

Bill No. HB 1977, 1st Eng.

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Casas moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 12, between lines 27 and 28,		
15			
16	insert:		
17	Section 8. Subsections (3) and (4) of section 11.62,		
18	Florida Statutes, are amended to read:		
19	11.62 Legislative review of proposed regulation of		
20	unregulated functions.--		
21	(3) In determining whether to regulate a profession or		
22	occupation, the Legislature shall consider the following		
23	factors:		
24	(a) Whether the unregulated practice of the profession		
25	or occupation will substantially harm or endanger the public		
26	health, safety, or welfare, and whether the potential for harm		
27	is recognizable and not remote;		
28	(b) Whether the practice of the profession or		
29	occupation requires specialized skill or training, and whether		
30	that skill or training is readily measurable or quantifiable		
31	so that examination or training requirements would reasonably		

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1 assure initial and continuing professional or occupational
2 ability;

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

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

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

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

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

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

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

31 (d) A list of states that regulate the profession or

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1 occupation, and the dates of enactment of each law providing
2 for such regulation and a copy of each law;

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

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

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

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

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

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

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

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

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

30 Section 9. Subsection (4) of section 455.201, Florida
31 Statutes, is amended to read:

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1 455.201 Professions and occupations regulated by
 2 department; legislative intent; requirements.--
 3 (4)(a) Neither the department nor any board may ~~No~~
 4 ~~board, nor the department, shall~~ create unreasonably
 5 restrictive and extraordinary standards that deter qualified
 6 persons from entering the various professions. Neither the
 7 department nor any board may ~~No board, nor the department,~~
 8 ~~shall~~ take any action that ~~which~~ tends to create or maintain
 9 an economic condition that unreasonably restricts competition,
 10 except as specifically provided by law.

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

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

21 Section 10. Subsection (4) of section 455.517, Florida
 22 Statutes, is amended to read:

23 455.517 Professions and occupations regulated by
 24 department; legislative intent; requirements.--

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

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1 except as specifically provided by law.

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

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

12 Section 11. Section 455.2035, Florida Statutes, is
13 created to read:

14 455.2035 Rulemaking authority for professions not
15 under a board.--The department may adopt rules pursuant to ss.
16 120.54 and 120.536(1) to implement the regulatory requirements
17 of any profession within the department's jurisdiction which
18 does not have a statutorily authorized regulatory board.

19 Section 12. Section 455.2123, Florida Statutes, is
20 created to read:

21 455.2123 Continuing education.--A board, or the
22 department when there is no board, may provide by rule that
23 distance learning may be used to satisfy continuing education
24 requirements.

25 Section 13. Section 455.2124, Florida Statutes, is
26 created to read:

27 455.2124 Proration of continuing education.--A board,
28 or the department when there is no board, may:

29 (1) Prorate continuing education for new licensees by
30 requiring half of the required continuing education for any
31 applicant who becomes licensed with more than half the renewal

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

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

6
7 These options shall also apply when continuing education is
8 first required or the number of hours required is increased by
9 law or the board, or the department when there is no board.

10 Section 14. Subsection (10) is added to section
11 455.213, Florida Statutes, 1998 Supplement, to read:

12 455.213 General licensing provisions.--

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

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1 Section 15. Paragraph (e) of subsection (2) of section
2 468.453, Florida Statutes, 1998 Supplement, is amended to
3 read:

4 468.453 Licensure required; qualifications;
5 examination; bond.--

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

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

23 Section 16. Paragraph (a) of subsection (1) of section
24 475.175, Florida Statutes, is amended to read:

25 475.175 Examinations.--

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

28 (a) Submits to the department the appropriate
29 notarized application and fee, two photographs of herself or
30 himself taken within the preceding year, and a fingerprint
31 card. The fingerprint card shall be forwarded to the Division

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

14 Section 17. Subsection (3) of section 475.615, Florida
15 Statutes, 1998 Supplement, is amended to read:

16 475.615 Qualifications for registration, licensure, or
17 certification.--

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

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

5 Section 18. Section 455.2255, Florida Statutes, is
6 created to read:

7 455.2255 Classification of disciplinary actions.--

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

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

31 (3) Notwithstanding s. 455.017, this section applies

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1 to the disciplinary records of all persons or businesses
2 licensed by the department.

3 Section 19. Subsection (3) of section 455.227, Florida
4 Statutes, is amended to read:

5 455.227 Grounds for discipline; penalties;
6 enforcement.--

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

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

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

29 Section 20. Subsection (6) of section 455.564, Florida
30 Statutes, 1998 Supplement, is amended to read:

31 455.564 Department; general licensing provisions.--

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

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1 Quality Assurance, or the department if there is no board, may
2 adopt rules granting continuing education hours in risk
3 management for attending a board meeting at which another
4 licensee is disciplined, for serving as a volunteer expert
5 witness for the department in a disciplinary case, or for
6 serving as a member of a probable cause panel following the
7 expiration of a board member's term.

8 Section 21. Subsections (4) and (6) of section
9 477.013, Florida Statutes, 1998 Supplement, are amended, and
10 subsections (12) and (13) are added to that section, to read:

11 477.013 Definitions.--As used in this chapter:

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

20 (6) "Specialty" means the practice of one or more of
21 the following:

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

27 (b) Pedicuring, or the shaping, polishing, tinting, or
28 cleansing of the nails of the feet, and massaging or
29 beautifying of the feet.

30 (c) Facials, or the massaging or treating of the face
31 or scalp with oils, creams, lotions, or other preparations,

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1 and skin care services.

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

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

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

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

22 Section 22. Section 477.0132, Florida Statutes, 1998
23 Supplement, is amended to read:

24 477.0132 Hair braiding, ~~and~~ hair wrapping, and body
25 wrapping registration.--

26 (1)(a) Persons whose occupation or practice is
27 confined solely to hair braiding must register with the
28 department, pay the applicable registration fee, and take a
29 two-day 16-hour course. The course shall be board approved and
30 consist of 5 hours of HIV/AIDS and other communicable
31 diseases, 5 hours of sanitation and sterilization, 4 hours of

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1 disorders and diseases of the scalp, and 2 hours of studies
2 regarding laws affecting hair braiding.

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

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

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

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

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1 Section 23. Paragraph (c) of subsection (7) of section
2 477.019, Florida Statutes, 1998 Supplement, is amended to
3 read:

4 477.019 Cosmetologists; qualifications; licensure;
5 supervised practice; license renewal; endorsement; continuing
6 education.--

7 (7)

8 (c) Any person whose occupation or practice is
9 confined solely to hair braiding, or hair wrapping, or body
10 wrapping is exempt from the continuing education requirements
11 of this subsection.

12 Section 24. Paragraph (f) of subsection (1) of section
13 477.026, Florida Statutes, 1998 Supplement, is amended to
14 read:

15 477.026 Fees; disposition.--

16 (1) The board shall set fees according to the
17 following schedule:

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

20 Section 25. Paragraph (g) is added to subsection (1)
21 of section 477.0265, Florida Statutes, to read:

22 477.0265 Prohibited acts.--

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

24 (g) Advertise or imply that skin care services or body
25 wrapping, as performed under this chapter, have any
26 relationship to the practice of massage therapy as defined in
27 s. 480.033(3), except those practices or activities defined in
28 s. 477.013.

29 Section 26. Paragraph (a) of subsection (1) of section
30 477.029, Florida Statutes, 1998 Supplement, is amended to
31 read:

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1 477.029 Penalty.--

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

3 (a) Hold himself or herself out as a cosmetologist,
4 specialist, hair wrapper, ~~or hair braider,~~ or body wrapper
5 unless duly licensed or registered, or otherwise authorized,
6 as provided in this chapter.

7 Section 27. Subsection (2) of section 455.209, Florida
8 Statutes, 1998 Supplement, is amended to read:

9 455.209 Accountability and liability of board
10 members.--

11 (2) Each board member and each former board member
12 serving on a probable cause panel shall be exempt from civil
13 liability for any act or omission when acting in the member's
14 official capacity, and the department, ~~or the Department of~~
15 ~~Legal Affairs~~ shall defend any such member in any action
16 against any board or member of a board arising from any such
17 act or omission. In addition, the department ~~or the Department~~
18 ~~of Legal Affairs~~ may defend the member's company or business
19 in any action against the company or business if the
20 department ~~or the Department of Legal Affairs~~ determines that
21 the actions from which the suit arises are actions taken by
22 the member in the member's official capacity and were not
23 beyond the member's statutory authority. In providing such
24 defense, the department ~~or the Department of Legal Affairs~~ may
25 employ or utilize the legal services of the Department of
26 Legal Affairs or outside counsel retained pursuant to s.
27 287.059. Fees and costs of providing legal services provided
28 under this subsection shall be paid from the Professional
29 Regulation Trust Fund, subject to the provisions of ss.
30 455.219 and 215.37.

31 Section 28. Subsection (1) of section 455.221, Florida

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1 Statutes, is amended to read:

2 455.221 Legal and investigative services.--

3 (1) The department shall provide board counsel for
4 boards within the department by contracting with the
5 Department of Legal Affairs, by retaining private counsel
6 pursuant to s. 287.059, or by providing department staff
7 counsel ~~A board shall retain, through the department's~~
8 ~~contract procedures, board counsel from the Department of~~
9 ~~Legal Affairs. The Department of Legal Affairs shall provide~~
10 ~~legal services to each board within the Department of Business~~
11 ~~and Professional Regulation, but the primary responsibility of~~
12 board counsel ~~the Department of Legal Affairs shall be to~~
13 ~~represent the interests of the citizens of the state by~~
14 ~~vigorously counseling the boards with respect to their~~
15 ~~obligations under the laws of the state. A board shall provide~~
16 ~~for the periodic review and evaluation of the services~~
17 ~~provided by its board counsel. Subject to the prior approval~~
18 ~~of the Attorney General, any board may retain, through the~~
19 ~~department's contract procedures, independent legal counsel to~~
20 ~~provide legal advice to the board on a specific matter. Fees~~
21 ~~and costs of such counsel by the Department of Legal Affairs~~
22 ~~or independent legal counsel approved by the Attorney General~~
23 ~~shall be paid from the Professional Regulation Trust Fund,~~
24 subject to the provisions of ss. 455.219 and 215.37. All
25 ~~contracts for independent counsel shall provide for periodic~~
26 ~~review and evaluation by the board and the department of~~
27 ~~services provided.~~

28 Section 29. Subsection (2) of section 455.541, Florida
29 Statutes, is amended to read:

30 455.541 Accountability and liability of board
31 members.--

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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 a trust fund used by
19 the department to implement this part, subject to the
20 provisions of s. 455.587.

21 Section 30. Subsection (1) of section 455.594, Florida
22 Statutes, is amended to read:

23 455.594 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 Health,~~

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1 ~~but the primary responsibility of board counsel the Department~~
2 ~~of Legal Affairs~~ shall be to represent the interests of the
3 citizens of the state ~~by vigorously counseling the boards with~~
4 ~~respect to their obligations under the laws of the state.~~ A
5 board shall provide for the periodic review and evaluation of
6 the services provided by its board counsel. ~~Subject to the~~
7 ~~prior approval of the Attorney General, any board may retain,~~
8 ~~through the department's contract procedures, independent~~
9 ~~legal counsel to provide legal advice to the board on a~~
10 ~~specific matter.~~ Fees and costs of such counsel ~~by the~~
11 ~~Department of Legal Affairs or independent legal counsel~~
12 ~~approved by the Attorney General~~ shall be paid from a trust
13 fund used by the department to implement this part, subject to
14 the provisions of s. 455.587. All contracts for independent
15 counsel shall provide for periodic review and evaluation by
16 the board and the department of services provided.

17 Section 31. Subsection (16) of section 458.347,
18 Florida Statutes, 1998 Supplement, is amended to read:

19 458.347 Physician assistants.--

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

23 Section 32. Subsection (16) of section 459.022,
24 Florida Statutes, 1998 Supplement, is amended to read:

25 459.022 Physician assistants.--

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

29

30 (Redesignate subsequent sections.)

31

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

2 And the title is amended as follows:

3 On page 2, line 22, after the semicolon,

4

5 insert:

6 amending s. 11.62, F.S.; providing criteria for
7 evaluating proposals for new regulation of a
8 profession or occupation based on the effect of
9 such regulation on job creation or retention;
10 requiring proponents of legislation to regulate
11 a profession or occupation not already
12 regulated to provide additional cost
13 information; amending ss. 455.201, 455.517,
14 F.S.; prohibiting the Department of Business
15 and Professional Regulation and the Department
16 of Health and their regulatory boards from
17 creating any regulation that has an
18 unreasonable effect on job creation or
19 retention or on employment opportunities;
20 providing for evaluation of proposals to
21 increase the regulation of already regulated
22 professions to determine the effect of such
23 regulation on job creation or retention and
24 employment opportunities; creating s. 455.2035,
25 F.S.; providing rulemaking authority to the
26 Department of Business and Professional
27 Regulation for the regulation of any profession
28 under its jurisdiction which does not have a
29 regulatory board; creating s. 455.2123, F.S.;
30 authorizing the use of distance learning to
31 satisfy continuing education requirements;

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1 creating s. 455.2124, F.S.; authorizing
2 proration of continuing education requirements;
3 amending s. 455.213, F.S.; requiring
4 fingerprint cards with applications for
5 registration, certification, or licensure in
6 certain professions; providing for use of such
7 cards for criminal history record checks of
8 applicants; amending s. 468.453, F.S.; applying
9 such fingerprint card requirements to
10 applicants for licensure as an athlete agent;
11 amending s. 475.175, F.S.; applying such
12 fingerprint card requirements to persons
13 applying to take the examination for licensure
14 as a real estate broker or salesperson;
15 amending s. 475.615, F.S.; applying such
16 fingerprint card requirements to applicants for
17 registration, certification, or licensure as a
18 real estate appraiser; creating s. 455.2255,
19 F.S.; providing for the department to classify
20 disciplinary actions according to severity;
21 providing for the periodic clearing of certain
22 violations from the disciplinary record;
23 amending s. 455.227, F.S.; providing for denial
24 or renewal of a license under certain
25 circumstances; amending s. 455.564, F.S.;
26 clarifying continuing education requirements;
27 amending s. 477.013, F.S.; redefining the terms
28 "cosmetology" and "specialty" and defining the
29 terms "body wrapping" and "skin care services";
30 amending s. 477.0132, F.S.; requiring
31 registration of persons whose occupation or

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1 practice is body wrapping; requiring a
2 registration fee and certain education;
3 amending s. 477.019, F.S.; exempting persons
4 whose occupation or practice is confined solely
5 to body wrapping from certain continuing
6 education requirements; amending s. 477.026,
7 F.S.; providing for the registration fee;
8 amending s. 477.0265, F.S.; prohibiting
9 advertising or implying that skin care services
10 or body wrapping have any relationship to the
11 practice of massage therapy; providing
12 penalties; amending s. 477.029, F.S.;
13 prohibiting holding oneself out as a body
14 wrapper unless licensed, registered, or
15 otherwise authorized under chapter 477, F.S.;
16 providing penalties; providing rulemaking
17 authority; amending ss. 455.209, 455.221,
18 455.541, and 455.594, F.S.; revising provisions
19 relating to the provision of legal services for
20 regulatory boards under the Department of
21 Business and Professional Regulation and the
22 Department of Health; providing for the funding
23 of such services; amending ss. 458.347 and
24 459.022, F.S., relating to physician
25 assistants, to conform;

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