

ARTICLE X SECTION 26 | PROHIBITION OF MEDICAL LINCENSE AFTER REPEATED MEDICAL MALPRACTICE¹

(a) No person who has been found to have committed three or more incidents of medical malpractice shall be licensed or continue to be licensed by the State of Florida to provide health care services as a medical doctor.

(b) For purposes of this section, the following terms have the following meanings:

(1) The phrase "medical malpractice" means both the failure to practice medicine in Florida with that level of care, skill, and treatment recognized in general law related to health care providers' licensure, and any similar wrongful act, neglect, or default in other states or countries which, if committed in Florida, would have been considered medical malpractice.

(2) The phrase "found to have committed" means that the malpractice has been found in a final judgment of a court of law, final administrative agency decision, or decision of binding arbitration.

History. – *Proposed by Initiative Petition filed with the Secretary of State April 7, 2003; adopted 2004.*

¹Note. –

A. This section, originally designated section 20 by Amendment No. 8, 2004, proposed by Initiative Petition filed with the Secretary of State April 7, 2003, adopted 2004, was redesignated section 26 by the editors in order to avoid confusion with already existing section 20, relating to prohibiting workplace smoking.

B. Amendment No. 8, 2004, proposed by Initiative Petition filed with the Secretary of State April 7, 2003, adopted 2004, published "[f]ull [t]ext" consisting of a statement and purpose, the actual amendment "inserting the following new section at the end [of Art. X]," and an effective date and severability provision not specifically included in the amendment text. The effective date and severability provision reads:

c) Effective Date and Severability:

This amendment shall be effective on the date it is approved by the electorate. If any portion of this measure is held



invalid for any reason, the remaining portion of this measure, to the fullest extent possible, shall be severed from the void portion and given the fullest possible force and application.

