

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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5			ORIGINAL STAMP BELOW
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11	Representative(s) Brown and Ogles offered the following:		
12			
13	Substitute Amendment for Amendment (772733) (with title		
14	amendment)		
15	Remove from the bill: Everything after the enacting clause		
16			
17	and insert in lieu thereof:		
18	Section 1. Subsections (3) and (4) of section 11.62,		
19	Florida Statutes, are amended to read:		
20	11.62 Legislative review of proposed regulation of		
21	unregulated functions.--		
22	(3) In determining whether to regulate a profession or		
23	occupation, the Legislature shall consider the following		
24	factors:		
25	(a) Whether the unregulated practice of the profession		
26	or occupation will substantially harm or endanger the public		
27	health, safety, or welfare, and whether the potential for harm		
28	is recognizable and not remote;		
29	(b) Whether the practice of the profession or		
30	occupation requires specialized skill or training, and whether		
31	that skill or training is readily measurable or quantifiable		

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1 so that examination or training requirements would reasonably
2 assure initial and continuing professional or occupational
3 ability;

4 (c) Whether the regulation will have an unreasonable
5 effect on job creation or job retention in the state or will
6 place unreasonable restrictions on the ability of individuals
7 who seek to practice or who are practicing a given profession
8 or occupation to find employment;

9 (d)(c) Whether the public is or can be effectively
10 protected by other means; and

11 (e)(d) Whether the overall cost-effectiveness and
12 economic impact of the proposed regulation, including the
13 indirect costs to consumers, will be favorable.

14 (4) The proponents of legislation that provides for
15 the regulation of a profession or occupation not already
16 expressly subject to state regulation shall provide, upon
17 request, the following information in writing to the state
18 agency that is proposed to have jurisdiction over the
19 regulation and to the legislative committees to which the
20 legislation is referred:

21 (a) The number of individuals or businesses that would
22 be subject to the regulation;

23 (b) The name of each association that represents
24 members of the profession or occupation, together with a copy
25 of its codes of ethics or conduct;

26 (c) Documentation of the nature and extent of the harm
27 to the public caused by the unregulated practice of the
28 profession or occupation, including a description of any
29 complaints that have been lodged against persons who have
30 practiced the profession or occupation in this state during
31 the preceding 3 years;

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1 (d) A list of states that regulate the profession or
2 occupation, and the dates of enactment of each law providing
3 for such regulation and a copy of each law;

4 (e) A list and description of state and federal laws
5 that have been enacted to protect the public with respect to
6 the profession or occupation and a statement of the reasons
7 why these laws have not proven adequate to protect the public;

8 (f) A description of the voluntary efforts made by
9 members of the profession or occupation to protect the public
10 and a statement of the reasons why these efforts are not
11 adequate to protect the public;

12 (g) A copy of any federal legislation mandating
13 regulation;

14 (h) An explanation of the reasons why other types of
15 less restrictive regulation would not effectively protect the
16 public;

17 (i) The cost, availability, and appropriateness of
18 training and examination requirements;

19 (j)~~(i)~~ The cost of regulation, including the indirect
20 cost to consumers, and the method proposed to finance the
21 regulation;

22 (k) The cost imposed on applicants or practitioners or
23 on employers of applicants or practitioners as a result of the
24 regulation;

25 (l)~~(j)~~ The details of any previous efforts in this
26 state to implement regulation of the profession or occupation;
27 and

28 (m)~~(k)~~ Any other information the agency or the
29 committee considers relevant to the analysis of the proposed
30 legislation.

31 Section 2. Subsection (4) of section 455.201, Florida

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1 Statutes, is amended to read:

2 455.201 Professions and occupations regulated by
3 department; legislative intent; requirements.--

4 (4)(a) Neither the department nor any board may ~~No~~
5 ~~board, nor the department, shall~~ create unreasonably
6 restrictive and extraordinary standards that deter qualified
7 persons from entering the various professions. Neither the
8 department nor any board may ~~No board, nor the department,~~
9 ~~shall~~ take any action that ~~which~~ tends to create or maintain
10 an economic condition that unreasonably restricts competition,
11 except as specifically provided by law.

12 (b) Neither the department nor any board may create a
13 regulation that has an unreasonable effect on job creation or
14 job retention in the state or that places unreasonable
15 restrictions on the ability of individuals who seek to
16 practice or who are practicing a given profession or
17 occupation to find employment.

18 (c) The Legislature shall evaluate proposals to
19 increase regulation of already regulated professions or
20 occupations to determine their effect on job creation or
21 retention and employment opportunities.

22 Section 3. Subsection (4) of section 455.517, Florida
23 Statutes, is amended to read:

24 455.517 Professions and occupations regulated by
25 department; legislative intent; requirements.--

26 (4)(a) Neither the department nor any board may ~~No~~
27 ~~board, nor the department, shall~~ create unreasonably
28 restrictive and extraordinary standards that deter qualified
29 persons from entering the various professions. Neither the
30 department nor any board may ~~No board, nor the department,~~
31 ~~shall~~ take any action that ~~which~~ tends to create or maintain

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1 an economic condition that unreasonably restricts competition,
2 except as specifically provided by law.

3 (b) Neither the department nor any board may create a
4 regulation that has an unreasonable effect on job creation or
5 job retention in the state or that places unreasonable
6 restrictions on the ability of individuals who seek to
7 practice or who are practicing a profession or occupation to
8 find employment.

9 (c) The Legislature shall evaluate proposals to
10 increase the regulation of regulated professions or
11 occupations to determine the effect of increased regulation on
12 job creation or retention and employment opportunities.

13 Section 4. Section 455.2035, Florida Statutes, is
14 created to read:

15 455.2035 Rulemaking authority for professions not
16 under a board.--The department may adopt rules pursuant to ss.
17 120.54 and 120.536(1) to implement the regulatory requirements
18 of any profession within the department's jurisdiction which
19 does not have a statutorily authorized regulatory board.

20 Section 5. Section 455.2123, Florida Statutes, is
21 created to read:

22 455.2123 Continuing education.--A board, or the
23 department when there is no board, may provide by rule that
24 distance learning may be used to satisfy continuing education
25 requirements.

26 Section 6. Section 455.2124, Florida Statutes, is
27 created to read:

28 455.2124 Proration of continuing education.--A board,
29 or the department when there is no board, may:

30 (1) Prorate continuing education for new licensees by
31 requiring half of the required continuing education for any

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1 applicant who becomes licensed with more than half the renewal
2 period remaining and no continuing education for any applicant
3 who becomes licensed with half or less than half of the
4 renewal period remaining; or

5 (2) Require no continuing education until the first
6 full renewal cycle of the licensee.

7
8 These options shall also apply when continuing education is
9 first required or the number of hours required is increased by
10 law or the board, or the department when there is no board.

11 Section 7. Subsection (10) is added to section
12 455.213, Florida Statutes, 1998 Supplement, to read:

13 455.213 General licensing provisions.--

14 (10) For any profession requiring fingerprints as part
15 of the registration, certification, or licensure process or
16 for any profession requiring a criminal history record check
17 to determine good moral character, a fingerprint card
18 containing the fingerprints of the applicant must accompany
19 all applications for registration, certification, or
20 licensure. The fingerprint card shall be forwarded to the
21 Division of Criminal Justice Information Systems within the
22 Department of Law Enforcement for purposes of processing the
23 fingerprint card to determine if the applicant has a criminal
24 history record. The fingerprint card shall also be forwarded
25 to the Federal Bureau of Investigation for purposes of
26 processing the fingerprint card to determine if the applicant
27 has a criminal history record. The information obtained by the
28 processing of the fingerprint card by the Florida Department
29 of Law Enforcement and the Federal Bureau of Investigation
30 shall be sent to the department for the purpose of determining
31 if the applicant is statutorily qualified for registration,

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1 certification, or licensure.

2 Section 8. Paragraph (e) of subsection (2) of section
3 468.453, Florida Statutes, 1998 Supplement, is amended to
4 read:

5 468.453 Licensure required; qualifications;
6 examination; bond.--

7 (2) A person shall be licensed as an athlete agent if
8 the applicant:

9 (e) ~~Has provided sufficient information which must be~~
10 ~~submitted to by the department a fingerprint card for a~~
11 ~~criminal history records check through the Federal Bureau of~~
12 ~~Investigation. The fingerprint card shall be forwarded to the~~
13 ~~Division of Criminal Justice Information Systems within the~~
14 ~~Department of Law Enforcement for purposes of processing the~~
15 ~~fingerprint card to determine if the applicant has a criminal~~
16 ~~history record. The fingerprint card shall also be forwarded~~
17 ~~to the Federal Bureau of Investigation for purposes of~~
18 ~~processing the fingerprint card to determine if the applicant~~
19 ~~has a criminal history record. The information obtained by the~~
20 ~~processing of the fingerprint card by the Florida Department~~
21 ~~of Law Enforcement and the Federal Bureau of Investigation~~
22 ~~shall be sent to the department for the purpose of determining~~
23 ~~if the applicant is statutorily qualified for licensure.~~

24 Section 9. Paragraph (a) of subsection (1) of section
25 475.175, Florida Statutes, is amended to read:

26 475.175 Examinations.--

27 (1) A person shall be entitled to take the license
28 examination to practice in this state if the person:

29 (a) Submits to the department the appropriate
30 notarized application and fee, two photographs of herself or
31 himself taken within the preceding year, and a fingerprint

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1 card. The fingerprint card shall be forwarded to the Division
2 of Criminal Justice Information Systems within the Department
3 of Law Enforcement for purposes of processing the fingerprint
4 card to determine if the applicant has a criminal history
5 record. The fingerprint card shall also be forwarded to the
6 Federal Bureau of Investigation for purposes of processing the
7 fingerprint card to determine if the applicant has a criminal
8 history record. The information obtained by the processing of
9 the fingerprint card by the Florida Department of Law
10 Enforcement and the Federal Bureau of Investigation shall be
11 sent to the department for the purpose of determining if the
12 applicant is statutorily qualified for examination.

13 ~~fingerprints for processing through appropriate law~~
14 ~~enforcement agencies/ and~~

15 Section 10. Subsection (3) of section 475.615, Florida
16 Statutes, 1998 Supplement, is amended to read:

17 475.615 Qualifications for registration, licensure, or
18 certification.--

19 (3) Appropriate fees, as set forth in the rules of the
20 board pursuant to s. 475.6147, and a fingerprint card
21 ~~fingerprints for processing through appropriate law~~
22 ~~enforcement agencies~~ must accompany all applications for
23 registration, ~~licensure, and~~ certification, or licensure. The
24 fingerprint card shall be forwarded to the Division of
25 Criminal Justice Information Systems within the Department of
26 Law Enforcement for purposes of processing the fingerprint
27 card to determine if the applicant has a criminal history
28 record. The fingerprint card shall also be forwarded to the
29 Federal Bureau of Investigation for purposes of processing the
30 fingerprint card to determine if the applicant has a criminal
31 history record. The information obtained by the processing of

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1 the fingerprint card by the Florida Department of Law
2 Enforcement and the Federal Bureau of Investigation shall be
3 sent to the department for the purpose of determining if the
4 applicant is statutorily qualified for registration,
5 certification, or licensure.

6 Section 11. Section 455.2255, Florida Statutes, is
7 created to read:

8 455.2255 Classification of disciplinary actions.--

9 (1) A licensee may petition the department to review a
10 disciplinary incident to determine whether the specific
11 violation meets the standard of a minor violation as set forth
12 in s. 455.225(3). If the circumstances of the violation meet
13 that standard and 2 years have passed since the issuance of a
14 final order imposing discipline, the department shall
15 reclassify that violation as inactive if the licensee has not
16 been disciplined for any subsequent minor violation of the
17 same nature. After the department has reclassified the
18 violation as inactive, it is no longer considered to be part
19 of the licensee's disciplinary record, and the licensee may
20 lawfully deny or fail to acknowledge the incident as a
21 disciplinary action.

22 (2) The department may establish a schedule
23 classifying violations according to the severity of the
24 violation. After the expiration of set periods of time, the
25 department may provide for such disciplinary records to become
26 inactive, according to their classification. After the
27 disciplinary record has become inactive, the department may
28 clear the violation from the disciplinary record and the
29 subject person or business may lawfully deny or fail to
30 acknowledge such disciplinary actions. The department may
31 adopt rules to implement this subsection.

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1 (3) Notwithstanding s. 455.017, this section applies
2 to the disciplinary records of all persons or businesses
3 licensed by the department.

4 Section 12. Subsection (3) of section 455.227, Florida
5 Statutes, is amended to read:

6 455.227 Grounds for discipline; penalties;
7 enforcement.--

8 (3)(a) In addition to any other discipline imposed
9 pursuant to this section or discipline imposed for a violation
10 of any practice act, the board, or the department when there
11 is no board, may assess costs related to the investigation and
12 prosecution of the case excluding costs associated with an
13 attorney's time.

14 (b) In any case where the board or the department
15 imposes a fine or assessment and the fine or assessment is not
16 paid within a reasonable time, such reasonable time to be
17 prescribed in the rules of the board, or the department when
18 there is no board, or in the order assessing such fines or
19 costs, the department or the Department of Legal Affairs may
20 contract for the collection of, or bring a civil action to
21 recover, the fine or assessment.

22 (c) The department shall not issue or renew a license
23 to any person against whom or business against which the board
24 has assessed a fine, interest, or costs associated with
25 investigation and prosecution until the person or business has
26 paid in full such fine, interest, or costs associated with
27 investigation and prosecution or until the person or business
28 complies with or satisfies all terms and conditions of the
29 final order.

30 Section 13. Paragraph (k) of subsection (2) of section
31 455.557, Florida Statutes, is amended to read:

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1 455.557 Standardized credentialing for health care
2 practitioners.--
3 (2) DEFINITIONS.--As used in this section, the term:
4 (k) "Health care practitioner" means any person
5 licensed, or, for credentialing purposes only, any person
6 applying for licensure, under chapter 458, chapter 459,
7 chapter 460, or chapter 461 or any person licensed or applying
8 for licensure under a chapter subsequently made subject to
9 this section by the department with the approval of the
10 applicable board, except a person registered or applying for
11 registration pursuant to ss. 458.345 or 459.021.
12 Section 14. Subsection (6) of section 455.564, Florida
13 Statutes, 1998 Supplement, is amended to read:
14 455.564 Department; general licensing provisions.--
15 (6) As a condition of renewal of a license, the Board
16 of Medicine, the Board of Osteopathic Medicine, the Board of
17 Chiropractic Medicine, and the Board of Podiatric Medicine
18 shall each require licensees which they respectively regulate
19 to periodically demonstrate their professional competency by
20 completing at least 40 hours of continuing education every 2
21 years, ~~which may include up to 1 hour of risk management or~~
22 ~~cost containment and up to 2 hours of other topics related to~~
23 ~~the applicable medical specialty, if required by board rule.~~
24 The boards may require by rule that up to 1 hour of the
25 required 40 or more hours be in the area of risk management or
26 cost containment. This provision shall not be construed to
27 limit the number of hours that a licensee may obtain in risk
28 management or cost containment to be credited toward
29 satisfying the 40 or more required hours. This provision shall
30 not be construed to require the boards to impose any
31 requirement on licensees except for the completion of at least

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1 40 hours of continuing education every 2 years.Each of such
2 boards shall determine whether any specific continuing
3 education ~~course~~ requirements not otherwise mandated by law
4 shall be mandated and shall approve criteria for, and the
5 content of, any continuing education ~~course~~ mandated by such
6 board. Notwithstanding any other provision of law, the board,
7 or the department when there is no board, may approve by rule
8 alternative methods of obtaining continuing education credits
9 in risk management. The alternative methods may include
10 attending a board meeting at which another ~~a~~ licensee is
11 disciplined, serving as a volunteer expert witness for the
12 department in a disciplinary case, or serving as a member of a
13 probable cause panel following the expiration of a board
14 member's term. Other boards within the Division of Medical
15 Quality Assurance, or the department if there is no board, may
16 adopt rules granting continuing education hours in risk
17 management for attending a board meeting at which another
18 licensee is disciplined, for serving as a volunteer expert
19 witness for the department in a disciplinary case, or for
20 serving as a member of a probable cause panel following the
21 expiration of a board member's term.

22 Section 15. Subsection (1) of section 455.565, Florida
23 Statutes, 1998 Supplement, is amended to read:

24 455.565 Designated health care professionals;
25 information required for licensure.--

26 (1) Each person who applies for initial licensure as a
27 physician under chapter 458, chapter 459, chapter 460, or
28 chapter 461, except a person applying for registration
29 pursuant to ss. 458.345 and 459.021 must, at the time of
30 application, and each physician who applies for license
31 renewal under chapter 458, chapter 459, chapter 460, or

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1 chapter 461, except a person registered pursuant to ss.
2 458.345 and 459.021 must, in conjunction with the renewal of
3 such license and under procedures adopted by the Department of
4 Health, and in addition to any other information that may be
5 required from the applicant, furnish the following information
6 to the Department of Health:

7 (a)1. The name of each medical school that the
8 applicant has attended, with the dates of attendance and the
9 date of graduation, and a description of all graduate medical
10 education completed by the applicant, excluding any coursework
11 taken to satisfy medical licensure continuing education
12 requirements.

13 2. The name of each hospital at which the applicant
14 has privileges.

15 3. The address at which the applicant will primarily
16 conduct his or her practice.

17 4. Any certification that the applicant has received
18 from a specialty board that is recognized by the board to
19 which the applicant is applying.

20 5. The year that the applicant began practicing
21 medicine.

22 6. Any appointment to the faculty of a medical school
23 which the applicant currently holds and an indication as to
24 whether the applicant has had the responsibility for graduate
25 medical education within the most recent 10 years.

26 7. A description of any criminal offense of which the
27 applicant has been found guilty, regardless of whether
28 adjudication of guilt was withheld, or to which the applicant
29 has pled guilty or nolo contendere. A criminal offense
30 committed in another jurisdiction which would have been a
31 felony or misdemeanor if committed in this state must be

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1 reported. If the applicant indicates that a criminal offense
2 is under appeal and submits a copy of the notice for appeal of
3 that criminal offense, the department must state that the
4 criminal offense is under appeal if the criminal offense is
5 reported in the applicant's profile. If the applicant
6 indicates to the department that a criminal offense is under
7 appeal, the applicant must, upon disposition of the appeal,
8 submit to the department a copy of the final written order of
9 disposition.

10 8. A description of any final disciplinary action
11 taken within the previous 10 years against the applicant by
12 the agency regulating the profession that the applicant is or
13 has been licensed to practice, whether in this state or in any
14 other jurisdiction, by a specialty board that is recognized by
15 the American Board of Medical Specialities, the American
16 Osteopathic Association, or a similar national organization,
17 or by a licensed hospital, health maintenance organization,
18 prepaid health clinic, ambulatory surgical center, or nursing
19 home. Disciplinary action includes resignation from or
20 nonrenewal of medical staff membership or the restriction of
21 privileges at a licensed hospital, health maintenance
22 organization, prepaid health clinic, ambulatory surgical
23 center, or nursing home taken in lieu of or in settlement of a
24 pending disciplinary case related to competence or character.
25 If the applicant indicates that the disciplinary action is
26 under appeal and submits a copy of the document initiating an
27 appeal of the disciplinary action, the department must state
28 that the disciplinary action is under appeal if the
29 disciplinary action is reported in the applicant's profile.

30 (b) In addition to the information required under
31 paragraph (a), each applicant who seeks licensure under

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1 chapter 458, chapter 459, or chapter 461, and who has
2 practiced previously in this state or in another jurisdiction
3 or a foreign country must provide the information required of
4 licensees under those chapters pursuant to s. 455.697. An
5 applicant for licensure under chapter 460 who has practiced
6 previously in this state or in another jurisdiction or a
7 foreign country must provide the same information as is
8 required of licensees under chapter 458, pursuant to s.
9 455.697.

10 Section 16. Section 455.601, Florida Statutes is
11 amended to read:

12 455.601 Hepatitis B or human immunodeficiency
13 carriers.--

14 (1) The department and each appropriate board within
15 the Division of Medical Quality Assurance shall have the
16 authority to establish procedures to handle, counsel, and
17 provide other services to health care professionals within
18 their respective boards who are infected with hepatitis B or
19 the human immunodeficiency virus.

20 (2) Any person licensed by the department and any
21 other person employed by a health care facility who contracts
22 a blood-borne infection shall have a rebuttable presumption
23 that the illness was contracted in the course and scope of his
24 or her employment, provided that the person, as soon as
25 practicable, reports to the person's supervisor or the
26 facility's risk manager any significant exposure, as that term
27 is defined in s. 381.004(2)(c), to blood or body fluids. The
28 employer may test the blood or body fluid to determine if it
29 is infected with the same disease contracted by the employee.
30 The employer may rebut the presumption by the preponderance of
31 the evidence. Except as expressly provided in this

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1 subsection, there shall be no presumption that a blood-borne
2 infection is a job-related injury or illness.

3 Section 17. Subsections (4) and (6) of section
4 477.013, Florida Statutes, 1998 Supplement, are amended, and
5 subsections (12) and (13) are added to that section, to read:

6 477.013 Definitions.--As used in this chapter:

7 (4) "Cosmetology" means the mechanical or chemical
8 treatment of the head, face, and scalp for aesthetic rather
9 than medical purposes, including, but not limited to, hair
10 shampooing, hair cutting, hair arranging, hair coloring,
11 permanent waving, and hair relaxing, hair removing, pedicuring,
12 and manicuring, for compensation. This term also includes
13 performing hair removal, including wax treatments, manicures,
14 pedicures, and skin-care services.

15 (6) "Specialty" means the practice of one or more of
16 the following:

17 (a) Manicuring, or the cutting, polishing, tinting,
18 coloring, cleansing, adding, or extending of the nails, and
19 massaging of the hands. This term includes any procedure or
20 process for the affixing of artificial nails, except those
21 nails which may be applied solely by use of a simple adhesive.

22 (b) Pedicuring, or the shaping, polishing, tinting, or
23 cleansing of the nails of the feet, and massaging or
24 beautifying of the feet.

25 (c) Facials, or the massaging or treating of the face
26 or scalp with oils, creams, lotions, or other preparations,
27 and skin care services.

28 (12) "Body wrapping" means a treatment program that
29 uses herbal wraps for the purposes of weight loss and of
30 cleansing and beautifying the skin of the body, but does not
31 include:

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1 (a) The application of oils, lotions, or other fluids
2 to the body, except fluids contained in presoaked materials
3 used in the wraps; or

4 (b) Manipulation of the body's superficial tissue,
5 other than that arising from compression emanating from the
6 wrap materials.

7 (13) "Skin care services" means the treatment of the
8 skin of the body, other than the head, face, and scalp, by the
9 use of a sponge, brush, cloth, or similar device to apply or
10 remove a chemical preparation or other substance, except that
11 chemical peels may be removed by peeling an applied
12 preparation from the skin by hand. Skin care services must be
13 performed by a licensed cosmetologist or facial specialist
14 within a licensed cosmetology or specialty salon, and such
15 services may not involve massage, as defined in s. 480.033(3),
16 through manipulation of the superficial tissue.

17 Section 18. Section 477.0132, Florida Statutes, 1998
18 Supplement, is amended to read:

19 477.0132 Hair braiding, ~~and~~ hair wrapping, and body
20 wrapping registration.--

21 (1)(a) Persons whose occupation or practice is
22 confined solely to hair braiding must register with the
23 department, pay the applicable registration fee, and take a
24 two-day 16-hour course. The course shall be board approved and
25 consist of 5 hours of HIV/AIDS and other communicable
26 diseases, 5 hours of sanitation and sterilization, 4 hours of
27 disorders and diseases of the scalp, and 2 hours of studies
28 regarding laws affecting hair braiding.

29 (b) Persons whose occupation or practice is confined
30 solely to hair wrapping must register with the department, pay
31 the applicable registration fee, and take a one-day 6-hour

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1 course. The course shall be board approved and consist of
2 education in HIV/AIDS and other communicable diseases,
3 sanitation and sterilization, disorders and diseases of the
4 scalp, and studies regarding laws affecting hair wrapping.

5 (c) Unless otherwise licensed or exempted from
6 licensure under this chapter, any person whose occupation or
7 practice is body wrapping must register with the department,
8 pay the applicable registration fee, and take a two-day
9 12-hour course. The course shall be board approved and consist
10 of education in HIV/AIDS and other communicable diseases,
11 sanitation and sterilization, disorders and diseases of the
12 skin, and studies regarding laws affecting body wrapping.

13 (2) Hair braiding,~~and~~ hair wrapping, and body
14 wrapping are not required to be practiced in a cosmetology
15 salon or specialty salon. When hair braiding,~~or~~ hair
16 wrapping, or body wrapping is practiced outside a cosmetology
17 salon or specialty salon, disposable implements must be used
18 or all implements must be sanitized in a disinfectant approved
19 for hospital use or approved by the federal Environmental
20 Protection Agency.

21 (3) Pending issuance of registration, a person is
22 eligible to practice hair braiding,~~or~~ hair wrapping, or body
23 wrapping upon submission of a registration application that
24 includes proof of successful completion of the education
25 requirements and payment of the applicable fees required by
26 this chapter.

27 Section 19. Paragraph (c) of subsection (7) of section
28 477.019, Florida Statutes, 1998 Supplement, is amended to
29 read:

30 477.019 Cosmetologists; qualifications; licensure;
31 supervised practice; license renewal; endorsement; continuing

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1 education.--

2 (7)

3 (c) Any person whose occupation or practice is
4 confined solely to hair braiding, ~~or~~ hair wrapping, or body
5 wrapping is exempt from the continuing education requirements
6 of this subsection.

7 Section 20. Paragraph (f) of subsection (1) of section
8 477.026, Florida Statutes, 1998 Supplement, is amended to
9 read:

10 477.026 Fees; disposition.--

11 (1) The board shall set fees according to the
12 following schedule:

13 (f) For hair braiders, ~~and~~ hair wrappers, and body
14 wrappers, fees for registration shall not exceed \$25.

15 Section 21. Paragraph (g) is added to subsection (1)
16 of section 477.0265, Florida Statutes, to read:

17 477.0265 Prohibited acts.--

18 (1) It is unlawful for any person to:

19 (g) Advertise or imply that skin care services or body
20 wrapping, as performed under this chapter, have any
21 relationship to the practice of massage therapy as defined in
22 s. 480.033(3), except those practices or activities defined in
23 s. 477.013.

24 Section 22. Paragraph (a) of subsection (1) of section
25 477.029, Florida Statutes, 1998 Supplement, is amended to
26 read:

27 477.029 Penalty.--

28 (1) It is unlawful for any person to:

29 (a) Hold himself or herself out as a cosmetologist,
30 specialist, hair wrapper, ~~or~~ hair braider, or body wrapper
31 unless duly licensed or registered, or otherwise authorized,

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1 as provided in this chapter.

2 Section 23. This act shall take effect July 1, 1999.

3

4

5 ===== T I T L E A M E N D M E N T =====

6 And the title is amended as follows:

7 remove from the title of the bill: everything before the
8 enacting clause

9

10 and insert in lieu thereof:

11 A bill to be entitled

12 An act relating to the regulation of
13 professions and occupations; amending s. 11.62,
14 F.S.; providing criteria for evaluating
15 proposals for new regulation of a profession or
16 occupation based on the effect of such
17 regulation on job creation or retention;
18 requiring proponents of legislation to regulate
19 a profession or occupation not already
20 regulated to provide additional cost
21 information; amending ss. 455.201, 455.517,
22 F.S.; prohibiting the Department of Business
23 and Professional Regulation and the Department
24 of Health and their regulatory boards from
25 creating any regulation that has an
26 unreasonable effect on job creation or
27 retention or on employment opportunities;
28 providing for evaluation of proposals to
29 increase the regulation of already regulated
30 professions to determine the effect of such
31 regulation on job creation or retention and

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1 employment opportunities; creating s. 455.2035,
2 F.S.; providing rulemaking authority to the
3 Department of Business and Professional
4 Regulation for the regulation of any profession
5 under its jurisdiction which does not have a
6 regulatory board; creating s. 455.2123, F.S.;
7 authorizing the use of distance learning to
8 satisfy continuing education requirements;
9 creating s. 455.2124, F.S.; authorizing
10 proration of continuing education requirements;
11 amending s. 455.213, F.S.; requiring
12 fingerprint cards with applications for
13 registration, certification, or licensure in
14 certain professions; providing for use of such
15 cards for criminal history record checks of
16 applicants; amending s. 468.453, F.S.; applying
17 such fingerprint card requirements to
18 applicants for licensure as an athlete agent;
19 amending s. 475.175, F.S.; applying such
20 fingerprint card requirements to persons
21 applying to take the examination for licensure
22 as a real estate broker or salesperson;
23 amending s. 475.615, F.S.; applying such
24 fingerprint card requirements to applicants for
25 registration, certification, or licensure as a
26 real estate appraiser; creating s. 455.2255,
27 F.S.; providing for the department to classify
28 disciplinary actions according to severity;
29 providing for the periodic clearing of certain
30 violations from the disciplinary record;
31 amending s. 455.227, F.S.; providing for denial

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1 or renewal of a license under certain
2 circumstances; amending ss. 455.557 and
3 455.565, F.S.; ensuring that an intern in a
4 hospital is not subject to the credentialing or
5 profiling laws; amending s. 455.564, F.S.;
6 clarifying continuing education requirements;
7 amending s. 455.601, F.S.; providing the basis
8 for presuming a blood-borne infection is
9 contracted in the course of employment;
10 amending s. 477.013, F.S.; redefining the terms
11 "cosmetology" and "specialty" and defining the
12 terms "body wrapping" and "skin care services";
13 amending s. 477.0132, F.S.; requiring
14 registration of persons whose occupation or
15 practice is body wrapping; requiring a
16 registration fee and certain education;
17 amending s. 477.019, F.S.; exempting persons
18 whose occupation or practice is confined solely
19 to body wrapping from certain continuing
20 education requirements; amending s. 477.026,
21 F.S.; providing for the registration fee;
22 amending s. 477.0265, F.S.; prohibiting
23 advertising or implying that skin care services
24 or body wrapping have any relationship to the
25 practice of massage therapy; providing
26 penalties; amending s. 477.029, F.S.;
27 prohibiting holding oneself out as a body
28 wrapper unless licensed, registered, or
29 otherwise authorized under chapter 477, F.S.;
30 providing penalties; providing rulemaking
31 authority; providing an effective date.