

By Senator Meadows

30-616-98

1 A bill to be entitled
2 An act relating to the practice of professional
3 biology; creating ch. 485, F.S., to provide for
4 regulation of such practice; providing purpose;
5 specifying requirements for practice; providing
6 for exemptions from regulation; providing
7 definitions; creating the Board of Professional
8 Biologists within the Department of Business
9 and Professional Regulation; providing
10 rulemaking authority; requiring development of
11 a test; providing for a code of ethics;
12 providing for fees; providing for disposition
13 of moneys collected; requiring preparation and
14 submission of a proposed budget; providing
15 licensure requirements; providing requirements
16 for licensure by endorsement; providing
17 requirements for temporary licenses; providing
18 requirements for renewal of a license;
19 requiring notification to the department of
20 address of primary place of practice; providing
21 for continuing education requirements;
22 providing for reactivation from inactive
23 status; requiring a certificate of
24 authorization for a corporation, partnership,
25 association, or person practicing under a
26 fictitious name to practice or offer to
27 practice professional biology; providing for an
28 official seal and the requirements for use
29 thereof; prohibiting certain acts and providing
30 penalties therefor; specifying acts that
31 constitute grounds for disciplinary action and

1 providing penalties therefor; requiring the
2 reporting of criminal violations for
3 prosecution; providing effect of the chapter
4 locally; providing construction; providing for
5 grandfathering; amending s. 20.165, F.S.;
6 placing the board within the Division of
7 Professions of the department; providing an
8 effective date.

9

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

11

12 Section 1. Chapter 485, Florida Statutes, consisting
13 of sections 485.001, 485.003, 485.005, 485.007, 485.009,
14 485.0115, 485.013, 485.015, 485.017, 485.019, 485.0215,
15 485.023, 485.025, 485.027, 485.029, 485.0315, 485.033, and
16 485.035, is created to read:

17 485.001 Purpose.--It is hereby declared to be the
18 public policy of the state that, in order to safeguard the
19 health, safety, property, and welfare of its citizens and
20 natural resources, any person practicing or offering to
21 practice professional biology in this state must meet the
22 requirements of the Department of Business and Professional
23 Regulation and the Board of Professional Biologists and must
24 be licensed as provided in this chapter.

25 485.003 License required to practice or use
26 professional title; exemptions.--

27 (1) No person other than a professional biologist duly
28 licensed under this chapter may practice professional biology
29 or use the name or title of "professional biologist" or any
30 other title, designation, words, letters, abbreviations, or

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1 device tending to indicate that such person holds an active
2 license as a professional biologist in this state.

3 (2) The following persons are not required to obtain a
4 license as a professional biologist under the provisions of
5 this chapter:

6 (a) Any person practicing professional biology for the
7 improvement of, or otherwise affecting, property legally owned
8 by such person, unless such practice involves a public
9 utility, the health, safety, or welfare of the public, or the
10 health or safety of employees. This exemption does not
11 authorize the practice of professional biology through an
12 agent or employee who is not duly licensed under this chapter.

13 (b) Persons engaged solely in teaching biology as a
14 faculty member of a college, university, or other educational
15 institution located in this state.

16 (c) Persons engaged in biological research that does
17 not affect the health, safety, or welfare of the public.

18 (d) Employees of a corporation not engaged in the
19 practice of professional biology as such, whose practice of
20 professional biology for the corporation is limited to the
21 operation of biological systems or works.

22 (e) Any person, as a contractor, in the execution of
23 work designed by a professional biologist or, as a foreman or
24 superintendent, in the supervision of the construction of such
25 work. This exemption does not entitle a contractor to certify
26 that completed construction conforms to the design prepared by
27 a professional biologist.

28 (3) The following persons are specifically exempt from
29 regulation under this chapter, provided their work is reviewed
30 by or prepared under the supervision of a professional
31 biologist or other authorized licensed professional to the

1 extent that the supervision meets the standards adopted by
2 rule of the board:

3 (a) Officers and employees of the state or of any
4 water management district or other local or regional
5 governmental entity practicing solely as such officers or
6 employees.

7 (b) Employees of any firm, corporation, or partnership
8 who are acting within the scope of their employment as
9 subordinates of a person in responsible charge who is licensed
10 under this chapter.

11 485.005 Definitions.--As used in this chapter, the
12 term:

13 (1) "Biology" includes the science of biology and its
14 areas of specialization that pertain to living natural
15 resources and their habitats as well as the development of
16 methods of study of living natural resources and their
17 habitats. Included under this definition are areas of
18 specialization such as aquatic science, biology, botany,
19 ecology, forestry, herpetology, ichthyology, limnology,
20 mammology, marine science, microbiology, oceanography,
21 ornithology, systems ecology, systems energetics, wildlife
22 science, and zoology. Also included under this definition are
23 the behavioral sciences to the extent of evaluating the
24 biological responses to physical and chemical changes in
25 habitat quality and suitability. Excluded under this
26 definition are areas of biological specialization such as
27 dentistry, chiropractic, medicine, and veterinary medicine.

28 (2) "Board" means the Board of Professional
29 Biologists.

30 (3) "Certificate of authorization" means a license to
31 practice professional biology issued by the department to a

1 corporation, partnership, association, or person practicing
2 under a fictitious name.

3 (4) "Department" means the Department of Business and
4 Professional Regulation.

5 (5) "Habitat" or "habitat quality" includes the
6 determination of the suitability and sustainability of
7 natural, created, restored, managed, or artificial areas with
8 respect to specific organisms, guilds, ecosystems, bioregions,
9 or other groups of biota and their niches, natural histories,
10 and associated management requirements.

11 (6) "Practice of professional biology" means the
12 performance of, or offer to perform, services as a
13 professional biologist as set forth in subsection (8), except
14 as specifically exempted by s. 485.003. Any person who
15 practices as a professional biologist, who by verbal claim,
16 sign, advertisement, letterhead, card, or any other means
17 represents himself or herself to be a professional biologist,
18 who through the use of some title implies that he or she is a
19 professional biologist or that he or she is licensed under
20 this chapter, or who holds himself or herself out as able to
21 perform or does perform any professional biology services or
22 work recognized as professional biology shall be construed to
23 be engaged in the practice of professional biology.

24 (7) "Professional biologist" includes the term
25 "licensed professional biologist" and means a biological
26 scientist who performs professional biological work and is
27 licensed to engage in the practice of professional biology as
28 described in this chapter.

29 (8) "Professional biology" means the application of
30 the scientific principles of biology to the sound management
31 of living natural resources and their habitats and the

1 rendering of a biological opinion; however, "professional
2 biology" does not include silviculture or the management of
3 agricultural or aquacultural resources in the ordinary course
4 of these activities, except as such activities require
5 environmental permits or siting and offsite impact
6 evaluations. "Professional biology" includes, but is not
7 limited to, the activities set forth below, but only as these
8 activities include the rendering of biological opinion:
9 (a) Advising, consulting, planning, teaching,
10 researching, reporting, designing, and investigating as these
11 activities relate to living natural resources and their
12 habitats, including specialized-habitat or species-specific
13 management plans.
14 (b) Reporting on environmental management work and
15 study, including environmental impact statements, categorical
16 exclusions, reports required by the National Environmental
17 Policy Act of 1969, the federal Clean Water Act, and the
18 federal Clean Air Act, and such other environmental reports as
19 may be required by national, state, and local environmental
20 legislation or policy.
21 (c) Administration and management of environmental
22 work, including such administration and management as may be
23 required under Insurance Services Office (ISO) filing 14,000
24 or the Administrative Procedure Act.
25 (d) Maintenance, conservation, protection,
26 restoration, and enhancement of ecosystems and habitats.
27 (e) Collection, analysis, and interpretation of all
28 biologically relevant scientific data and the inventory,
29 evaluation, and monitoring of living natural resources and
30 habitats, including wetland jurisdictional determinations.
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1 (f) Assessment of the biological impact of a known
2 presence of an environmental contamination hazard, or of the
3 potential biological impact due to the threat of an
4 environmental hazard or contamination, upon, in, or under real
5 property and the planning, designing, or implementation of
6 biological remedial activities to address such environmental
7 contamination or hazard.

8 (g) Assessment of historic, existing, and future
9 impacts to living natural resources and their habitats. This
10 assessment includes any work associated with assessments of
11 impacts to living natural resources and their habitats from
12 constructed or natural discharges to the environment of solid,
13 liquid, or gaseous materials and the determination of
14 reduction goals required to maintain or restore acceptable
15 habitat quality.

16 (h) Design of biological components for the
17 preservation, enhancement, restoration, and creation of
18 habitats and ecosystems.

19 485.007 Board of Professional Biologists.--

20 (1) There is created in the Department of Business and
21 Professional Regulation a Board of Professional Biologists.
22 The board shall consist of seven members, four of whom must be
23 licensed and practicing professional biologists, except that
24 prior to October 1, 1998, such persons shall be otherwise
25 qualified as professional biologists. Of the remaining three
26 members of the board, two must be lay persons who are not and
27 have never been professional biologists or members of any
28 closely related profession or occupation, and one must be a
29 person engaged in the teaching of a biological science.

30 (2) Initially, the Governor shall appoint four members
31 for terms of 4 years each and three members for terms of 3

1 years each. Thereafter, members shall be appointed for 4-year
2 terms. Initially and prior to initiation of the grandfathering
3 program under s. 485.035, the four members seated as licensed
4 and practicing professional biologists shall be unlicensed
5 practicing professional biologists who the Governor has
6 determined satisfy all of the requirements for licensure set
7 forth in s. 485.0115.

8 (3) The board is authorized to make such rules not
9 inconsistent with law as may be necessary to carry out the
10 duties and authority conferred upon the board by this chapter.
11 Every licensee under this chapter shall be governed and
12 controlled by this chapter and the rules adopted by the board
13 pursuant to this chapter.

14 (4) The board shall develop a test specific to this
15 state. Such testing may rely on existing public or private
16 certifications which in the board's judgment adequately test
17 an applicant's basic qualifications and specific ability to
18 practice as a professional biologist and may require, as a
19 prerequisite to examination, a combination of education and
20 experience consistent with the minimum requirements set forth
21 in s. 485.0115. Such certifications may include those issued
22 by professional associations, scientific associations, or
23 government agencies, as determined by the board and adopted by
24 rule.

25 (5) By September 1, 1998, the board shall promulgate
26 by rule a code of ethics for practice as a professional
27 biologist.

28 (6) The location of the board shall be in Leon County.
29 485.009 Fees; disposition; preparation and submission
30 of proposed budget.--

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1 (1) The board, by rule, may establish fees to be paid
2 for applications, licensure and license renewal, inactive
3 status application and reactivation of inactive licenses, and
4 recordmaking and recordkeeping. The board may also establish,
5 by rule, a delinquency fee. The board shall establish fees
6 that are adequate to ensure the continued operation of the
7 board. Fees shall be based on department estimates of the
8 revenue required to implement this chapter and other
9 provisions of law with respect to the regulation of
10 professional biologists, in accordance with s. 455.219. The
11 fees established for the first year of this chapter shall be
12 limited as follows:

13 (a) The application fee may not exceed \$100 and is
14 nonrefundable.

15 (b) The initial license fee may not exceed \$100.

16 (2) All moneys collected by the department from fees
17 authorized by this chapter shall be paid into the Professional
18 Regulation Trust Fund in the department and shall be applied
19 in accordance with ss. 215.37 and 455.219. The Legislature may
20 appropriate any excess moneys from the trust fund to the
21 General Revenue Fund.

22 (3) The department, with the advice of the board,
23 shall prepare and submit a proposed budget in accordance with
24 law.

25 485.0115 Licensure; requirements.--

26 (1) Any person desiring to be licensed as a
27 professional biologist must apply to the department. Each
28 applicant must:

29 (a) Complete the application form and remit the
30 application fee.

31 (b) Be at least 18 years of age.

1 (c) Attest that he or she has not committed an act or
2 offense in any jurisdiction which would constitute the basis
3 for disciplining a professional biologist licensed under this
4 chapter.

5 (d) Agree to abide by the code of ethics adopted by
6 the board.

7 (2) The department shall issue a license to practice
8 professional biology to any person who has done all of the
9 following:

10 (a) Paid the appropriate license fee.

11 (b) Been certified by the board as qualified to
12 practice professional biology.

13 (c) Provided proof of having earned a 4-year degree in
14 biology or one of its subdisciplines from a fully accredited
15 college or university.

16 (d) Provided proof of having completed a minimum of 5
17 cumulative years of experience under the supervision of a
18 licensed professional biologist.

19 (e) Provided proof of having met the continuing
20 education requirements under s. 485.017(4) during each of the
21 5 years prior to the application.

22 (3) The department may not issue a license to any
23 applicant who:

24 (a) Is under investigation in any jurisdiction for an
25 offense that would constitute a violation of this chapter;
26 however, upon completion of the investigation, the
27 disciplinary provisions of s. 485.027 shall apply.

28 (b) Is not qualified for licensure, as determined by
29 the board based upon credentials of the applicant and other
30 documents provided by the applicant.

31 485.013 Licensure by endorsement; requirements.--

1 (1) The department shall issue a license by
2 endorsement to any applicant who, upon applying to the
3 department and remitting an application fee, the board has
4 certified:

5 (a) Is at least 18 years of age;

6 (b) Holds an active valid license in a least one
7 jurisdiction in the United States in which the current
8 requirements for licensure are equivalent to or more stringent
9 than those in this chapter; and

10 (c) Has not committed an act or offense in any
11 jurisdiction which would constitute the basis for disciplining
12 a professional biologist licensed under this chapter.

13 (2) The department may not issue a license to any
14 applicant who:

15 (a) Is under investigation in any jurisdiction for an
16 offense that would constitute a violation of this chapter;
17 however, upon completion of the investigation, the
18 disciplinary provisions of s. 485.027 shall apply.

19 (b) Is not qualified for licensure, as determined by
20 the board based upon credentials of the applicant and other
21 documents provided by the applicant.

22 485.015 Temporary license.--The board shall issue a
23 temporary license to any qualified biologist who is a resident
24 of a jurisdiction of the United States in which there are no
25 licensing requirements for professional biologists or in which
26 such licensing requirements do not meet the standards for
27 reciprocity, which shall be issued for the purpose of
28 permitting the biologist to practice temporarily within this
29 state and which shall be limited to specific projects as
30 denoted in the application for the temporary license. The
31 board, by rule, shall establish specific criteria and fees for

1 the issuance and use of temporary licenses, but in doing so
2 must ensure that nonresident professionals are not unduly
3 restricted and resident licensees are not unduly
4 disadvantaged. The criteria established must be equivalent to
5 or more stringent than the requirements set forth under s.
6 485.035 and must include the criteria of ethical conduct and
7 discipline. A temporary license shall be terminated and
8 transferred to reciprocal status upon the adoption of adequate
9 licensing requirements by the professional biologist's home
10 jurisdiction once the board has determined that reciprocal
11 status is appropriate. A temporary license is valid for a
12 period of 6 months and renewable for an additional 6 months.
13 An individual applying for a third temporary license in any
14 5-year period shall be deemed to be commonly practicing
15 professional biology within this state and shall be referred
16 to and must make application through the standard licensing
17 procedure.

18 485.017 Renewal of license; address of primary place
19 of practice; continuing education.--

20 (1) The department shall renew a license upon receipt
21 of the renewal application and fee, provided the licensee has
22 not committed any act or offense that would constitute a basis
23 for discipline under this chapter or any rule adopted pursuant
24 to this chapter.

25 (2) The department shall adopt rules establishing a
26 procedure for the biennial renewal of licenses.

27 (3) Prior to engaging in practice, a licensee must
28 have on file with the department the address of his or her
29 primary place of practice within the state. Prior to changing
30 the address of his or her primary place of practice, whether
31 or not within this state, the licensee must notify the

1 department of the address of his or her new primary place of
2 practice.

3 (4) Every person licensed as a professional biologist
4 under this chapter must complete at least 24 classroom hours
5 in approved continuing education in the 24 months preceding
6 each biennial renewal period as established by the department.
7 For the purpose of this subsection, each hour spent in the
8 continuing education course shall equal one continuing
9 education classroom hour. The board shall maintain a list of
10 approved continuing education courses, instructors, and
11 providers.

12 485.019 Inactive status.--A license that has become
13 inactive may be reactivated under s. 485.017 upon application
14 to the department, provided the licensee has not committed any
15 act or offense that would constitute the basis for discipline
16 under this chapter or any rule adopted pursuant to this
17 chapter. The board shall prescribe by rule continuing
18 education requirements for reactivating a license. However,
19 the continuing education requirements for reactivating a
20 license may not exceed 12 classroom hours for each year the
21 license was inactive.

22 485.0215 Practice of professional biology by
23 corporation, partnership, association, or person practicing
24 under a fictitious name; certificate of authorization.--

25 (1) The practice of, or the offer to practice,
26 professional biology by licensees through a corporation or
27 partnership offering professional biology services to the
28 public or by a corporation or partnership offering such
29 services to the public through licensees under this chapter as
30 agents, employees, officers, or partners is permitted only if
31 the firm possesses a certificate of authorization issued by

1 the department pursuant to qualification by the board, subject
2 to the provisions of this chapter. One or more of the
3 principal officers or employees of the corporation or one or
4 more partners or employees of the partnership and all
5 supervisory personnel of the corporation or partnership who
6 act on its behalf as professional biologists in this state
7 must be licensed as provided by this chapter. Nothing in this
8 section shall be construed to mean that a certificate of
9 authorization to practice professional biology shall be held
10 by a corporation. Nothing in this section prohibits
11 corporations and partnerships from joining together to offer
12 professional biology services to the public, provided each
13 corporation or partnership otherwise meets the requirements of
14 this section. No corporation or partnership shall be relieved
15 of responsibility for the conduct or acts of its agents,
16 employees, or officers by reason of its compliance with this
17 section, nor shall any individual practicing professional
18 biology be relieved of responsibility for professional
19 services performed by reason of his or her employment or
20 relationship with a corporation or partnership.

21 (2) For the purposes of this section, a certificate of
22 authorization shall be required for a corporation,
23 partnership, association, or person practicing under a
24 fictitious name to offer professional biology services to the
25 public. However, when an individual is practicing professional
26 biology in his or her own given name, the individual is not
27 required to hold a certificate of authorization under this
28 section.

29 (3) The fact that a licensed professional biologist
30 practices through a corporation or partnership does not
31 relieve the licensee from personal liability for negligence,

1 misconduct, or wrongful acts committed by the licensee.
2 Partnerships and all partners shall be jointly and severally
3 liable for the negligence, misconduct, or wrongful acts
4 committed by their agents, employees, or partners while acting
5 in a professional capacity. Any officer, agent, or employee of
6 a corporation shall be personally liable and accountable only
7 for negligent acts, wrongful acts, or misconduct committed by
8 such person or committed by any person under the direct
9 supervision and control of such person, while rendering
10 professional services on behalf of the corporation. The
11 personal liability of a shareholder of a corporation, in his
12 or her capacity as shareholder, shall be no greater than that
13 of a shareholder-employee of a corporation incorporated under
14 chapter 607. The corporation shall be liable up to the full
15 value of its property for any negligent acts, wrongful acts,
16 or misconduct committed by any of its officers, agents, or
17 employees while they are engaged on behalf of the corporation
18 in the rendering of professional services.

19 (4) Persons seeking to incorporate under the
20 provisions of this section must obtain approval from the
21 department prior to filing articles of incorporation with the
22 Department of State.

23 (5) Each certificate of authorization must be renewed
24 every 2 years. Each partnership and corporation certified
25 under this section must notify the board within 1 month after
26 any change in the information contained in the application
27 upon which the certification is based.

28 (6) Disciplinary action against a corporation or
29 partnership shall be administered in the same manner and on
30 the same grounds as disciplinary action against a licensed
31 professional biologist.

1 485.023 Seals.--

2 (1) The board shall prescribe by rule a form of seal
3 to be used by licensees holding valid licenses. Each licensee
4 must obtain an impression-type metal seal in the form
5 prescribed by the board. The board shall determine by rule the
6 types of professional papers, reports, or documents prepared
7 or issued by the licensee and being filed for public record
8 which must be signed by the licensee, dated, and embossed with
9 such seal. Such signature, date, and seal shall be evidence of
10 the authenticity of that to which they are affixed. It is
11 unlawful for any person to emboss or seal any document with a
12 seal without a current valid license.

13 (2) When a license has been revoked or suspended by
14 the board, the licensee must surrender his or her seal to the
15 secretary of the board within a period of 30 days after the
16 revocation or suspension has become effective. In the event a
17 license has been suspended for a period of time, the seal
18 shall be returned to the licensee upon reinstatement.

19 (3) A licensee may not affix or permit to be affixed
20 his or her seal or name to any professional paper, report, or
21 document that depicts work that the licensee is not licensed
22 to perform or that is beyond the licensee's profession or
23 specialty therein.

24 485.025 Prohibitions; penalties.--

25 (1) No person shall knowingly:

26 (a) Practice professional biology unless the person is
27 licensed under this chapter.

28 (b) Use the name or title "licensed professional
29 biologist" or any other title, designation, words, letters,
30 abbreviations, or device tending to indicate that the person

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1 holds an active license as a professional biologist when the
2 person is not licensed under this chapter.

3 (c) Present as his or her own the license of another.

4 (d) Give false or forged evidence to the board or a
5 member of the board for the purpose of obtaining a license.

6 (e) Use or attempt to use a license that has been
7 suspended, revoked, or placed on inactive or delinquent
8 status.

9 (f) Employ any unlicensed person to practice
10 professional biology, except as authorized in this chapter.

11 (g) Conceal information relative to any violation of
12 this chapter.

13 (2) A person who violates any provision of this
14 section commits a misdemeanor of the first degree, punishable
15 as provided in s. 775.082 or s. 775.083.

16 (3) The board may adopt rules prescribing additional
17 rules of conduct for professional biologists, violation of
18 which may be punished pursuant to s. 485.027.

19 485.027 Disciplinary proceedings.--

20 (1) The following acts constitute grounds for which
21 the disciplinary actions in subsection (3) may be taken:

22 (a) Violation of any provision of s. 485.025 or s.
23 455.227(1) or any other provision of this chapter.

24 (b) Violation of any rule adopted by the board
25 pursuant to this chapter.

26 (c) Attempting to procure a license to practice
27 professional biology by bribery or fraudulent
28 misrepresentation.

29 (d) Having a license to practice professional biology
30 revoked, suspended, or otherwise acted against, including the
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1 denial of licensure by the licensing authority of another
2 state, territory, or country.

3 (e) Being convicted or found guilty of, or entering a
4 plea of nolo contendere to, regardless of adjudication, a
5 crime in any jurisdiction which directly relates to the
6 practice of professional biology or the ability to practice
7 professional biology.

8 (f) Making or filing a report or record that the
9 licensee knows to be false, willfully failing to file a report
10 or record required by state or federal law, willfully impeding
11 or obstructing such filing, or inducing another person to
12 impede or obstruct such filing. Such reports or records shall
13 include only those that are signed by an individual in his or
14 her capacity as a licensed professional biologist.

15 (g) Advertising professional biology services in a
16 manner that is fraudulent, false, deceptive, or misleading in
17 form or content.

18 (h) Engaging in fraud or deceit, negligence,
19 incompetence or misconduct in the practice of professional
20 biology.

21 (i) Violation of chapter 455.

22 (j) Practicing on a revoked, suspended, inactive, or
23 delinquent license.

24 (k) Affixing or permitting to be affixed one's seal or
25 name to any professional biology papers, reports, or documents
26 that were not prepared by the individual or under his or her
27 responsible supervision, direction, or control.

28 (l) Violating a rule of the department or any order of
29 the department previously entered in a disciplinary hearing.

30 (2) The department, by rule, shall specify what acts
31 or omissions constitute a violation of subsection (1).

1 (3) When the department finds a person guilty of any
2 of the grounds set forth in subsection (1), it may enter an
3 order imposing one or more of the following penalties:

4 (a) Denial of an application for licensure.

5 (b) Revocation or suspension of a license.

6 (c) Imposition of an administrative fine not to exceed
7 \$1,000 for each count or separate offense.

8 (d) Issuance of a reprimand.

9 (e) Placement of the licensee on probation for a
10 period of time and subject to such conditions as the
11 department may specify.

12 (f) Restriction of the authorized scope of practice by
13 the licensee.

14 (4) The department shall reissue the license of a
15 disciplined professional biologist or business upon
16 certification by the board that the disciplined person or
17 business has complied with all of the terms and conditions set
18 forth in the final order.

19 485.029 Prosecution of criminal violations.--The board
20 shall report any criminal violation of this chapter to the
21 proper prosecuting authority for prompt prosecution.

22 485.0315 Effect of chapter locally.--

23 (1) Nothing contained in this chapter may be construed
24 to repeal, amend, limit, or otherwise affect any local
25 building code or zoning law or ordinance, now or hereafter
26 enacted, which is more restrictive with respect to the
27 services of licensed professional biologists than the
28 provisions of this chapter.

29 (2) In counties or municipalities that issue building
30 permits, such permits may not be issued in any case in which
31 it is apparent from the application for such building permit

1 that the provisions of this chapter have been violated.
2 However, this does not authorize the withholding of building
3 permits in any cases within the exempt classes set forth in
4 this chapter.

5 485.033 Construction of chapter.--Nothing in this
6 chapter may be construed to restrict, prevent, or prohibit the
7 practice of any profession or trade for which a license is
8 required under any other law of this state, including the
9 practice by licensed professional engineers, licensed
10 professional geologists, licensed landscape architects, or
11 licensed surveyors and mappers. Nothing in this chapter may be
12 construed in any manner so as to reduce the need for surveys
13 of ecological features as required under current law to
14 continue to be conducted by a surveyor and mapper licensed
15 under chapter 472.

16 485.035 Grandfathering.--Prior to September 1, 1998,
17 the board shall initiate a program to award licenses to
18 applicants who meet the licensing requirements of this
19 chapter. Prior to December 1, 1998, the board shall initiate a
20 program to award licenses to applicants who substantially meet
21 the licensing requirements of this chapter but fail to meet
22 the formal educational requirements, recognizing that life
23 experience may be substituted for these requirements, provided
24 that adequate testimonials to the quality of the applicant's
25 past performance are received with the application. The
26 grandfathering provisions of this section shall also accept
27 proof of having completed a minimum of 5 cumulative years of
28 experience in a position of responsible charge of professional
29 biology work or a minimum of 5 cumulative years of general
30 experience in professional biology work as having met the
31 requirements of s. 485.0115(2)(d), provided that adequate

1 testimonials to the quality of the applicant's past
2 performance are received with the application. The
3 requirements for having met the continuing education
4 requirements for the 5 years prior to application for a
5 license in s. 485.0115(2)(e) may be waived when applying for a
6 license under this section, provided that adequate
7 testimonials are received with the application which attest to
8 the quality of the applicant's past performance. No other
9 requirements may be modified in considering the award of
10 licenses under the grandfathering provisions of this section.
11 Applications may not be accepted under this section after
12 September 1, 1999; and licenses may not be awarded under this
13 section after March 1, 2000.

14 Section 2. Paragraph (a) of subsection (4) of section
15 20.165, Florida Statutes, is amended to read:

16 20.165 Department of Business and Professional
17 Regulation.--There is created a Department of Business and
18 Professional Regulation.

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

- 21 1. Board of Architecture and Interior Design, created
22 under part I of chapter 481.
- 23 2. Florida Board of Auctioneers, created under part VI
24 of chapter 468.
- 25 3. Barbers' Board, created under chapter 476.
- 26 4. Florida Building Code Administrators and Inspectors
27 Board, created under part XIII of chapter 468.
- 28 5. Construction Industry Licensing Board, created
29 under part I of chapter 489.
- 30 6. Board of Cosmetology, created under chapter 477.

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- 1 7. Electrical Contractors' Licensing Board, created
2 under part II of chapter 489.
- 3 8. Board of Employee Leasing Companies, created under
4 part XI of chapter 468.
- 5 9. Board of Funeral Directors and Embalmers, created
6 under chapter 470.
- 7 10. Board of Landscape Architecture, created under
8 part II of chapter 481.
- 9 11. Board of Pilot Commissioners, created under
10 chapter 310.
- 11 12. Board of Professional Biologists, created under
12 chapter 485.
- 13 ~~13.12.~~ Board of Professional Engineers, created under
14 chapter 471.
- 15 ~~14.13.~~ Board of Professional Geologists, created under
16 chapter 492.
- 17 ~~15.14.~~ Board of Professional Surveyors and Mappers,
18 created under chapter 472.
- 19 ~~16.15.~~ Board of Veterinary Medicine, created under
20 chapter 474.

21 Section 3. This act shall take effect July 1, 1998.

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24 LEGISLATIVE SUMMARY

25 Creates chapter 485, F.S., to provide for the regulation
26 of professional biologists. Creates the Board of
27 Professional Biologists within the Division of
28 Professions of the Department of Business and
29 Professional Regulation. Requires licensure of
30 individuals and certification of corporations,
31 partnerships, associations, and persons practicing under
a fictitious name. Provides for exemption from
regulation for certain persons and for the grandfathering
in of certain persons. (See bill for details.)