providing medical services under certain circumstances; requiring the department to furnish certain documents promptly to a naturopathic physician or her or his attorney upon undertaking an investigation of the naturopathic physician; authorizing a naturopathic physician who is the subject of such investigation to submit a written response within a specified timeframe; requiring that the response be considered by the probable cause panel, if held on the matter; creating s. 462.018, F.S.; prohibiting licensed naturopathic physicians from holding themselves out as board-certified

40-00657B-25

2025470\_\_

specialists unless certified by the board regulating such specialty; authorizing licensed naturopathic physicians to indicate or state accurately which services or types of services they provide within the scope of practice of naturopathic medicine; renumbering and amending s. 462.17, F.S.; providing criminal penalties for specified violations relating to the practice of naturopathic medicine; creating s. 462.024, F.S.; providing that patients are responsible for advising treating health care practitioners about any legend drug, nutrient, or natural medicinal substance that a naturopathic physician has prescribed or recommended to the patient; requiring naturopathic physicians to advise their patients of such responsibility; creating a rebuttable presumption that certain injuries sustained by a patient are caused by her or his failure to disclose such information as required; providing for the rebuttal of such presumption under certain circumstances; providing construction; providing that a naturopathic physician is not required to confirm whether a patient has disclosed this information to another treating health care practitioner; creating s. 462.025, F.S.; providing severability; renumbering s. 462.09, F.S., relating to disposition of fees; repealing s. 462.16, F.S., relating to reissue of license; repealing s. 462.2001, F.S., relating to saving clause; amending ss. 20.43, 381.0031, 468.301, 476.044, 477.0135, 485.003, 486.161, 627.351, 893.02, and 921.0022, F.S.;

40-00657B-25

2025470\_\_

conforming provisions to changes made by the act;  
providing an effective date.

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

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

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

462.001 Legislative findings; purpose.—

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

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

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

462.002 Exceptions.—

(1) This chapter does not apply to:

(a) Other duly licensed health care practitioners acting  
within their respective scopes of practice, as authorized by

40-00657B-25

2025470\_\_

statute.

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

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

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

(e) The domestic administration of recognized family remedies.

(2) This chapter does not prohibit:

(a) A person who sells a dietary supplement from providing information about the dietary supplement.

(b) Any person:

1. Not licensed as a naturopathic physician from employing in their occupation ayurveda, herbalism, homeopathy, nutrition, traditional naturopathy, or other natural therapy included as part of the practice of naturopathic medicine as defined in s. 462.003(8) (a); or

2. From using such terms as, but not limited to, "traditional naturopath," provided that the person does not:

40-00657B-25

2025470\_\_

a. Use a title protected under s. 462.006;

b. Represent or assume the character or appearance of a person described in s. 462.006; or

c. Use a name, title, or other designation that indicates or implies that she or he is a person described in s. 462.006.

(3) This chapter may not be construed to prohibit any service rendered by a person if such service is rendered under the direct supervision and control of a licensed naturopathic physician who is available if needed, provides specific direction for any service to be performed, and gives final approval for all services performed.

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

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

(1) "Board" means the Board of Naturopathic Medicine  
~~"Natureopathy" and "Naturopathy" shall be construed as synonymous terms and mean the use and practice of psychological, mechanical, and material health sciences to aid in purifying, cleansing, and normalizing human tissues for the preservation or restoration of health, according to the fundamental principles of anatomy, physiology, and applied psychology, as may be required. Naturopathic practice employs, among other agencies, phytotherapy, dietetics, psychotherapy, suggestotherapy, hydrotherapy, zone therapy, biochemistry, external applications, electrotherapy, mechanotherapy, mechanical and electrical appliances, hygiene, first aid, sanitation, and heliotherapy; provided, however, that nothing in this chapter shall be held or construed to authorize any naturopathic physician licensed~~



40-00657B-25

2025470\_\_

~~hereunder to practice materia medica or surgery or chiropractic medicine, nor shall the provisions of this law in any manner apply to or affect the practice of osteopathic medicine, chiropractic medicine, Christian Science, or any other treatment authorized and provided for by law for the cure or prevention of disease and ailments.~~

(2) "Department" means the Department of Health.

(3) "Division" means the Division of Medical Quality Assurance of the department.

(4) "Legend drug" has the same meaning as "prescription drug" as defined in s. 499.003.

(5) "Naturopathic doctoral degree" means the "Doctor of Naturopathic Medicine," "Doctor of Naturopathy," or "Diploma of Naturopathic Medicine" degree, designated with the post-nominals "N.D." or "N.M.D.," from a college or university that is accredited by, or has candidacy status with, the Council on Naturopathic Medical Education or an equivalent accrediting body for the naturopathic medical profession which is recognized by the United States Department of Education and the board. When referring to a naturopathic doctoral degree, the terms and post-nominals specified in this subsection must be construed as equivalent to each other.

(6) "Naturopathic physician," which must be construed as synonymous with the term "naturopathic doctor," means a person with a naturopathic doctoral degree who is licensed to practice naturopathic medicine under this chapter.

(7) "Naturopathic therapeutic order" means a principle defined by the American Association of Naturopathic Physicians to guide naturopathic physicians in resolving a patient's

40-00657B-25

2025470\_\_

symptoms and addressing the root cause of a patient's disease while using the least therapeutic force necessary.

(8) (a) "Practice of naturopathic medicine," which must be construed as synonymous with the term "naturopathic medicine," means the diagnosis, prevention, and treatment by a naturopathic physician of any deformity, disease, injury, pain, or other physical or mental condition using botanical or fungal extracts, clinical nutrition, counseling techniques, dietary supplements, environmental medicine, homeopathic remedies, compounded bioidentical hormones, legend drugs, lifestyle medicine, or physical medicine in a manner consistent with prescriptive rights as defined herein, and emphasizing the importance of the principles of naturopathic medicine and the naturopathic therapeutic order.

(b) The practice of naturopathic medicine does not include any of the following:

1. Prescribing, dispensing, or administering any legend drug.

2. Performing any surgical procedure.

3. Practicing or claiming to practice as a medical doctor or physician, an osteopathic physician, a dentist, a podiatric physician, an optometrist, a psychologist, a nurse practitioner, a physician assistant, a chiropractic physician, a physical therapist, an acupuncturist, a midwife, or any other health care practitioner as defined in s. 456.001.

4. Using general or spinal anesthetics.

5. Administering ionizing radioactive substances.

6. Performing chiropractic or osteopathic adjustments or manipulations that include high-velocity thrusts at or beyond

40-00657B-25

2025470\_\_

the end range of normal joint motion, unless the naturopathic physician is also licensed as a chiropractic physician or an osteopathic physician.

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

8. Prescribing, dispensing, or administering for cosmetic purposes any legend drug specified in the definition of the term prescriptive rights.

9. Managing labor and delivery, unless the naturopathic physician is also a licensed midwife.

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

(10) "Prescriptive rights" means the administration, prescription, or use of clinical laboratory testing; diagnostic imaging; injection therapy using herbs, homeopathic remedies, and nutritional agents in sterile form; medical devices; and oral or topical compounded bioidentical hormones, all of which are routinely used in the practice of naturopathic medicine.

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

(a) The healing power of nature.

(b) Identify and treat the causes.

40-00657B-25

2025470\_\_

(c) First do no harm.

(d) Doctor as teacher.

(e) Treat the whole person.

(f) Prevention.

(12) "Traditional naturopathy" means the use of the naturopathic therapeutic order, the principles of naturopathic medicine, or natural therapies included as part of the practice of naturopathic medicine as defined in this section, excluding the use of anything defined herein as a prescriptive right by individuals not meeting the definition of a naturopathic physician.

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

462.004 Board of Naturopathic Medicine.—

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

(2) (a) Five members of the board must be licensed naturopathic physicians in good standing in this state who are residents of this state.

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

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

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

40-00657B-25

2025470\_\_

349 appointed.

350 (4) The board, in conjunction with the department, shall  
351 establish a disciplinary training program for members of the  
352 board. The program must provide for initial and, thereafter,  
353 periodic training on the grounds for disciplinary action, the  
354 actions that may be taken by the board and the department,  
355 changes in relevant statutes and rules, and all relevant  
356 judicial and administrative decisions. A member of the board may  
357 not participate on a probable cause panel or in a disciplinary  
358 decision of the board unless she or he has completed the  
359 disciplinary training program.

360 (5) During the terms of service of members of the board on  
361 a probable cause panel, such members shall attempt to complete  
362 their work on every case presented to them. If consideration of  
363 a case has begun but is not completed during the terms of  
364 service of the board members on the panel, the board members may  
365 reconvene as a probable cause panel for the purpose of  
366 completing their deliberations on that case.

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

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

371 462.005 462.023 Rulemaking authority; powers and duties of  
372 the board department.—The board department may adopt such rules  
373 pursuant to ss. 120.536(1) and 120.54 to implement the  
374 provisions of this chapter conferring duties upon it and as are  
375 necessary to carry out the purposes of this chapter, and may  
376 initiate disciplinary action as provided by this chapter, and  
377 shall establish fees based on its estimates of the revenue

40-00657B-25

2025470\_\_

~~required to administer this chapter but shall not exceed the fee amounts provided in this chapter. The department shall not adopt any rules which would cause any person who was not licensed in accordance with this chapter on July 1, 1959, and had not been a resident of the state for 2 years prior to such date, to become licensed.~~

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

462.006 License required.—

(1) Unless licensed under this chapter, a person may not practice naturopathic medicine in this state and may not promote, identify, or describe herself or himself as a "doctor of naturopathic medicine," a "naturopathic doctor," a "doctor of naturopathy," or a "naturopathic physician" or use the post-nominals "N.D." or "N.M.D." However, this section may not be construed to prohibit any person licensed in this state under any other law from engaging in the practice for which she or he is licensed.

(2) This chapter does not restrict the use of traditional naturopathy by individuals who clearly represent themselves as traditional naturopaths.

Section 8. Section 462.007, Florida Statutes, is created to read:

462.007 Licensure by examination.—

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

40-00657B-25

2025470\_\_

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

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

410           1. A college or university accredited by an accrediting  
411 agency recognized by the United States Department of Education  
412 or the Council for Higher Education Accreditation or its  
413 successor entity.

414           2. A college or university in Canada which is a member of  
415 Universities Canada.

416           3. A college or university in a foreign country, and such  
417 applicant has provided evidence that her or his educational  
418 credentials are deemed equivalent to those provided in this  
419 country. To have educational credentials deemed equivalent, the  
420 applicant must provide her or his foreign educational  
421 credentials, including transcripts, course descriptions or  
422 syllabi, and diplomas, to a nationally recognized educational  
423 credential evaluating agency approved by the board for the  
424 evaluation and determination of equivalency of the foreign  
425 educational credentials.

426       (c) Has received a naturopathic doctoral degree from a  
427 college or program accredited by, or having candidacy status  
428 with, the Council on Naturopathic Medical Education or another  
429 accrediting agency recognized by the United States Department of  
430 Education and the board.

431       (d) Is physically and mentally fit to practice as a  
432 naturopathic physician.

433       (e) Is of good moral character and has not done any of the  
434 following:

435           1. Committed any act or offense in this or any other

40-00657B-25

2025470\_\_

jurisdiction which would constitute the basis for disciplining a naturopathic physician pursuant to s. 462.017.

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

3. Been found guilty of a felony.

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

(f) Has submitted to the department a set of fingerprints on a form and in accordance with procedures specified by the department, along with payment in an amount equal to the costs incurred by the department for the criminal background check of the applicant.

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

(h) Has obtained a passing score, as determined by board rule, on Part I - Biomedical Science Examination and Part II - Core Clinical Science Examination of the competency-based national Naturopathic Physician Licensing Examination administered by the North American Board of Naturopathic Examiners, or an equivalent examination offered by an equivalent or successor entity, as approved by the board.

(2) The department and the board shall ensure that



40-00657B-25

2025470\_\_

465 applicants for licensure satisfy the applicable criteria in this  
466 section through an investigative process. If the investigative  
467 process is not completed within the timeframe established in s.  
468 120.60(1) and the department or board has reason to believe that  
469 the applicant does not meet such criteria, the State Surgeon  
470 General or her or his designee may issue a 90-day licensure  
471 delay, which must be in writing and sufficient to notify the  
472 applicant of the reason for the delay. This subsection prevails  
473 over any conflicting provision of s. 120.60(1).

474 (3) The board may not certify to the department for  
475 licensure any applicant who is under investigation in another  
476 jurisdiction for an offense that would constitute a violation of  
477 this chapter or chapter 456 until the investigation has been  
478 completed. Upon completion of the investigation, s. 462.017  
479 applies.

480 (4)(a) The department may not issue a license to any  
481 individual who has committed an act or offense in any  
482 jurisdiction which would constitute the basis for disciplining a  
483 naturopathic physician under s. 462.017 until the board has  
484 reviewed the application and certified the applicant for  
485 licensure.

486 (b) If the board finds that an applicant for licensure has  
487 committed an act or offense in any jurisdiction which would  
488 constitute the basis for disciplining a naturopathic physician  
489 under s. 462.017, the board may enter an order imposing one or  
490 more of the sanctions set forth in that section and s.  
491 456.072(2) as applicable to applicants for licensure, including  
492 refusing to certify an application for licensure or certifying  
493 an application for licensure with conditions.

40-00657B-25

2025470\_\_

494       (5) If the board determines that an applicant for licensure  
495 has failed to meet, to the board's satisfaction, any of the  
496 requirements of this section, it may enter an order imposing one  
497 or more of the following sanctions:

498           (a) Refusal to certify to the department an application for  
499 licensure.

500           (b) Certification to the department of an application for  
501 licensure with restrictions on the scope of practice of the  
502 naturopathic physician.

503           (c) Certification to the department of an application for  
504 licensure with a probationary period for the applicant, subject  
505 to such conditions as the board specifies, including, but not  
506 limited to, requiring the naturopathic physician to submit to  
507 treatment, attend continuing education courses, submit to  
508 reexamination, or work under the supervision of another  
509 naturopathic physician.

510       Section 9. Section 462.008, Florida Statutes, is created to  
511 read:

512       462.008 Licensure by endorsement.—The department shall  
513 issue a license to practice naturopathic medicine by endorsement  
514 to an applicant who, upon applying to the department on forms  
515 furnished by the department, the board certifies has met the  
516 requirements for licensure by endorsement under s. 456.0145.

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

519       462.009 ~~462.08~~ Renewal of license to practice naturopathic  
520 medicine naturopathy.—

521           (1) In order to continue practicing naturopathic medicine  
522 in this state, each licensed naturopathic physician must

40-00657B-25

2025470\_\_

523 ~~licenseholder shall~~ biennially renew her or his license to  
524 practice naturopathic medicine ~~naturopathy~~. The applicant for  
525 license renewal must furnish to the board ~~department~~ such  
526 evidence as it requires of the applicant's compliance with s.  
527 462.011 ~~s. 462.18~~, relating to continuing education ~~educational~~  
528 requirements, and s. 462.015, relating to financial  
529 responsibility requirements. The nonrefundable biennial renewal  
530 fee, the amount of which shall be determined by the department  
531 but which may not exceed \$1,000, must be paid at the time the  
532 application for renewal of the license is filed.

533 (2) The department shall adopt rules establishing  
534 procedures for the biennial renewal of licenses under this  
535 chapter.

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

538 462.011 ~~462.18~~ Continuing education ~~Educational~~  
539 requirements.

540 (1) At the time each licensee renews ~~shall renew~~ her or his  
541 license as ~~otherwise~~ provided in s. 462.009 ~~this chapter~~, each  
542 licensee must, ~~in addition to the payment of the regular renewal~~  
543 ~~fee, shall~~ furnish to the board ~~department~~ satisfactory evidence  
544 that, in the preceding biennial period, the licensee has  
545 completed the continuing education requirements of this section.

546 (2) The board shall require each licensee to complete at  
547 least 60 hours of continuing education during each biennial  
548 renewal period.

549 (a) The board shall approve organizations that accredit  
550 naturopathic continuing education providers, including, but not  
551 limited to, the American Association of Naturopathic Physicians,

40-00657B-25

2025470\_\_

the North American Naturopathic Continuing Education  
Accreditation Council, and the Oregon Association of  
Naturopathic Physicians.

(b) The determination of whether substitute continuing  
education programs are permissible is solely within the  
discretion of the board.

(3) The licensee must use the electronic continuing  
education tracking system developed by the department under s.  
456.0361 to demonstrate compliance with the continuing education  
requirements of this section ~~year preceding each such  
application for renewal, the licensee has attended the 2-day  
educational program as promulgated and conducted by the Florida  
Naturopathic Physicians Association, Inc., or, as a substitute  
therefor, the equivalent of that program as approved by the  
department. The department shall send a written notice to this  
effect to every person holding a valid license to practice  
naturopathy within this state at least 30 days prior to May 1 in  
each even-numbered year, directed to the last known address of  
such licensee, and shall enclose with the notice proper blank  
forms for application for annual license renewal. All of the  
details and requirements of the aforesaid educational program  
shall be adopted and prescribed by the department. In the event  
of national emergencies, or for sufficient reason, the  
department shall have the power to excuse the naturopathic  
physicians as a group or as individuals from taking this  
postgraduate course.~~

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

40-00657B-25

2025470\_\_

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

462.012 ~~462.19~~ Renewal of license; Inactive status; reactivation of license.—

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

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

(3) The department may not reactivate a license unless the financial responsibility requirements of s. 462.015 have been satisfied ~~The department shall renew a license upon receipt of the renewal application and fee.~~

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

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

462.013 ~~462.11~~ Obligations of naturopathic physicians ~~Naturopaths to observe regulations.~~ Naturopathic physicians ~~Doctors of naturopathy~~ shall comply with ~~observe~~ and are ~~be~~ subject to all state, county, and municipal regulations relating ~~in regard~~ to the control of contagious and infectious diseases,

40-00657B-25

2025470\_\_

the reporting of births and deaths, and ~~to any and all~~ other matters pertaining to the public health in the same manner as is required of other health care practitioners ~~of the healing art~~.

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

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

Section 15. Section 462.015, Florida Statutes, is created to read:

462.015 Financial responsibility.—

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

(a) Establishing and maintaining an escrow account consisting of cash or assets eligible for deposit in accordance with s. 625.52 in the per-claim amounts specified in paragraph

(b). Expenditures may not be made from the escrow account for litigation costs or attorney fees for the defense of any medical malpractice claim.

40-00657B-25

2025470\_\_

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

(c) Obtaining and maintaining an unexpired, irrevocable letter of credit, issued pursuant to chapter 675, in an amount not less than \$100,000 per claim, with a minimum aggregate availability of credit of not less than \$300,000. The letter of credit must be payable to the naturopathic physician as beneficiary upon presentment of a final judgment indicating liability and awarding damages to be paid by the naturopathic physician or upon presentment of a settlement agreement signed by all parties to such agreement when such final judgment or settlement is a result of a claim arising out of the rendering of, or the failure to render, medical care or services. The letter of credit may not be used for litigation costs or attorney fees for the defense of any medical malpractice claim. The letter of credit must be nonassignable and nontransferable and be issued by a bank or savings association organized and existing under the laws of this state or a bank or savings association organized under the laws of the United States which has its principal place of business in this state or has a

40-00657B-25

2025470\_\_

branch office authorized under the laws of this state or of the United States to receive deposits in this state.

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

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

(3) (a) Each insurer, self-insurer, or risk retention group or the Joint Underwriting Association must promptly notify the department of a cancellation or nonrenewal of insurance required by this section. Unless the naturopathic physician demonstrates that she or he is otherwise in compliance with the requirements of this section, the department shall suspend the license of the naturopathic physician pursuant to ss. 120.569 and 120.57 and notify all health care facilities licensed under part IV of chapter 394 or chapter 395 or a health maintenance organization certified under part I of chapter 641 of such action. Any suspension imposed under this subsection remains in effect until the naturopathic physician demonstrates compliance with the requirements of this section. If any judgment or settlement is pending at the time of suspension, the judgment or settlement must be paid in accordance with this section unless otherwise mutually agreed to in writing by the parties. This paragraph does not abrogate a judgment debtor's obligation to satisfy the entire amount of any judgment.

(b) If the financial responsibility requirements are met by maintaining an escrow account or letter of credit as provided in



40-00657B-25

2025470\_\_

697 this section, upon the entry of an adverse final judgment  
698 arising from a medical malpractice arbitration award, from a  
699 claim in contract or tort of medical malpractice, or from  
700 noncompliance with the terms of a settlement agreement arising  
701 from a claim in contract or tort of medical malpractice, the  
702 naturopathic physician must pay the entire amount of the  
703 judgment together with all accrued interest or the amount  
704 maintained in the escrow account or provided in the letter of  
705 credit as required by this section, whichever is less, within 60  
706 days after the date such judgment becomes final and subject to  
707 execution, unless otherwise mutually agreed to in writing by the  
708 parties. If timely payment is not made by the naturopathic  
709 physician, the department must suspend the license of the  
710 naturopathic physician pursuant to procedures set forth in  
711 subparagraphs (4)(f)2.-5. This paragraph does not abrogate a  
712 judgment debtor's obligation to satisfy the entire amount of any  
713 judgment.

714 (4) The requirements imposed in subsection (1) do not apply  
715 to:

716 (a) Any person licensed under this chapter who practices  
717 naturopathic medicine exclusively as an officer, employee, or  
718 agent of the Federal Government or of the state or its agencies  
719 or subdivisions. For purposes of this subsection, an agent of  
720 the state or its agencies or subdivisions is a person who is  
721 eligible for coverage under any self-insurance or insurance  
722 program as provided in s. 768.28(16).

723 (b) Any person whose license has become inactive under this  
724 chapter and who is not practicing naturopathic medicine in this  
725 state. Any person applying for reactivation of a naturopathic

40-00657B-25

2025470\_\_

physician license must either:

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

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

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

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

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

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

2. Has either retired from the practice of naturopathic

40-00657B-25

2025470\_\_

755 medicine or maintains a part-time practice of naturopathic  
756 medicine of no more than 1,000 patient contact hours per year.

757 3. Has had no more than two claims for medical malpractice  
758 resulting in an indemnity exceeding \$25,000 within the previous  
759 5-year period.

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

763 5. Has not been subject, within the last 10 years of  
764 practice, to license revocation or suspension for any period of  
765 time, probation for a period of 3 years or longer, or a fine of  
766 \$500 or more for a violation of this chapter or the naturopathic  
767 medical practice act of another jurisdiction. A regulatory  
768 agency's acceptance of a naturopathic physician's relinquishment  
769 of her or his license or of a stipulation, consent order, or  
770 other settlement, offered in response to or in anticipation of  
771 the filing of administrative charges against her or his license,  
772 constitutes action against the naturopathic physician's license  
773 for the purposes of this paragraph.

774 6. Has submitted a form supplying necessary information as  
775 required by the department and an affidavit affirming compliance  
776 with this paragraph.

777 7. Biennially submits to the department a certification  
778 stating compliance with this paragraph. The naturopathic  
779 physician must also demonstrate compliance with this paragraph  
780 at any time upon department request.

781  
782 A naturopathic physician who meets the requirements of this  
783 paragraph must provide notice to patients, either by prominently

40-00657B-25

2025470\_\_

784 displaying a sign in the reception area of her or his practice  
785 in a manner clearly visible to patients or by providing a  
786 written statement to each patient to whom she or he provides  
787 naturopathic medical services. The sign or statement must read  
788 as follows: "Under Florida law, naturopathic physicians are  
789 generally required to carry medical malpractice insurance or  
790 otherwise demonstrate financial responsibility to cover  
791 potential claims for medical malpractice. However, certain part-  
792 time naturopathic physicians who meet certain criteria are  
793 exempt from the financial responsibility requirements. YOUR  
794 NATUROPATHIC PHYSICIAN MEETS THE EXEMPTION CRITERIA AND HAS  
795 DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice  
796 is provided pursuant to Florida law."

797 (f) Any person holding an active naturopathic physician  
798 license under this chapter who agrees to all of the following  
799 conditions:

800 1. Upon the entry of an adverse final judgment arising from  
801 a medical malpractice arbitration award, from a claim of medical  
802 malpractice either in contract or tort, or from noncompliance  
803 with the terms of a settlement agreement arising from a claim of  
804 medical malpractice either in contract or tort, the naturopathic  
805 physician agrees to pay the judgment creditor the lesser of the  
806 entire amount of the judgment with all accrued interest or  
807 either \$100,000, if the naturopathic physician is licensed  
808 pursuant to this chapter but does not maintain hospital staff  
809 privileges, or \$250,000, if the naturopathic physician is  
810 licensed pursuant to this chapter and maintains hospital staff  
811 privileges, within 60 days after the date such judgment becomes  
812 final and subject to execution, unless otherwise mutually agreed

40-00657B-25

2025470\_\_

to in writing by the parties. Such adverse final judgment must include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the naturopathic physician by certified mail that she or he is subject to disciplinary action unless, within 30 days after the date of mailing, the naturopathic physician either:

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

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

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

(II) An order from a court of competent jurisdiction staying execution on the final judgment, pending disposition of the appeal.

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

3. Upon the next meeting of the probable cause panel of the board 31 days or more after the date of mailing the notice of

40-00657B-25

2025470\_\_

disciplinary action to the naturopathic physician, the panel shall determine whether probable cause exists to take disciplinary action against the naturopathic physician for a violation of subparagraph 1.

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

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

A naturopathic physician who agrees to the conditions of this paragraph must provide notice to patients, either by prominently displaying a sign in the reception area of her or his practice, in a manner clearly visible to patients, or by providing a written statement to each patient to whom she or he provides naturopathic medical services. The sign or statement must read as follows: "Under Florida law, naturopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover

40-00657B-25

2025470\_\_

871 potential claims for medical malpractice. However, certain part-  
872 time naturopathic physicians who meet certain criteria are  
873 exempt from the financial responsibility requirements. YOUR  
874 NATUROPATHIC PHYSICIAN MEETS THE EXEMPTION CRITERIA AND HAS  
875 DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice  
876 is provided pursuant to Florida law."

877 (5) A naturopathic physician who makes any deceptive,  
878 untrue, or fraudulent representation with respect to any  
879 provision of this section is permanently disqualified from any  
880 exemption from financial responsibility requirements under this  
881 section and is subject to disciplinary action under s. 462.017  
882 for such conduct.

883 (6) Any naturopathic physician who relies on an exemption  
884 from the financial responsibility requirements must notify the  
885 department in writing of any change of circumstance regarding  
886 her or his qualifications for such exemption and must  
887 demonstrate that she or he is in compliance with the  
888 requirements of this section.

889 (7) Notwithstanding any other provision of this section,  
890 the department shall suspend the license of any naturopathic  
891 physician against whom a final judgment, arbitration award, or  
892 other order has been entered or who has entered into a  
893 settlement agreement to pay damages arising out of a claim for  
894 medical malpractice if all appellate remedies have been  
895 exhausted and payment up to the amounts required by this section  
896 has not been made within 30 days after the entering of such  
897 judgment, award, or order or agreement. A suspension under this  
898 subsection remains in effect until proof of payment is received  
899 by the department or a payment schedule has been agreed upon by

40-00657B-25

2025470\_\_

the naturopathic physician and the claimant and presented to the department. This subsection does not apply to a naturopathic physician who has met the financial responsibility requirements under paragraph (1) (b).

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

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

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

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

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

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

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

(b) Having a license to practice naturopathic medicine



40-00657B-25

2025470\_\_

929 revoked, suspended, or otherwise acted against, including the  
930 denial of licensure, by the licensing authority of another  
931 state, territory, or country. The licensing authority's  
932 acceptance of a naturopathic physician's relinquishment of her  
933 or his license or of a stipulation, a consent order, or other  
934 settlement offered in response to or in anticipation of the  
935 filing of administrative charges against her or his license  
936 shall be construed as action against the naturopathic  
937 physician's license.

938 (c) Being convicted or found guilty, regardless of  
939 adjudication, of a crime in any jurisdiction which directly  
940 relates to the practice of naturopathic medicine or to the  
941 ability to practice naturopathic medicine. Any plea of nolo  
942 contendere creates a rebuttable presumption of guilt to the  
943 underlying criminal charges ~~shall be considered a conviction for~~  
944 ~~purposes of this chapter.~~

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

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

948 ~~(f)~~ Failing to report to the department or the department's  
949 impaired practitioner program consultant, as applicable, any  
950 person whom ~~who~~ the licensee knows is in violation of this  
951 chapter or of the rules of the board or department. However, a  
952 person whom ~~who~~ the licensee knows is unable to practice  
953 naturopathic medicine with reasonable skill and safety to  
954 patients by reason of illness or use of alcohol, drugs,  
955 narcotics, chemicals, or any other type of material, or as a  
956 result of a mental or physical condition, may be reported to a  
957 consultant operating an impaired practitioner program as

40-00657B-25

2025470\_\_

described in s. 456.076 rather than to the department.

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

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

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

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

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

(k) Refusing to provide health care based on a patient's participation in pending or past litigation or participation in any disciplinary action conducted pursuant to this chapter,

40-00657B-25

2025470\_\_

987 unless such litigation or disciplinary action directly involves  
988 the naturopathic physician requested to provide services.

989 (l) Exercising influence within a patient-physician  
990 relationship for purposes of engaging a patient in sexual  
991 activity. A patient is ~~shall be~~ presumed to be incapable of  
992 giving free, full, and informed consent to sexual activity with  
993 her or his naturopathic physician.

994 (m) ~~(l)~~ Making deceptive, untrue, or fraudulent  
995 representations in or related to the practice of naturopathic  
996 medicine or employing a trick or scheme in the practice of  
997 naturopathic medicine ~~when such scheme or trick fails to conform~~  
998 ~~to the generally prevailing standards of treatment in the~~  
999 ~~medical community.~~

1000 (n) ~~(m)~~ Soliciting patients, either personally or through an  
1001 agent, through the use of fraud, intimidation, undue influence,  
1002 or a form of overreaching or vexatious conduct. A "solicitation"  
1003 is any communication which directly or implicitly requests an  
1004 immediate oral response from the recipient.

1005 (o) ~~(n)~~ Failing to keep legible, written medical records, as  
1006 defined by department rule in consultation with the board, which  
1007 identify by name and professional title the licensed  
1008 naturopathic physician or the supervising naturopathic physician  
1009 who is responsible for rendering, ordering, supervising, or  
1010 billing for each diagnostic or treatment procedure and which  
1011 justify ~~justifying~~ the course of treatment of the patient,  
1012 including, but not limited to, patient histories, examination  
1013 results, test results, X rays, ~~and~~ records of medicine  
1014 prescribed, dispensed, or administered, and reports of  
1015 consultations and hospitalizations ~~the prescribing, dispensing~~

40-00657B-25

2025470\_\_

and ~~administering of drugs.~~

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

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

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

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

(t) ~~(q)~~ Except as specified in the prescriptive rights enumerated in s. 462.003, prescribing, dispensing, administering, supplying, selling, giving, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the naturopathic physician's professional practice. For the purposes of this paragraph, it is ~~shall be~~ legally presumed that prescribing, dispensing, administering, supplying, selling, giving, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is

40-00657B-25

2025470\_\_

not in the best interest of the patient and is not in the scope  
~~course~~ of the naturopathic physician's professional practice,  
regardless of ~~without regard to~~ her or his intent.

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

(v)~~(s)~~ Being unable to practice naturopathic medicine with  
reasonable skill and safety to patients by reason of illness or  
use of alcohol, drugs, narcotics, chemicals, or any other type  
of material or as a result of any mental or physical condition.  
In enforcing this paragraph, the department ~~shall have~~, upon a  
showing of probable cause, has the authority to issue an order  
to compel a naturopathic physician to submit to a mental or  
physical examination by naturopathic physicians designated by  
the department. If the failure of a naturopathic physician  
refuses to comply with such order, the department's order  
directing submit to such an examination may be enforced by  
filing a petition for enforcement in the circuit court where the  
naturopathic physician resides or does business. The  
naturopathic physician against whom the petition is filed may  
not be named or identified by initials in any public court  
record or document, and the proceedings must be closed to the  
public. The department is entitled to the summary procedure  
provided in s. 51.011 ~~when so directed shall constitute an~~  
~~admission of the allegations against her or him upon which a~~

40-00657B-25

2025470\_\_

~~default and final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond the naturopathic physician's control.~~ A naturopathic physician subject to an order issued affected under this paragraph must, shall at reasonable intervals, be afforded an opportunity to demonstrate that she or he can resume the competent practice of naturopathic medicine with reasonable skill and safety to patients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the department may be used against a naturopathic physician in any other proceeding.

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

1. Committing medical malpractice as defined in s. 456.50. The board shall give great weight to s. 766.102 when enforcing this paragraph. Medical malpractice may not be construed to require more than one instance, event, or act.

2. Committing gross medical malpractice.

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

This paragraph may not be construed to require that a naturopathic physician be deemed incompetent to practice naturopathic medicine in order to be disciplined pursuant to this paragraph. A recommended order by an administrative law judge or a final order of the board finding a violation under

40-00657B-25

2025470\_\_

1103 this paragraph must specify whether the naturopathic physician  
1104 was found to have committed gross medical malpractice, repeated  
1105 medical malpractice, or medical malpractice, or any combination  
1106 thereof, and any publication by the board must include the  
1107 specified finding.

1108 ~~(t) Gross or repeated malpractice or the failure to~~  
1109 ~~practice naturopathic medicine with that level of care, skill,~~  
1110 ~~and treatment which is recognized by a reasonably prudent~~  
1111 ~~similar physician as being acceptable under similar conditions~~  
1112 ~~and circumstances. The department shall give great weight to the~~  
1113 ~~provisions of s. 766.102 when enforcing this paragraph.~~

1114 ~~(x)(u)~~ Performing any procedure or prescribing any therapy  
1115 that which, by the prevailing standards of medical practice in  
1116 the naturopathic medical community, constitutes experimentation  
1117 on a human subject, without first obtaining full, informed, and  
1118 written consent.

1119 ~~(y)(v)~~ Practicing or offering to practice beyond the scope  
1120 permitted by law or accepting and performing professional  
1121 responsibilities that which the licensee knows or has reason to  
1122 know that she or he is not competent to perform. The board may  
1123 establish by rule standards of practice and standards of care  
1124 for particular practice areas, including, but not limited to,  
1125 education and training, equipment and supplies, medications as  
1126 specified in the prescriptive rights enumerated in s. 462.003,  
1127 assistance from and delegation to other personnel, transfer  
1128 agreements, sterilization, records, performance of complex or  
1129 multiple procedures, informed consent, and policy and procedure  
1130 manuals.

1131 ~~(z)(w)~~ Delegating professional responsibilities to a person

40-00657B-25

2025470\_\_

when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(aa) ~~(x)~~ Violating a lawful order of the board or the department which was previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the board or department.

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

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

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

(ee) Failing to supervise adequately the activities of any persons acting under the supervision of the naturopathic physician.

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

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

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



40-00657B-25

2025470\_\_

1161       ~~2. The differential diagnostic psychiatric evaluation of~~  
1162 ~~depression or the treatment of depression shown to be refractory~~  
1163 ~~to other therapeutic modalities.~~

1164       ~~3. The clinical investigation of the effects of such drugs~~  
1165 ~~or compounds when an investigative protocol therefor is~~  
1166 ~~submitted to, reviewed, and approved by the department before~~  
1167 ~~such investigation is begun.~~

1168       ~~(ff)(dd)~~ Prescribing, ordering, dispensing, administering,  
1169 supplying, selling, or giving growth hormones, testosterone or  
1170 its analogs, human chorionic gonadotropin (HCG), or other  
1171 hormones for the purpose of muscle building or to enhance  
1172 athletic performance. For the purposes of this subsection, the  
1173 term "muscle building" does not include the treatment of injured  
1174 muscle. A prescription written for the drug products identified  
1175 in this paragraph ~~listed above~~ may be dispensed by the  
1176 pharmacist with the presumption that the prescription is for  
1177 legitimate medical use.

1178       (gg) Misrepresenting or concealing a material fact at any  
1179 time during any phase of a licensing or disciplinary process or  
1180 procedure.

1181       (hh) Interfering with an investigation or with any  
1182 disciplinary proceeding.

1183       (ii) Failing to report to the department any person  
1184 licensed under chapter 458, chapter 459, or this chapter whom  
1185 the naturopathic physician knows has violated the grounds for  
1186 disciplinary action set out in the law under which that person  
1187 is licensed and who provides health care services in a facility  
1188 licensed under chapter 395, or a health maintenance organization  
1189 certificated under part I of chapter 641, in which the

40-00657B-25

2025470\_\_

1190 naturopathic physician also provides services.

1191 (jj) Being found by any court in this state to have  
1192 provided, without reasonable investigation, corroborating  
1193 written medical expert opinion attached to any statutorily  
1194 required notice of claim or intent or to any statutorily  
1195 required response rejecting a claim.

1196 (kk) Except as provided in s. 462.018, advertising or  
1197 holding oneself out as a board-certified specialist in violation  
1198 of this chapter.

1199 (ll) Failing to comply with the requirements of ss. 381.026  
1200 and 381.0261 to provide patients with information about their  
1201 patient rights and how to file a patient complaint.

1202 (mm) ~~(ee)~~ Violating any provision of this chapter or chapter  
1203 456, or any rule ~~rules~~ adopted pursuant thereto.

1204 (nn) Providing deceptive or fraudulent expert witness  
1205 testimony related to the practice of naturopathic medicine.

1206 (oo) Promoting or advertising through any communication  
1207 medium the use, sale, or dispensing of any controlled substance  
1208 appearing on any schedule in chapter 893.

1209 (pp) Willfully failing to comply with s. 627.64194 or s.  
1210 641.513 with such frequency as to indicate a general business  
1211 practice.

1212 (2) The board ~~department~~ may enter an order denying  
1213 licensure or imposing any of the penalties in s. 456.072(2)  
1214 against any applicant for licensure or licensee who is found  
1215 guilty of violating any provision of subsection (1) of this  
1216 section or who is found guilty of violating any provision of s.  
1217 456.072(1). In determining what action is appropriate, the board  
1218 must first consider which sanctions are necessary to protect the

40-00657B-25

2025470\_\_

public or to compensate the patient. Only after those sanctions have been imposed may the board consider and include in the order other requirements designed to rehabilitate the naturopathic physician. All costs associated with compliance with orders issued under this subsection are the obligation of the naturopathic physician.

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

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

(5) ~~(4)~~ The board ~~department~~ shall establish by rule

40-00657B-25

2025470\_\_

1248 ~~establish~~ guidelines for the disposition of disciplinary cases  
1249 involving specific types of violations. Such guidelines must  
1250 establish offenses and circumstances for which revocation will  
1251 be presumed to be appropriate, as well as offenses and  
1252 circumstances for which suspension for particular periods of  
1253 time will be presumed to be appropriate. The guidelines must  
1254 also ~~may~~ include minimum and maximum fines, periods of  
1255 supervision or probation, ~~or~~ conditions of probation, and  
1256 conditions for ~~or~~ reissuance of a license with respect to  
1257 particular circumstances and offenses. Gross medical  
1258 malpractice, repeated medical malpractice, and medical  
1259 malpractice, respectively, as specified in paragraph (1)(w),  
1260 must each be considered a distinct violation requiring specific  
1261 individual guidelines.

1262 (6) Upon the department's receipt of a closed claim against  
1263 a naturopathic physician submitted by an insurer or a self-  
1264 insurer pursuant to s. 627.912 or information reported to the  
1265 Office of Insurance Regulation by a health care practitioner  
1266 pursuant to s. 456.049, or receipt from a claimant of presuit  
1267 notice against a naturopathic physician under s. 766.106, the  
1268 department shall review such information and determine whether  
1269 it potentially involves conduct by a licensed naturopathic  
1270 physician which is subject to disciplinary action, in which case  
1271 s. 456.073 applies. However, if the department receives  
1272 information that a naturopathic physician has had three or more  
1273 claims filed against her or him, each with indemnities exceeding  
1274 \$50,000, within the previous 5-year period, the department must  
1275 investigate the occurrences upon which the claims were based and  
1276 determine whether action by the department against the

40-00657B-25

2025470\_\_

1277 naturopathic physician is warranted.

1278 (7) Upon the department's receipt of an incident report  
1279 from the Agency for Health Care Administration pursuant to s.  
1280 395.0197 related to a naturopathic physician whose conduct may  
1281 constitute grounds for disciplinary action, the department shall  
1282 investigate the occurrences upon which the incident report was  
1283 based and determine whether action by the department against the  
1284 naturopathic physician is warranted.

1285 (8) If any naturopathic physician commits such  
1286 unprofessional conduct or negligence or demonstrates mental or  
1287 physical incapacity or impairment such that the department  
1288 determines that she or he is unable to practice with reasonable  
1289 skill and safety and presents a danger to patients, the  
1290 department may bring an action in circuit court enjoining such  
1291 naturopathic physician from providing medical services to the  
1292 public until the naturopathic physician demonstrates the ability  
1293 to practice with reasonable skill and safety and without danger  
1294 to patients.

1295 (9) (a) If an investigation of a naturopathic physician is  
1296 undertaken, the department must promptly furnish to the  
1297 naturopathic physician or her or his attorney a copy of the  
1298 complaint or document that prompted initiation of the  
1299 investigation. For purposes of this subsection, such documents  
1300 include, but are not limited to:

1301 1. The pertinent portions of an annual report submitted by  
1302 a licensed facility to the Agency for Health Care Administration  
1303 pursuant to s. 395.0197(6).

1304 2. A report of an adverse incident which is provided by a  
1305 licensed facility to the department pursuant to s. 395.0197.

40-00657B-25

2025470\_\_

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

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

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

6. A petition brought under the Florida Birth-Related Neurological Injury Compensation Plan pursuant to s. 766.305.

(b) A naturopathic physician may submit to the department a written response to the information contained in the complaint or document that prompted the initiation of the investigation within 45 days after she or he receives service of such complaint or document. The naturopathic physician's written response must be considered by the probable cause panel, if held on the matter.

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

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

Section 19. Section 462.17, Florida Statutes, is renumbered

40-00657B-25

2025470\_\_

as section 462.019, Florida Statutes, and amended to read:

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

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

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

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

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

(d) Obtaining, or attempting to obtain, a position as a  
naturopathic physician or naturopathic medical resident in a  
clinic or hospital by knowingly misrepresenting education,  
training, or experience.

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

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

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

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

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

(a) Fraudulently altering, defacing, or falsifying any

40-00657B-25

2025470\_\_

record relating to patient care or treatment, including, but not limited to, patient histories, examination results, and test results.

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

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

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

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

(c) Paying or receiving any commission, bonus, kickback, or



40-00657B-25

2025470\_\_

1393 rebate or engaging in any split-fee arrangement in any form with  
1394 a physician, an organization, an agency, a person, a  
1395 partnership, a firm, a corporation, or other business entity for  
1396 patients referred to providers of health care goods and  
1397 services, including, but not limited to, hospitals, nursing  
1398 homes, clinical laboratories, ambulatory surgical centers, or  
1399 pharmacies. This paragraph may not be construed to prevent a  
1400 naturopathic physician from receiving a fee for professional  
1401 consultation services ~~Sell, fraudulently obtain, or furnish any~~  
1402 ~~naturopathic diploma, license, record, or registration or aid or~~  
1403 ~~abet in the same;~~

1404 ~~(2) Practice naturopathy under the cover of any diploma,~~  
1405 ~~license, record, or registration illegally or fraudulently~~  
1406 ~~obtained or secured or issued unlawfully or upon fraudulent~~  
1407 ~~representations;~~

1408 ~~(3) Advertise to practice naturopathy under a name other~~  
1409 ~~than her or his own or under an assumed name;~~

1410 ~~(4) Falsely impersonate another practitioner of a like or~~  
1411 ~~different name;~~

1412 ~~(5) Practice or advertise to practice naturopathy or use in~~  
1413 ~~connection with her or his name any designation tending to imply~~  
1414 ~~or to designate the person as a practitioner of naturopathy~~  
1415 ~~without then being lawfully licensed and authorized to practice~~  
1416 ~~naturopathy in this state; or~~

1417 ~~(6) Practice naturopathy during the time her or his license~~  
1418 ~~is suspended or revoked~~

1420 ~~shall be guilty of a felony of the third degree, punishable as~~  
1421 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

40-00657B-25

2025470\_\_

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

462.024 Disclosure of medications by patients.—

(1) A patient who takes legend drugs included in the prescriptive rights enumerated in s. 462.003 or nutrients or other natural medicinal substances upon the recommendation of her or his treating naturopathic physician is responsible for advising any other treating health care practitioner of her or his use of such legend drugs, nutrients, or other natural medicinal substances.

(2) Naturopathic physicians shall advise their patients of this requirement in writing, maintain a signed copy of a patient's disclosure in the patient's medical records, and provide a copy of the disclosure to their patients, upon request.

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

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

(5) A naturopathic physician is not required to confirm a

40-00657B-25

2025470\_\_

patient's consultation with, or disclosure to, any other health care practitioner.

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

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

Section 22. Section 462.09, Florida Statutes, is renumbered as section 462.026, Florida Statutes.

Section 23. Section 462.16, Florida Statutes, is repealed.

Section 24. Section 462.2001, Florida Statutes, is repealed.

Section 25. Paragraph (g) of subsection (3) of section 20.43, Florida Statutes, is amended to read:

20.43 Department of Health.—There is created a Department of Health.

(3) The following divisions of the Department of Health are established:

(g) Division of Medical Quality Assurance, which is responsible for the following boards and professions established within the division:

1. The Board of Acupuncture, created under chapter 457.
2. The Board of Medicine, created under chapter 458.
3. The Board of Osteopathic Medicine, created under chapter 459.

40-00657B-25

2025470\_\_

- 1480           4. The Board of Chiropractic Medicine, created under  
1481 chapter 460.
- 1482           5. The Board of Podiatric Medicine, created under chapter  
1483 461.
- 1484           6. Naturopathic Medicine ~~Naturopathy~~, as provided under  
1485 chapter 462.
- 1486           7. The Board of Optometry, created under chapter 463.
- 1487           8. The Board of Nursing, created under part I of chapter  
1488 464.
- 1489           9. Nursing assistants, as provided under part II of chapter  
1490 464.
- 1491           10. The Board of Pharmacy, created under chapter 465.
- 1492           11. The Board of Dentistry, created under chapter 466.
- 1493           12. Midwifery, as provided under chapter 467.
- 1494           13. The Board of Speech-Language Pathology and Audiology,  
1495 created under part I of chapter 468.
- 1496           14. The Board of Nursing Home Administrators, created under  
1497 part II of chapter 468.
- 1498           15. The Board of Occupational Therapy, created under part  
1499 III of chapter 468.
- 1500           16. Respiratory therapy, as provided under part V of  
1501 chapter 468.
- 1502           17. Dietetics and nutrition practice, as provided under  
1503 part X of chapter 468.
- 1504           18. The Board of Athletic Training, created under part XIII  
1505 of chapter 468.
- 1506           19. The Board of Orthotists and Prosthetists, created under  
1507 part XIV of chapter 468.
- 1508           20. Electrolysis, as provided under chapter 478.

40-00657B-25

2025470\_\_

1509       21. The Board of Massage Therapy, created under chapter  
1510 480.

1511       22. The Board of Clinical Laboratory Personnel, created  
1512 under part I of chapter 483.

1513       23. Medical physicists, as provided under part II of  
1514 chapter 483.

1515       24. The Board of Opticianry, created under part I of  
1516 chapter 484.

1517       25. The Board of Hearing Aid Specialists, created under  
1518 part II of chapter 484.

1519       26. The Board of Physical Therapy Practice, created under  
1520 chapter 486.

1521       27. The Board of Psychology, created under chapter 490.

1522       28. School psychologists, as provided under chapter 490.

1523       29. The Board of Clinical Social Work, Marriage and Family  
1524 Therapy, and Mental Health Counseling, created under chapter  
1525 491.

1526       30. Emergency medical technicians and paramedics, as  
1527 provided under part III of chapter 401.

1528       Section 26. Subsection (2) of section 381.0031, Florida  
1529 Statutes, is amended to read:

1530       381.0031 Epidemiological research; report of diseases of  
1531 public health significance to department.—

1532       (2) Any practitioner licensed in this state to practice  
1533 medicine, osteopathic medicine, chiropractic medicine,  
1534 naturopathic medicine ~~naturopathy~~, or veterinary medicine; any  
1535 licensed pharmacist authorized under a protocol with a  
1536 supervising physician under s. 465.1895, or a collaborative  
1537 pharmacy practice agreement, as defined in s. 465.1865, to

40-00657B-25

2025470\_\_

perform or order and evaluate laboratory and clinical tests; any hospital licensed under part I of chapter 395; or any laboratory appropriately certified by the Centers for Medicare and Medicaid Services under the federal Clinical Laboratory Improvement Amendments and the federal rules adopted thereunder which diagnoses or suspects the existence of a disease of public health significance shall immediately report the fact to the Department of Health.

Section 27. Subsection (11) of section 468.301, Florida Statutes, is amended to read:

468.301 Definitions.—As used in this part, the term:

(11) "Licensed practitioner" means a person who is licensed or otherwise authorized by law to practice medicine, podiatric medicine, chiropody, osteopathic medicine, naturopathic medicine ~~naturopathy~~, or chiropractic medicine in this state.

Section 28. Subsection (1) of section 476.044, Florida Statutes, is amended to read:

476.044 Exemptions.—This chapter does not apply to the following persons when practicing pursuant to their professional responsibilities and duties:

(1) Persons authorized under the laws of this state to practice medicine, surgery, osteopathic medicine, chiropractic medicine, naturopathic medicine ~~naturopathy~~, or podiatric medicine;

Section 29. Paragraph (a) of subsection (1) of section 477.0135, Florida Statutes, is amended to read:

477.0135 Exemptions.—

(1) This chapter does not apply to the following persons when practicing pursuant to their professional or occupational

40-00657B-25

2025470\_\_

responsibilities and duties:

(a) Persons authorized under the laws of this state to practice medicine, surgery, osteopathic medicine, chiropractic medicine, massage therapy, naturopathic medicine ~~naturopathy~~, or podiatric medicine.

Section 30. Subsections (2) and (3) of section 485.003, Florida Statutes, are amended to read:

485.003 Definitions.—In construing this chapter, the words, phrases, or terms, unless the context otherwise indicates, shall have the following meanings:

(2) "Healing arts" shall mean the practice of medicine, surgery, psychiatry, dentistry, osteopathic medicine, chiropractic medicine, naturopathic medicine ~~naturopathy~~, podiatric medicine, chiropody, psychology, clinical social work, marriage and family therapy, mental health counseling, and optometry.

(3) "Practitioner of the healing arts" shall mean a person licensed under the laws of the state to practice medicine, surgery, psychiatry, dentistry, osteopathic medicine, chiropractic medicine, naturopathic medicine ~~naturopathy~~, podiatric medicine, chiropody, psychology, clinical social work, marriage and family therapy, mental health counseling, or optometry within the scope of his or her professional training and competence and within the purview of the statutes applicable to his or her respective profession, and who may refer a patient for treatment by a qualified person, who shall employ hypnotic techniques under the supervision, direction, prescription, and responsibility of such referring practitioner.

Section 31. Subsection (1) of section 486.161, Florida

40-00657B-25

2025470\_\_

Statutes, is amended to read:

486.161 Exemptions.—

(1) No provision of this chapter shall be construed to prohibit any person licensed in this state from using any physical agent as a part of, or incidental to, the lawful practice of her or his profession under the statutes applicable to the profession of chiropractic physician, podiatric physician, doctor of medicine, massage therapist, nurse, osteopathic physician or surgeon, occupational therapist, or naturopathic physician ~~naturopath~~.

Section 32. Paragraph (h) of subsection (4) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(4) MEDICAL MALPRACTICE RISK APPORTIONMENT; ASSOCIATION CONTRACTS AND PURCHASES.—

(h) As used in this subsection:

1. "Health care provider" means hospitals licensed under chapter 395; physicians licensed under chapter 458; osteopathic physicians licensed under chapter 459; podiatric physicians licensed under chapter 461; dentists licensed under chapter 466; chiropractic physicians licensed under chapter 460; naturopathic physicians ~~naturopaths~~ licensed under chapter 462; nurses licensed under part I of chapter 464; midwives licensed under chapter 467; physician assistants licensed under chapter 458 or chapter 459; physical therapists and physical therapist assistants licensed under chapter 486; health maintenance organizations certificated under part I of chapter 641; ambulatory surgical centers licensed under chapter 395; other medical facilities as defined in subparagraph 2.; blood banks,



40-00657B-25

2025470\_\_

1625 plasma centers, industrial clinics, and renal dialysis  
1626 facilities; or professional associations, partnerships,  
1627 corporations, joint ventures, or other associations for  
1628 professional activity by health care providers.

1629         2. "Other medical facility" means a facility the primary  
1630 purpose of which is to provide human medical diagnostic services  
1631 or a facility providing nonsurgical human medical treatment, to  
1632 which facility the patient is admitted and from which facility  
1633 the patient is discharged within the same working day, and which  
1634 facility is not part of a hospital. However, a facility existing  
1635 for the primary purpose of performing terminations of pregnancy  
1636 or an office maintained by a physician or dentist for the  
1637 practice of medicine may not be construed to be an "other  
1638 medical facility."

1639         3. "Health care facility" means any hospital licensed under  
1640 chapter 395, health maintenance organization certificated under  
1641 part I of chapter 641, ambulatory surgical center licensed under  
1642 chapter 395, or other medical facility as defined in  
1643 subparagraph 2.

1644         Section 33. Subsection (23) of section 893.02, Florida  
1645 Statutes, is amended to read:

1646         893.02 Definitions.—The following words and phrases as used  
1647 in this chapter shall have the following meanings, unless the  
1648 context otherwise requires:

1649         (23) "Practitioner" means a physician licensed under  
1650 chapter 458, a dentist licensed under chapter 466, a  
1651 veterinarian licensed under chapter 474, an osteopathic  
1652 physician licensed under chapter 459, an advanced practice  
1653 registered nurse licensed under chapter 464, a naturopathic

40-00657B-25

2025470\_\_

physician ~~naturopath~~ licensed under chapter 462, a certified optometrist licensed under chapter 463, a psychiatric nurse as defined in s. 394.455, a podiatric physician licensed under chapter 461, or a physician assistant licensed under chapter 458 or chapter 459, provided such practitioner holds a valid federal controlled substance registry number.

Section 34. Paragraph (g) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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

40-00657B-25

2025470\_\_

1670	327.35 (3) (c) 2.	3rd	elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
1671	402.319 (2)	2nd	Vessel BUI resulting in serious bodily injury.
1672	409.920 (2) (b) 1.a.	3rd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
1673	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; \$10,000 or less.
1674	456.065 (2)	3rd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
1675	456.065 (2)	2nd	Practicing a health care profession without a license.
	456.065 (2)	2nd	Practicing a health care profession without a license which results in

40-00657B-25

2025470\_\_

serious bodily injury.

1676

458.327(1)

3rd

Practicing medicine  
without a license.

1677

459.013(1)

3rd

Practicing osteopathic  
medicine without a  
license.

1678

460.411(1)

3rd

Practicing chiropractic  
medicine without a  
license.

1679

461.012(1)

3rd

Practicing podiatric  
medicine without a  
license.

1680

462.019 ~~462.17~~

3rd

Practicing naturopathic  
medicine ~~naturopathy~~  
without a license.

1681

463.015(1)

3rd

Practicing optometry  
without a license.

1682

464.016(1)

3rd

Practicing nursing without  
a license.

1683

465.015(2)

3rd

Practicing pharmacy  
without a license.

40-00657B-25

2025470\_\_

1684

466.026(1)

3rd

Practicing dentistry or  
dental hygiene without a  
license.

1685

467.201

3rd

Practicing midwifery  
without a license.

1686

468.366

3rd

Delivering respiratory  
care services without a  
license.

1687

483.828(1)

3rd

Practicing as clinical  
laboratory personnel  
without a license.

1688

483.901(7)

3rd

Practicing medical physics  
without a license.

1689

484.013(1)(c)

3rd

Preparing or dispensing  
optical devices without a  
prescription.

1690

484.053

3rd

Dispensing hearing aids  
without a license.

1691

494.0018(2)

1st

Conviction of any  
violation of chapter 494  
in which the total money

40-00657B-25

2025470\_\_

and property unlawfully  
obtained exceeded \$50,000  
and there were five or  
more victims.

1692

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.

1693

560.125 (5) (a)

3rd

Money services business by  
unauthorized person,  
currency or payment  
instruments exceeding \$300  
but less than \$20,000.

1694

655.50 (10) (b) 1.

3rd

Failure to report  
financial transactions  
exceeding \$300 but less  
than \$20,000 by financial  
institution.

1695

775.21 (10) (a)

3rd

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

1696

	40-00657B-25		2025470__
1697	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
1698	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
1699	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
1700	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
1701	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
	782.072	2nd	Killing of a human being

40-00657B-25

2025470\_\_

			by the operation of a vessel in a reckless manner (vessel homicide).
1702	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
1703	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
1704	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
1705	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
1706	784.048 (7)	3rd	Aggravated stalking; violation of court order.
1707	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
1708	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.



40-00657B-25

2025470\_\_

1709

784.08 (2) (a)

1st

Aggravated battery on a  
person 65 years of age or  
older.

1710

784.081 (1)

1st

Aggravated battery on  
specified official or  
employee.

1711

784.082 (1)

1st

Aggravated battery by  
detained person on visitor  
or other detainee.

1712

784.083 (1)

1st

Aggravated battery on code  
inspector.

1713

787.06 (3) (a) 2.

1st

Human trafficking using  
coercion for labor and  
services of an adult.

1714

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.

1715

790.07 (4)

1st

Specified weapons  
violation subsequent to

40-00657B-25

2025470\_\_

previous conviction of s.  
790.07(1) or (2).

1716

790.16(1)

1st

Discharge of a machine gun  
under specified  
circumstances.

1717

790.165(2)

2nd

Manufacture, sell,  
possess, or deliver hoax  
bomb.

1718

790.165(3)

2nd

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

1719

790.166(3)

2nd

Possessing, selling,  
using, or attempting to  
use a hoax weapon of mass  
destruction.

1720

790.166(4)

2nd

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

1721

	40-00657B-25		2025470__
1722	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.
1723	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
1724	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
1725	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
1726	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of

40-00657B-25

2025470\_\_

			age; offender 18 years of age or older.
1727	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.
1728	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
1729	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
1730	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
1731	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
1732	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.

40-00657B-25

2025470\_\_

1733

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.

1734

812.014 (2) (b) 2.

2nd

Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.

1735

812.014 (2) (b) 3.

2nd

Property stolen, emergency medical equipment; 2nd degree grand theft.

1736

812.014 (2) (b) 4.

2nd

Property stolen, law enforcement equipment from authorized emergency vehicle.

1737

812.014 (2) (g)

2nd

Grand theft; second degree; firearm with previous conviction of s. 812.014 (2) (c) 5.

1738

40-00657B-25

2025470\_\_

1739	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
1740	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
1741	812.131 (2) (a)	2nd	Robbery by sudden snatching.
1742	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
1743	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
1744	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.

40-00657B-25

2025470\_\_

1745

817.234 (11) (c) 1st Insurance fraud; property  
value \$100,000 or more.

1746

817.2341 1st Making false entries of  
(2) (b) & (3) (b) 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.

1747

817.418 (2) (a) 3rd Offering for sale or  
advertising personal  
protective equipment with  
intent to defraud.

1748

817.504 (1) (a) 3rd Offering or advertising a  
vaccine with intent to  
defraud.

1749

817.535 (2) (a) 3rd Filing false lien or other  
unauthorized document.

1750

817.611 (2) (b) 2nd Traffic in or possess 15  
to 49 counterfeit credit  
cards or related  
documents.

40-00657B-25

2025470\_\_

1751	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
1752	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.
1753	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
1754	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
1755	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
1756	827.071 (4)	2nd	Possess with intent to



40-00657B-25

2025470\_\_

			promote any photographic material, motion picture, etc., which includes child pornography.
1757	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
1758	838.015	2nd	Bribery.
1759	838.016	2nd	Unlawful compensation or reward for official behavior.
1760	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
1761	838.22	2nd	Bid tampering.
1762	843.0855 (2)	3rd	Impersonation of a public officer or employee.
1763	843.0855 (3)	3rd	Unlawful simulation of legal process.
1764	843.0855 (4)	3rd	Intimidation of a public officer or employee.

40-00657B-25

2025470\_\_

1765	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
1766	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
1767	872.06	2nd	Abuse of a dead human body.
1768	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
1769	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
1770	893.13 (1) (c) 1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03 (1) (a), (1) (b),

40-00657B-25

2025470\_\_

			(1) (d), (2) (a), (2) (b), or (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.
1771	893.13 (1) (e) 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 (2) (c) 5., within 1,000 feet of property used for religious services or a specified business site.
1772	893.13 (4) (a)	1st	Use or hire of minor; deliver to minor other controlled substance.
1773	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
1774	893.135	1st	Trafficking in cocaine,

	40-00657B-25		2025470__
1775	(1) (b) 1.a.		more than 28 grams, less than 200 grams.
	893.135	1st	Trafficking in illegal
	(1) (c) 1.a.		drugs, more than 4 grams, less than 14 grams.
1776	893.135	1st	Trafficking in
	(1) (c) 2.a.		hydrocodone, 28 grams or more, less than 50 grams.
1777	893.135	1st	Trafficking in
	(1) (c) 2.b.		hydrocodone, 50 grams or more, less than 100 grams.
1778	893.135	1st	Trafficking in oxycodone,
	(1) (c) 3.a.		7 grams or more, less than 14 grams.
1779	893.135	1st	Trafficking in oxycodone,
	(1) (c) 3.b.		14 grams or more, less than 25 grams.
1780	893.135	1st	Trafficking in fentanyl, 4
	(1) (c) 4.b. (I)		grams or more, less than 14 grams.
1781	893.135	1st	Trafficking in
	(1) (d) 1.a.		phencyclidine, 28 grams or

40-00657B-25

2025470\_\_

			more, less than 200 grams.
1782	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
1783	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
1784	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
1785	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
1786	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4- Butanediol, 1 kilogram or more, less than 5 kilograms.
1787	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

40-00657B-25

2025470\_\_

1788

893.135  
(1) (m) 2.a.

1st

Trafficking in synthetic  
cannabinoids, 280 grams or  
more, less than 500 grams.

1789

893.135  
(1) (m) 2.b.

1st

Trafficking in synthetic  
cannabinoids, 500 grams or  
more, less than 1,000  
grams.

1790

893.135  
(1) (n) 2.a.

1st

Trafficking in n-benzyl  
phenethylamines, 14 grams  
or more, less than 100  
grams.

1791

893.1351 (2)

2nd

Possession of place for  
trafficking in or  
manufacturing of  
controlled substance.

1792

896.101 (5) (a)

3rd

Money laundering,  
financial transactions  
exceeding \$300 but less  
than \$20,000.

1793

896.104 (4) (a) 1.

3rd

Structuring transactions  
to evade reporting or  
registration requirements,  
financial transactions

40-00657B-25

2025470\_\_

exceeding \$300 but less  
than \$20,000.

1794

943.0435 (4) (c)

2nd

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

1795

943.0435 (8)

2nd

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

1796

943.0435 (9) (a)

3rd

Sexual offender; failure  
to comply with reporting  
requirements.

1797

943.0435 (13)

3rd

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

1798

943.0435 (14)

3rd

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

	40-00657B-25		2025470__
			registration information.
1799	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
1800	944.607(10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1801	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1802	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
1803	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1804	985.4815(12)	3rd	Failure to report or providing false



40-00657B-25

2025470\_\_

information about a sexual  
offender; harbor or  
conceal a sexual offender.

1805

985.4815(13)

3rd

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

1806

1807

Section 35. This act shall take effect December 31, 2025.