

By the Committee on Business Regulation & Consumer Affairs
and Representative Ogles

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A bill to be entitled
An act relating to talent agencies; repealing
pt. VII, ch. 468, F.S., relating to talent
agencies, to deregulate talent agencies;
amending ss. 20.165, 20.43, 232.435, 408.07,
443.101, 455.501, 455.607, 455.667, 489.109,
489.519, and 721.13, F.S.; correcting
references and cross references, to conform;
providing an effective date.

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

Section 1. Sections 468.401, 468.402, 468.403,
468.404, 468.405, 468.406, 468.407, 468.408, 468.409, 468.410,
468.411, 468.412, 468.413, 468.414, and 468.415, Florida
Statutes, are repealed.

Section 2. Paragraph (a) of subsection (4) of section
20.165, Florida Statutes, is amended to read:

20.165 Department of Business and Professional
Regulation.--There is created a Department of Business and
Professional Regulation.

(4)(a) The following boards are established within the
Division of Professions:

1. Board of Architecture and Interior Design, created
under part I of chapter 481.
2. Florida Board of Auctioneers, created under part VI
of chapter 468.
3. Barbers' Board, created under chapter 476.
4. Florida Building Code Administrators and Inspectors
Board, created under part XI ~~XIII~~ of chapter 468.

- 1 5. Construction Industry Licensing Board, created
2 under part I of chapter 489.
- 3 6. Board of Cosmetology, created under chapter 477.
- 4 7. Electrical Contractors' Licensing Board, created
5 under part II of chapter 489.
- 6 8. Board of Employee Leasing Companies, created under
7 part X ~~XI~~ of chapter 468.
- 8 9. Board of Funeral Directors and Embalmers, created
9 under chapter 470.
- 10 10. Board of Landscape Architecture, created under
11 part II of chapter 481.
- 12 11. Board of Pilot Commissioners, created under
13 chapter 310.
- 14 12. Board of Professional Engineers, created under
15 chapter 471.
- 16 13. Board of Professional Geologists, created under
17 chapter 492.
- 18 14. Board of Professional Surveyors and Mappers,
19 created under chapter 472.
- 20 15. Board of Veterinary Medicine, created under
21 chapter 474.
- 22 Section 3. Paragraph (g) of subsection (3) of section
23 20.43, Florida Statutes, is amended to read:
- 24 20.43 Department of Health.--There is created a
25 Department of Health.
- 26 (3) The following divisions of the Department of
27 Health are established:
- 28 (g) Division of Medical Quality Assurance, which is
29 responsible for the following boards and professions
30 established within the division:
- 31 1. Nursing assistants, as provided under s. 400.211.

- 1 2. Health care services pools, as provided under s.
2 402.48.
- 3 3. The Board of Acupuncture, created under chapter
4 457.
- 5 4. The Board of Medicine, created under chapter 458.
- 6 5. The Board of Osteopathic Medicine, created under
7 chapter 459.
- 8 6. The Board of Chiropractic, created under chapter
9 460.
- 10 7. The Board of Podiatric Medicine, created under
11 chapter 461.
- 12 8. Naturopathy, as provided under chapter 462.
- 13 9. The Board of Optometry, created under chapter 463.
- 14 10. The Board of Nursing, created under chapter 464.
- 15 11. The Board of Pharmacy, created under chapter 465.
- 16 12. The Board of Dentistry, created under chapter 466.
- 17 13. Midwifery, as provided under chapter 467.
- 18 14. The Board of Speech-Language Pathology and
19 Audiology, created under part I of chapter 468.
- 20 15. The Board of Nursing Home Administrators, created
21 under part II of chapter 468.
- 22 16. Occupational therapy, as provided under part III
23 of chapter 468.
- 24 17. Respiratory therapy, as provided under part V of
25 chapter 468.
- 26 18. Dietetics and nutrition practice, as provided
27 under part IX ~~X~~ of chapter 468.
- 28 19. Athletic trainers, as provided under part XII ~~XIV~~
29 of chapter 468.
- 30 20. Electrolysis, as provided under chapter 478.
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1 21. The Board of Massage Therapy, created under
2 chapter 480.

3 22. The Board of Clinical Laboratory Personnel,
4 created under part III of chapter 483.

5 23. Medical physicists, as provided under part IV of
6 chapter 483.

7 24. The Board of Opticianry, created under part I of
8 chapter 484.

9 25. The Board of Hearing Aid Specialists, created
10 under part II of chapter 484.

11 26. The Board of Physical Therapy Practice, created
12 under chapter 486.

13 27. The Board of Psychology, created under chapter
14 490.

15 28. The Board of Clinical Social Work, Marriage and
16 Family Therapy, and Mental Health Counseling, created under
17 chapter 491.

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19 The department may contract with the Agency for Health Care
20 Administration who shall provide consumer complaint,
21 investigative, and prosecutorial services required by the
22 Division of Medical Quality Assurance, councils, or boards, as
23 appropriate.

24 Section 4. Paragraph (b) of subsection (3) of section
25 232.435, Florida Statutes, is amended to read:

26 232.435 Extracurricular athletic activities; athletic
27 trainers.--

28 (3)

29 (b) If a school district uses the services of an
30 athletic trainer who is not a teacher athletic trainer or a
31 teacher apprentice trainer within the requirements of this

1 section, such athletic trainer must be licensed as required by
2 part XII ~~XIV~~ of chapter 468.

3 Section 5. Subsection (28) of section 408.07, Florida
4 Statutes, is amended to read:

5 408.07 Definitions.--As used in this chapter, with the
6 exception of ss. 408.031-408.045, the term:

7 (28) "Health care provider" means a health care
8 professional licensed under chapter 458, chapter 459, chapter
9 460, chapter 461, chapter 463, chapter 464, chapter 465,
10 chapter 466, part I, part III, part IV, part V, or part IX ~~X~~
11 of chapter 468, chapter 483, chapter 484, chapter 486, chapter
12 490, or chapter 491.

13 Section 6. Paragraph (a) of subsection (10) of section
14 443.101, Florida Statutes, is amended to read:

15 443.101 Disqualification for benefits.--An individual
16 shall be disqualified for benefits:

17 (10) Subject to the requirements of this subsection if
18 the claim is made on the basis of loss of employment as a
19 leased employee for an employee leasing company or as a
20 temporary employee for a temporary help firm.

21 (a) As used in this subsection, the term:

22 1. "Temporary help firm" means a firm that hires its
23 own employees and assigns them to clients to support or
24 supplement the client's workforce in work situations such as
25 employee absences, temporary skill shortages, seasonal
26 workloads, and special assignments and projects. The term also
27 includes a firm created by an entity licensed under s.
28 125.012(6), which hires employees assigned by a union for the
29 purpose of supplementing or supporting the workforce of the
30 temporary help firm's clients. The term does not include
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1 employee leasing companies regulated under part X ~~XI~~ of
2 chapter 468.

3 2. "Temporary employee" means an employee assigned to
4 work for the clients of a temporary help firm.

5 3. "Leased employee" means an employee assigned to
6 work for the clients of an employee leasing company regulated
7 under part X ~~XI~~ of chapter 468.

8 Section 7. Subsection (4) of section 455.501, Florida
9 Statutes, is amended to read:

10 455.501 Definitions.--As used in this part, the term:

11 (4) "Health care practitioner" means any person
12 licensed under chapter 457; chapter 458; chapter 459; chapter
13 460; chapter 461; chapter 462; chapter 463; chapter 464;
14 chapter 465; chapter 466; part I, part III, part V, or part IX
15 ~~X~~ of chapter 468; chapter 480; chapter 484; chapter 486;
16 chapter 490; or chapter 491.

17 Section 8. Subsection (1) of section 455.607, Florida
18 Statutes, is amended to read:

19 455.607 Athletic trainers and massage therapists;
20 requirement for instruction on human immunodeficiency virus
21 and acquired immune deficiency syndrome.--

22 (1) The board, or the department where there is no
23 board, shall require each person licensed or certified under
24 part XII ~~XIV~~ of chapter 468 or chapter 480 to complete a
25 continuing educational course approved by the board, or the
26 department where there is no board, on human immunodeficiency
27 virus and acquired immune deficiency syndrome as part of
28 biennial relicensure or recertification. The course shall
29 consist of education on modes of transmission, infection
30 control procedures, clinical management, and prevention of
31 human immunodeficiency virus and acquired immune deficiency

1 syndrome, with an emphasis on appropriate behavior and
2 attitude change.

3 Section 9. Paragraph (f) of subsection (2) of section
4 455.667, Florida Statutes, is amended to read:

5 455.667 Ownership and control of patient records;
6 report or copies of records to be furnished.--

7 (2) As used in this section, the terms "records
8 owner," "health care practitioner," and "health care
9 practitioner's employer" do not include any of the following
10 persons or entities; furthermore, the following persons or
11 entities are not authorized to acquire or own medical records,
12 but are authorized to maintain those documents required by the
13 part or chapter under which they are licensed or regulated:

14 (f) Athletic trainers licensed under part XII ~~XIV~~ of
15 chapter 468.

16 Section 10. Paragraph (e) of subsection (1) of section
17 489.109, Florida Statutes, is amended to read:

18 489.109 Fees.--

19 (1) The board, by rule, shall establish reasonable
20 fees to be paid for applications, certification and renewal,
21 registration and renewal, and recordmaking and recordkeeping.
22 The fees shall be established as follows:

23 (e) The board, by rule, shall impose a renewal fee for
24 an inactive status certificate or registration, not to exceed
25 the renewal fee for an active status certificate or
26 registration. Neither the inactive certification fee nor the
27 inactive registration fee may exceed \$50. The board, by rule,
28 may provide for a different fee for inactive status where such
29 status is sought by a building code administrator, plans
30 examiner, or inspector certified pursuant to part XI ~~XIII~~ of
31 chapter 468 who is employed by a local government and is not

1 allowed by the terms of such employment to maintain a
2 certificate on active status issued pursuant to this part.

3 Section 11. Subsection (2) of section 489.519, Florida
4 Statutes, is amended to read:

5 489.519 Inactive status.--

6 (2) The board shall impose, by rule, continuing
7 education requirements for voluntary inactive
8 certificateholders, when voluntary inactive status is sought
9 by certificateholders who are also building code
10 administrators, plans examiners, or inspectors certified
11 pursuant to part XI ~~XIII~~ of chapter 468.

12 Section 12. Paragraph (e) of subsection (1) and
13 subsections (4) and (8) of section 721.13, Florida Statutes,
14 are amended to read:

15 721.13 Management.--

16 (1)

17 (e) Any managing entity performing community
18 association management must comply with part VII ~~VIII~~ of
19 chapter 468.

20 (4) The managing entity shall maintain among its
21 records and provide to the division upon request a complete
22 list of the names and addresses of all purchasers and owners
23 of timeshare units in the timeshare plan. The managing entity
24 shall update this list no less frequently than quarterly.
25 Pursuant to paragraph (3)(d), the managing entity may not
26 publish this owner's list or provide a copy of it to any
27 purchaser or to any third party other than the division.
28 However, if the managing entity includes a condominium
29 association subject to the provisions of chapter 718 or a
30 cooperative association subject to the provisions of chapter
31 719, the managing entity shall initiate a mailing to those

1 persons listed on the owner's list upon the written request of
2 any purchaser if the purpose of the mailing is to advance
3 legitimate association business, such as a proxy solicitation
4 for any purpose, including the recall of one or more board
5 members or the discharge of the manager or management firm.
6 The use of any proxies solicited in this manner must comply
7 with the provisions of the timeshare instrument and this
8 chapter. The board of administration of the association shall
9 be responsible for determining the appropriateness of any
10 mailing requested pursuant to this subsection, and it shall be
11 a violation of this chapter and of part VII ~~VIII~~ of chapter
12 468 for the board of administration and/or the manager or
13 management firm to refuse to initiate any mailing requested
14 for the purpose of advancing legitimate association business.
15 The purchaser who requests the mailing must reimburse the
16 association in advance for the association's actual costs in
17 performing the mailing.

18 (8) Any failure of the managing entity to faithfully
19 discharge the fiduciary duty to purchasers imposed by this
20 section or to otherwise comply with the provisions of this
21 section shall be a violation of this chapter and of part VII
22 ~~VIII~~ of chapter 468.

23 Section 13. This act shall take effect July 1 of the
24 year in which enacted.

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27 HOUSE SUMMARY

28 Repeals pt. VII, ch. 468, F.S., relating to talent
29 agencies, to deregulate talent agencies. Amends various
30 provisions of law to conform.

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