

By Senator Clary

7-1106A-98

1 A bill to be entitled
 2 An act relating to the Department of Business
 3 and Professional Regulation; amending s.
 4 455.2226, F.S.; requiring funeral directors and
 5 embalmers to provide proof of completion of
 6 continuing education requirements; amending s.
 7 455.2228, F.S.; requiring barbers and
 8 cosmetologists to provide proof of completion
 9 of continuing education requirements; amending
 10 s. 455.273, F.S.; revising provisions related
 11 to the submission and processing of proof of
 12 completing of continuing education requirements
 13 for licensees regulated by the department;
 14 providing for the department to contract for
 15 this service; deleting requirements that
 16 licensees sign such proof; amending s. 474.211,
 17 F.S.; deleting an affidavit requirement for
 18 veterinarians; amending s. 489.115, F.S.;
 19 deleting a signature requirement for
 20 contractors; providing effective dates.

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

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 24 Section 1. Subsection (2) of section 455.2226, Florida
 25 Statutes, is amended to read:

26 455.2226 Funeral directors and embalmers; instruction
 27 on human immunodeficiency virus and acquired immune deficiency
 28 syndrome.--

29 (2) Each such licensee or certificateholder shall
 30 provide proof of completion of continuing education
 31 requirements, pursuant to departmental rule, in the same

1 manner as any other continuing education requirement for
2 license renewal ~~submit confirmation of having completed said~~
3 ~~course, on a form as provided by the board, when submitting~~
4 ~~fees for each biennial renewal.~~

5 Section 2. Subsection (2) of section 455.2228, Florida
6 Statutes, is amended to read:

7 455.2228 Barbers and cosmetologists; instruction on
8 human immunodeficiency virus and acquired immune deficiency
9 syndrome.--

10 (2) Each licensee shall provide proof of completion of
11 continuing education requirements, pursuant to departmental
12 rule, in the same manner as any other continuing education
13 requirements for license renewal.~~When filing fees for each~~
14 ~~biennial renewal, each licensee shall submit confirmation of~~
15 ~~having completed said course, on a form provided by the board~~
16 ~~or by the department if there is no board. At the time of the~~
17 ~~subsequent biennial renewal when coursework is to be~~
18 ~~completed, if the licensee has not submitted confirmation~~
19 ~~which has been received and recorded by the board, or~~
20 ~~department if there is no board, the department shall not~~
21 ~~renew the license.~~

22 Section 3. Subsection 455.273, Florida Statutes, is
23 amended to read:

24 455.273 Renewal and cancellation notices.--

25 (1) At least 90 days before the end of a licensure
26 cycle, the Department of Business and Professional Regulation
27 shall:

28 (a) Forward a licensure renewal notification to an
29 active or inactive licensee at the licensee's last known
30 address of record with the department.

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1 (b) Forward a notice of pending cancellation of
2 licensure to a delinquent status licensee at the licensee's
3 last known address of record with the department.

4 (2) Each licensure renewal notification and each
5 notice of pending cancellation of licensure must state
6 conspicuously that a licensee who remains on inactive status
7 for more than two consecutive biennial licensure cycles and
8 who wishes to reactivate the license may be required to
9 demonstrate the competency to resume active practice by
10 sitting for a special purpose examination or by completing
11 other reactivation requirements, as defined by rule of the
12 board or the department when there is no board.

13 (3) Completion of continuing education requirements is
14 a mandatory prerequisite for license renewal, but the failure
15 to complete and report continuing education requirements is
16 not grounds for discipline. The license of a licensee who does
17 not complete required continuing education shall revert to a
18 delinquent status.

19 (4) Any continuing education required for license
20 renewal must be completed 6 months before the end of a renewal
21 period. One year before the end of the renewal period, the
22 department shall notify the licensee of all approved
23 continuing education reported by the licensee as having been
24 completed.

25 (5)(a) The department shall monitor completion of
26 continuing education requirements for licensees or may
27 contract for the monitoring of such requirements. The
28 department or its contractor may:

29 1. Establish a continuing education audit fee for
30 continuing education providers or licensees who complete
31 self-directed study or any other approved, self-directed,

1 nonstructured continuing education. The continuing education
2 audit fee must be approved by the department and may not
3 exceed \$___ per course.

4 2. Collect from continuing education providers or
5 licensees who complete self-directed study or any other
6 approved continuing education, sufficient information, as
7 determined by board rule, or by department rule where there is
8 no board, to determine whether the requirements for continuing
9 education have been met.

10 3. When the monitoring of continuing education is
11 performed by contract, provide in the contract that the audit
12 fee is to be paid directly to the contractor and not to the
13 department.

14 (b) A board, or the department where there is no
15 board, may require licensees who take continuing education
16 from national providers or from providers who offer continuing
17 education on a limited basis, or in other situations where it
18 would be more practicable, to report directly to the monitor
19 and pay the monitor a continuing-education audit fee. Such fee
20 may be a different amount than the fee paid by providers, in
21 order to reflect the additional expenses incurred by the
22 monitor, but may not exceed \$ ____ per course.

23 (6) The department shall establish by rule a procedure
24 for notifying licensees who do not timely complete continuing
25 education requirements and the procedure for ineligible
26 licensees to regain eligibility for renewal. Such rule may
27 provide for a late processing fee, not to exceed \$ ____.

28 (7) Subsections (3)-(6) do not apply to licensees
29 during the renewal cycle in effect on the effective date of
30 this act if less than 12 months remain in the renewal cycle.
31 For such licensees, pre-existing law related to renewals and

1 continuing education applies until the next renewal cycle,
2 except that monitoring will be performed by random
3 post-renewal audits.

4 (8) Affidavits, reports, or other signed documents,
5 for proof of continuing education are not required, and
6 submission of the renewal notice and payment of the renewal
7 fee by the licensee constitutes the licensee's affirmation of
8 compliance with all statutory and rule requirements associated
9 with license renewal.

10 Section 4. Subsection (1) of section 474.211, Florida
11 Statutes, is amended to read:

12 474.211 Renewal of license.--

13 (1) The department shall renew a license upon receipt
14 of the renewal application and fee ~~and an affidavit of~~
15 ~~compliance with continuing education requirements set by rule~~
16 ~~of the board.~~

17 Section 5. Paragraph (c) of subsection (4) of section
18 489.115, Florida Statutes, is amended to read:

19 489.115 Certification and registration; endorsement;
20 reciprocity; renewals; continuing education.--

21 (4)

22 (c) The certificateholder or registrant shall
23 complete, ~~sign,~~ and forward the renewal application to the
24 department, together with the appropriate fee. Upon receipt of
25 the application and fee, the department shall renew the
26 certificate or registration.

27 Section 6. This act shall take effect upon becoming a
28 law, except that section 3 shall take effect on the date the
29 Department of Business and Professional Regulation executes a
30 contract to monitor continuing education, on the date the
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1 department announces its decision to conduct such monitoring
2 in-house, or on October 1, 1999, whichever occurs first.

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5 SENATE SUMMARY

6 Revises provisions related to the submission and
7 processing of proof of compliance with continuing
8 education requirements by the Department of Business and
9 Professional Regulation. Provides for funeral directors
10 and embalmers, barbers, and cosmetologists to comply in
11 the same manner as other licensees. Provides authority
12 for the department to contract with outside vendors for
13 such services. Deletes a requirement that veterinarians
14 provide affidavits and that contractors sign submissions
15 regarding continuing education requirements. (See bill
16 for details.)
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