

By the Committees on Governmental Rules & Regulations,
Business Regulation & Consumer Affairs and Representatives
Ogles, Brown, Turnbull, J. Miller, Cantens, Greenstein, Kilmer
and Sorensen

1 A bill to be entitled
2 An act relating to the regulation of
3 professions and occupations; amending s. 11.62,
4 F.S.; providing criteria for evaluating
5 proposals for new regulation of a profession or
6 occupation based on the effect of such
7 regulation on job creation or retention;
8 requiring proponents of legislation to regulate
9 a profession or occupation not already
10 regulated to provide additional cost
11 information; amending ss. 455.201 and 455.517,
12 F.S.; prohibiting the Department of Business
13 and Professional Regulation and the Department
14 of Health and their regulatory boards from
15 creating any regulation that has an
16 unreasonable effect on job creation or
17 retention or on employment opportunities;
18 providing for evaluation of proposals to
19 increase the regulation of already regulated
20 professions to determine the effect of such
21 regulation on job creation or retention and
22 employment opportunities; creating s. 455.2035,
23 F.S.; providing rulemaking authority to the
24 Department of Business and Professional
25 Regulation for the regulation of any profession
26 under its jurisdiction which does not have a
27 regulatory board; creating s. 455.2123, F.S.;
28 authorizing the use of distance learning to
29 satisfy continuing education requirements;
30 creating s. 455.2124, F.S.; authorizing
31 proration of continuing education requirements;

1 amending s. 455.213, F.S.; requiring
2 fingerprint cards with applications for
3 registration, certification, or licensure in
4 certain professions; providing for use of such
5 cards for criminal history record checks of
6 applicants; amending s. 468.453, F.S.; applying
7 such fingerprint card requirements to
8 applicants for licensure as an athlete agent;
9 amending s. 475.175, F.S.; applying such
10 fingerprint card requirements to persons
11 applying to take the examination for licensure
12 as a real estate broker or salesperson;
13 amending s. 475.615, F.S.; applying such
14 fingerprint card requirements to applicants for
15 registration, certification, or licensure as a
16 real estate appraiser; amending s. 120.695,
17 F.S.; providing that notices of noncompliance
18 apply to violations of regulatory provisions of
19 an agency found in rule or statute; eliminating
20 obsolete provisions relating to review and
21 designation of agency rules for notice issuance
22 purposes; providing exemptions from
23 applicability of the section; creating s.
24 120.696, F.S.; providing for classification of
25 disciplinary actions as active or inactive;
26 providing for the periodic clearing of minor
27 violations from the disciplinary record;
28 providing rulemaking authority; amending s.
29 455.225, F.S.; providing for classification of
30 disciplinary actions by the Department of
31 Business and Professional Regulation as active

1 or inactive; providing for the periodic
2 clearing of minor violations from the
3 disciplinary record; providing rulemaking
4 authority; amending s. 455.227, F.S.; providing
5 for denial of issuance or renewal of licensure
6 under certain circumstances; amending s.
7 455.564, F.S.; clarifying continuing education
8 requirements; amending s. 455.5651, F.S.;
9 revising information required to be compiled
10 into a practitioner profile; amending s.
11 455.624, F.S.; prohibiting the use of
12 information derived from accident reports for
13 solicitation purposes; amending s. 460.402,
14 F.S.; providing an exemption from regulation
15 under ch. 460, F.S., relating to chiropractic,
16 for certain students; amending s. 460.403,
17 F.S.; defining the term "community-based
18 internship"; redefining the terms "direct
19 supervision" and "registered chiropractic
20 assistant"; amending s. 460.406, F.S.; revising
21 requirements for licensure as a chiropractic
22 physician by examination to remove a provision
23 relating to a training program; amending s.
24 460.413, F.S.; correcting cross references;
25 increasing the administrative fine; amending s.
26 460.4165, F.S.; revising requirements for
27 certification of chiropractic assistants;
28 providing for supervision of registered
29 chiropractic assistants; providing for biennial
30 renewal; providing fees; providing
31 applicability to current certificateholders;

1 amending s. 460.4166, F.S.; authorizing
2 registered chiropractic assistants to be under
3 the direct supervision of a certified
4 chiropractic physician's assistant; amending s.
5 477.013, F.S.; redefining the terms
6 "cosmetology" and "specialty" and defining the
7 terms "body wrapping" and "skin care services";
8 amending s. 477.0132, F.S.; requiring
9 registration of persons whose occupation or
10 practice is body wrapping; requiring a
11 registration fee and certain education;
12 amending s. 477.019, F.S.; exempting persons
13 whose occupation or practice is confined solely
14 to body wrapping from certain continuing
15 education requirements; amending s. 477.026,
16 F.S.; providing for the registration fee;
17 amending s. 477.0265, F.S.; prohibiting
18 advertising or implying that skin care services
19 or body wrapping have any relationship to the
20 practice of massage therapy; providing
21 penalties; amending s. 477.029, F.S.;
22 prohibiting holding oneself out as a body
23 wrapper unless licensed, registered, or
24 otherwise authorized under chapter 477, F.S.;
25 providing penalties; amending s. 490.003, F.S.;
26 redefining the term "psychologist"; amending s.
27 490.005, F.S.; revising educational
28 requirements for licensure as a psychologist by
29 examination; changing a date, to defer certain
30 educational requirements; amending s. 490.006,
31 F.S.; providing additional requirements for

1 licensure as a psychologist by endorsement;
2 amending s. 490.0085, F.S.; correcting the name
3 of a trust fund; amending ss. 626.883 and
4 641.316, F.S.; providing for a detailed
5 explanation of benefits to be included in all
6 payments to a health care provider by a fiscal
7 intermediary; providing an effective date.

8

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

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11 Section 1. Subsections (3) and (4) of section 11.62,
12 Florida Statutes, are amended to read:

13 11.62 Legislative review of proposed regulation of
14 unregulated functions.--

15 (3) In determining whether to regulate a profession or
16 occupation, the Legislature shall consider the following
17 factors:

18 (a) Whether the unregulated practice of the profession
19 or occupation will substantially harm or endanger the public
20 health, safety, or welfare, and whether the potential for harm
21 is recognizable and not remote;

22 (b) Whether the practice of the profession or
23 occupation requires specialized skill or training, and whether
24 that skill or training is readily measurable or quantifiable
25 so that examination or training requirements would reasonably
26 assure initial and continuing professional or occupational
27 ability;

28 (c) Whether the regulation will have an unreasonable
29 effect on job creation or job retention in the state or will
30 place unreasonable restrictions on the ability of individuals

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1 who seek to practice or who are practicing a given profession
2 or occupation to find employment;

3 (d)~~(c)~~ Whether the public is or can be effectively
4 protected by other means; and

5 (e)~~(d)~~ Whether the overall cost-effectiveness and
6 economic impact of the proposed regulation, including the
7 indirect costs to consumers, will be favorable.

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

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

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

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

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

29 (e) A list and description of state and federal laws
30 that have been enacted to protect the public with respect to
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1 the profession or occupation and a statement of the reasons
2 why these laws have not proven adequate to protect the public;
3 (f) A description of the voluntary efforts made by
4 members of the profession or occupation to protect the public
5 and a statement of the reasons why these efforts are not
6 adequate to protect the public;
7 (g) A copy of any federal legislation mandating
8 regulation;
9 (h) An explanation of the reasons why other types of
10 less restrictive regulation would not effectively protect the
11 public;
12 (i) The cost, availability, and appropriateness of
13 training and examination requirements;
14 ~~(j)(i)~~ The cost of regulation, including the indirect
15 cost to consumers, and the method proposed to finance the
16 regulation;
17 (k) The cost imposed on applicants or practitioners or
18 on employers of applicants or practitioners as a result of the
19 regulation;
20 ~~(l)(j)~~ The details of any previous efforts in this
21 state to implement regulation of the profession or occupation;
22 and
23 ~~(m)(k)~~ Any other information the agency or the
24 committee considers relevant to the analysis of the proposed
25 legislation.
26 Section 2. Subsection (4) of section 455.201, Florida
27 Statutes, is amended to read:
28 455.201 Professions and occupations regulated by
29 department; legislative intent; requirements.--
30 (4)(a) Neither the department nor any board may ~~No~~
31 ~~board, nor the department, shall~~ create unreasonably

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

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

13 (c) The Legislature shall evaluate proposals to
14 increase regulation of already regulated professions or
15 occupations to determine their effect on job creation or
16 retention and employment opportunities.

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

19 455.517 Professions and occupations regulated by
20 department; legislative intent; requirements.--

21 (4)(a) Neither the department nor any board may ~~No~~
22 ~~board, nor the department, shall~~ create unreasonably
23 restrictive and extraordinary standards that deter qualified
24 persons from entering the various professions. Neither the
25 department nor any board may ~~No board, nor the department,~~
26 ~~shall~~ take any action that ~~which~~ tends to create or maintain
27 an economic condition that unreasonably restricts competition,
28 except as specifically provided by law.

29 (b) Neither the department nor any board may create a
30 regulation that has an unreasonable effect on job creation or
31 job retention in the state or that places unreasonable

1 restrictions on the ability of individuals who seek to
2 practice or who are practicing a profession or occupation to
3 find employment.

4 (c) The Legislature shall evaluate proposals to
5 increase the regulation of regulated professions or
6 occupations to determine the effect of increased regulation on
7 job creation or retention and employment opportunities.

8 Section 4. Section 455.2035, Florida Statutes, is
9 created to read:

10 455.2035 Rulemaking authority for professions not
11 under a board.--The department may adopt rules pursuant to ss.
12 120.54 and 120.536(1) to implement the regulatory requirements
13 of any profession within the department's jurisdiction which
14 does not have a statutorily authorized regulatory board.

15 Section 5. Section 455.2123, Florida Statutes, is
16 created to read:

17 455.2123 Continuing education.--A board, or the
18 department when there is no board, may provide by rule that
19 distance learning may be used to satisfy continuing education
20 requirements.

21 Section 6. Section 455.2124, Florida Statutes, is
22 created to read:

23 455.2124 Proration of continuing education.--A board,
24 or the department when there is no board, may:

25 (1) Prorate continuing education for new licensees by
26 requiring half of the required continuing education for any
27 applicant who becomes licensed with more than half the renewal
28 period remaining and no continuing education for any applicant
29 who becomes licensed with half or less than half of the
30 renewal period remaining; or

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

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

7 Section 7. Subsection (10) is added to section
8 455.213, Florida Statutes, 1998 Supplement, to read:

9 455.213 General licensing provisions.--

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

29 Section 8. Paragraph (e) of subsection (2) of section
30 468.453, Florida Statutes, 1998 Supplement, is amended to
31 read:

1 468.453 Licensure required; qualifications;
2 examination; bond.--
3 (2) A person shall be licensed as an athlete agent if
4 the applicant:
5 (e) ~~Has provided sufficient information which must be~~
6 ~~submitted to by the department a fingerprint card for a~~
7 ~~criminal history records check through the Federal Bureau of~~
8 ~~Investigation. The fingerprint card shall be forwarded to the~~
9 ~~Division of Criminal Justice Information Systems within the~~
10 ~~Department of Law Enforcement for purposes of processing the~~
11 ~~fingerprint card to determine if the applicant has a criminal~~
12 ~~history record. The fingerprint card shall also be forwarded~~
13 ~~to the Federal Bureau of Investigation for purposes of~~
14 ~~processing the fingerprint card to determine if the applicant~~
15 ~~has a criminal history record. The information obtained by the~~
16 ~~processing of the fingerprint card by the Florida Department~~
17 ~~of Law Enforcement and the Federal Bureau of Investigation~~
18 ~~shall be sent to the department for the purpose of determining~~
19 ~~if the applicant is statutorily qualified for licensure.~~
20 Section 9. Paragraph (a) of subsection (1) of section
21 475.175, Florida Statutes, is amended to read:
22 475.175 Examinations.--
23 (1) A person shall be entitled to take the license
24 examination to practice in this state if the person:
25 (a) Submits to the department the appropriate
26 notarized application and fee, two photographs of herself or
27 himself taken within the preceding year, and a fingerprint
28 card. The fingerprint card shall be forwarded to the Division
29 of Criminal Justice Information Systems within the Department
30 of Law Enforcement for purposes of processing the fingerprint
31 card to determine if the applicant has a criminal history

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

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

13 475.615 Qualifications for registration, licensure, or
14 certification.--

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

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1 applicant is statutorily qualified for registration,
2 certification, or licensure.

3 Section 11. Section 120.695, Florida Statutes, is
4 amended to read:

5 120.695 Notice of noncompliance.--

6 (1) It is the policy of the state that the purpose of
7 regulation is to protect the public by attaining compliance
8 with the policies established by the Legislature. Fines and
9 other penalties may be provided in order to ensure ~~assure~~
10 compliance; however, the collection of fines and the
11 imposition of penalties are intended to be secondary to the
12 primary goal of attaining compliance with the ~~an agency's~~
13 rules or statutes. It is the intent of the Legislature that an
14 agency charged with enforcing the ~~rules or statutes~~ shall
15 issue a notice of noncompliance as its first response to a
16 minor violation of a rule or statute in any instance in which
17 it is reasonable to assume that the violator was unaware of
18 the rule or statute or was unclear as to how to comply with
19 it.

20 (2)~~(a)~~ Each agency shall issue a notice of
21 noncompliance as a first response to a minor violation ~~of a~~
22 ~~rule~~. A "notice of noncompliance" is a notification by the
23 ~~agency charged with enforcing the rule~~ issued to the person or
24 business subject to the rule or statute in question. A notice
25 of noncompliance may not be accompanied with a fine or other
26 disciplinary penalty. It must identify the specific provision
27 found in rule or statute that is being violated, provide
28 information on how to comply with it ~~the rule~~, and specify a
29 reasonable time for the violator to comply ~~with the rule~~. ~~A~~
30 ~~rule is agency action that regulates a business, occupation,~~
31 ~~or profession, or regulates a person operating a business,~~

1 ~~occupation, or profession, and that, if not complied with, may~~
2 ~~result in a disciplinary penalty.~~

3 ~~(b) Each agency shall review all of its rules and~~
4 ~~designate those for which a violation would be a minor~~
5 ~~violation and for which a notice of noncompliance must be the~~
6 ~~first enforcement action taken against a person or business~~
7 ~~subject to regulation. A violation of a rule is a minor~~
8 ~~violation if it does not result in economic or physical harm~~
9 ~~to a person or adversely affect the public health, safety, or~~
10 ~~welfare or create a significant threat of such harm. If an~~
11 ~~agency under the direction of a cabinet officer mails to each~~
12 ~~licensee a notice of the designated rules at the time of~~
13 ~~licensure and at least annually thereafter, the provisions of~~
14 ~~paragraph (a) may be exercised at the discretion of the~~
15 ~~agency. Such notice shall include a subject-matter index of~~
16 ~~the rules and information on how the rules may be obtained.~~

17 ~~(c) The agency's review and designation must be~~
18 ~~completed by December 1, 1995; each agency under the direction~~
19 ~~of the Governor shall make a report to the Governor, and each~~
20 ~~agency under the joint direction of the Governor and Cabinet~~
21 ~~shall report to the Governor and Cabinet by January 1, 1996,~~
22 ~~on which of its rules have been designated as rules the~~
23 ~~violation of which would be a minor violation.~~

24 ~~(d) The Governor or the Governor and Cabinet, as~~
25 ~~appropriate pursuant to paragraph (c), may evaluate the review~~
26 ~~and designation effects of each agency and may apply a~~
27 ~~different designation than that applied by the agency.~~

28 ~~(3)(e)~~ This section does not apply to the Department
29 of Revenue, criminal law, statutes relating to taxes or fees,
30 or the regulation of law enforcement personnel or teachers.

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1 ~~(4)(f)~~ Designation pursuant to this section is not
2 subject to challenge under this chapter.

3 Section 12. Section 120.696, Florida Statutes, is
4 created to read:

5 120.696 Classification of disciplinary actions.--

6 (1) The legislative intent of this subsection is to
7 clear minor violations from the disciplinary record of certain
8 persons or businesses after a set period of time. A person or
9 business may petition the appropriate agency 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. 120.695(2). 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 agency shall reclassify
15 that violation as inactive, so long as the person or business
16 has not been disciplined for a subsequent violation of the
17 same nature. Once the agency has reclassified the violation as
18 inactive, it shall no longer be considered as part of the
19 disciplinary record of that person or business, and the person
20 or business may lawfully deny or fail to acknowledge the
21 incident as a disciplinary action. The agency has authority to
22 adopt rules to implement this subsection.

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

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1 actions. Each agency has authority to adopt rules to implement
2 this subsection.

3 Section 13. Subsection (3) of section 455.225, Florida
4 Statutes, 1998 Supplement, is amended to read:

5 455.225 Disciplinary proceedings.--Disciplinary
6 proceedings for each board shall be within the jurisdiction of
7 the department.

8 (3)(a) As an alternative to the provisions of
9 subsections (1) and (2), when a complaint is received, the
10 department may provide a licensee with a notice of
11 noncompliance for an initial offense of a minor violation. A
12 violation is a minor violation if it does not demonstrate a
13 serious inability to practice the profession, result in
14 economic or physical harm ~~to a person~~, or adversely affect the
15 public health, safety, or welfare or create a significant
16 threat of such harm. ~~Each board, or the department if there is~~
17 ~~no board, shall establish by rule those violations which are~~
18 ~~minor violations under this provision.~~ Failure of a licensee
19 to take action in correcting the violation within 15 days
20 after notice may result in the institution of regular
21 disciplinary proceedings.

22 (b) The department may issue a notice of noncompliance
23 for an initial offense of a minor violation, notwithstanding a
24 board's failure to designate a particular minor violation by
25 rule as provided in paragraph (a).

26 (c) The legislative intent of this paragraph is to
27 clear minor violations from a licensee's disciplinary record
28 after a set period of time. A licensee may petition the
29 department to review a disciplinary incident to determine
30 whether the specific violation meets the standard of a minor
31 violation as set forth in paragraph (a). If the circumstances

1 of the violation meet that standard, and 2 years have passed
2 since the issuance of a final order imposing discipline, the
3 agency shall reclassify that violation as inactive, so long as
4 the licensee has not been disciplined for a subsequent
5 violation of the same nature. Once the department has
6 reclassified the violation as inactive, it shall no longer be
7 considered as part of the licensee's disciplinary record, and
8 the licensee may lawfully deny or fail to acknowledge the
9 incident as a disciplinary action. The department has
10 authority to adopt rules to implement this paragraph.

11 (d) Each agency may establish a schedule classifying
12 violations according to the severity of the violation. After
13 the expiration of set periods of time, the agency may provide
14 for such disciplinary records to become inactive, according to
15 their classification. Once the disciplinary record has become
16 inactive, the agency may clear the violation from the
17 disciplinary record and the subject person or business may
18 lawfully deny or fail to acknowledge such disciplinary
19 actions. Each agency has authority to adopt rules to implement
20 this paragraph.

21 Section 14. Subsection (3) of section 455.227, Florida
22 Statutes, is amended to read:

23 455.227 Grounds for discipline; penalties;
24 enforcement.--

25 (3)(a) In addition to any other discipline imposed
26 pursuant to this section or discipline imposed for a violation
27 of any practice act, the board, or the department when there
28 is no board, may assess costs related to the investigation and
29 prosecution of the case excluding costs associated with an
30 attorney's time.

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1 **(b)** In any case where the board or the department
2 imposes a fine or assessment and the fine or assessment is not
3 paid within a reasonable time, such reasonable time to be
4 prescribed in the rules of the board, or the department when
5 there is no board, or in the order assessing such fines or
6 costs, the department or the Department of Legal Affairs may
7 contract for the collection of, or bring a civil action to
8 recover, the fine or assessment.

9 **(c)** The department shall not issue or renew a license
10 to any person against whom or business against which the board
11 has assessed a fine, interest, or costs associated with
12 investigation and prosecution until the person or business has
13 paid in full such fine, interest, or costs associated with
14 investigation and prosecution or until the person or business
15 complies with or satisfies all terms and conditions of the
16 final order.

17 Section 15. Subsection (6) of section 455.564, Florida
18 Statutes, 1998 Supplement, is amended to read:

19 455.564 Department; general licensing provisions.--

20 (6) As a condition of renewal of a license, the Board
21 of Medicine, the Board of Osteopathic Medicine, the Board of
22 Chiropractic Medicine, and the Board of Podiatric Medicine
23 shall each require licensees which they respectively regulate
24 to periodically demonstrate their professional competency by
25 completing at least 40 hours of continuing education every 2
26 years, ~~which may include up to 1 hour of risk management or~~
27 ~~cost containment and up to 2 hours of other topics related to~~
28 ~~the applicable medical specialty, if required by board rule.~~
29 The boards may require by rule that up to 1 hour of the
30 required 40 or more hours be in the area of risk management or
31 cost containment. This provision shall not be construed to

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

27 Section 16. Subsections (5), (6), and (7) of section
28 455.5651, Florida Statutes, 1998 Supplement, are renumbered as
29 subsections (6), (7), and (8), respectively, and a new
30 subsection (5) is added to said section to read:

31 455.5651 Practitioner profile; creation.--

1 (5) The Department of Health shall not include
2 disciplinary action taken by a licensed hospital or an
3 ambulatory surgical center in the practitioner profile.

4 Section 17. Paragraph (t) is added to subsection (1)
5 of section 455.624, Florida Statutes, to read:

6 455.624 Grounds for discipline; penalties;
7 enforcement.--

8 (1) The following acts shall constitute grounds for
9 which the disciplinary actions specified in subsection (2) may
10 be taken:

11 (t) Using information about people involved in motor
12 vehicle accidents which has been derived from accident reports
13 made by law enforcement officers or persons involved in
14 accidents pursuant to s. 316.066, or using information
15 published in a newspaper or other news publication or through
16 a radio or television broadcast which has used information
17 gained from such reports, for the purposes of commercial or
18 any other solicitation whatsoever of the people involved in
19 such accidents.

20 Section 18. Subsection (6) is added to section
21 460.402, Florida Statutes, to read:

22 460.402 Exceptions.--The provisions of this chapter
23 shall not apply to:

24 (6) A chiropractic student enrolled in a chiropractic
25 college accredited by the Council on Chiropractic Education
26 and participating in a community-based internship under the
27 direct supervision of a doctor of chiropractic medicine who is
28 an adjunct faculty member of a chiropractic college in which
29 the student is enrolled.

30 Section 19. Subsections (4) through (10) of section
31 460.403, Florida Statutes, 1998 Supplement, are renumbered as

1 subsections (5) through (11), respectively, a new subsection
2 (4) is added to said section, and present subsections (6) and
3 (9) of said section are amended, to read:

4 460.403 Definitions.--As used in this chapter, the
5 term:

6 (4) "Community-based internship" means a program in
7 which a student enrolled in the last year of a chiropractic
8 college accredited by the Council on Chiropractic Education is
9 approved to obtain required pregraduation clinical experience
10 in a chiropractic clinic or practice under the direct
11 supervision of a doctor of chiropractic medicine who is an
12 adjunct faculty member of the chiropractic college in which
13 the student is enrolled, according to the teaching protocols
14 for the clinical practice requirements of the college.

15 ~~(7)~~~~(6)~~ "Direct supervision" means responsible
16 supervision and control, with the licensed chiropractic
17 physician assuming legal liability for the services rendered
18 by a registered chiropractic assistant or by a chiropractic
19 student enrolled in a community-based internship. Except in
20 cases of emergency, direct supervision shall require the
21 physical presence of the licensed chiropractic physician for
22 consultation and direction of the actions of the registered
23 chiropractic assistant or chiropractic student enrolled in a
24 community-based internship. The board shall further establish
25 rules as to what constitutes responsible direct supervision of
26 a registered chiropractic assistant.

27 ~~(10)~~~~(9)~~ "Registered chiropractic assistant" means a
28 person who is registered by the board to perform chiropractic
29 services under the direct supervision of a chiropractic
30 physician or certified chiropractic physician's assistant.

31

1 Section 20. Subsection (1) of section 460.406, Florida
2 Statutes, 1998 Supplement, is amended to read:

3 460.406 Licensure by examination.--

4 (1) Any person desiring to be licensed as a
5 chiropractic physician shall apply to the department to take
6 the licensure examination. There shall be an application fee
7 set by the board not to exceed \$100 which shall be
8 nonrefundable. There shall also be an examination fee not to
9 exceed \$500 plus the actual per applicant cost to the
10 department for purchase of portions of the examination from
11 the National Board of Chiropractic Examiners or a similar
12 national organization, which may be refundable if the
13 applicant is found ineligible to take the examination. The
14 department shall examine each applicant who the board
15 certifies has:

16 (a) Completed the application form and remitted the
17 appropriate fee.

18 (b) Submitted proof satisfactory to the department
19 that he or she is not less than 18 years of age.

20 (c) Submitted proof satisfactory to the department
21 that he or she is a graduate of a chiropractic college which
22 is accredited by or has status with the Council on
23 Chiropractic Education or its predecessor agency. However, any
24 applicant who is a graduate of a chiropractic college that was
25 initially accredited by the Council on Chiropractic Education
26 in 1995, who graduated from such college within the 4 years
27 immediately preceding such accreditation, and who is otherwise
28 qualified shall be eligible to take the examination. No
29 application for a license to practice chiropractic medicine
30 shall be denied solely because the applicant is a graduate of
31

1 a chiropractic college that subscribes to one philosophy of
2 chiropractic medicine as distinguished from another.

3 (d)1. For an applicant who has matriculated in a
4 chiropractic college prior to July 2, 1990, completed at least
5 2 years of residence college work, consisting of a minimum of
6 one-half the work acceptable for a bachelor's degree granted
7 on the basis of a 4-year period of study, in a college or
8 university accredited by an accrediting agency recognized and
9 approved by the United States Department of Education.
10 However, prior to being certified by the board to sit for the
11 examination, each applicant who has matriculated in a
12 chiropractic college after July 1, 1990, shall have been
13 granted a bachelor's degree, based upon 4 academic years of
14 study, by a college or university accredited by a regional
15 accrediting agency which is a member of the Commission on
16 Recognition of Postsecondary Accreditation.

17 2. Effective July 1, 2000, completed, prior to
18 matriculation in a chiropractic college, at least 3 years of
19 residence college work, consisting of a minimum of 90 semester
20 hours leading to a bachelor's degree in a liberal arts college
21 or university accredited by an accrediting agency recognized
22 and approved by the United States Department of Education.
23 However, prior to being certified by the board to sit for the
24 examination, each applicant who has matriculated in a
25 chiropractic college after July 1, 2000, shall have been
26 granted a bachelor's degree from an institution holding
27 accreditation for that degree from a regional accrediting
28 agency which is recognized by the United States Department of
29 Education. The applicant's chiropractic degree must consist
30 of credits earned in the chiropractic program and may not
31

1 include academic credit for courses from the bachelor's
2 degree.

3 ~~(e) Completed not less than a 3-month training program~~
4 ~~in this state of not less than 300 hours with a chiropractic~~
5 ~~physician licensed in this state. The chiropractic physician~~
6 ~~candidate may perform all services offered by the licensed~~
7 ~~chiropractic physician, but must be under the supervision of~~
8 ~~the licensed chiropractic physician until the results of the~~
9 ~~first licensure examination for which the candidate has~~
10 ~~qualified have been received, at which time the candidate's~~
11 ~~training program shall be terminated. However, an applicant~~
12 ~~who has practiced chiropractic medicine in any other state,~~
13 ~~territory, or jurisdiction of the United States or any foreign~~
14 ~~national jurisdiction for at least 5 years as a licensed~~
15 ~~chiropractic physician need not be required to complete the~~
16 ~~3-month training program as a requirement for licensure.~~

17 (e)(f) Successfully completed the National Board of
18 Chiropractic Examiners certification examination in parts I
19 and II and clinical competency, with a score approved by the
20 board, within 10 years immediately preceding application to
21 the department for licensure.

22 (f)(g) Submitted to the department a set of
23 fingerprints on a form and under procedures specified by the
24 department, along with payment in an amount equal to the costs
25 incurred by the Department of Health for the criminal
26 background check of the applicant.

27 Section 21. Paragraphs (p) and (dd) of subsection (1)
28 and paragraph (d) of subsection (2) of section 460.413,
29 Florida Statutes, 1998 Supplement, are amended to read:

30 460.413 Grounds for disciplinary action; action by the
31 board.--

1 (1) The following acts shall constitute grounds for
2 which the disciplinary actions specified in subsection (2) may
3 be taken:

4 (p) Prescribing, dispensing, or administering any
5 medicinal drug except as authorized by s. 460.403(9)(~~8~~)(c)2.,
6 performing any surgery, or practicing obstetrics.

7 (dd) Using acupuncture without being certified
8 pursuant to s. 460.403(9)(~~8~~)(f).

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

12 (d) Imposition of an administrative fine not to exceed
13 ~~\$10,000~~~~\$2,000~~ for each count or separate offense.

14
15 In determining what action is appropriate, the board must
16 first consider what sanctions are necessary to protect the
17 public or to compensate the patient. Only after those
18 sanctions have been imposed may the disciplining authority
19 consider and include in the order requirements designed to
20 rehabilitate the chiropractic physician. All costs associated
21 with compliance with orders issued under this subsection are
22 the obligation of the chiropractic physician.

23 Section 22. Section 460.4165, Florida Statutes, is
24 amended to read:

25 460.4165 Certified chiropractic physician's
26 assistants.--

27 (1) LEGISLATIVE INTENT.--The purpose of this section
28 is to encourage the more effective utilization of the skills
29 of chiropractic physicians by enabling them to delegate health
30 care tasks to qualified assistants when such delegation is
31 consistent with the patient's health and welfare and to allow

1 for innovative development of programs for the education of
2 physician's assistants.

3 (2) PERFORMANCE BY CERTIFIED CHIROPRACTIC PHYSICIAN'S
4 ASSISTANT.--Notwithstanding any other provision of law, a
5 certified chiropractic physician's assistant may perform
6 chiropractic services in the specialty area or areas for which
7 the certified chiropractic physician's assistant is trained or
8 experienced when such services are rendered under the
9 supervision of a licensed chiropractic physician or group of
10 chiropractic physicians certified by the board. Any certified
11 chiropractic physician's assistant certified under this
12 section to perform services may perform those services only:

13 (a) In the office of the chiropractic physician to
14 whom the certified chiropractic physician's assistant has been
15 assigned, in which office such physician maintains her or his
16 primary practice;

17 (b) Under indirect supervision of ~~when~~ the
18 chiropractic physician to whom she or he is assigned ~~is~~
19 ~~present~~;

20 (c) In a hospital in which the chiropractic physician
21 to whom she or he is assigned is a member of the staff; or

22 (d) On calls outside of the said office of the
23 chiropractic physician to whom she or he is assigned, on the
24 direct order of the chiropractic physician to whom she or he
25 is assigned.

26 (3) THIRD-PARTY PAYORS.--This chapter does not prevent
27 third-party payors from reimbursing employers of physician
28 assistants for covered services rendered by certified
29 chiropractic physician's assistants.

30 ~~(4)(3)~~ PERFORMANCE BY TRAINEES.--Notwithstanding any
31 other provision of law, a trainee may perform chiropractic

1 services when such services are rendered within the scope of
2 an approved program.

3 (5)~~(4)~~ PROGRAM APPROVAL.--The department shall issue
4 certificates of approval for programs for the education and
5 training of certified chiropractic physician's assistants
6 which meet board standards. Any basic program curriculum
7 certified by the board shall cover a period of 24 months. The
8 curriculum must consist of at least 200 didactic classroom
9 hours during those 24 months.

10 (a) In developing criteria for program approval, the
11 board shall give consideration to, and encourage, the
12 utilization of equivalency and proficiency testing and other
13 mechanisms whereby full credit is given to trainees for past
14 education and experience in health fields.

15 (b) The board shall create groups of specialty
16 classifications of training for certified chiropractic
17 physician's assistants. These classifications shall reflect
18 the training and experience of the certified chiropractic
19 physician's assistant. The certified chiropractic physician's
20 assistant may receive training in one or more such
21 classifications, which shall be shown on the certificate
22 issued.

23 (c) The board shall adopt and publish standards to
24 ensure that such programs operate in a manner which does not
25 endanger the health and welfare of the patients who receive
26 services within the scope of the program. The board shall
27 review the quality of the curricula, faculties, and facilities
28 of such programs; issue certificates of approval; and take
29 whatever other action is necessary to determine that the
30 purposes of this section are being met.

31

1 ~~(6)~~(5) APPLICATION APPROVAL.--Any person desiring to
2 be licensed as a certified chiropractic physician's assistant
3 must apply to the department. The department shall issue a
4 certificate to any person certified by the board as having met
5 the following requirements:
6 (a) Is at least 18 years of age.
7 (b) Is a graduate of an approved program or its
8 equivalent and is fully qualified by reason of experience and
9 education to perform chiropractic services under the
10 responsible supervision of a licensed chiropractic physician
11 and when the board is satisfied that the public will be
12 adequately protected by the arrangement proposed in the
13 application.
14 (c) Has completed the application form and remitted an
15 application fee as set by the board pursuant to this section.
16 An application for certification made by a physician assistant
17 must include:
18 1. A certificate of completion of a physician
19 assistant training program specified in subsection (5).
20 2. A sworn statement of any prior felony convictions.
21 3. A sworn statement of any previous revocation or
22 denial of licensure or certification in any state.
23 4. Two letters of recommendation.
24 ~~(a) The board shall adopt rules for the consideration~~
25 ~~of applications by a licensed chiropractic physician or a~~
26 ~~group of licensed chiropractic physicians to supervise~~
27 ~~certified chiropractic physician's assistants. Each~~
28 ~~application made by a chiropractic physician or group of~~
29 ~~chiropractic physicians shall include all of the following:~~
30
31

1 1. ~~The qualifications, including related experience,~~
2 ~~of the certified chiropractic physician's assistant intended~~
3 ~~to be employed.~~

4 2. ~~The professional background and specialty of the~~
5 ~~chiropractic physician or the group of chiropractic~~
6 ~~physicians.~~

7 3. ~~A description by the chiropractic physician of her~~
8 ~~or his practice, or by the chiropractic physicians of their~~
9 ~~practice, and of the way in which the assistant or assistants~~
10 ~~are to be utilized.~~

11
12 ~~The board shall certify an application by a licensed~~
13 ~~chiropractic physician to supervise a certified chiropractic~~
14 ~~physician's assistant when the proposed assistant is a~~
15 ~~graduate of an approved program or its equivalent and is fully~~
16 ~~qualified by reason of experience and education to perform~~
17 ~~chiropractic services under the responsible supervision of a~~
18 ~~licensed chiropractic physician and when the board is~~
19 ~~satisfied that the public will be adequately protected by the~~
20 ~~arrangement proposed in the application.~~

21 (b) ~~The board shall certify no more than two certified~~
22 ~~chiropractic physician's assistants for any chiropractic~~
23 ~~physician practicing alone; no more than four chiropractic~~
24 ~~physician's assistants for two chiropractic physicians~~
25 ~~practicing together formally or informally; or no more than a~~
26 ~~ratio of two certified chiropractic physician's assistants to~~
27 ~~three chiropractic physicians in any group of chiropractic~~
28 ~~physicians practicing together formally or informally.~~

29 (7)~~(6)~~ PENALTY.--Any person who has not been certified
30 by the board and approved by the department and who represents
31 herself or himself as a certified chiropractic physician's

1 assistant or who uses any other term in indicating or implying
2 that she or he is a certified chiropractic physician's
3 assistant is guilty of a felony of the third degree,
4 punishable as provided in s. 775.082 or s. 775.084 or by a
5 fine not exceeding \$5,000.

6 (8)~~(7)~~ REVOCATION OF APPROVAL.--The certificate of
7 approval to supervise a certified chiropractic physician's
8 assistant held by any chiropractic physician or group of
9 chiropractic physicians may be revoked when the board
10 determines that the intent of this section is not being
11 carried out.

12 (9)~~(8)~~ FEES.--

13 (a) A fee not to exceed \$100 set by the board shall
14 accompany the application by a chiropractic physician for
15 authorization to supervise a certified chiropractic
16 physician's assistant.

17 (b) Upon approval of an application for certification
18 of a certified chiropractic physician's assistant in a
19 specialty area, the applicant shall be charged an initial
20 certification fee for the first biennium not to exceed \$250;
21 and a biennial renewal fee not to exceed \$250 shall accompany
22 each application for renewal of the certified chiropractic
23 physician's assistant certificate.

24 (10)~~(9)~~ EXISTING PROGRAMS.--Nothing in this section
25 shall be construed to eliminate or supersede existing laws
26 relating to other paramedical professions or services. It is
27 the intent of this section to supplement all such existing
28 programs relating to the certification and the practice of
29 paramedical professions as may be authorized by law.

30 (11)~~(10)~~ LIABILITY.--Each chiropractic physician or
31 group of chiropractic physicians utilizing certified

1 chiropractic physician's assistants shall be liable for any
2 act or omission of any physician's assistant acting under her
3 or his or its supervision and control.

4 (12) SUPERVISION OF REGISTERED CHIROPRACTIC
5 ASSISTANT.--A certified chiropractic physician's assistant may
6 directly supervise a registered chiropractic assistant and
7 other persons who are not licensed as physicians who are
8 employed or supervised by the chiropractic physician to whom
9 the certified chiropractic physician's assistant is assigned.

10 (13) CERTIFIED CHIROPRACTIC ASSISTANT CERTIFICATION
11 RENEWAL.--The certification must be renewed biennially. Each
12 renewal must include:

13 (a) A renewal fee as set by board pursuant to this
14 section.

15 (b) A sworn statement of no felony convictions in the
16 previous 2 years.

17 (c) Each certified chiropractic physician's assistant
18 shall biennially complete 24 hours of continuing education
19 courses sponsored by chiropractic colleges accredited by the
20 Council on Chiropractic Education and approved by the board if
21 all other requirements of board rules setting forth criteria
22 for course approval are met. The board shall approve those
23 courses that build upon the basic courses required for the
24 practice of chiropractic medicine, and the board may also
25 approve courses in adjunctive modalities. The board may make
26 exception from the requirements of this section in emergency
27 or hardship cases. The board may adopt rules within the
28 requirements of this section that are necessary for its
29 implementation.

30 (d) Upon employment as a certified chiropractic
31 physician's assistant, a certified chiropractic physician's

1 assistant must notify the department in writing within 30 days
2 after such employment or after any subsequent changes in the
3 supervising physician. The notification must include the full
4 name, Florida chiropractic medical license number, specialty,
5 and address of the supervising physician.

6 Section 23. Persons holding certificates as certified
7 chiropractic physician's assistants as of the effective date
8 of this act need not reapply for certification, but must
9 comply with biennial renewal requirements as provided in s.
10 460.4165(6), Florida Statutes. The requirement for completion
11 of the continuing education requirements for biennial renewal
12 of the certificate shall not take effect until the beginning
13 of the next biennial renew period following the effective date
14 of this act.

15 Section 24. Section 460.4166, Florida Statutes, 1998
16 Supplement, is amended to read:

17 460.4166 Registered chiropractic assistants.--

18 (1) DEFINITION.--As used in this section, "registered
19 chiropractic assistant" means a professional, multiskilled
20 person dedicated to assisting in all aspects of chiropractic
21 medical practice under the direct supervision and
22 responsibility of a chiropractic physician or certified
23 chiropractic physician's assistant. A registered chiropractic
24 assistant assists with patient care management, executes
25 administrative and clinical procedures, and often performs
26 managerial and supervisory functions. Competence in the field
27 also requires that a registered chiropractic assistant adhere
28 to ethical and legal standards of professional practice,
29 recognize and respond to emergencies, and demonstrate
30 professional characteristics.

31

1 (2) DUTIES.--Under the direct supervision and
2 responsibility of a licensed chiropractic physician or
3 certified chiropractic physician's assistant, a registered
4 chiropractic assistant may:
5 (a) Perform clinical procedures, which include:
6 1. Preparing patients for the chiropractic physician's
7 care.
8 2. Taking vital signs.
9 3. Observing and reporting patients' signs or
10 symptoms.
11 (b) Administer basic first aid.
12 (c) Assist with patient examinations or treatments
13 other than manipulations or adjustments.
14 (d) Operate office equipment.
15 (e) Collect routine laboratory specimens as directed
16 by the chiropractic physician or certified chiropractic
17 physician's assistant.
18 (f) Administer nutritional supplements as directed by
19 the chiropractic physician or certified chiropractic
20 physician's assistant.
21 (g) Perform office procedures required by the
22 chiropractic physician or certified chiropractic physician's
23 assistant under direct supervision of the chiropractic
24 physician or certified chiropractic physician's assistant, as
25 applicable.
26 (3) REGISTRATION.--Registered chiropractic assistants
27 may be registered by the board for a biennial fee not to
28 exceed \$25.
29 Section 25. Subsection (4) and (6) of section 477.013,
30 Florida Statutes, 1998 Supplement, are amended, and
31 subsections (12) and (13) are added to said section, to read:

1 477.013 Definitions.--As used in this chapter:

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

10 (6) "Specialty" means the practice of one or more of
11 the following:

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

17 (b) Pedicuring, or the shaping, polishing, tinting, or
18 cleansing of the nails of the feet, and massaging or
19 beautifying of the feet.

20 (c) Facials, or the massaging or treating of the face
21 or scalp with oils, creams, lotions, or other preparations,
22 and skin care services.

23 (12) "Body wrapping" means a treatment program which
24 uses herbal wraps for the purposes of weight loss and of
25 cleansing and beautifying the skin of the body, but does not
26 include:

27 (a) The application of oils, lotions, or other fluids
28 to the body, except fluids contained in pre-soaked materials
29 used in the wraps; or

30
31

1 (b) Manipulation of the body's superficial tissue
2 other than that arising from compression emanating from the
3 wrap materials.

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

14 Section 26. Section 477.0132, Florida Statutes, 1998
15 Supplement, is amended to read:

16 477.0132 Hair braiding,~~and~~ hair wrapping, and body
17 wrapping registration.--

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

26 (b) Persons whose occupation or practice is confined
27 solely to hair wrapping must register with the department, pay
28 the applicable registration fee, and take a one-day 6-hour
29 course. The course shall be board approved and consist of
30 education in HIV/AIDS and other communicable diseases,
31

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

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

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

25 Section 27. Paragraph (c) of subsection (7) of section
26 477.019, Florida Statutes, 1998 Supplement, is amended to
27 read:

28 477.019 Cosmetologists; qualifications; licensure;
29 supervised practice; license renewal; endorsement; continuing
30 education.--

31 (7)

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

5 Section 28. Paragraph (f) of subsection (1) of section
6 477.026, Florida Statutes, 1998 Supplement, is amended to
7 read:

8 477.026 Fees; disposition.--

9 (1) The board shall set fees according to the
10 following schedule:

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

13 Section 29. Paragraph (g) is added to subsection (1)
14 of section 477.0265, Florida Statutes, to read:

15 477.0265 Prohibited acts.--

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

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

22 Section 30. Paragraph (a) of subsection (1) of section
23 477.029, Florida Statutes, 1998 Supplement, is amended to
24 read:

25 477.029 Penalty.--

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

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

31

1 Section 31. Subsection (7) of section 490.003, Florida
2 Statutes, is amended to read:

3 490.003 Definitions.--As used in this chapter:

4 (7) "Psychologist" or "psychological physician" means
5 a person licensed pursuant to s. 490.005(1), s. 490.006, or
6 the provision identified as s. 490.013(2) in s. 1, chapter
7 81-235, Laws of Florida.

8 Section 32. Paragraph (b) of subsection (1) of section
9 490.005, Florida Statutes, 1998 Supplement, is amended to
10 read:

11 490.005 Licensure by examination.--

12 (1) Any person desiring to be licensed as a
13 psychologist shall apply to the department to take the
14 licensure examination. The department shall license each
15 applicant who the board certifies has:

16 (b) Submitted proof satisfactory to the board that the
17 applicant has:

18 1. Received doctoral-level psychological education, as
19 defined in s. 490.003(3);

20 2. Received the equivalent of a doctoral-level
21 psychological education, as defined in s. 490.003(3), from a
22 program at a school or university located outside the United
23 States of America and Canada, which was officially recognized
24 by the government of the country in which it is located as an
25 institution or program to train students to practice
26 professional psychology. The burden of establishing that the
27 requirements of this provision have been met shall be upon the
28 applicant;

29 3. Received and submitted to the board, prior to July
30 1, 1999, certification of an augmented doctoral-level
31 psychological education from the program director of a

1 doctoral-level psychology program accredited by a programmatic
2 agency recognized and approved by the United States Department
3 of Education; or

4 4. Received and submitted to the board, prior to
5 August 31, 2001 ~~July 1, 2001~~, certification of a
6 doctoral-level program that at the time the applicant was
7 enrolled and graduated maintained a standard of education and
8 training comparable to the standard of training of programs
9 accredited by a programmatic agency recognized and approved by
10 the United States Department of Education, ~~as such~~
11 ~~comparability was determined by the Board of Psychological~~
12 ~~Examiners immediately prior to the amendment of s. 490.005,~~
13 ~~Florida Statutes, 1994 Supplement, by s. 5, chapter 95-279,~~
14 ~~Laws of Florida.~~ Such certification of comparability shall be
15 provided by the program director of a doctoral-level
16 psychology program accredited by a programmatic agency
17 recognized and approved by the United States Department of
18 Education.

19 Section 33. Subsection (1) of section 490.006, Florida
20 Statutes, is amended to read:

21 490.006 Licensure by endorsement.--

22 (1) The department shall license a person as a
23 psychologist or school psychologist who, upon applying to the
24 department and remitting the appropriate fee, demonstrates to
25 the department or, in the case of psychologists, to the board
26 that the applicant:

27 (a) Holds a valid license or certificate in another
28 state to practice psychology or school psychology, as
29 applicable, provided that, when the applicant secured such
30 license or certificate, the requirements were substantially
31 equivalent to or more stringent than those set forth in this

1 chapter at that time; and, if no Florida law existed at that
2 time, then the requirements in the other state must have been
3 substantially equivalent to or more stringent than those set
4 forth in this chapter at the present time; ~~or~~

5 (b) Is a diplomate in good standing with the American
6 Board of Professional Psychology, Inc.; or

7 (c) Possesses a doctoral degree in psychology as
8 described in s. 490.003 and has at least 20 years of
9 experience as a licensed psychologist in any jurisdiction or
10 territory of the United States within 25 years preceding the
11 date of application.

12 Section 34. Subsection (2) of section 490.0085,
13 Florida Statutes, is amended to read:

14 490.0085 Continuing education; approval of providers,
15 programs, and courses; proof of completion.--

16 (2) The department or, in the case of psychologists,
17 the board has the authority to set a fee not to exceed \$500
18 for each applicant who applies for or renews provider status.
19 Such fees shall be deposited into the Medical Quality
20 Assurance ~~Health Care~~ Trust Fund.

21 Section 35. Subsection (6) is added to section
22 626.883, Florida Statutes, to read:

23 626.883 Administrator as intermediary; collections
24 held in fiduciary capacity; establishment of account;
25 disbursement; payments on behalf of insurer.--

26 (6) All payments to a health care provider by a fiscal
27 intermediary must include an explanation of services being
28 reimbursed which includes, at a minimum, the patient's name,
29 the date of service, the provider code, the amount of
30 reimbursement for noncapitated providers, and the
31 identification of the plan on whose behalf the payment is

1 being made. For capitated providers, the statement of services
2 must include the number of patients covered by the contract,
3 the rate per patient, the total amount of the payment, and the
4 identification of the plan on whose behalf the payment is
5 being made.

6 Section 36. Paragraph (a) of subsection (2) of section
7 641.316, Florida Statutes, 1998 Supplement, is amended to
8 read:

9 641.316 Fiscal intermediary services.--

10 (2)(a) The term "fiduciary" or "fiscal intermediary
11 services" means reimbursements received or collected on behalf
12 of health care professionals for services rendered, patient
13 and provider accounting, financial reporting and auditing,
14 receipts and collections management, compensation and
15 reimbursement disbursement services, or other related
16 fiduciary services pursuant to health care professional
17 contracts with health maintenance organizations. All payments
18 to a health care provider by a fiscal intermediary must
19 include an explanation of services being reimbursed which
20 includes, at a minimum, the patient's name, the date of
21 service, the provider code, the amount of reimbursement for
22 noncapitated providers, and the identification of the plan on
23 whose behalf the payment is being made. For capitated
24 providers, the statement of services must include the number
25 of patients covered by the contract, the rate per patient, the
26 total amount of the payment, and the identification of the
27 plan on whose behalf the payment is being made.

28 Section 37. This act shall take effect July 1, 1999.
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