

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Kirkpatrick moved the following amendment to amendment		
12	(553475):		
13			
14	Senate Amendment (with title amendment)		
15	On page 168, between lines 26 and 27,		
16			
17	insert:		
18	Section 71. 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		

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

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;

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

- 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 72. Subsection (4) of section 455.201, Florida

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

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 73. 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

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

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 74. 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 75. 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 76. 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

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

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 77. 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,

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 certification, or licensure.

2 Section 78. 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 79. 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

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

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 80. 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

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

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 81. 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.

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

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 82. 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 83. Subsection (6) of section 455.564, Florida
31 Statutes, 1998 Supplement, is amended to read:

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 455.564 Department; general licensing provisions.--
2 (6) As a condition of renewal of a license, the Board
3 of Medicine, the Board of Osteopathic Medicine, the Board of
4 Chiropractic Medicine, and the Board of Podiatric Medicine
5 shall each require licensees which they respectively regulate
6 to periodically demonstrate their professional competency by
7 completing at least 40 hours of continuing education every 2
8 years, ~~which may include up to 1 hour of risk management or~~
9 ~~cost containment and up to 2 hours of other topics related to~~
10 ~~the applicable medical specialty, if required by board rule.~~
11 The boards may require by rule that up to 1 hour of the
12 required 40 or more hours be in the area of risk management or
13 cost containment. This provision shall not be construed to
14 limit the number of hours that a licensee may obtain in risk
15 management or cost containment to be credited toward
16 satisfying the 40 or more required hours. This provision shall
17 not be construed to require the boards to impose any
18 requirement on licensees except for the completion of at least
19 40 hours of continuing education every 2 years.Each of such
20 boards shall determine whether any specific continuing
21 education ~~course~~ requirements not otherwise mandated by law
22 shall be mandated and shall approve criteria for, and the
23 content of, any continuing education ~~course~~ mandated by such
24 board. Notwithstanding any other provision of law, the board,
25 or the department when there is no board, may approve by rule
26 alternative methods of obtaining continuing education credits
27 in risk management. The alternative methods may include
28 attending a board meeting at which another ~~a~~ licensee is
29 disciplined, serving as a volunteer expert witness for the
30 department in a disciplinary case, or serving as a member of a
31 probable cause panel following the expiration of a board

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No.

1 or scalp with oils, creams, lotions, or other preparations,
2 and skin care services.

3 (12) "Body wrapping" means a treatment program that
4 uses herbal wraps for the purposes of weight loss and of
5 cleansing and beautifying the skin of the body, but does not
6 include:

7 (a) The application of oils, lotions, or other fluids
8 to the body, except fluids contained in presoaked materials
9 used in the wraps; or

10 (b) Manipulation of the body's superficial tissue,
11 other than that arising from compression emanating from the
12 wrap materials.

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

23 Section 85. Section 477.0132, Florida Statutes, 1998
24 Supplement, is amended to read:

25 477.0132 Hair braiding, ~~and~~ hair wrapping, and body
26 wrapping registration.--

27 (1)(a) Persons whose occupation or practice is
28 confined solely to hair braiding must register with the
29 department, pay the applicable registration fee, and take a
30 two-day 16-hour course. The course shall be board approved and
31 consist of 5 hours of HIV/AIDS and other communicable

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 diseases, 5 hours of sanitation and sterilization, 4 hours of
2 disorders and diseases of the scalp, and 2 hours of studies
3 regarding laws affecting hair braiding.

4 (b) Persons whose occupation or practice is confined
5 solely to hair wrapping must register with the department, pay
6 the applicable registration fee, and take a one-day 6-hour
7 course. The course shall be board approved and consist of
8 education in HIV/AIDS and other communicable diseases,
9 sanitation and sterilization, disorders and diseases of the
10 scalp, and studies regarding laws affecting hair wrapping.

11 (c) Unless otherwise licensed or exempted from
12 licensure under this chapter, any person whose occupation or
13 practice is body wrapping must register with the department,
14 pay the applicable registration fee, and take a two-day
15 12-hour course. The course shall be board approved and consist
16 of education in HIV/AIDS and other communicable diseases,
17 sanitation and sterilization, disorders and diseases of the
18 skin, and studies regarding laws affecting body wrapping.

19 (2) Hair braiding, ~~and~~ hair wrapping, and body
20 wrapping are not required to be practiced in a cosmetology
21 salon or specialty salon. When hair braiding, ~~or~~ hair
22 wrapping, or body wrapping is practiced outside a cosmetology
23 salon or specialty salon, disposable implements must be used
24 or all implements must be sanitized in a disinfectant approved
25 for hospital use or approved by the federal Environmental
26 Protection Agency.

27 (3) Pending issuance of registration, a person is
28 eligible to practice hair braiding, ~~or~~ hair wrapping, or body
29 wrapping upon submission of a registration application that
30 includes proof of successful completion of the education
31 requirements and payment of the applicable fees required by

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 this chapter.

2 Section 86. Paragraph (f) of subsection (1) of section
3 477.026, Florida Statutes, 1998 Supplement, is amended to
4 read:

5 477.026 Fees; disposition.--

6 (1) The board shall set fees according to the
7 following schedule:

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

10 Section 87. Paragraph (g) is added to subsection (1)
11 of section 477.0265, Florida Statutes, to read:

12 477.0265 Prohibited acts.--

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

14 (g) Advertise or imply that skin care services or body
15 wrapping, as performed under this chapter, have any
16 relationship to the practice of massage therapy as defined in
17 s. 480.033(3), except those practices or activities defined in
18 s. 477.013.

19 Section 88. Paragraph (a) of subsection (1) of section
20 477.029, Florida Statutes, 1998 Supplement, is amended to
21 read:

22 477.029 Penalty.--

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

24 (a) Hold himself or herself out as a cosmetologist,
25 specialist, hair wrapper, ~~or~~ hair braider, or body wrapper
26 unless duly licensed or registered, or otherwise authorized,
27 as provided in this chapter.

28 Section 89. Subsection (2) of section 455.209, Florida
29 Statutes, 1998 Supplement, is amended to read:

30 455.209 Accountability and liability of board
31 members.--

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 (2) Each board member and each former board member
2 serving on a probable cause panel shall be exempt from civil
3 liability for any act or omission when acting in the member's
4 official capacity, and the department, ~~or the Department of~~
5 ~~Legal Affairs~~ shall defend any such member in any action
6 against any board or member of a board arising from any such
7 act or omission. In addition, the department ~~or the Department~~
8 ~~of Legal Affairs~~ may defend the member's company or business
9 in any action against the company or business if the
10 department ~~or the Department of Legal Affairs~~ determines that
11 the actions from which the suit arises are actions taken by
12 the member in the member's official capacity and were not
13 beyond the member's statutory authority. In providing such
14 defense, the department ~~or the Department of Legal Affairs~~ may
15 employ or utilize the legal services of the Department of
16 Legal Affairs or outside counsel retained pursuant to s.
17 287.059. Fees and costs of providing legal services provided
18 under this subsection shall be paid from the Professional
19 Regulation Trust Fund, subject to the provisions of ss.
20 455.219 and 215.37.

21 Section 90. Subsection (1) of section 455.221, Florida
22 Statutes, is amended to read:

23 455.221 Legal and investigative services.--

24 (1) The department shall provide board counsel for
25 boards within the department by contracting with the
26 Department of Legal Affairs, by retaining private counsel
27 pursuant to s. 287.059, or by providing department staff
28 counsel ~~A board shall retain, through the department's~~
29 ~~contract procedures, board counsel from the Department of~~
30 ~~Legal Affairs. The Department of Legal Affairs shall provide~~
31 ~~legal services to each board within the Department of Business~~

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 ~~and Professional Regulation, but the primary responsibility of~~
2 ~~board counsel the Department of Legal Affairs shall be to~~
3 ~~represent the interests of the citizens of the state by~~
4 ~~vigorously counseling the boards with respect to their~~
5 ~~obligations under the laws of the state. A board shall provide~~
6 ~~for the periodic review and evaluation of the services~~
7 ~~provided by its board counsel. Subject to the prior approval~~
8 ~~of the Attorney General, any board may retain, through the~~
9 ~~department's contract procedures, independent legal counsel to~~
10 ~~provide legal advice to the board on a specific matter. Fees~~
11 ~~and costs of such counsel by the Department of Legal Affairs~~
12 ~~or independent legal counsel approved by the Attorney General~~
13 ~~shall be paid from the Professional Regulation Trust Fund,~~
14 ~~subject to the provisions of ss. 455.219 and 215.37. All~~
15 ~~contracts for independent counsel shall provide for periodic~~
16 ~~review and evaluation by the board and the department of~~
17 ~~services provided.~~

18 Section 91. Subsection (2) of section 455.541, Florida
19 Statutes, is amended to read:

20 455.541 Accountability and liability of board
21 members.--

22 (2) Each board member and each former board member
23 serving on a probable cause panel shall be exempt from civil
24 liability for any act or omission when acting in the member's
25 official capacity, and the department ~~or the Department of~~
26 ~~Legal Affairs~~ shall defend any such member in any action
27 against any board or member of a board arising from any such
28 act or omission. In addition, the department ~~or the Department~~
29 ~~of Legal Affairs~~ may defend the member's company or business
30 in any action against the company or business if the
31 department ~~or the Department of Legal Affairs~~ determines that

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 the actions from which the suit arises are actions taken by
2 the member in the member's official capacity and were not
3 beyond the member's statutory authority. In providing such
4 defense, the department ~~or the Department of Legal Affairs~~ may
5 employ or utilize the legal services of the Department of
6 Legal Affairs or outside counsel retained pursuant to s.
7 287.059. Fees and costs of providing legal services provided
8 under this subsection shall be paid from a trust fund used by
9 the department to implement this part, subject to the
10 provisions of s. 455.587.

11 Section 92. Subsection (1) of section 455.594, Florida
12 Statutes, is amended to read:

13 455.594 Legal and investigative services.--

14 (1) The department shall provide board counsel for
15 boards within the department by contracting with the
16 Department of Legal Affairs, by retaining private counsel
17 pursuant to s. 287.059, or by providing department staff
18 counsel ~~A board shall retain, through the department's~~
19 ~~contract procedures, board counsel from the Department of~~
20 ~~Legal Affairs. The Department of Legal Affairs shall provide~~
21 ~~legal services to each board within the Department of Health,~~
22 ~~but the primary responsibility of board counsel the Department~~
23 ~~of Legal Affairs shall be to represent the interests of the~~
24 ~~citizens of the state by vigorously counseling the boards with~~
25 ~~respect to their obligations under the laws of the state. A~~
26 ~~board shall provide for the periodic review and evaluation of~~
27 ~~the services provided by its board counsel. Subject to the~~
28 ~~prior approval of the Attorney General, any board may retain,~~
29 ~~through the department's contract procedures, independent~~
30 ~~legal counsel to provide legal advice to the board on a~~
31 ~~specific matter.~~ Fees and costs of such counsel by the

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 ~~Department of Legal Affairs or independent legal counsel~~
2 ~~approved by the Attorney General~~ shall be paid from a trust
3 fund used by the department to implement this part, subject to
4 the provisions of s. 455.587. All contracts for independent
5 counsel shall provide for periodic review and evaluation by
6 the board and the department of services provided.

7 Section 93. Subsection (16) of section 458.347,
8 Florida Statutes, 1998 Supplement, is amended to read:

9 458.347 Physician assistants.--

10 (16) LEGAL SERVICES.--~~The Department of Legal Affairs~~
11 ~~shall provide~~ Legal services shall be provided to the council
12 pursuant to as authorized in s. 455.594(1).

13 Section 94. Subsection (16) of section 459.022,
14 Florida Statutes, 1998 Supplement, is amended to read:

15 459.022 Physician assistants.--

16 (16) LEGAL SERVICES.--~~The Department of Legal Affairs~~
17 ~~shall provide~~ Legal services shall be provided to the council
18 pursuant to as authorized in s. 455.594(1).

19 Section 95. Section 455.2177, Florida Statutes, is
20 created to read:

21 455.2177 Monitoring of compliance with continuing
22 education requirements.--

23 (1) The department shall establish a system to monitor
24 licensee compliance with applicable continuing education
25 requirements and to determine each licensee's continuing
26 education status. The department is authorized to provide for
27 a phase-in of the compliance monitoring system, but the system
28 must provide for monitoring of compliance with applicable
29 continuing education requirements by all professions regulated
30 by the department no later than July 1, 2002. The compliance
31 monitoring system may use staff of the department or may be

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 privatized. As used in this section, the term "monitor" means
2 the act of determining, for each licensee, whether the
3 licensee was in full compliance with applicable continuing
4 education requirements as of the time of the licensee's
5 license renewal.

6 (2) If the compliance monitoring system required under
7 this section is privatized, the following provisions apply:

8 (a) The department may contract pursuant to s. 287.057
9 with a vendor or vendors for the monitoring of compliance with
10 applicable continuing education requirements by all licensees
11 within one or more professions regulated by the department.
12 The contract shall include, but need not be limited to, the
13 following terms and conditions:

14 1.a. The vendor shall create a computer database, in
15 the form required by the department, that includes the
16 continuing education status of each licensee and shall provide
17 a report to the department within 90 days after the vendor
18 receives the list of licensees to be monitored as provided in
19 sub-subparagraph b. The report shall be in a format determined
20 by the department and shall include each licensee's continuing
21 education status by license number, hours of continuing
22 education credit per cycle, and such other information the
23 department deems necessary.

24 b. No later than 30 days after the end of each renewal
25 period, the department shall provide to the vendor a list that
26 includes all licensees of a particular profession whose
27 licenses were renewed during a particular renewal period. In
28 order to account for late renewals, the department shall
29 provide the vendor with such updates to the list as are
30 mutually determined to be necessary.

31 2.a. Before the vendor informs the department of the

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 status of any licensee the vendor has determined is not in
2 compliance with continuing education requirements, the vendor,
3 acting on behalf of the department, shall provide the licensee
4 with a notice stating that the vendor has determined that the
5 licensee is not in compliance with applicable continuing
6 education requirements. The notice shall also include the
7 licensee's continuing education record for the renewal period,
8 as shown in the records of the vendor, and a description of
9 the process for correcting the vendor's record under
10 sub-subparagraph b.

11 b. The vendor shall give the licensee 45 days to
12 correct the vendor's information. The vendor shall correct a
13 record only on the basis of evidence of compliance supplied to
14 the vendor by a continuing education provider.

15 3.a. The vendor must provide the department, with the
16 report required under subparagraph 1., a list, in a form
17 determined by the department, identifying each licensee who
18 the vendor has determined is not in compliance with applicable
19 continuing education requirements.

20 b. The vendor shall provide the department with access
21 to such information and services as the department deems
22 necessary to ensure that the actions of the vendor conform to
23 the contract and to the duties of the department and the
24 vendor under this subsection.

25 4. The department shall ensure the vendor access to
26 such information from continuing education providers as is
27 necessary to determine the continuing education record of each
28 licensee. The vendor shall inform the department of any
29 provider that fails to provide such information to the vendor.

30 5. If the vendor fails to comply with a provision of
31 the contract, the vendor is obligated to pay the department

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 liquidated damages in the amounts specified in the contract.

2 6. The department's payments to the vendor must be
3 based on the number of licensees monitored. The department may
4 allocate from the unlicensed activity account of any
5 profession under s. 455.2281 up to \$2 per licensee for the
6 monitoring of that profession's licensees under this
7 subsection, which allocations are the exclusive source of
8 funding for contracts under this subsection.

9 7. A continuing education provider is not eligible to
10 be a vendor under this subsection.

11 (b) When it receives notice from a vendor that a
12 licensee is not in compliance with continuing education
13 requirements, the department shall send the licensee written
14 notice that disciplinary actions will be taken, together with
15 a description of the remedies available to the licensee under
16 the dispute resolution process created under paragraph (c). If
17 a licensee does not prevail in the dispute resolution process,
18 the department:

19 1. May impose an administrative fine in the amount of
20 \$500 against the licensee; however, the department may reduce
21 the amount of the fine to \$250 if the licensee comes into
22 compliance with the applicable continuing education
23 requirements within 90 days after imposition of the original
24 fine. All proceeds of fines under this subparagraph shall be
25 deposited in the appropriate unlicensed activity account under
26 s. 455.2281.

27 2. May refuse any further renewal of the licensee's
28 license unless the licensee has paid the fine and satisfied
29 the applicable continuing education requirements.

30 (c) The department is authorized to adopt by rule a
31 process for the resolution of disputes between a vendor and a

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 continuing education provider, between a vendor and a
2 licensee, and between a licensee and a continuing education
3 provider. The process shall ensure all parties a fair
4 opportunity to correct any erroneous information. If the
5 parties are unable to reach an agreement, the department shall
6 determine the resolution of the dispute.

7 (d) Upon the failure of a vendor to meet its
8 obligations under a contract as provided in paragraph (a), the
9 department may suspend the contract and enter into an
10 emergency contract under s. 287.057(3).

11 (3) Notwithstanding any other provision of law to the
12 contrary and regardless of whether the compliance monitoring
13 system is privatized, neither the department nor a board may
14 impose any sanction other than the sanctions specified in
15 paragraph (2)(b) for the failure of a licensee to meet
16 continuing education requirements. This subsection does not
17 apply to actions under chapter 473.

18 (4) The department shall waive the continuing
19 education monitoring requirements of this section for any
20 profession that demonstrates to the department that it has a
21 program in place which measures compliance with continuing
22 education requirements through statistical sampling techniques
23 or other methods and can indicate that at least 95 percent of
24 its licensees are in compliance.

25 (5) The department is authorized to adopt rules to
26 implement this section.

27 Section 96. Section 455.2178, Florida Statutes, is
28 created to read:

29 455.2178 Continuing education providers.--If the
30 monitoring of compliance with continuing education
31 requirements is privatized pursuant to s. 455.2177:

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 (1)(a) The department shall notify each approved
2 continuing education provider of the name and address of all
3 vendors that monitor compliance of licensees under s.
4 455.2177. If the department contracts with more than one
5 vendor under s. 455.2177, the notice shall specify the
6 professions to be monitored by each vendor.

7 (b) Each continuing education provider shall provide
8 to the appropriate vendor such information regarding the
9 continuing education status of licensees as the department
10 determines is necessary for the vendor to carry out its duties
11 under s. 455.2177(2), in a form determined by the department.
12 The information must be submitted to the vendor electronically
13 no later than 5 business days after a licensee's completion of
14 a course. Upon the request of a licensee, the provider must
15 also furnish to a vendor information regarding courses
16 completed by the licensee.

17 (2) Each continuing education provider shall retain
18 all records relating to a licensee's completion of continuing
19 education courses for at least 4 years after completion of a
20 course.

21 (3) A continuing education provider may not be
22 approved, and the approval may not be renewed, unless the
23 provider agrees in writing to provide such cooperation with
24 vendors under s. 455.2177 as the department deems necessary or
25 appropriate.

26 (4) The department may immediately revoke approval of
27 any continuing education provider that fails to comply with
28 its duties under this section.

29 (5) For the purpose of determining which persons or
30 entities must meet the reporting, recordkeeping, and access
31 provisions of this section, the board of any profession

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 subject to this section, or the department if there is no
2 board, shall, by rule, adopt a definition of the term
3 "continuing education provider" applicable to the profession's
4 continuing education requirements. The intent of the rule
5 shall be to ensure that all records and information necessary
6 to carry out the requirements of this section and s. 455.2177
7 are maintained and transmitted accordingly and to minimize
8 disputes as to what person or entity is responsible for
9 maintaining and reporting such records and information.

10 (6) The department has the authority to adopt rules to
11 implement this section.

12 Section 97. Section 455.2179, Florida Statutes, is
13 created to read:

14 455.2179 Continuing education provider approval; cease
15 and desist orders.--

16 (1) If a board, or the department if there is no
17 board, requires approval of a continuing education provider,
18 the approval must be for a specified period of time, not to
19 exceed 4 years. An approval that does not include such a time
20 limitation may remain in effect only until July 1, 2001,
21 unless earlier replaced by an approval that includes such a
22 time limitation.

23 (2) The department, on its own motion or at the
24 request of a board, shall issue an order requiring a person or
25 entity to cease and desist from offering any continuing
26 education programs for licensees, and revoking any approval of
27 the provider previously granted by the department or a board,
28 if the department or a board determines that the person or
29 entity failed to provide appropriate continuing education
30 services that conform to approved course material.

31 Section 98. Section 455.2281, Florida Statutes, is

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 amended to read:

2 455.2281 Unlicensed activities; fees; disposition.--In
3 order to protect the public and to ensure a consumer-oriented
4 department, it is the intent of the Legislature that vigorous
5 enforcement of regulation for all professional activities is a
6 state priority. All enforcement costs should be covered by
7 professions regulated by the department. Therefore, the
8 department shall impose, upon initial licensure and each
9 renewal thereof, a special fee of \$5 per licensee. Such fee
10 shall be in addition to all other fees collected from each
11 licensee and shall fund efforts to combat unlicensed activity.
12 The board with concurrence of the department, or the
13 department when there is no board, may earmark \$5 of the
14 current licensure fee for this purpose, if such board, or
15 profession regulated by the department, is not in a deficit
16 and has a reasonable cash balance. The department shall make
17 direct charges to this fund by profession and shall not
18 allocate indirect overhead. The department shall seek board
19 advice regarding enforcement methods and strategies prior to
20 expenditure of funds; however, the department may, without
21 board advice, allocate funds to cover the costs of continuing
22 education compliance monitoring under s. 455.2177. The
23 department shall directly credit, by profession, revenues
24 received from the department's efforts to enforce licensure
25 provisions, including revenues received from fines collected
26 under s. 455.2177. The department shall include all financial
27 and statistical data resulting from unlicensed activity
28 enforcement and from continuing education compliance
29 monitoring as a separate categories category in the quarterly
30 management report provided for in s. 455.219. The department
31 shall not charge the account of any profession for the costs

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 incurred on behalf of any other profession. For an unlicensed
2 activity account, a balance which remains at the end of a
3 renewal cycle may, with concurrence of the applicable board
4 and the department, be transferred to the operating fund
5 account of that profession.

6 Section 99. Subsection (1) of section 455.224, Florida
7 Statutes, is amended to read:

8 455.224 Authority to issue citations.--

9 (1) Notwithstanding s. 455.225, the board, or the
10 department ~~when there is no board,~~ shall adopt rules to permit
11 the issuance of citations. The citation shall be issued to the
12 subject and shall contain the subject's name and address, the
13 subject's license number if applicable, a brief factual
14 statement, the sections of the law allegedly violated, and the
15 penalty imposed. The citation must clearly state that the
16 subject may choose, in lieu of accepting the citation, to
17 follow the procedure under s. 455.225. If the subject disputes
18 the matter in the citation, the procedures set forth in s.
19 455.225 must be followed. However, if the subject does not
20 dispute the matter in the citation with the department within
21 30 days after the citation is served, the citation becomes a
22 final order and constitutes discipline. The penalty shall be a
23 fine or other conditions as established by rule.

24 Section 100. Subsection (2) of section 468.4315,
25 Florida Statutes, 1998 Supplement, is amended to read:

26 468.4315 Regulatory Council of Community Association
27 Managers.--

28 (2) The council may adopt rules relating to the
29 licensure examination, continuing education requirements,
30 continuing education providers, fees, and professional
31 practice standards to assist the department in carrying out

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 the duties and authorities conferred upon the department by
2 this part.

3 Section 101. Subsection (7) of section 477.019,
4 Florida Statutes, 1998 Supplement, is amended to read:

5 477.019 Cosmetologists; qualifications; licensure;
6 supervised practice; license renewal; endorsement; continuing
7 education.--

8 (7)(a) The board shall prescribe by rule continuing
9 education requirements intended to ensure protection of the
10 public through updated training of licensees and registered
11 specialists, not to exceed 16 hours biennially, as a condition
12 for renewal of a license or registration as a specialist under
13 this chapter. Continuing education courses shall include, but
14 not be limited to, the following subjects as they relate to
15 the practice of cosmetology: human immunodeficiency virus and
16 acquired immune deficiency syndrome; Occupational Safety and
17 Health Administration regulations; workers' compensation
18 issues; state and federal laws and rules as they pertain to
19 cosmetologists, cosmetology, salons, specialists, specialty
20 salons, and booth renters; chemical makeup as it pertains to
21 hair, skin, and nails; and environmental issues. Courses given
22 at cosmetology conferences may be counted toward the number of
23 continuing education hours required if approved by the board.

24 ~~(b) The department may privatize provider and course~~
25 ~~approval and the monitoring of continuing education~~
26 ~~requirements under a contract which ensures that the services~~
27 ~~will be without cost to the department or board, including the~~
28 ~~cost of appropriate oversight by the department. The~~
29 ~~department may contract with one or more private entities for~~
30 ~~the provision of such services, including the collection of~~
31 ~~fees for the services rendered. The department and board shall~~

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 ~~retain final authority for licensure decisions, rulemaking~~
2 ~~related to continuing education system requirements,~~
3 ~~noncompliance noticing, and overall implementation of any~~
4 ~~privatization project under this subsection.~~

5 **(b)(e)** Any person whose occupation or practice is
6 confined solely to hair braiding, or hair wrapping, or body
7 wrapping is exempt from the continuing education requirements
8 of this subsection.

9 **(c)(d)** ~~Notwithstanding any provision of law to the~~
10 ~~contrary, enforcement of mandatory continuing education~~
11 ~~requirements pursuant to this chapter shall be accomplished~~
12 ~~only as a secondary action when a person is investigated for~~
13 ~~another violation. However,~~The board may, by rule, require
14 any licensee in violation of a continuing education
15 requirement to take a refresher course or refresher course and
16 examination in addition to any other penalty. The number of
17 hours for the refresher course may not exceed 48 hours.

18 Section 102. Subsection (4) of section 310.151,
19 Florida Statutes, 1998 Supplement, is amended to read:

20 310.151 Rates of pilotage; Pilotage Rate Review
21 Board.--

22 **(4)(a)** The applicant shall be given written notice,
23 either in person or by certified mail, that the board intends
24 to modify the pilotage rates in that port and that the
25 applicant may, within 21 days after receipt of the notice,
26 request a hearing pursuant to the Administrative Procedure
27 Act. Notice of the intent to modify the pilotage rates in that
28 port shall also be published in the Florida Administrative
29 Weekly and in a newspaper of general circulation in the
30 affected port area and shall be mailed to any person who has
31 formally requested notice of any rate change in the affected

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 port area. Within 21 days after receipt or publication of
2 notice, any person whose substantial interests will be
3 affected by the intended board action may request a hearing
4 pursuant to the Administrative Procedure Act. If the board
5 concludes that the petitioner has raised a disputed issue of
6 material fact, the board shall designate a hearing, which
7 shall be conducted by formal proceeding before an
8 administrative law judge assigned by the Division of
9 Administrative Hearings pursuant to ss. 120.569 and 120.57(1),
10 unless waived by all parties. The failure to request a hearing
11 within 21 days after receipt or publication of notice shall
12 constitute a waiver of any right to an administrative hearing
13 and shall cause the order modifying the pilotage rates in that
14 port to be entered. If an administrative hearing is requested
15 pursuant to this subsection, notice of the time, date, and
16 location of the hearing shall be published in the Florida
17 Administrative Weekly and in a newspaper of general
18 circulation in the affected port area and shall be mailed to
19 the applicant and to any person who has formally requested
20 notice of any rate change for the affected port area.

21 (b) Notwithstanding any contrary provisions in the
22 Administrative Procedure Act, the administrative law judge's
23 recommended order may include rulings on evidentiary or
24 procedural matters, and shall include findings of fact for
25 consideration by the board in applying the factors set forth
26 in s. 310.151(5) and (6). The recommended order shall not
27 include a recommendation as to the appropriate rate to be
28 imposed.

29 Section 103. Subsections (3), (4), (5), and (9) of
30 section 548.002, Florida Statutes, are amended, present
31 subsections (5) through (15) are renumbered as subsections (6)

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 through (16), respectively, and new subsections (5) and (17)
2 are added to that section, to read:

3 548.002 Definitions.--As used in this act, the term:

4 (3) "Commission" means the Florida State Boxing
5 ~~Athletic~~ Commission.

6 (4) "Contest" means a boxing or,kickboxing,~~or~~
7 ~~martial arts~~ engagement in which the participants strive
8 earnestly to win.

9 (5) "Department" means the Department of Business and
10 Professional Regulation.

11 (6)(5) "Exhibition" means a boxing or,kickboxing,~~or~~
12 ~~martial arts~~ engagement in which the participants show or
13 display their skill without necessarily striving to win.

14 (10)(9) "Manager" means any person who, directly or
15 indirectly, controls or administers the boxing or,kickboxing,
16 ~~or martial arts~~ affairs of any participant.

17 (17) "Secretary" means the Secretary of Business and
18 Professional Regulation.

19 Section 104. Section 548.003, Florida Statutes, 1998
20 Supplement, is amended to read:

21 548.003 Florida State Boxing Athletic Commission;
22 organization; meetings; accountability of commission members;
23 compensation and travel expenses; association membership and
24 participation.--

25 (1) The Florida State Boxing Athletic Commission is
26 created and is assigned to ~~under~~ the Department of Business
27 and Professional Regulation for administrative and fiscal
28 accountability purposes only. The Florida State Boxing
29 ~~Athletic~~ Commission shall consist of five members appointed by
30 the Governor, subject to confirmation by the Senate. Upon the
31 expiration of the term of a commissioner, the Governor shall

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 appoint a successor to serve for a 4-year term. A commissioner
2 whose term has expired shall continue to serve on the
3 commission until such time as a replacement is appointed. If
4 a vacancy on the commission occurs prior to the expiration of
5 the term, it shall be filled for the unexpired portion of the
6 term in the same manner as the original appointment.

7 (2) The Florida State Boxing Athletic Commission, as
8 created by subsection (1), shall administer the provisions of
9 this chapter. The commission has authority to adopt rules
10 pursuant to ss. 120.536(1) and 120.54 to implement the
11 provisions of this chapter and to implement each of the duties
12 and responsibilities conferred upon the commission, including,
13 but not limited to: development of an ethical code of conduct
14 for commissioners, commission staff, and commission officials;
15 procedures for hearings and resolution of disputes;
16 qualifications for appointment of referees and judges; and
17 setting fee and reimbursement schedules for officials
18 appointed by the commission.

19 (3) The commission shall maintain an office in
20 Tallahassee ~~and any necessary branch offices~~. At the first
21 meeting of the commission after June 1 of each year, the
22 commission shall select a chair and a vice chair from among
23 its membership. Three members shall constitute a quorum and
24 the concurrence of at least three members is necessary for
25 official commission action.

26 (4) Three consecutive unexcused absences or absences
27 constituting 50 percent or more of the commission's meetings
28 within any 12-month period shall cause the commission
29 membership of the member in question to become void, and the
30 position shall be considered vacant. The commission shall, by
31 rule, define unexcused absences.

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 (5) Each commission member shall be accountable to the
2 Governor for the proper performance of duties as a member of
3 the commission. The Governor shall cause to be investigated
4 any complaint or unfavorable report received by the Governor
5 or the department concerning an action of the commission or
6 any member and shall take appropriate action thereon. The
7 Governor may remove from office any member for malfeasance,
8 unethical conduct, misfeasance, neglect of duty, incompetence,
9 permanent inability to perform official duties, or pleading
10 guilty or nolo contendere to or being found guilty of a
11 felony.

12 (6)(4) Each member of the commission shall be
13 compensated at the rate of \$50\$25 for each day she or he
14 attends a commission meeting and shall be reimbursed for other
15 expenses as provided in s. 112.061.

16 (7) The commission shall be authorized to join and
17 participate in the activities of the Association of Boxing
18 Commissions (ABC).

19 (8) The department shall provide all legal and
20 investigative services necessary to implement this chapter.
21 The department may adopt rules as provided in ss. 120.54 and
22 120.536(1) to carry out its duties under this chapter.

23 Section 105. Section 548.004, Florida Statutes, is
24 amended to read:

25 548.004 Executive director ~~secretary; deputies;~~
26 duties, compensation, administrative support.--

27 (1) The department ~~commission~~ shall employ an
28 executive director with the approval of the commission. The
29 executive director shall serve at the pleasure of the
30 secretary who shall receive a salary to be fixed by the
31 commission with the approval of the Governor. The executive

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 secretary shall keep a record of all proceedings of the
2 commission; shall preserve all books, papers, and documents
3 pertaining to the business of the commission; shall prepare
4 any notices and papers required; shall appoint judges,
5 referees, and other officials as delegated by the commission
6 and pursuant to this chapter and rules of the commission;and
7 shall perform such other duties as the department or
8 commission directs. The executive director ~~secretary~~ may
9 issue ~~witness~~ subpoenas and administer oaths.

10 (2) The commission shall require electronic recording
11 of all scheduled proceedings of the commission.

12 (3) The department shall provide assistance in budget
13 development and budget submission for state funding requests.
14 The department shall submit an annual balanced legislative
15 budget for the commission which is based upon anticipated
16 revenue. The department shall provide technical assistance and
17 administrative support, if requested or determined needed, to
18 the commission and its executive director on issues relating
19 to personnel, contracting, property management, or other
20 issues identified as important to performing the duties of
21 this chapter and to protecting the interests of the state.

22 ~~(2) The commission may appoint any deputies that are~~
23 ~~necessary, whose compensation shall be the same as that of the~~
24 ~~commissioners. A deputy shall, on the order of the~~
25 ~~commission, represent the commission at a boxing match.~~

26 Section 106. Section 548.005, Florida Statutes, is
27 created to read:

28 548.005 Oversight of the commission; long-range policy
29 planning; plans, reports, and recommendations.--

30 (1) The department shall exercise oversight of the
31 activities of the commission to the extent necessary to

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 facilitate the requirements of this section.

2 (2) To facilitate efficient and cost-effective
3 regulation, the commission and the department, where
4 appropriate, shall develop and implement a long-range policy
5 planning and monitoring process to include recommendations
6 specific to the commission. Included in the plan shall be
7 specific recommendations regarding performance standards and
8 measurable outcomes for the commission. Such process shall
9 include estimates of revenues, expenditures, cash balances,
10 and performance statistics for the commission. The period
11 covered shall not be less than 5 years. The commission, with
12 assistance from the department, shall develop the long-range
13 plan which must be approved by the Governor. The department
14 shall monitor compliance with the approved long-range plan and
15 shall assist the commission in annually updating the plan for
16 approval by the Governor. The department shall provide concise
17 management reports to the commission and the Governor
18 quarterly. As part of the review process, the department shall
19 evaluate:

20 (a) Whether the commission is operating efficiently
21 and effectively and if there is need for assistance to help
22 the commission in ensuring cost-effective regulation.

23 (b) How and why pugilistic exhibitions and contests
24 are regulated.

25 (c) Whether there is a need to continue regulation,
26 and to what degree.

27 (d) Whether or not licensee and consumer protection is
28 adequate, and how it can be improved.

29 (e) Whether unlicensed activity is adequately
30 enforced.

31

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 Such plans should include conclusions and recommendations on
 2 these and other issues as appropriate. Such plans shall be
 3 provided to the Governor and the Legislature by November 1 of
 4 each year.

5 Section 107. Section 548.006, Florida Statutes, is
 6 amended to read:

7 548.006 Power of commission to control pugilistic
 8 contests and exhibitions.--The commission has exclusive
 9 jurisdiction over every match held within the state which
 10 involves a professional. Matches shall be held ~~only~~ in
 11 accordance with this chapter and the rules adopted by the
 12 commission.

13 Section 108. Section 548.007, Florida Statutes, is
 14 amended to read:

15 548.007 Applicability of act to amateur matches and
 16 certain other matches or events.--With the exception of s.
 17 548.008, sections 548.001-548.079 do not apply to:

18 (1) Any match in which the participants are amateurs;

19 (2) Any match conducted or sponsored by a university,
 20 college, or secondary school if all the participants are
 21 students regularly enrolled in the institution;

22 (3) Any match conducted or sponsored by a nationally
 23 chartered veterans' organization registered with the state;

24 (4) Any match conducted or sponsored by any company or
 25 detachment of the Florida National Guard; or

26 (5) Any official Olympic event.

27 Section 109. Section 548.008, Florida Statutes, is
 28 amended to read:

29 548.008 Toughman and badman competition prohibited.--

30 (1) No professional or amateur toughman or badman
 31 match, as described in this section, may be held in this

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 state. Such competition includes any contest or exhibition
2 where participants compete by using a combination of fighting
3 skills. Such skills may include, but are not limited to,
4 boxing, wrestling, kicking, or martial arts skills.
5 Notwithstanding the above, this section shall not preclude
6 kickboxing as regulated by this chapter.

7 (2) Any person participating in or promoting a
8 professional or amateur toughman or badman match is guilty of
9 a misdemeanor of the second degree, punishable as provided in
10 s. 775.082 or s. 775.083.

11 Section 110. Section 548.014, Florida Statutes, is
12 amended to read:

13 548.014 Promoters and foreign copromoters; bonds or
14 other security.--

15 (1)(a) Before any license is issued or renewed to a
16 promoter or foreign copromoter and before any permit is issued
17 to a promoter or foreign copromoter, she or he must file a
18 surety bond with the commission in such reasonable amount, but
19 not less than ~~\$15,000~~\$3,000, as the commission determines.

20 (b) All bonds must ~~shall~~ be upon forms approved ~~by the~~
21 ~~Department of Legal Affairs~~ and supplied by the commission.

22 (c) The sufficiency of any surety is subject to
23 approval of the commission ~~and the Department of Legal~~
24 ~~Affairs~~.

25 (d) The surety bond must ~~shall~~ be conditioned upon the
26 faithful performance by the promoter or foreign copromoter of
27 her or his obligations under this chapter and upon the
28 fulfillment of her or his contracts with any other licensees
29 under this chapter. However, the aggregate annual liability
30 of the surety for all obligations and fees may ~~shall~~ not
31 exceed the amount of the bond.

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 (2) In lieu of a surety bond, the promoter or foreign
2 copromoter may deposit with the commission cash or~~a~~
3 certified check, ~~or direct obligations of the United States or~~
4 ~~this state which are acceptable to the commission~~ in an
5 equivalent amount and subject to the same conditions as the
6 bond. ~~No~~ Such security may not be returned to the promoter
7 until 1 year after the date on which it was deposited with the
8 commission unless a surety bond is substituted for it. If no
9 claim against the deposit is outstanding, it shall be returned
10 to the depositor 1 year after ~~from~~ the date it was deposited.

11 ~~(3) A filing fee of \$10 shall accompany each bond,~~
12 ~~cash, or security deposited under this section.~~

13 (3)~~(4)~~ Recovery may be made against any bond, cash, or
14 other security in the same manner as penalties are recoverable
15 at law.

16 Section 111. Section 548.025, Florida Statutes, is
17 amended to read:

18 548.025 License fees.--

19 ~~(1)~~ The commission shall set license fees as follows:

20 (1)~~(a)~~ Promoter, matchmaker--not to exceed \$500.

21 (2)~~(b)~~ Any other license--not to exceed \$100.

22 ~~(2) The commission may issue licenses, without charge,~~
23 ~~to referees and physicians authorizing them to officiate only~~
24 ~~at matches involving amateurs.~~

25 Section 112. Section 548.041, Florida Statutes, is
26 amended to read:

27 548.041 Age of boxers.--A person under 18 years of age
28 may not participate in any match, ~~except that an amateur who~~
29 ~~is 16 or 17 years of age may participate in matches with other~~
30 ~~amateurs who are 16 or 17 years of age under rules adopted by~~
31 ~~the commission.~~

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 Section 113. Section 548.042, Florida Statutes, is
2 amended to read:

3 548.042 Participation under fictitious name.--A person
4 may not participate under a fictitious or assumed name in any
5 match ~~involving an amateur~~ unless she or he has registered the
6 name with the commission.

7 Section 114. Subsections (2) and (3) of section
8 548.043, Florida Statutes, are amended to read:

9 548.043 Weights and classes, limitations; gloves.--

10 (2) The commission shall establish by rule the
11 acceptable ~~No boxing match shall be held in which the~~
12 difference in weight between of the participants; however, the
13 maximum difference in weight shall not exceed 12 ~~exceeds 10~~
14 pounds, except matches in the cruiserweight light-heavyweight
15 and heavyweight classes and exhibitions held solely for
16 training purposes.

17 (3) The commission shall establish by rule the
18 appropriate weight of boxing gloves to be used in each boxing
19 match; however, all participants in boxing matches shall wear
20 boxing gloves weighing not less than 8 6 ounces each.
21 ~~Participants in all other types of matches shall wear such~~
22 ~~protective devices as the commission deems necessary.~~

23 Section 115. Subsections (1), (2), and (3) of section
24 548.045, Florida Statutes, are amended to read:

25 548.045 Medical advisory council; qualifications,
26 compensation, powers and duties.--

27 (1) A medical advisory council, which shall consist of
28 five members appointed by the Governor, is created. Each
29 member must be licensed to practice medicine in this state,
30 must maintain an unencumbered license in good standing, and
31 must, at the time of her or his appointment, have practiced

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 medicine at least 5 years.

2 (2) ~~Initially, two of the members shall be appointed~~
3 ~~for terms of 1 year, one member shall be appointed for a term~~
4 ~~of 2 years, one member shall be appointed for a term of 3~~
5 ~~years, and one member shall be appointed for a term of 4~~
6 ~~years.~~The term of each member ~~thereafter~~ appointed, except to
7 fill a vacancy, shall be 2 ~~4~~ years.

8 (3) The Governor shall designate one of the members of
9 the council as its chair.

10 Section 116. Subsection (2) of section 548.046,
11 Florida Statutes, is amended to read:

12 548.046 Physician's attendance at match; examinations;
13 cancellation of match.--

14 (2) In addition to any other required examination,
15 each participant shall be examined by the attending physician
16 at the time of weigh-in ~~within 12 hours before she or he~~
17 ~~enters the ring.~~ If the physician determines that a
18 participant is physically or mentally unfit to proceed, the
19 physician shall notify any commissioner or the commission
20 representative ~~deputy in charge~~ who shall immediately cancel
21 the match. The examination shall conform to rules adopted by
22 the commission based on the advice of the medical advisory
23 council. The result of the examination shall be reported in a
24 writing signed by the physician and filed with the commission
25 prior to completion of the weigh-in ~~within 72 hours after the~~
26 ~~match.~~

27 Section 117. Subsections (3) and (4) of section
28 548.05, Florida Statutes, are amended to read:

29 548.05 Control of contracts.--

30 (3) The commission may require that each contract
31 contain language authorizing the Florida State Boxing Athletic

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 Commission to withhold any or all of any manager's share of a
2 purse in the event of a contractual dispute as to entitlement
3 to any portion of a purse. The commission may establish rules
4 governing the manner of resolution of such dispute. In
5 addition, if the commission deems it appropriate, the
6 commission is hereby authorized to implead interested parties
7 over any disputed funds into the appropriate circuit court for
8 resolution of the dispute prior to release of all or any part
9 of the funds.

10 (4) Each contract subject to this section shall
11 contain the following clause: "This agreement is subject to
12 the provisions of chapter 548, Florida Statutes, and to the
13 rules of the Florida State Boxing Athletic Commission and to
14 any future amendments of either."

15 Section 118. Section 548.053, Florida Statutes, is
16 amended to read:

17 548.053 Distribution of purses to participants;
18 statements.--

19 (1) Unless otherwise directed by a representative of
20 the commission, all purses shall be distributed by the
21 promoter no later than 24 hours after the match. A written
22 statement showing the distribution of the purse, including
23 each item of receipt and each expenditure or deduction, shall
24 be furnished to the participant and her or his manager,
25 together with the participant's share of the purse. The
26 promoter shall retain file a copy of the statement, certified
27 by her or him to be correct, with receipted vouchers for all
28 expenditures and deductions, for a period to be designated by
29 the commission, which copy shall be provided to the commission
30 upon demand ~~with the commission no later than 72 hours after~~
31 ~~the match.~~

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 (2) Unless otherwise directed by a representative of
2 the commission, a manager shall furnish to the participant she
3 or he manages a statement of distribution, together with the
4 participant's share of the purse, no later than 24 hours after
5 the manager receives the purse and statement from the
6 promoter. The manager shall retain file a copy of the
7 statement, certified by her or him to be correct, with
8 receipted vouchers for all expenditures and deductions, for a
9 period to be designated by the commission, which copy shall be
10 provided to the commission upon demand ~~with the commission no~~
11 ~~later than 72 hours after the manager receives the~~
12 ~~distribution from the promoter.~~

13 Section 119. Subsection (1) of section 548.054,
14 Florida Statutes, is amended to read:

15 548.054 Withholding of purses; hearing; disposition of
16 withheld purse forfeiture.--

17 (1) A member of the commission, the commission
18 representative ~~the deputy in charge~~, or the referee may order
19 a promoter to surrender to the commission ~~withhold~~ any purse
20 or other funds payable to a participant, or to withhold the
21 share of any manager, if it appears that:

22 (a) The participant is not competing honestly, or is
23 intentionally not competing to the best of her or his ability
24 and skill, in a match represented to be a contest; or

25 (b) The participant, her or his manager, or any of the
26 participant's seconds has violated this chapter.

27 Section 120. Subsections (2) and (3) of section
28 548.057, Florida Statutes, are amended to read:

29 548.057 Attendance of referee and judges at match;
30 scoring; seconds.--

31 (2) At each boxing contest, at the expense of the

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 promoters, three judges appointed by the executive director as
2 delegated by the commission shall attend and shall render
3 their individual decisions in writing on scorecards supplied
4 by the commission ~~at the end of each contest which continues~~
5 ~~for the scheduled number of rounds.~~ Each judge shall have one
6 vote, and a majority of the votes cast shall determine the
7 winner.

8 (3) The commission shall ensure that all referees,
9 judges, and other officials are Florida-licensed officials
10 qualified pursuant to rules of the commission and that no
11 sanctioning organization or promoter has been permitted to
12 influence the appointment of any officials, and shall
13 prescribe the methods of scoring.

14 Section 121. Subsection (12) of section 548.071,
15 Florida Statutes, is amended to read:

16 548.071 Suspension or revocation of license or permit
17 by commission.--The commission may suspend or revoke a license
18 or permit if the commission finds that the licensee or
19 permittee:

20 (12) Has been disciplined by the Florida State Boxing
21 ~~Athletic~~ Commission or similar agency or body of any
22 jurisdiction.

23 Section 122. Section 548.077, Florida Statutes, is
24 amended to read:

25 548.077 Florida State Boxing Athletic Commission;
26 collection and disposition of moneys.--All fees, fines,
27 forfeitures, and other moneys collected under the provisions
28 of this chapter shall be paid by the commission to the State
29 Treasurer who, after the expenses of the commission are paid,
30 shall deposit them in the Professional Regulation Trust Fund
31 to be used for the administration and operation of the

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 commission and to enforce the laws and rules under its
2 jurisdiction. In the event the unexpended balance of such
3 moneys collected under the provisions of this chapter exceeds
4 \$250,000, any excess of that amount shall be deposited in the
5 General Revenue Fund.

6
7 (Redesignate subsequent sections.)

8
9
10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 On page 169, line 7, delete that line

13
14 and insert:

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

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

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

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 violations from the disciplinary record;
2 amending s. 455.227, F.S.; providing for denial
3 or renewal of a license under certain
4 circumstances; amending s. 455.564, F.S.;
5 clarifying continuing education requirements;
6 amending s. 477.013, F.S.; redefining the terms
7 "cosmetology" and "specialty" and defining the
8 terms "body wrapping" and "skin care services";
9 amending s. 477.0132, F.S.; requiring
10 registration of persons whose occupation or
11 practice is body wrapping; requiring a
12 registration fee and certain education;
13 amending s. 477.026, F.S.; providing for the
14 registration fee; amending s. 477.0265, F.S.;
15 prohibiting advertising or implying that skin
16 care services or body wrapping have any
17 relationship to the practice of massage
18 therapy; providing penalties; amending s.
19 477.029, F.S.; prohibiting holding oneself out
20 as a body wrapper unless licensed, registered,
21 or otherwise authorized under chapter 477,
22 F.S.; providing penalties; providing rulemaking
23 authority; amending ss. 455.209, 455.221,
24 455.541, and 455.594, F.S.; revising provisions
25 relating to the provision of legal services for
26 regulatory boards under the Department of
27 Business and Professional Regulation and the
28 Department of Health; providing for the funding
29 of such services; amending ss. 458.347 and
30 459.022, F.S., relating to physician
31 assistants, to conform; creating s. 455.2177,

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 F.S.; requiring the department to establish a
2 system to monitor licensee compliance with
3 applicable continuing education requirements;
4 authorizing the department to contract with one
5 or more vendors for the monitoring of
6 compliance with applicable continuing education
7 requirements by all licensees within one or
8 more professions regulated by the department;
9 providing contract terms and conditions;
10 providing for funding of contracts; providing
11 sanctions for failure to comply and requiring
12 notice thereof; providing for disposition of
13 fine revenues; providing for exclusivity of
14 sanctions over certain other disciplinary
15 provisions; providing for a dispute resolution
16 process; providing for suspension of a contract
17 for failure of a vendor to meet its contract
18 obligations; providing for waiver under
19 specified circumstances; providing rulemaking
20 authority; creating s. 455.2178, F.S.;
21 providing requirements of continuing education
22 providers with respect to cooperating with such
23 vendors; providing conditions on approval of
24 continuing education providers; providing for
25 revocation of provider approval for failure to
26 comply; providing rulemaking authority;
27 creating s. 455.2179, F.S.; providing limits on
28 continuing education provider approval;
29 providing for cease and desist orders and
30 revocation of provider approval thereunder;
31 amending s. 455.2281, F.S.; providing for

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 allocation of certain funds to cover the costs
2 of continuing education compliance monitoring;
3 providing for crediting, by profession, fines
4 collected under the compliance monitoring
5 system; providing for inclusion of financial
6 and statistical data resulting from compliance
7 monitoring as a separate category in the
8 department's quarterly management report to
9 each board; amending s. 455.224, F.S.;
10 providing for adoption by the department of
11 rules to permit the issuance of citations,
12 whether or not there is a board; amending s.
13 468.4315, F.S.; authorizing the Regulatory
14 Council of Community Association Managers to
15 adopt rules relating to continuing education
16 providers; amending s. 477.019, F.S.; revising
17 provisions relating to continuing education
18 requirements of cosmetologists; amending s.
19 310.151, F.S.; providing exceptions and special
20 requirements concerning administrative
21 proceedings involving rates of pilotage;
22 amending s. 548.002, F.S.; providing
23 definitions; amending s. 548.003, F.S.;
24 changing the name of the commission to the
25 Florida State Boxing Commission; assigning the
26 commission to the Department of Business and
27 Professional Regulation for administrative and
28 fiscal accountability purposes only; providing
29 procedures for filling vacancies on commission;
30 expanding scope of rules; eliminating branch
31 offices; requiring selection of vice chair;

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 providing for removal of commission members for
2 specified absences; providing accountability
3 for commission members; increasing compensation
4 rate for attendance of meetings; authorizing
5 membership and participation by the commission
6 in specified associations; providing rulemaking
7 authority; amending s. 548.004, F.S.; providing
8 for an executive director employed by the
9 department; providing additional duties of the
10 executive director; eliminating the appointment
11 of deputies; requiring electronic recording of
12 commission proceedings; requiring the
13 department to provide assistance to the
14 commission under certain circumstances;
15 creating s. 548.005, F.S.; requiring the
16 department to oversee the activities of the
17 commission; providing for long-range policy
18 planning, and preparation of plans, reports,
19 and recommendations; requiring submission to
20 the Governor and Legislature; amending s.
21 548.006, F.S.; providing that matches shall be
22 held in accordance with commission rules;
23 amending s. 548.007, F.S.; providing for
24 applicability of the act to toughman and badman
25 competitions; amending s. 548.008, F.S.;
26 prohibiting professional or amateur toughman
27 and badman competitions; providing a penalty;
28 amending s. 548.014, F.S.; requiring surety
29 bond to apply to promoters or foreign
30 copromoters; increasing the minimum amount for
31 surety bond; revising options to surety bond;

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 eliminating a filing fee; amending ss. 548.025,
2 548.041, and 548.042, F.S.; removing provisions
3 relating to amateurs and amateur matches;
4 amending s. 548.043, F.S.; revising provisions
5 regulating weights, classes, and gloves;
6 amending s. 548.045, F.S.; revising provisions
7 relating to the medical advisory council;
8 revising terms of council members; amending s.
9 548.046, F.S.; revising the time for
10 examination of participants by physician and
11 filing of physician report; amending s.
12 548.053, F.S.; revising provisions relating to
13 distribution of purses to participants;
14 requiring promoters and managers to retain
15 certain information for a designated time;
16 amending s. 548.054, F.S.; designating those
17 persons authorized to order the surrender of a
18 purse or the withholding of a manager's share;
19 amending s. 548.057, F.S.; providing for
20 appointment of judges at a boxing match;
21 requiring certain qualifications for referees,
22 judges, and officials; removing the requirement
23 that scorecards be turned in at the end of each
24 contest; amending ss. 548.05, 548.071, and
25 548.077, F.S., to conform;

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