

By the Committee on Business Regulation & Consumer Affairs
and Representatives Fischer, Goode, Kelly, Crow, Fasano,
Futch, Morroni and Brennan

1 A bill to be entitled
2 An act relating to the practice of professional
3 biology; creating chapter 485, F.S., to provide
4 for regulation of such practice; providing
5 purpose; specifying requirements for practice;
6 providing for exemptions from regulation;
7 providing definitions; creating the Board of
8 Professional Biologists within the Department
9 of Business and Professional Regulation;
10 providing rulemaking authority; requiring
11 development of a test; providing for a code of
12 ethics; providing for fees; providing for
13 disposition of moneys collected; requiring
14 preparation and submission of a proposed
15 budget; providing licensure requirements;
16 providing requirements for licensure by
17 endorsement; providing requirements for
18 temporary licenses; providing requirements for
19 renewal of a license; requiring notification to
20 the department of address of primary place of
21 practice; providing for continuing education
22 requirements; providing for reactivation from
23 inactive 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
28 the signing or authenticating of plans and
29 other documents; prohibiting certain acts and
30 providing penalties therefor; specifying acts
31 that constitute grounds for disciplinary action

1 and 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
31

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) A person engaged in teaching biology as a faculty
14 member of a college, university, or other educational
15 institution located in this state. This exemption does not
16 allow such person to engage in the practice of professional
17 biology except as directly related to his or her teaching
18 duties.
19 (c) Persons engaged in biological research that does
20 not affect the health, safety, or welfare of the public.
21 (d) Employees of a business or corporation not engaged
22 in the practice of professional biology as such, whose
23 practice of professional biology for the business or
24 corporation is limited to the operation of biological systems
25 or works.
26 (e) Any person, as a contractor, in the execution of
27 work designed by a professional biologist or, as a foreman or
28 superintendent, in the supervision of the construction of such
29 work. This exemption does not entitle a contractor to certify
30 that completed construction conforms to the design prepared by
31 a professional biologist.

1 (3) The following persons are specifically exempt from
2 regulation under this chapter:

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.
31

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 December 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 February 1, 1999, the board shall initiate
26 rulemaking for a rule establishing a code of ethics for
27 practice as a professional 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.--

31

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

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

17 (b) The initial license fee for individual licensees
18 or certificates of authorization may not exceed \$250.

19 (c) The grandfather processing fee shall be \$250.

20 (d) The examination fee may not exceed \$300 plus the
21 cost of any national examination.

22 (e) The renewal fee or reactivation fee for individual
23 licensees or certificates of authorization may not exceed
24 \$250.

25 (f) The late renewal may not exceed \$150.

26 (g) The application fee for continuing education
27 providers seeking approval may not exceed \$200, and the fee
28 for renewal of provider authorization may not exceed \$100.

29 (2) All moneys collected by the department from fees
30 authorized by this chapter shall be paid into the Professional
31 Regulation Trust Fund in the department and shall be applied

1 in accordance with ss. 215.37 and 455.219. The Legislature may
2 appropriate any excess moneys from the trust fund to the
3 General Revenue Fund.

4 (3) The department, with the advice of the board,
5 shall prepare and submit a proposed budget in accordance with
6 law.

7 485.0115 Licensure; requirements.--

8 (1) Any person desiring to be licensed as a
9 professional biologist must apply to the department. Each
10 applicant must:

11 (a) Complete the application form and remit the
12 application fee.

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

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

18 (d) Agree to abide by the code of ethics adopted by
19 the board.

20 (2) The department shall issue a license to practice
21 professional biology to any person who has done all of the
22 following:

23 (a) Paid the appropriate license fee.

24 (b) Been certified by the board as qualified to
25 practice professional biology.

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

29 (d) Provided proof of a minimum of an equivalent of 5
30 years of full-time experience in the performance of the
31 activities of professional biology.

1 (3) The department may not issue a license to any
2 applicant who:
3 (a) Is under investigation in any jurisdiction for an
4 offense that would constitute a violation of this chapter;
5 however, upon completion of the investigation, the
6 disciplinary provisions of s. 485.027 shall apply.
7 (b) Is not qualified for licensure, as determined by
8 the board based upon credentials of the applicant and other
9 documents provided by the applicant.
10 485.013 Licensure by endorsement; requirements.--
11 (1) The department shall issue a license by
12 endorsement to any applicant who, upon applying to the
13 department and remitting an application fee, the board has
14 certified:
15 (a) Is at least 18 years of age;
16 (b) Holds an active valid license in a least one
17 jurisdiction in the United States in which the current
18 requirements for licensure are equivalent to or more stringent
19 than those in this chapter; and
20 (c) Has not committed an act or offense in any
21 jurisdiction which would constitute the basis for disciplining
22 a professional biologist licensed under this chapter.
23 (2) The department may not issue a license to any
24 applicant who:
25 (a) Is under investigation in any jurisdiction for an
26 offense that would constitute a violation of this chapter;
27 however, upon completion of the investigation, the
28 disciplinary provisions of s. 485.027 shall apply.
29 (b) Is not qualified for licensure, as determined by
30 the board based upon credentials of the applicant and other
31 documents provided by the applicant.

1 485.015 Temporary license.--The board shall issue a
2 temporary license to any qualified biologist who is a resident
3 of a jurisdiction of the United States in which there are no
4 licensing requirements for professional biologists or in which
5 such licensing requirements do not meet the standards for
6 reciprocity, which shall be issued for the purpose of
7 permitting the biologist to practice temporarily within this
8 state and which shall be limited to specific projects as
9 denoted in the application for the temporary license. The
10 board, by rule, shall establish specific criteria and fees for
11 the issuance and use of temporary licenses, but in doing so
12 must ensure that nonresident professionals are not unduly
13 restricted and resident licensees are not unduly
14 disadvantaged. The criteria established must be equivalent to
15 or more stringent than the requirements set forth under s.
16 485.035 and must include the criteria of ethical conduct and
17 discipline. A temporary license shall be terminated and
18 transferred to reciprocal status upon the adoption of adequate
19 licensing requirements by the professional biologist's home
20 jurisdiction once the board has determined that reciprocal
21 status is appropriate. A temporary license is valid for a
22 period of 6 months and renewable for an additional 6 months.
23 An individual applying for a third temporary license in any
24 5-year period shall be deemed to be commonly practicing
25 professional biology within this state and shall be referred
26 to, and must make application through, the standard licensing
27 procedure.

28 485.017 Renewal of license; address of primary place
29 of practice; continuing education.--

30 (1) The department shall renew a license upon receipt
31 of the renewal application and fee, provided the licensee has

1 not committed any act or offense which would constitute the
2 basis for discipline under this chapter or any rule adopted
3 pursuant to this chapter.

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

6 (3) Prior to engaging in practice, a licensee must
7 have on file with the department the address of his or her
8 primary place of practice within the state. Prior to changing
9 the address of his or her primary place of practice, whether
10 or not within this state, the licensee must notify the
11 department of the address of his or her new primary place of
12 practice.

13 (4) The board may require that every person licensed
14 as a professional biologist under this chapter must complete
15 up to 24 classroom hours in approved continuing education in
16 the 24 months preceding each biennial renewal period as
17 established by the department. For the purpose of this
18 subsection, each hour spent in a continuing education course
19 shall equal one continuing education classroom hour. The board
20 shall maintain a list of approved continuing education
21 courses, instructors, and providers.

22 485.019 Inactive status.--A license which has become
23 inactive may be reactivated under s. 485.017 upon application
24 to the department, provided the licensee has not committed any
25 act or offense which would constitute the basis for discipline
26 under this chapter or any rule adopted pursuant to this
27 chapter. The board shall prescribe by rule continuing
28 education requirements for reactivating a license. However,
29 the continuing education requirements for reactivating a
30 license may not exceed 12 classroom hours for each year the
31 license was inactive.

1 485.0215 Practice of professional biology by
2 corporation, partnership, association, or person practicing
3 under a fictitious name; certificate of authorization.--
4 (1) The practice of, or the offer to practice,
5 professional biology by licensees through a corporation or
6 partnership offering professional biology services to the
7 public or by a corporation or partnership offering such
8 services to the public through licensees under this chapter as
9 agents, employees, officers, or partners is permitted only if
10 the firm possesses a certificate of authorization issued by
11 the department pursuant to qualification by the board, subject
12 to the provisions of this chapter. One or more of the
13 principal officers or employees of the corporation or one or
14 more partners or employees of the partnership and all
15 supervisory personnel of the corporation or partnership who
16 act on its behalf as professional biologists in this state
17 must be licensed as provided by this chapter. Nothing in this
18 section shall be construed to mean that a certificate of
19 authorization to practice professional biology shall be held
20 by a corporation. Nothing in this section prohibits
21 corporations and partnerships from joining together to offer
22 professional biology services to the public, provided each
23 corporation or partnership otherwise meets the requirements of
24 this section. No corporation or partnership shall be relieved
25 of responsibility for the conduct or acts of its agents,
26 employees, or officers by reason of its compliance with this
27 section, nor shall any individual practicing professional
28 biology be relieved of responsibility for professional
29 services performed by reason of his or her employment or
30 relationship with a corporation or partnership.
31

1 (2) For the purposes of this section, a certificate of
2 authorization shall be required for a corporation,
3 partnership, association, or person practicing under a
4 fictitious name to offer professional biology services to the
5 public. However, when an individual is practicing professional
6 biology in his or her own given name, the individual is not
7 required to hold a certificate of authorization under this
8 section.

9 (3) The fact that a licensed professional biologist
10 practices through a corporation or partnership does not
11 relieve the licensee from personal liability for negligence,
12 misconduct, or wrongful acts committed by the licensee.
13 Partnerships and all partners shall be jointly and severally
14 liable for the negligence, misconduct, or wrongful acts
15 committed by their agents, employees, or partners while acting
16 in a professional capacity. Any officer, agent, or employee of
17 a corporation shall be personally liable and accountable only
18 for negligent acts, wrongful acts, or misconduct committed by
19 such person or committed by any person under the direct
20 supervision and control of such person, while rendering
21 professional services on behalf of the corporation. The
22 personal liability of a shareholder of a corporation, in his
23 or her capacity as shareholder, shall be no greater than that
24 of a shareholder-employee of a corporation incorporated under
25 chapter 607. The corporation shall be liable up to the full
26 value of its property for any negligent acts, wrongful acts,
27 or misconduct committed by any of its officers, agents, or
28 employees while they are engaged on behalf of the corporation
29 in the rendering of professional services.

30 (4) Each certificate of authorization must be renewed
31 every 2 years. Each partnership and corporation certified

1 under this section must notify the board within 1 month after
2 any change in the information contained in the application
3 upon which the certification is based.

4 (5) Disciplinary action against a corporation or
5 partnership shall be administered in the same manner and on
6 the same grounds as disciplinary action against a licensed
7 professional biologist.

8 485.023 Signing or authentication of plans and other
9 documents.--The board shall provide by rule for the method of
10 signing or authenticating plans, papers, reports, and other
11 documents, which may be by hand or by electronic or other
12 means.

13 485.025 Prohibitions; penalties.--

14 (1) No person shall knowingly:

15 (a) Practice professional biology unless the person is
16 licensed under this chapter.

17 (b) Use the name or title "licensed professional
18 biologist" or any other title, designation, words, letters,
19 abbreviations, or device tending to indicate that the person
20 holds an active license as a professional biologist when the
21 person is not licensed under this chapter.

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

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

25 (e) Use or attempt to use a license which has been
26 suspended, revoked, or placed on inactive or delinquent
27 status.

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

30 (g) Conceal information relative to any violation of
31 this chapter.

1 (2) A person who violates any provision of subsection
2 (1) commits a misdemeanor of the first degree, punishable as
3 provided in s. 775.082 or s. 775.083.
4 (3) The board may adopt rules prescribing additional
5 rules of conduct for professional biologists, violation of
6 which may be punished pursuant to s. 485.027.
7 485.027 Disciplinary proceedings.--
8 (1) The following acts constitute grounds for which
9 the disciplinary actions in subsection (3) may be taken:
10 (a) Violation of any provision of s. 485.025 or s.
11 455.227(1) or any other provision of this chapter.
12 (b) Violation of any rule adopted by the board
13 pursuant to this chapter.
14 (c) Attempting to procure a license to practice
15 professional biology by bribery or fraudulent
16 misrepresentation.
17 (d) Having a license to practice professional biology
18 revoked, suspended, or otherwise acted against, including the
19 denial of licensure by the licensing authority of another
20 state, territory, or country.
21 (e) Being convicted or found guilty of, or entering a
22 plea of nolo contendere to, regardless of adjudication, a
23 crime in any jurisdiction which directly relates to the
24 practice of professional biology or the ability to practice
25 professional biology.
26 (f) Making or filing a report or record which the
27 licensee knows to be false, willfully failing to file a report
28 or record required by state or federal law, willfully impeding
29 or obstructing such filing, or inducing another person to
30 impede or obstruct such filing. Such reports or records shall
31

- 1 include only those which are signed in the capacity of a
2 licensed professional biologist.
- 3 (g) Advertising professional biology services in a
4 manner which is fraudulent, false, deceptive, or misleading in
5 form or content.
- 6 (h) Engaging in fraud or deceit, negligence,
7 incompetence, or misconduct, in the practice of professional
8 biology.
- 9 (i) Violation of chapter 455.
- 10 (j) Practicing on a revoked, suspended, inactive, or
11 delinquent license.
- 12 (k) Affixing or permitting to be affixed his or her
13 seal or name to any professional biology papers, reports, or
14 documents that were not prepared by him or her or under his or
15 her responsible supervision, direction, or control.
- 16 (l) Violating a rule of the department or any order of
17 the department previously entered in a disciplinary hearing.
- 18 (2) The department, by rule, shall specify what acts
19 or omissions constitute a violation of subsection (1).
- 20 (3) When the department finds a person guilty of any
21 of the grounds set forth in subsection (1), it may enter an
22 order imposing one or more of the following penalties:
- 23 (a) Denial of an application for licensure.
24 (b) Revocation or suspension of a license.
25 (c) Imposition of an administrative fine not to exceed
26 \$5,000 for each count or separate offense.
- 27 (d) Issuance of a reprimand.
28 (e) Placement of the licensee on probation for a
29 period of time and subject to such conditions as the
30 department may specify.
31

1 (f) Restriction of the authorized scope of practice by
2 the licensee.

3 (4) The department shall, after revocation, reissue
4 the license of a professional biologist or the certificate of
5 authorization of a business upon certification by the board
6 that the disciplined person or business has complied with all
7 of the terms and conditions set forth in the final order.

8 485.029 Prosecution of criminal violations.--The board
9 shall report any criminal violation of this chapter to the
10 proper prosecuting authority for prompt prosecution.

11 485.0315 Effect of chapter locally.--

12 (1) Nothing contained in this chapter may be construed
13 to repeal, amend, limit, or otherwise affect any local
14 building code or zoning law or ordinance, now or hereafter
15 enacted, which is more restrictive with respect to the
16 services of licensed professional biologists than the
17 provisions of this chapter.

18 (2) In counties or municipalities which issue building
19 permits, such permits may not be issued in any case in which
20 it is apparent from the application for such building permit
21 that the provisions of this chapter have been violated.
22 However, this does not authorize the withholding of building
23 permits in any cases within the exempt classes set forth in
24 this chapter.

25 485.033 Construction of chapter.--Nothing in this
26 chapter may be construed to restrict, prevent, or prohibit the
27 practice of any profession or trade for which a license is
28 required under any other law of this state, including the
29 practice by licensed professional engineers, licensed
30 professional geologists, licensed landscape architects, or
31 licensed surveyors and mappers. Nothing in this chapter may be

1 construed in any manner so as to reduce the need for surveys
2 of ecological features as required under current law to
3 continue to be conducted by a surveyor and mapper licensed
4 under chapter 472.

5 485.035 Grandfathering.--Prior to December 1, 1998,
6 the board shall initiate a program to award licenses to
7 applicants who meet the licensing requirements of this
8 chapter. Prior to July 1, 1999, the board shall initiate a
9 program to award licenses to applicants who substantially meet
10 the licensing requirements of this chapter but fail to meet
11 the formal educational requirements, recognizing that life
12 experience may be substituted for these requirements, provided
13 that adequate testimonials to the quality of the applicant's
14 past performance are received with the application. The
15 grandfathering provisions of this section shall also accept
16 proof of having completed a minimum of 5 cumulative years of
17 experience in a position of responsible charge of professional
18 biology work or a minimum of 5 cumulative years of general
19 experience in professional biology work as having met the
20 requirements of s. 485.0115(2)(d), provided that adequate
21 testimonials to the quality of the applicant's past
22 performance are received with the application. No other
23 requirements may be modified in considering the award of
24 licenses under the grandfathering provisions of this section.
25 Applications may not be accepted under this section after
26 September 1, 1999; and licenses may not be awarded under this
27 section after March 1, 2000. Notwithstanding any other
28 provision of this chapter, any person who is practicing as a
29 professional biologist as of July 1, 1998, and who applies to
30 be grandfathered into licensure pursuant to this section, may
31 continue to practice professional biology until July 1, 1999,

1 or until the board has made a final rejection of his or her
2 application, whichever occurs first. The board may grant an
3 extension of the time the unlicensed professional biologist is
4 allowed to practice, not to exceed 6 additional months.

5 Section 2. Paragraph (a) of subsection (4) of section
6 20.165, Florida Statutes, is amended to read:

7 20.165 Department of Business and Professional
8 Regulation.--There is created a Department of Business and
9 Professional Regulation.

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

12 1. Board of Architecture and Interior Design, created
13 under part I of chapter 481.

14 2. Florida Board of Auctioneers, created under part VI
15 of chapter 468.

16 3. Barbers' Board, created under chapter 476.

17 4. Florida Building Code Administrators and Inspectors
18 Board, created under part XIII of chapter 468.

19 5. Construction Industry Licensing Board, created
20 under part I of chapter 489.

21 6. Board of Cosmetology, created under chapter 477.

22 7. Electrical Contractors' Licensing Board, created
23 under part II of chapter 489.

24 8. Board of Employee Leasing Companies, created under
25 part XI of chapter 468.

26 9. Board of Funeral Directors and Embalmers, created
27 under chapter 470.

28 10. Board of Landscape Architecture, created under
29 part II of chapter 481.

30 11. Board of Pilot Commissioners, created under
31 chapter 310.

1 12. Board of Professional Biologists, created under
2 chapter 485.
3 ~~13.12.~~ Board of Professional Engineers, created under
4 chapter 471.
5 ~~14.13.~~ Board of Professional Geologists, created under
6 chapter 492.
7 ~~15.14.~~ Board of Professional Surveyors and Mappers,
8 created under chapter 472.
9 ~~16.15.~~ Board of Veterinary Medicine, created under
10 chapter 474.
11 Section 3. This act shall take effect July 1 of the
12 year in which enacted.
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