

1 A bill to be entitled
2 An act relating to regulation of professions
3 under the Department of Business and
4 Professional Regulation; amending s. 310.071,
5 F.S.; providing for disqualification from
6 applying for and denial of deputy pilot
7 certification for being found guilty of, or
8 having pled guilty or nolo contendere to,
9 certain crimes; amending s. 310.151, F.S.;
10 providing for deposit and disposition of
11 amounts received from imposition of pilotage
12 rates pending rendition of a final order
13 regarding such rates; amending s. 399.061,
14 F.S.; revising requirements for elevator
15 inspections and service maintenance contracts;
16 amending s. 455.217, F.S.; revising provisions
17 relating to translation of examinations in
18 Spanish; amending s. 455.2179, F.S.; providing
19 for approval of continuing education providers;
20 providing fees; providing rulemaking authority;
21 amending s. 455.219, F.S., and repealing
22 subsection (3), relating to fees required for
23 approval as a continuing education provider;
24 authorizing the department to adopt rules to
25 provide for waiver of license renewal fees
26 under certain circumstances and for a limited
27 period; creating s. 455.32, F.S.; creating the
28 Management Privatization Act; providing
29 definitions; authorizing the department to
30 contract with a corporation or other business
31 entity to perform support services specified

1 pursuant to contract; providing contract
2 requirements; providing corporation powers and
3 responsibilities; establishing reporting and
4 audit requirements; providing for future review
5 and repeal; amending s. 468.382, F.S.; defining
6 the term "absolute auction"; amending s.
7 468.385, F.S.; revising requirements relating
8 to the conduct, administration, approval, and
9 scope of the examination for licensure as an
10 auctioneer; specifying that an auction may only
11 be conducted by an active licensee; creating s.
12 468.3855, F.S.; providing requirements for
13 auctioneer apprentices; amending s. 468.388,
14 F.S.; adding requirements and responsibilities
15 relating to the conduct of an auction; deleting
16 exceptions from a requirement that auctions be
17 conducted pursuant to a written agreement;
18 amending s. 468.389, F.S.; providing for
19 disciplinary action against licensees who fail
20 to account for certain property; providing
21 penalties; reenacting ss. 468.385(3), 468.391,
22 F.S., relating to licensure as an auctioneer
23 and to a criminal penalty, respectively, to
24 incorporate the amendment to s. 468.389, F.S.,
25 in references thereto; amending s. 468.392,
26 F.S.; authorizing the designee of the Secretary
27 of Business and Professional Regulation to sign
28 vouchers for payment or disbursement from the
29 Auctioneer Recovery Fund; amending s. 468.395,
30 F.S.; revising conditions of recovery from the
31 Auctioneer Recovery Fund; providing for

1 recovery from the fund pursuant to an order
2 issued by the Florida Board of Auctioneers;
3 deleting a requirement that notice be given to
4 the board at the time action is commenced;
5 providing limitations on bringing claims for
6 certain acts; providing subrogation rights for
7 the fund; amending s. 468.397, F.S., relating
8 to payment of claim; correcting language;
9 amending s. 468.433, F.S.; revising
10 requirements for licensure as a community
11 association manager, to include certain
12 prelicensure education; providing for provider
13 approval, including fees; repealing s.
14 468.525(3)(h), F.S., relating to a prohibition
15 on employee leasing companies and groups from
16 including employees who engage in services or
17 arrangements that are not within the definition
18 of employee leasing; amending s. 468.526, F.S.;
19 modifying qualifications for licensure as an
20 employee leasing company group; amending s.
21 468.531, F.S.; providing prohibitions against
22 offering to practice employee leasing without
23 being licensed and against the use of certain
24 titles relating to employee leasing without
25 being registered; providing penalties; amending
26 s. 470.005, F.S.; providing rulemaking
27 authority to the Board of Funeral Directors and
28 Embalmers relating to inspection of direct
29 disposal establishments, funeral
30 establishments, and cinerator facilities and
31 the records of each establishment or facility;

1 amending s. 470.015, F.S.; requiring board
2 approval of continuing education providers;
3 revising provisions relating to continuing
4 education hours; amending ss. 470.016, 470.018,
5 F.S.; revising provisions relating to
6 continuing education hours; amending s.
7 470.017, F.S.; revising provisions relating to
8 registration as a direct disposer, including
9 fee-setting responsibility; providing certain
10 limitations on registration after a specified
11 date; amending s. 470.021, F.S.; prohibiting
12 colocation of certain direct disposal
13 establishments with more than one funeral
14 establishment or direct disposal establishment;
15 amending s. 470.028, F.S.; revising provisions
16 relating to registration of agents for preneed
17 sales; amending s. 470.0301, F.S.; revising
18 provisions relating to registration of
19 centralized embalming facilities to provide for
20 operating procedures; providing requirements
21 for full-time embalmers in charge; amending ss.
22 471.003, 471.0035, 471.011, 471.023, 471.037,
23 F.S.; updating references relating to
24 regulation of engineering to incorporate
25 provisions relating to the Florida Engineers
26 Management Corporation and engineers performing
27 building code inspector duties; amending s.
28 471.005, F.S.; defining the terms "retired
29 professional engineer" and "professional
30 engineer, retired"; updating references;
31 amending s. 471.015, F.S.; revising educational

1 requirements for licensure by endorsement;
2 updating references; amending s. 471.017, F.S.;
3 granting the Board of Professional Engineers
4 rulemaking authority to establish biennial
5 licensure renewal procedures; replacing
6 continuing education provisions with provisions
7 requiring certain demonstration of continuing
8 professional competency; amending s. 471.019,
9 F.S., to create s. 471.0195, F.S.; separating
10 provisions relating to building code training
11 from provisions relating to licensure
12 reactivation requirements; amending s. 471.025,
13 F.S.; requiring final bid documents to be
14 signed, dated, and sealed and authorizing the
15 electronic transfer of such documents; amending
16 s. 471.031, F.S.; providing a penalty for
17 certain activities prohibited under ch. 471,
18 F.S., relating to engineering; updating
19 references; amending s. 474.202, F.S.; revising
20 the definition of the term "veterinarian";
21 amending s. 474.203, F.S.; revising and
22 providing exemptions from regulation under ch.
23 474, F.S., relating to veterinary medical
24 practice; providing that certain exempt persons
25 are duly licensed practitioners for purposes of
26 prescribing drugs or medicinal supplies;
27 amending s. 474.211, F.S.; providing that
28 criteria for providers of continuing veterinary
29 medical education shall be approved by the
30 board; amending s. 474.214, F.S.; increasing
31 the administrative fine; reenacting ss.

1 474.207(2), 474.217(2), F.S., relating to
2 licensure by examination and licensure by
3 endorsement, to incorporate the amendment to s.
4 474.214, F.S., in references thereto; amending
5 s. 474.215, F.S.; requiring limited service
6 permittees to register each location and
7 providing a registration fee; providing
8 requirements for certain temporary rabies
9 vaccination efforts; providing permit and other
10 requirements for persons who are not licensed
11 veterinarians, but who desire to own and
12 operate a veterinary medical establishment;
13 providing disciplinary actions applicable to
14 holders of premises permits; amending s.
15 474.2165, F.S.; providing requirements with
16 respect to ownership and control of veterinary
17 medical patient records; providing for the
18 furnishing of reports or copies of records;
19 providing for participation of veterinarians in
20 impaired practitioner treatment programs;
21 amending s. 475.045, F.S.; abolishing the
22 Florida Real Estate Commission Education and
23 Research Foundation Advisory Committee and
24 transferring its duties to the commission;
25 amending s. 477.013, F.S.; revising a
26 definition; amending s. 477.0132, F.S.;
27 restricting to the Board of Cosmetology
28 authority to review, evaluate, and approve
29 courses required for hair braiding, hair
30 wrapping, and body wrapping registration;
31 exempting providers of such courses from

1 certain licensure; amending s. 477.019, F.S.;
2 revising requirements for licensure to practice
3 cosmetology; providing fees; amending ss.
4 492.101, 492.102, 492.104, 492.105, 492.108,
5 492.112, 492.113, 492.116, 492.1165, F.S.;
6 revising cross-references; amending s. 492.107,
7 F.S.; revising provisions relating to the use
8 of seals by licensed geologists; amending s.
9 492.111, F.S.; providing requirements relating
10 to geologists of record for firms,
11 corporations, and partnerships; amending s.
12 310.0015, F.S.; requiring the establishment of
13 competency-based mentor programs for minority
14 persons seeking to become licensed state pilots
15 or certificated deputy pilots; requiring an
16 annual report thereon to the Governor and
17 Legislature; providing an appropriation;
18 providing an effective date.

19

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

21

22 Section 1. Subsection (4) is added to section 310.071,
23 Florida Statutes, to read:

24 310.071 Deputy pilot certification.--

25 (4) Notwithstanding s. 112.011 or any other provision
26 of law relating to the restoration of civil rights, an
27 applicant shall be disqualified from applying for and shall be
28 denied a deputy pilot certificate if the applicant, regardless
29 of adjudication, has ever been found guilty of, or pled guilty
30 or nolo contendere to, a charge which was:

31

1 (a) A felony or first degree misdemeanor which
2 directly related to the navigation or operation of a vessel;
3 or

4 (b) A felony involving the sale of or trafficking in,
5 or conspiracy to sell or traffic in, a controlled substance as
6 defined by chapter 893, or an offense under the laws of any
7 state or country which, if committed in this state, would
8 constitute the felony of selling or trafficking in, or
9 conspiracy to sell or traffic in, such controlled substance.

10 Section 2. Subsection (4) of section 310.151, Florida
11 Statutes, is amended to read:

12 310.151 Rates of pilotage; Pilotage Rate Review
13 Board.--

14 (4)(a) The applicant shall be given written notice,
15 either in person or by certified mail, that the board intends
16 to modify the pilotage rates in that port and that the
17 applicant may, within 21 days after receipt of the notice,
18 request a hearing pursuant to the Administrative Procedure
19 Act. Notice of the intent to modify the pilotage rates in that
20 port shall also be published in the Florida Administrative
21 Weekly and in a newspaper of general circulation in the
22 affected port area and shall be mailed to any person who has
23 formally requested notice of any rate change in the affected
24 port area. Within 21 days after receipt or publication of
25 notice, any person whose substantial interests will be
26 affected by the intended board action may request a hearing
27 pursuant to the Administrative Procedure Act. If the board
28 concludes that the petitioner has raised a disputed issue of
29 material fact, the board shall designate a hearing, which
30 shall be conducted by formal proceeding before an
31 administrative law judge assigned by the Division of

1 Administrative Hearings pursuant to ss. 120.569 and 120.57(1),
2 unless waived by all parties. If the board concludes that the
3 petitioner has not raised a disputed issue of material fact
4 and does not designate the petition for hearing, that decision
5 shall be considered final agency action for purposes of s.
6 120.68.The failure to request a hearing within 21 days after
7 receipt or publication of notice shall constitute a waiver of
8 any right to an administrative hearing and shall cause the
9 order modifying the pilotage rates in that port to be entered.
10 If an administrative hearing is requested pursuant to this
11 subsection, notice of the time, date, and location of the
12 hearing shall be published in the Florida Administrative
13 Weekly and in a newspaper of general circulation in the
14 affected port area and shall be mailed to the applicant and to
15 any person who has formally requested notice of any rate
16 change for the affected port area.

17 (b) In any administrative proceeding pursuant to this
18 section, the board's proposed rate determination shall be
19 immediately effective and shall not be stayed during the
20 administrative proceeding, provided that, pending rendition of
21 the board's final order, the pilot or pilots in the subject
22 port deposit in an interest-bearing account all amounts
23 received which represent the difference between the previous
24 rates and the proposed rates. The pilot or pilots in the
25 subject port shall keep an accurate accounting of all amounts
26 deposited, specifying by whom or on whose behalf such amounts
27 were paid, and shall produce such an accounting upon request
28 of the board. Upon rendition of the board's final order:

29 1. Any amounts deposited in the interest-bearing
30 account which are sustained by the final order shall be paid
31

1 over to the pilot or pilots in the subject port, including all
2 interest accrued on such funds; and

3 2. Any amounts deposited which exceed the rates
4 sustained in the board's final order shall be refunded, with
5 the accrued interest, to those customers from whom the funds
6 were collected. Any funds that are not refunded after diligent
7 effort of the pilot or pilots to do so shall be disbursed by
8 the pilot or pilots as the board shall direct.

9 Section 3. Subsection (1) of section 399.061, Florida
10 Statutes, is amended to read:

11 399.061 Inspections; correction of deficiencies.--

12 (1)(a) All ~~For those~~ elevators subject to this chapter
13 must be inspected pursuant to s. 399.13 by a third-party
14 inspection service certified as a Qualified Elevator Inspector
15 or maintained pursuant to a service maintenance contract
16 continuously in force. A statement verifying the existence,
17 performance, and cancellation of each service maintenance
18 contract must be filed annually with the division as
19 prescribed by rule. All elevators for which a service
20 maintenance contract is not continuously in force, the
21 division shall inspect such elevators at least once between
22 July 1 of any year and June 30 of the next year, the state's
23 fiscal year.

24 (b) ~~When a service maintenance contract is~~
25 ~~continuously maintained with an elevator company, the division~~
26 ~~shall verify with the elevator company before the end of each~~
27 ~~fiscal year that the contract is in force and is being~~
28 ~~implemented. An elevator covered by such a service~~
29 ~~maintenance contract shall be inspected by a~~
30 certificate-of-competency holder ~~state elevator inspector~~ at
31 least once every 2 ~~fiscal~~ years; however, if the elevator is

1 not an escalator or a dumbwaiter and the elevator serves only
2 two adjacent floors and is covered by a service maintenance
3 contract, no inspection shall be required so long as the
4 service contract remains in effect.

5 (b)~~(c)~~ The division may inspect an elevator whenever
6 necessary to ensure its safe operation.

7 Section 4. Subsection (6) of section 455.217, Florida
8 Statutes, is amended to read:

9 455.217 Examinations.--This section shall be read in
10 conjunction with the appropriate practice act associated with
11 each regulated profession under this chapter.

12 (6) For examinations developed by the department or a
13 contracted vendor, each board, or the department, when there
14 is no board, may provide licensure examinations in an
15 applicant's native language. Applicants for examination or
16 reexamination pursuant to this subsection shall bear the full
17 cost for the department's development, preparation,
18 administration, grading, and evaluation of any examination in
19 a language other than English or Spanish. Requests for
20 translated examinations, except for those in Spanish, must be
21 on file in the board office, or with the department when there
22 is no board, at least 6 months prior to the scheduled
23 examination. When determining whether it is in the public
24 interest to allow the examination to be translated into a
25 language other than English or Spanish, the board, or the
26 department when there is no board, shall consider the
27 percentage of the population who speak the applicant's native
28 language.

29 Section 5. Section 455.2179, Florida Statutes, is
30 amended to read:

31

1 455.2179 Continuing education provider approval; cease
2 and desist orders.--

3 (1) If a board, or the department if there is no
4 board, requires completion of continuing education as a
5 requirement for renewal of a license, the board, or the
6 department if there is no board, shall approve providers of
7 the continuing education. The approval of a continuing
8 education provider, ~~the approval~~ must be for a specified
9 period of time, not to exceed 4 years. An approval that does
10 not include such a time limitation may remain in effect only
11 until July 1, 2001, unless earlier replaced by an approval
12 that includes such a time limitation.

13 (2) The department, on its own motion or at the
14 request of a board, shall issue an order requiring a person or
15 entity to cease and desist from offering any continuing
16 education programs for licensees, and revoking any approval of
17 the provider previously granted by the department or a board,
18 if the department or a board determines that the person or
19 entity failed to provide appropriate continuing education
20 services that conform to approved course material.

21 (3) Each board authorized to approve continuing
22 education providers, or the department if there is no board,
23 may establish, by rule, a fee not to exceed \$250 for anyone
24 seeking approval to provide continuing education courses and
25 may establish, by rule, a biennial fee not to exceed \$250 for
26 the renewal of providership of such courses. The Florida Real
27 Estate Commission, authorized under the provisions of chapter
28 475 to approve prelicensure, precertification, and
29 postlicensure education providers, may establish, by rule, an
30 application fee not to exceed \$250 for anyone seeking approval
31 to offer prelicensure, precertification, or postlicensure

1 education courses and may establish, by rule, a biennial fee
2 not to exceed \$250 for the renewal of such courses.

3 (4) The department and each affected board may adopt
4 rules pursuant to ss. 120.536(1) and 120.54 to implement the
5 provisions of this section.

6 Section 6. Subsection (3) of section 455.219, Florida
7 Statutes, is repealed, and subsection (1) of that section is
8 amended to read:

9 455.219 Fees; receipts; disposition; periodic
10 management reports.--

11 (1) Each board within the department shall determine
12 by rule the amount of license fees for its profession, based
13 upon department-prepared long-range estimates of the revenue
14 required to implement all provisions of law relating to the
15 regulation of professions by the department and any board;
16 however, when the department has determined, based on the
17 long-range estimates of such revenue, that a profession's
18 trust fund moneys are in excess of the amount required to
19 cover the necessary functions of the board, or the department
20 when there is no board, the department may adopt rules to
21 implement a waiver of license renewal fees for that profession
22 for a period not to exceed 2 years, as determined by the
23 department. Each board, or the department when there is no
24 board, shall ensure license fees are adequate to cover all
25 anticipated costs and to maintain a reasonable cash balance,
26 as determined by rule of the department, with advice of the
27 applicable board. If sufficient action is not taken by a board
28 within 1 year of notification by the department that license
29 fees are projected to be inadequate, the department shall set
30 license fees on behalf of the applicable board to cover
31 anticipated costs and to maintain the required cash balance.

1 The department shall include recommended fee cap increases in
2 its annual report to the Legislature. Further, it is
3 legislative intent that no regulated profession operate with a
4 negative cash balance. The department may provide by rule for
5 the advancement of sufficient funds to any profession or the
6 Florida State Boxing Commission operating with a negative cash
7 balance. Such advancement may be for a period not to exceed 2
8 consecutive years and shall require interest to be paid by the
9 regulated profession. Interest shall be calculated at the
10 current rate earned on Professional Regulation Trust Fund
11 investments. Interest earned shall be allocated to the various
12 funds in accordance with the allocation of investment earnings
13 during the period of the advance.

14 Section 7. Section 455.32, Florida Statutes, is
15 created to read:

16 455.32 Management Privatization Act.--

17 (1) This section may be cited as the "Management
18 Privatization Act."

19 (2) As used in this section, the term:

20 (a) "Corporation" means the corporation or other
21 business entity with which the department contracts pursuant
22 to subsection (3).

23 (b) "Executive director" means the person appointed by
24 the department pursuant to s. 455.203.

25 (c) "Secretary" means the Secretary of Business and
26 Professional Regulation.

27 (3) Based upon the request of any board, commission,
28 or council, the department is authorized to contract with a
29 corporation or other business entity to perform support
30 services specified in the contract. The contract must be in
31 compliance with this section and other applicable laws and

1 must be approved by the board before the department enters
2 into the contract. The department shall retain responsibility
3 for any duties it currently exercises relating to its police
4 powers and any other current duty that is not provided to the
5 corporation by the contract. The contract shall provide, at a
6 minimum, that:

7 (a) The corporation provide administrative,
8 investigative, examination, licensing, and prosecutorial
9 support services in accordance with the provisions of this
10 section and the practice act of the relevant profession. With
11 approval of the department, the corporation may subcontract
12 for any of these services.

13 (b) The corporation utilize computer technology
14 compatible with the department to ensure compatibility and
15 availability to the public of information provided for other
16 professions by the department.

17 (c) The corporation submit an annual budget for
18 approval by the board and the department.

19 (d) The corporation keep financial and statistical
20 information as necessary to completely disclose the financial
21 condition and operation of the project and as requested by the
22 Office of Program Policy Analysis and Government
23 Accountability, the Auditor General, and the department.

24 (e) If the certification process in subsection (10)
25 determines noncompliance, the contract provide for methods and
26 mechanisms to resolve the situation.

27 (f) The corporation provide to the board and the
28 department, on or before October 1 of each year, a report
29 describing all of the activities of the corporation for the
30 previous fiscal year. The report shall include:

31

1 1. Any audit performed under subsection (9), including
2 financial reports and performance audits.

3 2. The number of license applications received, the
4 number of licenses approved and denied, the number of licenses
5 issued, and the average time required to issue a license.

6 3. The number of examinations administered and the
7 number of applicants who passed or failed the examination.

8 4. The number of complaints received, the number of
9 complaints determined to be legally sufficient, the number of
10 complaints dismissed, and the number of complaints determined
11 to have probable cause.

12 5. The number of administrative complaints issued and
13 the status of the complaints.

14 6. The number and nature of disciplinary actions taken
15 by the board.

16 7. All revenue received and all expenses incurred by
17 the corporation over the previous 12 months in its performance
18 of the duties under the contract.

19 8. The status of the compliance of the corporation
20 with all performance-based program measures adopted by the
21 board.

22 (4) The provisions of s. 768.28 apply to the
23 corporation, which is deemed to be a corporation primarily
24 acting as an instrumentality of the state, but which is not an
25 agency within the meaning of s. 20.03(11).

26 (5) The corporation shall be funded through
27 appropriations allocated to the regulation of the relevant
28 profession from the Professional Regulation Trust Fund.

29 (6) If the corporation is no longer approved to
30 operate for the board or the board ceases to exist, moneys and
31 property held in trust by the corporation for the benefit of

1 the board shall revert to the board, or to the state if the
2 board ceases to exist.

3 (7) The executive director shall supervise the
4 activities of the corporation to ensure compliance with the
5 contract and provisions of this section and the practice act
6 of the relevant profession. The executive director shall be an
7 employee of the department and serve as a liaison between the
8 department, the board, and the corporation and shall ensure
9 that the police powers of the state are not exercised by the
10 corporation.

11 (8) The corporation may not exercise any authority
12 assigned to the department or board under this section or the
13 practice act of the relevant profession, including determining
14 legal sufficiency and probable cause to pursue disciplinary
15 action against a licensee, taking final action on license
16 applications or in disciplinary cases, or adopting
17 administrative rules under chapter 120.

18 (9) The corporation shall provide for an annual
19 financial and compliance audit of its financial accounts and
20 records by an independent certified public accountant in
21 accordance with generally accepted auditing standards. The
22 annual audit report shall include a detailed supplemental
23 schedule of expenditures for each expenditure category and a
24 management letter. The annual audit report must be submitted
25 to the board, the department, and the Auditor General for
26 review. The Auditor General may, pursuant to his or her
27 authority or at the direction of the Legislative Auditing
28 Committee, conduct an audit of the corporation.

29 (10) The board and the department shall annually
30 certify that the corporation is complying with the terms of
31

1 the contract in a manner consistent with the goals and
2 purposes of the board and in the best interest of the state.

3 (11) Nothing in this section shall limit the ability
4 of the corporation to enter into contracts and perform all
5 other acts incidental to those contracts that are necessary
6 for the administration of its affairs and for the attainment
7 of its purposes.

8 (12) The corporation may acquire by lease, and
9 maintain, use, and operate, any real or personal property
10 necessary to perform the duties provided by the contract and
11 this section.

12 (13) No later than October 1, 2000, the department
13 shall contract with a corporation in accordance with
14 subsection (3) for the provision of services for architects
15 and interior designers.

16 (14) The department shall retain the independent
17 authority to open, investigate, or prosecute any cases or
18 complaints, as necessary, to protect the public health,
19 safety, or welfare. In addition, the department shall retain
20 sole authority to issue emergency suspension or restriction
21 orders pursuant to s. 120.60 and to prosecute unlicensed
22 activity cases pursuant to ss. 455.228 and 455.2281.

23 (15) Corporation records are public records subject to
24 the provisions of s. 119.07(1) and s. 24(a), Art. I of the
25 State Constitution; however, public records exemptions set
26 forth in ss. 455.217 and 455.229 for records created or
27 maintained by the department shall apply to records created or
28 maintained by the corporation. The exemptions set forth in s.
29 455.225, relating to complaints and information obtained
30 pursuant to an investigation by the department, shall apply to
31 such records created or obtained by the corporation only until

1 an investigation ceases to be active. For the purposes of this
2 subsection, an investigation is considered active so long as
3 the corporation or any law enforcement or administrative
4 agency is proceeding with reasonable dispatch and has a
5 reasonable, good-faith belief that it may lead to the filing
6 of administrative, civil, or criminal proceedings. An
7 investigation ceases to be active when the case is dismissed
8 prior to a finding of probable cause and the board has not
9 exercised its option to pursue the case or 10 days after the
10 board makes a determination regarding probable cause. All
11 information, records, and transcriptions regarding a complaint
12 that has been determined to be legally sufficient to state a
13 claim within the jurisdiction of the board become available to
14 the public when the investigation ceases to be active, except
15 information that is otherwise confidential or exempt from s.
16 119.07(1). However, in response to an inquiry about the
17 licensure status of an individual, the corporation shall
18 disclose the existence of an active investigation if the
19 nature of the violation under investigation involves the
20 potential for substantial physical or financial harm. The
21 department and the board shall have access to all records of
22 the corporation, as necessary, to exercise their authority to
23 approve and supervise the contract.

24 (16) If any provision of this section is held to be
25 unconstitutional or is held to violate the state or federal
26 antitrust laws, the following shall occur:

27 (a) The corporation shall cease and desist from
28 exercising any powers and duties enumerated in this section.

29 (b) The department shall resume the performance of
30 such activities. The department shall regain and receive,

31

1 hold, invest, and administer property and make expenditures
2 for the benefit of the board.

3 (c) The Executive Office of the Governor,
4 notwithstanding chapter 216, is authorized to reestablish
5 positions, budget authority, and salary rate necessary to
6 carry out the department's responsibilities related to the
7 board.

8 (17) This section is repealed on October 1, 2005, and
9 shall be reviewed by the Legislature prior to that date for
10 the purpose of determining its continued existence.

11 Section 8. Subsection (8) is added to section 468.382,
12 Florida Statutes, to read:

13 468.382 Definitions.--As used in this act, the term:

14 (8) "Absolute auction" means an auction that requires
15 no minimum opening bid that limits the sale other than to the
16 highest bidder.

17 Section 9. Subsections (4), (6), and (7) of section
18 468.385, Florida Statutes, are amended to read:

19 468.385 Licenses required; qualifications;
20 examination; bond.--

21 (4) Any person seeking a license as an auctioneer must
22 ~~shall~~ pass a written examination approved by the board
23 ~~prepared and administered by the department~~ which tests his or
24 her general knowledge of the laws of this state relating to
25 provisions of the Uniform Commercial Code that are relevant to
26 ~~bulk sales, auctions, the laws of agency brokerage,~~ and the
27 provisions of this act.

28 (6) No person shall be licensed as an auctioneer
29 unless he or she:

30 (a) Has held an apprentice license and has served as
31 an apprentice for 1 year or more, or has completed a course of

1 study, consisting of not less than 80 classroom hours of
2 instruction, that meets standards adopted by the board;

3 (b) Has passed the required ~~an~~ examination ~~conducted~~
4 ~~by the department~~; and

5 (c) Is approved by the board.

6 (7)(a) Any auction that is subject to the provisions
7 of this part must be conducted by an auctioneer who has an
8 active license or an apprentice who has an active apprentice
9 auctioneer license and who has received prior written sponsor
10 consent.

11 (b) No business shall auction or offer to auction any
12 property in this state unless it is licensed as an auction
13 business by the board or is exempt from licensure under this
14 act. Each application for licensure shall include the names
15 of the owner and the business, the business mailing address
16 and location, and any other information which the board may
17 require. The owner of an auction business shall report to the
18 board within 30 days of any change in this required
19 information.

20 Section 10. Section 468.3855, Florida Statutes, is
21 created to read:

22 468.3855 Apprenticeship training requirements.--

23 (1) An auctioneer may not sponsor more than three
24 apprentices at one time. Any auctioneer who serves as a
25 sponsor must have held an active, valid license for 3
26 consecutive years preceding the date on which that auctioneer
27 is named as sponsor of the apprentice.

28 (2) Any auctioneer who undertakes the sponsorship of
29 an apprentice shall ensure that the apprentice receives
30 training as required by board rule.

31

1 (3) An apprentice must actively participate in auction
2 sales as required by board rule, and a record of each auction
3 for which participation credit is claimed must be made as
4 required by board rule.

5 (4) Apprentices are prohibited from conducting any
6 auction without the prior express written consent of the
7 sponsor. The apprentice's sponsor must be present at the
8 auction site at any time the apprentice is actively
9 participating in the conduct of the auction. If the
10 apprentice's sponsor cannot attend a particular auction, the
11 sponsor may appoint a qualified auctioneer who meets the
12 requirements of board rule to attend the auction in his or her
13 place. Prior written consent must be given by the apprentice's
14 sponsor for each substitution.

15 (5) Each apprentice and sponsor shall file reports as
16 required by board rule.

17 (6) A sponsor may not authorize an apprentice to
18 conduct an auction or act as principal auctioneer unless the
19 sponsor has determined that the apprentice has received
20 adequate training to do so.

21 (7) The sponsor shall be responsible for any acts or
22 omissions of the apprentice which constitute a violation of
23 law in relation to the conduct of an auction.

24 (8) All apprentice applications shall be valid for a
25 period of 6 months after board approval. Any applicant who
26 fails to complete the licensure process within that time shall
27 be required to make application as a new applicant.

28 (9) Any licensed apprentice who wishes to change the
29 sponsor under whom he or she is licensed must submit a new
30 application and application fee. However, a new license fee
31 shall not be required and credit shall be awarded for training

1 received or any period of apprenticeship served under the
2 previous sponsor.

3 (10) Credit for training received or any period of
4 apprenticeship served shall not be allowed unless it occurred
5 under the supervision of the sponsor under whose supervision
6 the apprentice is licensed.

7 Section 11. Section 468.388, Florida Statutes, is
8 amended to read:

9 468.388 Conduct of an auction.--

10 (1) Prior to conducting an auction in this state, an
11 auctioneer or auction business shall execute a written
12 agreement with the owner, or the agent of the owner, of any
13 property to be offered for sale, stating:

14 (a) The name and address of the owner of the property;

15 (b) The name and address of the person employing the
16 auctioneer or auction business, if different from the owner;
17 and

18 (c) The terms or conditions upon which the auctioneer
19 or auction business will receive the property for sale and
20 remit the sales proceeds to the owner.

21 (2) The auctioneer or auction business shall give the
22 owner one copy of the agreement and shall keep one copy for 2
23 years after the date of the auction.

24 ~~(3) A written agreement shall not be required if:~~

25 ~~(a) The auction is to be conducted at an auction house~~
26 ~~or similar place where the public regularly offers property~~
27 ~~for sale;~~

28 ~~(b) There has been no prior negotiation between the~~
29 ~~owner or the owner's agent and the auctioneer or auction~~
30 ~~business involving terms or conditions pertaining to the~~
31 ~~property being offered for sale; and~~

1 ~~(c) The total estimated value of the property is \$500~~
2 ~~or less. If the actual sale price of the property exceeds~~
3 ~~\$550, the written agreement required by subsection (1) shall~~
4 ~~be executed after the sale.~~

5 (3)(4) Each auctioneer or auction business shall
6 maintain a record book of all sales ~~for which a written~~
7 ~~agreement is required.~~ The record book shall be open to
8 inspection by the board at reasonable times.

9 (4) Each auction must be conducted by an auctioneer
10 who has an active license or by an apprentice who has an
11 active apprentice auctioneer license and who has received
12 prior written sponsor consent. Each auction must be conducted
13 under the auspices of a licensed auction business. Any
14 auctioneer or apprentice auctioneer conducting an auction, and
15 any auction business under whose auspices such auction is
16 held, shall be responsible for determining that any
17 auctioneer, apprentice, or auction business with whom they are
18 associated in conducting such auction has an active Florida
19 auctioneer, apprentice, or auction business license.

20 (5) The principal auctioneer shall prominently display
21 at the auction site the licenses of the principal auctioneer,
22 the auction business, and any other licensed auctioneers or
23 apprentices who are actively participating in the auction. If
24 such a display is not practicable, then an oral announcement
25 at the beginning of the auction or a prominent written
26 announcement that these licenses are available for inspection
27 at the auction site must be made.~~Each auctioneer or auction~~
28 ~~business shall prominently display his or her license, or make~~
29 ~~it otherwise available for inspection, at each auction in~~
30 ~~which he or she participates.~~

31

1 (6) If a buyer premium or any surcharge is a condition
2 to sale at any auction, the amount of the premium or surcharge
3 must be announced at the beginning of the auction and a
4 written notice of this information must be conspicuously
5 displayed or distributed to the public at the auction site.

6 (7) At the beginning of an auction must be announced
7 the terms of bidding and sale and whether the sale is with
8 reserve, without reserve, or absolute or if a minimum bid is
9 required. If the sale is absolute and has been announced or
10 advertised as such, an article or lot may not be withdrawn
11 from sale once a bid has been accepted. If no bid is received
12 within a reasonable time, the item or lot may be withdrawn.

13 (8) If an auction has been advertised as absolute, no
14 bid shall be accepted from the owner of the property or from
15 someone acting on behalf of the owner unless the right to bid
16 is specifically permitted by law.

17 (9) The auction business under which the auction is
18 conducted is responsible for all other aspects of the auction
19 as required by board rule. The auction business may delegate
20 in whole, or in part, different aspects of the auction only to
21 the extent that such delegation is permitted by law and that
22 such delegation will not impede the principal auctioneer's
23 ability to ensure the proper conduct of his or her independent
24 responsibility for the auction. The auction business under
25 whose auspices the auction is conducted is responsible for
26 ensuring compliance as required by board rule.

27 (10)(a) When settlement is not made immediately after
28 an auction, all sale proceeds received for another person must
29 be deposited in an escrow or trust account in an insured bank
30 or savings and loan association located in this state within 2
31

1 working days after the auction. A maximum of \$100 may be kept
2 in the escrow account for administrative purposes.

3 (b) Each auction business shall maintain, for not less
4 than 2 years, a separate ledger showing the funds held for
5 another person deposited and disbursed by the auction business
6 for each auction. The escrow or trust account must be
7 reconciled monthly with the bank statement. A signed and dated
8 record shall be maintained for a 2-year period and be
9 available for inspection by the department or at the request
10 of the board.

11 (c) Any interest which accrues to sale proceeds on
12 deposit shall be the property of the seller for whom the funds
13 were received unless the parties have agreed otherwise by
14 written agreement executed prior to the auction.

15 (d) Unless otherwise provided by written agreement
16 executed prior to the auction, funds received by a licensee
17 from the seller or his or her agent for expenses, including
18 advertising, must be expended for the purposes advanced or
19 refunded to the seller at the time of final settlement. Any
20 funds so received shall be maintained in an escrow or trust
21 account in an insured bank or savings and loan association
22 located in this state. However, this does not prohibit
23 advanced payment of a flat fee.

24 (11)(a)(6) All advertising by an auctioneer or auction
25 business shall include the name and Florida license number of
26 such auctioneer and auction business. The term "advertising"
27 shall not include articles of clothing, directional signs, or
28 other promotional novelty items.

29 (b) No licensed auctioneer, apprentice, or auction
30 business may disseminate or cause to be disseminated any
31 advertisement or advertising which is false, deceptive,

1 misleading, or untruthful. Any advertisement or advertising
2 shall be deemed to be false, deceptive, misleading, or
3 untruthful if it:

4 1. Contains misrepresentations of facts.

5 2. Is misleading or deceptive because, in its content
6 or in the context in which it is presented, it makes only a
7 partial disclosure of relevant facts.

8 3. Creates false or unjustified expectations of the
9 services to be performed.

10 4. Contains any representation or claim which the
11 advertising licensee fails to perform.

12 5. Fails to include the name and license number of the
13 principal auctioneer and the auction business.

14 6. Fails to include the name and license number of the
15 sponsor if an apprentice is acting as the principal
16 auctioneer.

17 7. Advertises an auction as absolute without
18 specifying any and all items to be sold with reserve or with
19 minimum bids.

20 8. Fails to include the percentage amount of any
21 buyer's premium or surcharge which is a condition to sale.

22 (c) The provisions of this subsection apply to media
23 exposure of any nature, regardless of whether it is in the
24 form of paid advertising.

25 (d) The auction business shall be responsible for the
26 content of all advertising disseminated in preparation for an
27 auction.

28 Section 12. Paragraph (c) of subsection (1) of section
29 468.389, Florida Statutes, is amended to read:

30 468.389 Prohibited acts; penalties.--

31

1 (1) The following acts shall be grounds for the
2 disciplinary activities provided in subsections (2) and (3):

3 (c) Failure to account for or to pay or return, within
4 a reasonable time not to exceed 30 days, money or property
5 belonging to another which has come into the control of an
6 auctioneer or auction business through an auction.

7 Section 13. For the purpose of incorporating the
8 amendment to section 468.389, Florida Statutes, in references
9 thereto, subsection (3) of section 468.385 and section
10 468.391, Florida Statutes, are reenacted to read:

11 468.385 Licenses required; qualifications;
12 examination; bond.--

13 (3) No person shall be licensed as an auctioneer or
14 apprentice if he or she:

15 (a) Is under 18 years of age; or

16 (b) Has committed any act or offense in this state or
17 any other jurisdiction which would constitute a basis for
18 disciplinary action under s. 468.389.

19 468.391 Penalty.--Any auctioneer, apprentice, or
20 auction business or any owner or manager thereof, or, in the
21 case of corporate ownership, any substantial stockholder of
22 the corporation owning the auction business, who operates
23 without an active license or violates any provision of the
24 prohibited acts listed under s. 468.389 commits a felony of
25 the third degree, punishable as provided in s. 775.082 or s.
26 775.083.

27 Section 14. Subsection (2) of section 468.392, Florida
28 Statutes, is amended to read:

29 468.392 Auctioneer Recovery Fund.--There is created
30 the Auctioneer Recovery Fund as a separate account in the
31

1 Professional Regulation Trust Fund. The fund shall be
2 administered by the Florida Board of Auctioneers.

3 (2) All payments and disbursements from the Auctioneer
4 Recovery Fund shall be made by the Treasurer upon a voucher
5 signed by the Secretary of Business and Professional
6 Regulation or the secretary's designee. Amounts transferred to
7 the Auctioneer Recovery Fund shall not be subject to any
8 limitation imposed by an appropriation act of the Legislature.

9 Section 15. Section 468.395, Florida Statutes, is
10 amended to read:

11 468.395 Conditions of recovery; eligibility.--

12 (1) Recovery from the Auctioneer Recovery Fund may be
13 obtained as follows:

14 (a) Any aggrieved person is eligible to receive
15 recovery from the Auctioneer Recovery Fund if the Florida
16 Board of Auctioneers has issued a final order directing an
17 offending licensee to pay restitution to the claimant as the
18 result of the licensee violating, within this state, any
19 provision of s. 468.389 or any rule adopted by the board and
20 if the board determined that the order of restitution cannot
21 be enforced; or

22 (b)(1) Any aggrieved person who obtains a final
23 judgment in any court against any licensee to recover damages
24 for any actual loss that results from the violation, within
25 this state, by failure to meet the obligations of a licensee
26 of any provision of s. 468.389 or any rule under this part and
27 the rules adopted by the board, with or without findings by
28 the board, that results in an actual cash loss to the
29 aggrieved person may, upon termination of all proceedings,
30 including appeals and proceedings supplemental to judgment for
31 collection purposes, file a verified application to the board

1 ~~in the court in which the judgment was entered~~ for an order
2 directing payment out of the Auctioneer Recovery Fund of the
3 amount of actual ~~and direct~~ loss in the transaction that
4 remains unpaid upon the judgment. ~~Notwithstanding subsection~~
5 ~~(3), any application received by the court in which the~~
6 ~~judgment was entered within 6 months of termination of all~~
7 ~~proceedings, including appeals and proceedings supplemental to~~
8 ~~judgment for collection purposes, shall be considered timely~~
9 ~~filed.~~ The amount of actual ~~and direct~~ loss may include court
10 costs, but shall not include attorney's fees or punitive
11 damages awarded.

12 (2) The amount paid from the Auctioneer Recovery Fund
13 may not exceed \$50,000 per claim judgment or claims judgments
14 arising out of the same transaction or auction or ~~and~~ an
15 aggregate lifetime limit of \$100,000 with respect to any one
16 licensee. For purposes of this subsection, auctions conducted
17 under a single contract, agreement, or consignment shall be
18 considered a single transaction or auction even though
19 conducted at more than one time or place.

20 ~~(2) At the time the action is commenced, such person~~
21 ~~shall give notice thereof to the board by certified mail,~~
22 ~~except that, if no notice is given to the board, the claim may~~
23 ~~still be honored if, in the opinion of the board, the claim is~~
24 ~~otherwise valid.~~

25 (3) A claim for recovery from the Auctioneer Recovery
26 Fund shall be made within 2 years from the time of the act
27 giving rise to the claim or within 2 years from the time the
28 act is discovered or should have been discovered with the
29 exercise of due diligence; however, in no event may a claim
30 for recovery be made more than 4 years after the date of the
31 act giving rise to the claim.

1 (4) The board ~~court~~ shall not issue an order for
2 payment of a claim from the Auctioneer Recovery Fund unless
3 the claimant has reasonably established to ~~for~~ the board ~~court~~
4 that she or he has taken proper and reasonable action to
5 collect the amount of her or his claim from the licensee
6 ~~licensed auctioneer~~ responsible for the loss and that any
7 recovery made has been applied to reduce the amount of the
8 claim on the Auctioneer Recovery Fund.

9 (5) Notwithstanding any other provision of this part,
10 no claim based on any act or omission that occurred outside
11 this state or that occurred before October 1, 1991, shall be
12 payable ~~submitted for payment to or payment~~ from the
13 Auctioneer Recovery Fund ~~until after October 1, 1995.~~

14 (6) In case of payment of loss from the Auctioneer
15 Recovery Fund, the fund shall be subrogated, to the extent of
16 the amount of the payment, to all the rights of the claimant
17 against any licensee with respect to the loss.

18 Section 16. Section 468.397, Florida Statutes, is
19 amended to read:

20 468.397 Payment of claim.--Upon a final order of the
21 court directing that payment be made out of the Auctioneer
22 Recovery Fund, the board shall, subject to the provisions of
23 this part, make the payment out of ~~to~~ the Auctioneer Recovery
24 Fund as provided in s. 468.395.

25 Section 17. Section 468.433, Florida Statutes, is
26 amended to read:

27 468.433 Licensure by examination.--

28 (1) A person desiring to be licensed as a community
29 association manager shall apply to the department to take the
30 licensure examination. Each applicant must file a complete
31 set of fingerprints that have been taken by an authorized law

1 enforcement officer, which set of fingerprints shall be
2 submitted to the Department of Law Enforcement for state
3 processing and to the Federal Bureau of Investigation for
4 federal processing. The cost of processing shall be borne by
5 the applicant.

6 (2) The department shall examine each applicant who is
7 at least 18 years of age, who has successfully completed all
8 prelicensure education requirements, and who the department
9 certifies is of good moral character.

10 (a) Good moral character means a personal history of
11 honesty, fairness, and respect for the rights of others and
12 for the laws of this state and nation.

13 (b) The department may refuse to certify an applicant
14 only if:

15 1. There is a substantial connection between the lack
16 of good moral character of the applicant and the professional
17 responsibilities of a community association manager; and

18 2. The finding by the department of lack of good moral
19 character is supported by clear and convincing evidence.

20 (c) When an applicant is found to be unqualified for a
21 license because of a lack of good moral character, the
22 department shall furnish the applicant a statement containing
23 its findings, a complete record of the evidence upon which the
24 determination was based, and a notice of the rights of the
25 applicant to a rehearing and appeal.

26 (d) The council shall establish by rule the required
27 amount of prelicensure education, which shall consist of not
28 more than 24 hours of in-person instruction by a
29 department-approved provider and which shall cover all areas
30 of the examination specified in subsection (3). Such
31 instruction shall be completed within 12 months prior to the

1 date of the examination. Prelicensure education providers
2 shall be considered continuing education providers for
3 purposes of establishing provider approval fees. A licensee
4 shall not be required to comply with the continuing education
5 requirements of s. 468.4337 prior to the first license
6 renewal. The department shall, by rule, set standards for
7 exceptions to the requirement of in-person instruction in
8 cases of hardship or disability.

9 (3)(2) The council shall approve an examination for
10 licensure. The examination must demonstrate that the
11 applicant has a fundamental knowledge of state and federal
12 laws relating to the operation of all types of community
13 associations and state laws relating to corporations and
14 nonprofit corporations, proper preparation of community
15 association budgets, proper procedures for noticing and
16 conducting community association meetings, insurance matters
17 relating to community associations, and management skills.

18 (4)(3) The department shall issue a license to
19 practice in this state as a community association manager to
20 any applicant who successfully completes the examination in
21 accordance with this section and pays the appropriate fee.

22 Section 18. Paragraph (h) of subsection (3) of section
23 468.525, Florida Statutes, is repealed.

24 Section 19. Subsection (2) of section 468.526, Florida
25 Statutes, is amended to read:

26 468.526 License required; fees.--

27 (2) Two or more, but not more than five, employee
28 leasing companies that are ~~corporations which are~~ majority
29 owned by the same ultimate parent, entity, or persons may be
30 licensed as an employee leasing company group. An employee
31 leasing company group may satisfy the reporting and financial

1 requirements of this licensing law on a consolidated basis.
2 As a condition of licensure as an employee leasing company
3 group, each company that is a member of the group shall
4 guarantee payment of all financial obligations of each other
5 member.

6 Section 20. Section 468.531, Florida Statutes, is
7 amended to read:

8 468.531 Prohibitions; penalties.--

9 (1) No person or entity shall:

10 (a) Practice or offer to practice as an employee
11 leasing company, an employee leasing company group, or a
12 controlling person unless such person or entity is licensed
13 pursuant to this part;

14 (b) Practice or offer to practice as an employee
15 leasing company or employee leasing company group unless all
16 controlling persons thereof are licensed pursuant to this
17 part;

18 (c) Use the name or title "licensed employee leasing
19 company," "employee leasing company," "employee leasing
20 company group," "professional employer," "professional
21 employer organization," ~~or~~ "controlling person," or words that
22 would tend to lead one to believe that such person or entity
23 is registered pursuant to this part, when such person or
24 entity has not registered pursuant to this part;

25 (d) Present as his or her own or his or her entity's
26 own the license of another;

27 (e) Knowingly give false or forged evidence to the
28 board or a member thereof; or

29 (f) Use or attempt to use a license that has been
30 suspended or revoked.

31

1 (2) Any person or entity that violates any provision
2 of this section commits a misdemeanor of the first degree,
3 punishable as provided in s. 775.082 or s. 775.083.

4 Section 21. Subsection (3) of section 470.005, Florida
5 Statutes, is amended to read:

6 470.005 Rulemaking authority of board and
7 department.--

8 (3) The board shall adopt rules which establish
9 requirements for inspection of direct disposal establishments,
10 funeral establishments, and cinerator facilities and the
11 records directly relating to the regulated activities of the
12 licensee to ensure compliance with the provisions of this
13 chapter and rules adopted hereunder. Such rules shall
14 include, but not be limited to, requirements to inspect for
15 compliance with federal and state laws relating to the
16 receiving, handling, storage, and disposal of biohazardous and
17 hazardous waste.

18 Section 22. Section 470.015, Florida Statutes, is
19 amended to read:

20 470.015 Renewal of funeral director and embalmer
21 licenses.--

22 (1) The department shall renew a funeral director or
23 embalmer license upon receipt of the renewal application and
24 fee set by the board not to exceed \$250. The board may
25 prescribe by rule continuing education requirements of up to
26 12 classroom hours and may by rule establish criteria for
27 accepting alternative nonclassroom continuing education on an
28 hour-for-hour basis, in addition to a board-approved course on
29 communicable diseases that includes the course on human
30 immunodeficiency virus and acquired immune deficiency syndrome
31 required by s. 455.2226, for the renewal of a funeral director

1 or embalmer license. The board may provide for the waiver of
2 continuing education requirements in circumstances that would
3 justify the waiver, such as hardship, disability, or illness.
4 The continuing education requirement is not required after
5 July 1, 1996, for a licensee who is over the age of 75 years
6 if the licensee does not qualify as the sole person in charge
7 of an establishment or facility.

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

10 (3) The board shall adopt rules to establish
11 requirements for the advertising of continuing education
12 courses.

13 Section 23. Subsection (1) of section 470.016, Florida
14 Statutes, is amended to read:

15 470.016 Inactive status.--

16 (1) A funeral director or embalmer license that has
17 become inactive may be reactivated under s. 470.015 upon
18 application to the department. The board shall prescribe by
19 rule continuing education requirements as a condition of
20 reactivating a license. The continuing education requirements
21 for reactivating a license may not exceed 12 classroom hours
22 and may by rule establish criteria for accepting alternative
23 nonclassroom continuing education on an hour-for-hour basis,
24 in addition to a board-approved course on communicable
25 diseases, for each year the license was inactive.

26 Section 24. Subsection (2) of section 470.017, Florida
27 Statutes, is amended, and subsection (5) is added to that
28 section, to read:

29 470.017 Registration as a direct disposer.--

30 (2) Any person who desires to be registered as a
31 direct disposer shall file an application with the department

1 on a form furnished by the department. The department shall
2 register each applicant who has remitted a registration fee
3 set by the ~~board department~~, not to exceed \$200; has completed
4 the application form and remitted a nonrefundable application
5 fee set by the ~~board department~~, not to exceed \$50; and meets
6 the following requirements:

7 (a) Is at least 18 years of age.

8 (b) Is a high school graduate or equivalent.

9 (c) Has no conviction or finding of guilt, and has
10 never entered a plea of nolo contendere, regardless of
11 adjudication, for a crime which directly relates to the
12 functions and duties of a direct disposer or the ability to
13 ~~practice of~~ direct disposition.

14 (d) Has received a passing grade in a college credit
15 course in Florida mortuary law.

16 (e) Has completed a board-approved course on
17 communicable diseases.

18 (f) Has passed an examination prepared by the
19 department on the local, state, and federal laws and rules
20 relating to the disposition of dead human bodies.

21 (5) After June 30, 2001, a person may not be
22 registered pursuant to this section. However, any person who
23 holds a valid registration on June 30, 2001, may continue to
24 renew such registration pursuant to s. 470.018 if the
25 registrant remains current and in good standing.

26 Section 25. Subsection (2) of section 470.018, Florida
27 Statutes, is amended to read:

28 470.018 Renewal of registration of direct disposer.--

29 (2) The department shall adopt rules establishing a
30 procedure for the biennial renewal of registrations. The
31 board shall prescribe by rule continuing education

1 requirements of up to 3 classroom hours and may by rule
2 establish criteria for accepting alternative nonclassroom
3 continuing education on an hour-for-hour basis, in addition to
4 a board-approved course on communicable diseases that includes
5 the course on human immunodeficiency virus and acquired immune
6 deficiency syndrome required by s. 455.2226, for the renewal
7 of a registration.

8 Section 26. Subsection (10) is added to section
9 470.021, Florida Statutes, to read:

10 470.021 Direct disposal establishment; standards and
11 location; registration.--

12 (10) A direct disposal establishment may not be
13 operated at the same location as any other direct disposal
14 establishment or funeral establishment unless such
15 establishments were licensed as colocated establishments on
16 July 1, 2000.

17 Section 27. Section 470.028, Florida Statutes, is
18 amended to read:

19 470.028 Preneed sales; registration of agents.--

20 (1) All sales of preneed funeral service contracts or
21 direct disposition contracts shall be made pursuant to chapter
22 497.

23 (2) No person may act as an agent for a ~~funeral~~
24 ~~director~~, funeral establishment, ~~direct disposer~~, or direct
25 disposal disposer establishment with respect to the sale of
26 preneed contracts unless such person is registered pursuant to
27 chapter 497.

28 (3) Each licensee or registrant shall be subject to
29 discipline if his or her agent violates any provision of this
30 chapter applicable to such licensee or registrant as
31 established by board rule.

1 Section 28. Subsection (2) of section 470.0301,
2 Florida Statutes, is amended to read:

3 470.0301 Removal services; refrigeration facilities;
4 centralized embalming facilities.--In order to ensure that the
5 removal, refrigeration, and embalming of all dead human bodies
6 is conducted in a manner that properly protects the public's
7 health and safety, the board shall adopt rules to provide for
8 the registration of removal services, refrigeration
9 facilities, and centralized embalming facilities operated
10 independently of funeral establishments, direct disposal
11 establishments, and cinerator facilities.

12 (2) CENTRALIZED EMBALMING FACILITIES.--In order to
13 ensure that all funeral establishments have access to
14 embalming facilities that comply with all applicable health
15 and safety requirements, the board shall adopt rules to
16 provide for the registration and operation of centralized
17 embalming facilities and shall require, at a minimum, the
18 following:

19 (a) All centralized embalming facilities shall contain
20 all of the equipment and meet all of the requirements that a
21 preparation room located in a funeral establishment is
22 required to meet, but such facilities shall not be required to
23 comply with any of the other requirements for funeral
24 establishments, as set forth in s. 470.024.

25 (b) Each licensed centralized embalming facility shall
26 have at least one full-time embalmer in charge. The full-time
27 embalmer in charge must have an active license and may not be
28 the full-time embalmer in charge, full-time funeral director
29 in charge, or full-time direct disposer in charge of any other
30 establishment licensed under this chapter.

31

1 (c) Any person, regardless of whether such person is
2 otherwise regulated by this chapter, may own such a facility,
3 provided that such facility is operated in accordance with the
4 rules established by the board.

5 (d) A centralized embalming facility may only provide
6 services to funeral establishments.

7 (e) The practice of embalming done at a centralized
8 embalming facility shall only be practiced by an embalmer
9 licensed under this chapter and shall be provided only to
10 licensed funeral establishments.

11 (f) Application for registration of a centralized
12 embalming facility shall be made on forms furnished by the
13 department and shall be accompanied by a nonrefundable fee not
14 to exceed \$300 as set by board rule, and registration shall be
15 renewed biennially pursuant to procedures and upon payment of
16 a nonrefundable fee not to exceed \$300 as set by board rule.
17 The board may also establish by rule a late fee not to exceed
18 \$50. Any registration not renewed within 30 days after the
19 renewal date shall expire without further action by the
20 department.

21 (g) The board shall set by rule an annual inspection
22 fee not to exceed \$100, payable upon application for
23 registration and upon renewal of such registration.

24 (h) The board shall, by rule, establish operating
25 procedures which shall require, at a minimum, that centralized
26 embalming facilities maintain a system of identification of
27 human remains received for embalming.

28 Section 29. Subsections (2) and (3) of section
29 471.003, Florida Statutes, are amended to read:

30 471.003 Qualifications for practice, exemptions.--
31

1 (2) The following persons are not required to register
2 under the provisions of this chapter ~~ss. 471.001-471.037~~ as a
3 registered engineer:

4 (a) Any person practicing engineering for the
5 improvement of, or otherwise affecting, property legally owned
6 by her or him, unless such practice involves a public utility
7 or the public health, safety, or welfare or the safety or
8 health of employees. This paragraph shall not be construed as
9 authorizing the practice of engineering through an agent or
10 employee who is not duly registered under the provisions of
11 this chapter ~~ss. 471.001-471.037~~.

12 (b)1. A person acting as a public officer employed by
13 any state, county, municipal, or other governmental unit of
14 this state when working on any project the total estimated
15 cost of which is \$10,000 or less.

16 2. Persons who are employees of any state, county,
17 municipal, or other governmental unit of this state and who
18 are the subordinates of a person in responsible charge
19 registered under this chapter ~~ss. 471.001-471.037~~, to the
20 extent that the supervision meets standards adopted by rule of
21 the board.

22 (c) Regular full-time employees of a corporation not
23 engaged in the practice of engineering as such, whose practice
24 of engineering for such corporation is limited to the design
25 or fabrication of manufactured products and servicing of such
26 products.

27 (d) Regular full-time employees of a public utility or
28 other entity subject to regulation by the Florida Public
29 Service Commission, Federal Energy Regulatory Commission, or
30 Federal Communications Commission.

31

1 (e) Employees of a firm, corporation, or partnership
2 who are the subordinates of a person in responsible charge,
3 registered under this chapter ~~ss. 471.001-471.037~~.

4 (f) Any person as contractor in the execution of work
5 designed by a professional engineer or in the supervision of
6 the construction of work as a foreman or superintendent.

7 (g) A registered surveyor and mapper who takes, or
8 contracts for, professional engineering services incidental to
9 her or his practice of surveying and mapping and who delegates
10 such engineering services to a registered professional
11 engineer qualified within her or his firm or contracts for
12 such professional engineering services to be performed by
13 others who are registered professional engineers under the
14 provisions of this chapter ~~ss. 471.001-471.037~~.

15 (h) Any electrical, plumbing, air-conditioning, or
16 mechanical contractor whose practice includes the design and
17 fabrication of electrical, plumbing, air-conditioning, or
18 mechanical systems, respectively, which she or he installs by
19 virtue of a license issued under chapter 489, under part I of
20 chapter 553, or under any special act or ordinance when
21 working on any construction project which:

22 1. Requires an electrical or plumbing or
23 air-conditioning and refrigeration system with a value of
24 \$50,000 or less; and

25 2.a. Requires an aggregate service capacity of 600
26 amperes (240 volts) or less on a residential electrical system
27 or 800 amperes (240 volts) or less on a commercial or
28 industrial electrical system;

29 b. Requires a plumbing system with fewer than 250
30 fixture units; or

31

1 c. Requires a heating, ventilation, and
2 air-conditioning system not to exceed a 15-ton-per-system
3 capacity, or if the project is designed to accommodate 100 or
4 fewer persons.

5 (i) Any general contractor, certified or registered
6 pursuant to the provisions of chapter 489, when negotiating or
7 performing services under a design-build contract as long as
8 the engineering services offered or rendered in connection
9 with the contract are offered and rendered by an engineer
10 licensed or registered in accordance with this chapter.

11 (3) Notwithstanding the provisions of this chapter ss.
12 ~~471.001-471.037~~ or of any other law, no registered engineer
13 whose principal practice is civil or structural engineering,
14 or employee or subordinate under the responsible supervision
15 or control of the engineer, is precluded from performing
16 architectural services which are purely incidental to her or
17 his engineering practice, nor is any registered architect, or
18 employee or subordinate under the responsible supervision or
19 control of the architect, precluded from performing
20 engineering services which are purely incidental to her or his
21 architectural practice. However, no engineer shall practice
22 architecture or use the designation "architect" or any term
23 derived therefrom, and no architect shall practice engineering
24 or use the designation "engineer" or any term derived
25 therefrom.

26 Section 30. Section 471.0035, Florida Statutes, is
27 amended to read:

28 471.0035 Instructors in postsecondary educational
29 institutions; exemption from registration requirement.--For
30 the sole purpose of teaching the principles and methods of
31 engineering design, notwithstanding the provisions of s.

1 471.005(6), a person employed by a public postsecondary
2 educational institution, or by an independent postsecondary
3 educational institution licensed or exempt from licensure
4 pursuant to the provisions of chapter 246, is not required to
5 register under the provisions of this chapter ~~ss.~~
6 ~~471.001-471.037~~ as a registered engineer.

7 Section 31. Section 471.005, Florida Statutes, is
8 amended to read:

9 471.005 Definitions.--As used in this chapter ~~ss.~~
10 ~~471.001-471.037~~, the term:

11 (1) "Board" means the Board of Professional Engineers.

12 (2) "Certificate of authorization" means a license to
13 practice engineering issued by the department to a corporation
14 or partnership.

15 (3) "Department" means the Department of Business and
16 Professional Regulation.

17 (4) "Engineer" includes the terms "professional
18 engineer" and "registered engineer" and means a person who is
19 registered to engage in the practice of engineering under this
20 chapter ~~ss. 471.001-471.037~~.

21 (5) "Engineer intern" means a person who has graduated
22 from, or is in the final year of, an engineering curriculum
23 approved by the board and has passed the fundamentals of
24 engineering examination as provided by rules adopted by the
25 board.

26 (6) "Engineering" includes the term "professional
27 engineering" and means any service or creative work, the
28 adequate performance of which requires engineering education,
29 training, and experience in the application of special
30 knowledge of the mathematical, physical, and engineering
31 sciences to such services or creative work as consultation,

1 investigation, evaluation, planning, and design of engineering
2 works and systems, planning the use of land and water,
3 teaching of the principles and methods of engineering design,
4 engineering surveys, and the inspection of construction for
5 the purpose of determining in general if the work is
6 proceeding in compliance with drawings and specifications, any
7 of which embraces such services or work, either public or
8 private, in connection with any utilities, structures,
9 buildings, machines, equipment, processes, work systems,
10 projects, and industrial or consumer products or equipment of
11 a mechanical, electrical, hydraulic, pneumatic, or thermal
12 nature, insofar as they involve safeguarding life, health, or
13 property; and includes such other professional services as may
14 be necessary to the planning, progress, and completion of any
15 engineering services. A person who practices any branch of
16 engineering; who, by verbal claim, sign, advertisement,
17 letterhead, or card, or in any other way, represents himself
18 or herself to be an engineer or, through the use of some other
19 title, implies that he or she is an engineer or that he or she
20 is registered under this chapter ~~ss. 471.001-471.037~~; or who
21 holds himself or herself out as able to perform, or does
22 perform, any engineering service or work or any other service
23 designated by the practitioner which is recognized as
24 engineering shall be construed to practice or offer to
25 practice engineering within the meaning and intent of this
26 chapter ~~ss. 471.001-471.037~~.

27 (7) "License" means the registration of engineers or
28 certification of businesses to practice engineering in this
29 state.

30 (8) "Retired professional engineer" or "professional
31 engineer, retired" means a person who has been duly licensed

1 as a professional engineer by the board and who chooses to
2 relinquish or not to renew his or her license and applies to
3 and is approved by the board to be granted the title
4 "Professional Engineer, Retired."

5 Section 32. Subsection (1) of section 471.011, Florida
6 Statutes, is amended to read:

7 471.011 Fees.--

8 (1) The board by rule may establish fees to be paid
9 for applications, examination, reexamination, licensing and
10 renewal, inactive status application and reactivation of
11 inactive licenses, and recordmaking and recordkeeping. The
12 board may also establish by rule a delinquency fee. The board
13 shall establish fees that are adequate to ensure the continued
14 operation of the board. Fees shall be based on department
15 estimates of the revenue required to implement this chapter
16 ~~ss. 471.001-471.037~~ and the provisions of law with respect to
17 the regulation of engineers.

18 Section 33. Subsection (4) and paragraph (a) of
19 subsection (5) of section 471.015, Florida Statutes, are
20 amended to read:

21 471.015 Licensure.--

22 (4) The department shall not issue a license by
23 endorsement to any applicant who is under investigation in
24 another state for any act that would constitute a violation of
25 this chapter ~~ss. 471.001-471.037~~ or of part I of chapter 455
26 until such time as the investigation is complete and
27 disciplinary proceedings have been terminated.

28 (5)(a) The board shall deem that an applicant who
29 seeks licensure by endorsement has passed an examination
30 substantially equivalent to part I of the engineering
31 examination when such applicant:

1 1. Has held a valid professional engineer's
2 registration in another state for 15 years and has had 20
3 years of continuous professional-level engineering experience;

4 2. Has received a doctorate degree in engineering from
5 an institution that has an undergraduate ~~a nationally~~
6 ~~accredited~~ engineering degree program which is accredited by
7 the Accreditation Board for Engineering Technology; or

8 3. Has received a doctorate degree in engineering and
9 has taught engineering full time for at least 3 years, at the
10 baccalaureate level or higher, after receiving that degree.

11 Section 34. Subsections (2) and (3) of section
12 471.017, Florida Statutes, are amended to read:

13 471.017 Renewal of license.--

14 (2) The board ~~department~~ shall adopt rules
15 establishing a procedure for the biennial renewal of licenses.

16 (3) The board shall require a demonstration of
17 continuing professional competency of engineers as a condition
18 of license renewal or relicensure. Every licensee must
19 complete 15 professional development hours, or the equivalent
20 thereof, for each year of the license renewal period. The
21 board shall adopt rules that are consistent with the
22 guidelines of the National Council of Examiners for
23 Engineering and Surveying for multijurisdictional licensees
24 for the purpose of avoiding proprietary continuing
25 professional competency requirements. The board may, by rule,
26 exempt from continuing professional competency requirements
27 retired professional engineers who no longer sign and seal
28 engineering documents and licensees in unique circumstances
29 that severely limit opportunities to obtain the required
30 professional development hours.~~Commencing with licensure~~
31 ~~renewal in 2002, each licensee actively participating in the~~

1 ~~design of engineering works or systems in connection with~~
2 ~~buildings, structures, and facilities covered by the Florida~~
3 ~~Building Code shall submit proof to the board that the~~
4 ~~licensee participates in continuing education courses relating~~
5 ~~to the core curriculum courses or the building code training~~
6 ~~program or evidence of passing an equivalency test on the core~~
7 ~~curriculum courses or specialized or advanced courses on any~~
8 ~~portion of the Florida Building Code applicable to the area of~~
9 ~~practice.~~

10 Section 35. Section 471.019, Florida Statutes, is
11 amended to read:

12 471.019 ~~Reactivation; design of engineering works or~~
13 ~~systems; continuing education.--~~

14 (1) The board shall prescribe by rule continuing
15 education requirements for reactivating a license. The
16 continuing education requirements for reactivating a license
17 for a registered engineer may not exceed 12 classroom hours
18 for each year the license was inactive.

19 (2) ~~All licensees actively participating in the design~~
20 ~~of engineering works or systems in connection with buildings,~~
21 ~~structures, or facilities and systems covered by the Florida~~
22 ~~Building Code shall take continuing education courses and~~
23 ~~submit proof to the board, at such times and in such manner as~~
24 ~~established by the board by rule, that the licensee has~~
25 ~~completed the core curriculum courses and any specialized or~~
26 ~~advanced courses on any portion of the Florida Building Code~~
27 ~~applicable to the licensee's area of practice or has passed~~
28 ~~the appropriate equivalency test of the Building Code Training~~
29 ~~Program established by s. 553.841. The board shall record~~
30 ~~reported continuing education courses on a system easily~~
31 ~~accessed by code enforcement jurisdictions for evaluation when~~

1 ~~determining license status for purposes of processing design~~
2 ~~documents. Local jurisdictions shall be responsible for~~
3 ~~notifying the board when design documents are submitted for~~
4 ~~building construction permits by persons who are not in~~
5 ~~compliance with this section. The board shall take appropriate~~
6 ~~action as provided by its rules when such noncompliance is~~
7 ~~determined to exist.~~

8 Section 36. Section 471.0195, Florida Statutes, is
9 created to read:

10 471.0195 Florida Building Code training for
11 engineers.--Effective January 1, 2000, all licensees actively
12 participating in the design of engineering works or systems in
13 connection with buildings, structures, or facilities and
14 systems covered by the Florida Building Code shall take
15 continuing education courses and submit proof to the board, at
16 such times and in such manner as established by the board by
17 rule, that the licensee has completed the core curriculum
18 courses and any specialized or advanced courses on any portion
19 of the Florida Building Code applicable to the licensee's area
20 of practice or has passed the appropriate equivalency test of
21 the Building Code Training Program established by s. 553.841.
22 The board shall record reported continuing education courses
23 on a system easily accessed by code enforcement jurisdictions
24 for evaluation when determining license status for purposes of
25 processing design documents. Local jurisdictions shall be
26 responsible for notifying the board when design documents are
27 submitted for building construction permits by persons who are
28 not in compliance with this section. The board shall take
29 appropriate action as provided by its rules when such
30 noncompliance is determined to exist.

31

1 Section 37. Subsection (1) of section 471.023, Florida
2 Statutes, is amended to read:

3 471.023 Certification of partnerships and
4 corporations.--

5 (1) The practice of, or the offer to practice,
6 engineering by registrants through a corporation or
7 partnership offering engineering services to the public or by
8 a corporation or partnership offering said services to the
9 public through registrants under this chapter ~~ss.~~
10 ~~471.001-471.037~~ as agents, employees, officers, or partners is
11 permitted only if the firm possesses a certification issued by
12 the department pursuant to qualification by the board, subject
13 to the provisions of this chapter ~~ss. 471.001-471.037~~. One or
14 more of the principal officers of the corporation or one or
15 more partners of the partnership and all personnel of the
16 corporation or partnership who act in its behalf as engineers
17 in this state shall be registered as provided by this chapter
18 ~~ss. 471.001-471.037~~. All final drawings, specifications,
19 plans, reports, or documents involving practices registered
20 under this chapter ~~ss. 471.001-471.037~~ which are prepared or
21 approved for the use of the corporation or partnership or for
22 public record within the state shall be dated and shall bear
23 the signature and seal of the registrant who prepared or
24 approved them. Nothing in this section shall be construed to
25 mean that a certificate of registration to practice
26 engineering shall be held by a corporation. Nothing herein
27 prohibits corporations and partnerships from joining together
28 to offer engineering services to the public, provided each
29 corporation or partnership otherwise meets the requirements of
30 this section. No corporation or partnership shall be relieved
31 of responsibility for the conduct or acts of its agents,

1 employees, or officers by reason of its compliance with this
2 section, nor shall any individual practicing engineering be
3 relieved of responsibility for professional services performed
4 by reason of his or her employment or relationship with a
5 corporation or partnership.

6 Section 38. Subsection (1) of section 471.025, Florida
7 Statutes, is amended to read:

8 471.025 Seals.--

9 (1) The board shall prescribe, by rule, a form of seal
10 to be used by registrants holding valid certificates of
11 registration. Each registrant shall obtain an impression-type
12 metal seal in the form aforesaid and may, in addition,
13 register his or her seal electronically in accordance with ss.
14 282.70-282.75. All final drawings, specifications, plans,
15 reports, or documents prepared or issued by the registrant and
16 being filed for public record and all final bid documents
17 provided to the owner or the owner's representative shall be
18 signed by the registrant, dated, and stamped with said seal.
19 Such signature, date, and seal shall be evidence of the
20 authenticity of that to which they are affixed. Drawings,
21 specifications, plans, reports, final bid documents, or
22 documents prepared or issued by a registrant may be
23 transmitted electronically and may be signed by the
24 registrant, dated, and stamped electronically with said seal
25 in accordance with ss. 282.70-282.75.

26 Section 39. Section 471.031, Florida Statutes, is
27 amended to read:

28 471.031 Prohibitions; penalties.--

29 (1) A person may not knowingly:

30 (a) Practice engineering unless the person is
31 registered under this chapter ~~ss. 471.001-471.037~~;

1 (b) Use the name or title "registered engineer" or any
2 other title, designation, words, letters, abbreviations, or
3 device tending to indicate that such person holds an active
4 registration as an engineer when the person is not registered
5 under this chapter ~~ss. 471.001-471.037~~;

6 (c) Present as his or her own the registration of
7 another;

8 (d) Give false or forged evidence to the board or a
9 member thereof;

10 (e) Use or attempt to use a registration that has been
11 suspended, revoked, or placed on inactive or delinquent
12 status;

13 (f) Employ unlicensed persons to practice engineering;
14 or

15 (g) Conceal information relative to violations of this
16 chapter ~~ss. 471.001-471.037~~.

17 (2) Any person who violates any provision of this
18 section commits ~~is guilty of~~ a misdemeanor of the first
19 degree, punishable as provided in s. 775.082 or s. 775.083.

20 Section 40. Section 471.037, Florida Statutes, is
21 amended to read:

22 471.037 Effect of chapter ~~ss. 471.001-471.037~~
23 locally.--

24 (1) Nothing contained in this chapter ~~ss.~~
25 ~~471.001-471.037~~ shall be construed to repeal, amend, limit, or
26 otherwise affect any local building code or zoning law or
27 ordinance, now or hereafter enacted, which is more restrictive
28 with respect to the services of registered engineers than the
29 provisions of this chapter ~~ss. 471.001-471.037~~.

30 (2) In counties or municipalities that issue building
31 permits, such permits may not be issued in any case in which

1 it is apparent from the application for the building permit
2 that the provisions of this chapter ~~ss. 471.001-471.037~~ have
3 been violated. However, this subsection does not authorize the
4 withholding of building permits in cases involving the
5 exceptions and exemptions set out in s. 471.003.

6 Section 41. Subsection (11) of section 474.202,
7 Florida Statutes, is amended to read:

8 474.202 Definitions.--As used in this chapter:

9 (11) "Veterinarian" means a health care practitioner
10 ~~person~~ who is licensed to engage in the practice of veterinary
11 medicine in Florida under the authority of this chapter.

12 Section 42. Section 474.203, Florida Statutes, is
13 amended to read:

14 474.203 Exemptions.--This chapter shall not apply to:

15 (1) Any faculty member practicing only in conjunction
16 with teaching duties at a school or college of veterinary
17 medicine. ~~Such school or college shall be~~ located in this
18 state and ~~be~~ accredited by the American Veterinary Medical
19 Association Council on Education. However, this exemption
20 shall only apply to such a faculty member who does not hold a
21 valid license issued under this chapter, but who is a graduate
22 of a school or college of veterinary medicine accredited by
23 the American Veterinary Medical Association Council on
24 Education or a school or college recognized by the American
25 Veterinary Medical Association Commission for Foreign
26 Veterinary Graduates.The faculty member exemption shall
27 automatically expire when such school or college terminates
28 the faculty member from such teaching duties. On December 31
29 of each year, such school or college shall provide the board
30 with a written list of all faculty who are exempt from this
31

1 chapter. Such school or college shall also notify the board in
2 writing of any additions or deletions to such list.

3 (2) A person practicing as an intern or resident
4 veterinarian who does not hold a valid license issued under
5 this chapter and who is a graduate in training at a school or
6 college of veterinary medicine located in this state and
7 accredited by the American Veterinary Medical Association
8 Council on Education or a school or college recognized by the
9 American Veterinary Medical Association Commission for Foreign
10 Veterinary Graduates. Such intern or resident must be a
11 graduate of a school or college of veterinary medicine
12 accredited by the American Veterinary Medical Association
13 Council on Education. This exemption expires when such intern
14 or resident completes or is terminated from such training.
15 Each school or college at which such intern or resident is in
16 training shall, on July 1 of each year, provide the board with
17 a written list of all such interns or residents designated for
18 this exemption, and the school or college shall also notify
19 the board of any additions or deletions to the list.

20 ~~(3)(2)~~ A student in a school or college of veterinary
21 medicine while in the performance of duties assigned by her or
22 his instructor or when working as a preceptor under the
23 immediate supervision of a licensee, provided that such
24 preceptorship is required for graduation from an accredited
25 school or college of veterinary medicine. The licensed
26 veterinarian shall be responsible for all acts performed by a
27 preceptor under her or his supervision.

28 ~~(4)(3)~~ Any doctor of veterinary medicine in the employ
29 of a state agency or the United States Government while
30 actually engaged in the performance of her or his official
31 duties; however, this exemption shall not apply to such person

1 when the person is not engaged in carrying out her or his
2 official duties or is not working at the installations for
3 which her or his services were engaged.

4 (5)~~(4)~~ Any person, or the person's regular employee,
5 administering to the ills or injuries of her or his own
6 animals, including, but not limited to, castration, spaying,
7 and dehorning of herd animals, unless title has been
8 transferred or employment provided for the purpose of
9 circumventing this law. This exemption shall not apply to
10 out-of-state veterinarians practicing temporarily in the
11 state. However, only a veterinarian may immunize or treat an
12 animal for diseases which are communicable to humans and which
13 are of public health significance.

14 (6)~~(5)~~ State agencies, accredited schools,
15 institutions, foundations, business corporations or
16 associations, physicians licensed to practice medicine and
17 surgery in all its branches, graduate doctors of veterinary
18 medicine, or persons under the direct supervision thereof,
19 which or who conduct experiments and scientific research on
20 animals in the development of pharmaceuticals, biologicals,
21 serums, or methods of treatment, or techniques for the
22 diagnosis or treatment of human ailments, or when engaged in
23 the study and development of methods and techniques directly
24 or indirectly applicable to the problems of the practice of
25 veterinary medicine.

26 (7)~~(6)~~ Any veterinary aide, nurse, laboratory
27 technician, preceptor, or other employee of a licensed
28 veterinarian who administers medication or who renders
29 auxiliary or supporting assistance under the responsible
30 supervision of a ~~such~~ licensed veterinarian ~~practitioner~~,
31 including those tasks identified by rule of the board

1 requiring immediate supervision. However, the licensed
2 veterinarian shall be responsible for all such acts performed
3 under this subsection by persons under her or his supervision.

4 (8) A veterinarian, licensed by and actively
5 practicing veterinary medicine in another state, who is board
6 certified in a specialty recognized by the board and who
7 responds to a request of a veterinarian licensed in this state
8 to assist with the treatment on a specific case of a specific
9 animal or with the treatment on a specific case of the animals
10 of a single owner, as long as the veterinarian licensed in
11 this state requests the other veterinarian's presence. A
12 veterinarian who practices under this subsection is not
13 eligible to apply for a premises permit under s. 474.215.

14
15 For the purposes of chapters 465 and 893, persons exempt
16 pursuant to subsection (1), subsection (2), or subsection (4)
17 are deemed to be duly licensed practitioners authorized by the
18 laws of this state to prescribe drugs or medicinal supplies.

19 Section 43. Subsection (3) of section 474.211, Florida
20 Statutes, is amended to read:

21 474.211 Renewal of license.--

22 (3) The board may by rule prescribe continuing
23 education, not to exceed 30 hours biennially, as a condition
24 for renewal of a license or certificate. The criteria for such
25 programs, providers, and ~~or~~ courses shall be approved by the
26 board.

27 Section 44. Paragraph (c) of subsection (2) of section
28 474.214, Florida Statutes, is amended to read:

29 474.214 Disciplinary proceedings.--

30 (2) When the board finds any applicant or veterinarian
31 guilty of any of the grounds set forth in subsection (1),

1 regardless of whether the violation occurred prior to
2 licensure, it may enter an order imposing one or more of the
3 following penalties:

4 (c) Imposition of an administrative fine not to exceed
5 \$5,000~~\$1,000~~ for each count or separate offense.

6
7 In determining appropriate action, the board must first
8 consider those sanctions necessary to protect the public.
9 Only after those sanctions have been imposed may the
10 disciplining authority consider and include in its order
11 requirements designed to rehabilitate the veterinarian. All
12 costs associated with compliance with any order issued under
13 this subsection are the obligation of the veterinarian.

14 Section 45. For the purpose of incorporating the
15 amendment to section 474.214, Florida Statutes, in references
16 thereto, subsection (2) of section 474.207, Florida Statutes,
17 is reenacted to read:

18 474.207 Licensure by examination.--

19 (2) The department shall license each applicant who
20 the board certifies has:

21 (a) Completed the application form and remitted an
22 examination fee set by the board.

23 (b)1. Graduated from a college of veterinary medicine
24 accredited by the American Veterinary Medical Association
25 Council on Education; or

26 2. Graduated from a college of veterinary medicine
27 listed in the American Veterinary Medical Association Roster
28 of Veterinary Colleges of the World and obtained a certificate
29 from the Education Commission for Foreign Veterinary
30 Graduates.

31

1 (c) Successfully completed the examination provided by
2 the department for this purpose, or an examination determined
3 by the board to be equivalent.

4 (d) Demonstrated knowledge of the laws and rules
5 governing the practice of veterinary medicine in Florida in a
6 manner designated by rules of the board.

7
8 The department shall not issue a license to any applicant who
9 is under investigation in any state or territory of the United
10 States or in the District of Columbia for an act which would
11 constitute a violation of this chapter until the investigation
12 is complete and disciplinary proceedings have been terminated,
13 at which time the provisions of s. 474.214 shall apply.

14 Section 46. For the purpose of incorporating the
15 amendment to section 474.214, Florida Statutes, in references
16 thereto, subsection (2) of section 474.217, Florida Statutes,
17 is reenacted to read:

18 474.217 Licensure by endorsement.--

19 (2) The department shall not issue a license by
20 endorsement to any applicant who is under investigation in any
21 state, territory, or the District of Columbia for an act which
22 would constitute a violation of this chapter until the
23 investigation is complete and disciplinary proceedings have
24 been terminated, at which time the provisions of s. 474.214
25 shall apply.

26 Section 47. Subsection (7) of section 474.215, Florida
27 Statutes, is amended, and subsections (8) and (9) are added to
28 that section, to read:

29 474.215 Premises permits.--

30 (7) The board by rule shall establish minimum
31 standards for the operation of limited service veterinary

1 medical practices. Such rules shall not restrict limited
2 service veterinary medical practices and shall be consistent
3 with the type of limited veterinary medical service provided.

4 (a) Any person that offers or provides limited service
5 veterinary medical practice shall obtain a biennial permit
6 from the board the cost of which shall not exceed \$250. The
7 limited service permittee shall register each location where a
8 limited service clinic is held and shall pay a fee set by rule
9 not to exceed \$25 to register each such location.

10 (b) All permits issued under this subsection are
11 subject to the provisions of ss. 474.213 and 474.214.

12 (c) Notwithstanding any provision of this subsection
13 to the contrary, any temporary rabies vaccination effort
14 operated by a county health department in response to a public
15 health threat, as declared by the State Health Officer in
16 consultation with the State Veterinarian, is not subject to
17 any preregistration, time limitation, or fee requirements, but
18 must adhere to all other requirements for limited service
19 veterinary medical practice as prescribed by rule. The fee
20 charged to the public for a rabies vaccination administered
21 during such temporary rabies vaccination effort may not exceed
22 the actual cost of administering the rabies vaccine. Such
23 rabies vaccination efforts may not be used for any purpose
24 other than to address the public health consequences of the
25 rabies outbreak. The board shall be immediately notified in
26 writing of any temporary rabies vaccination effort operated
27 under this paragraph.

28 (8) Any person who is not a veterinarian licensed
29 under this chapter but who desires to own and operate a
30 veterinary medical establishment or limited service clinic
31 shall apply to the board for a premises permit. If the board

1 certifies that the applicant complies with the applicable laws
2 and rules of the board, the department shall issue a premises
3 permit. No permit shall be issued unless a licensed
4 veterinarian is designated to undertake the professional
5 supervision of the veterinary medical practice and the minimum
6 standards set by rule of the board for premises where
7 veterinary medicine is practiced. Upon application, the
8 department shall submit the permittee's name for a statewide
9 criminal records correspondence check through the Department
10 of Law Enforcement. The permittee shall notify the board
11 within 10 days after any designation of a new licensed
12 veterinarian responsible for such duties. A permittee under
13 this subsection is subject to the provisions of subsection (9)
14 and s. 474.214.

15 (9)(a) The department or the board may deny, revoke,
16 or suspend the permit of any permittee under this section and
17 may fine, place on probation, or otherwise discipline any such
18 permittee who has:

19 1. Obtained a permit by misrepresentation or fraud or
20 through an error of the department or board;

21 2. Attempted to procure, or has procured, a permit for
22 any other person by making, or causing to be made, any false
23 representation;

24 3. Violated any of the requirements of this chapter or
25 any rule of the board; or

26 4. Been convicted or found guilty of, or entered a
27 plea of nolo contendere to, regardless of adjudication, a
28 felony in any court of this state, of any other state, or of
29 the United States.

30 (b) If the permit is revoked or suspended, the owner,
31 manager, or proprietor shall cease to operate the premises as

1 a veterinary medical practice as of the effective date of the
2 suspension or revocation. In the event of such revocation or
3 suspension, the owner, manager, or proprietor shall remove
4 from the premises all signs and symbols identifying the
5 premises as a veterinary medical practice. The period of any
6 such suspension shall be prescribed by rule of the board, but
7 may not exceed 1 year. If the permit is revoked, the person
8 owning or operating the establishment may not apply for a
9 permit to operate a premises for a period of 1 year after the
10 effective date of such revocation. Upon the effective date of
11 such revocation, the permittee must advise the board of the
12 disposition of all medicinal drugs and must provide for
13 ensuring the security, confidentiality, and availability to
14 clients of all patient medical records.

15 Section 48. Section 474.2165, Florida Statutes, is
16 amended to read:

17 474.2165 Ownership and control of veterinary medical
18 patient records; report or copies of records to be
19 furnished.--

20 (1) As used in this section, the term "records owner"
21 means any veterinarian who generates a medical record after
22 making a physical examination of, or administering treatment
23 or dispensing legend drugs to, any patient; any veterinarian
24 to whom records are transferred by a previous records owner;
25 or any veterinarian's employer, provided the employment
26 contract or agreement between the employer and the
27 veterinarian designates the employer as the records owner.

28 (2) Each person who provides veterinary medical
29 services shall maintain medical records, as established by
30 rule.

31

1 (3) Any records owner licensed under this chapter who
2 makes an examination of, or administers treatment or dispenses
3 legend drugs to, any patient shall, upon request of the client
4 or the client's legal representative, furnish, in a timely
5 manner, without delays for legal review, copies of all reports
6 and records relating to such examination or treatment,
7 including X rays. The furnishing of such report or copies
8 shall not be conditioned upon payment of a fee for services
9 rendered.

10 (4) Except as otherwise provided in this section, such
11 records may not be furnished to, and the medical condition of
12 a patient may not be discussed with, any person other than the
13 client or the client's legal representative or other
14 veterinarians involved in the care or treatment of the
15 patient, except upon written authorization of the client.
16 However, such records may be furnished without written
17 authorization under the following circumstances:

18 (a) To any person, firm, or corporation that has
19 procured or furnished such examination or treatment with the
20 client's consent.

21 (b) In any civil or criminal action, unless otherwise
22 prohibited by law, upon the issuance of a subpoena from a
23 court of competent jurisdiction and proper notice to the
24 client or the client's legal representative by the party
25 seeking such records.

26 (c) For statistical and scientific research, provided
27 the information is abstracted in such a way as to protect the
28 identity of the patient and the client, or provided written
29 permission is received from the client or the client's legal
30 representative.

31

1 (5) Except in a medical negligence action or
2 administrative proceeding when a veterinarian is or reasonably
3 expects to be named as a defendant, information disclosed to a
4 veterinarian by a client in the course of the care and
5 treatment of the patient is confidential and may be disclosed
6 only to other veterinarians involved in the care or treatment
7 of the patient, or if permitted by written authorization from
8 the client or compelled by subpoena at a deposition,
9 evidentiary hearing, or trial for which proper notice has been
10 given.

11 (6) The department may obtain patient records pursuant
12 to a subpoena without written authorization from the client if
13 the department and the probable cause panel of the board find
14 reasonable cause to believe that a veterinarian has
15 excessively or inappropriately prescribed any controlled
16 substance specified in chapter 893 in violation of this
17 chapter or that a veterinarian has practiced his or her
18 profession below that level of care, skill, and treatment
19 required as defined by this chapter.

20 (7) Notwithstanding the provisions of s. 455.242,
21 records owners shall place an advertisement in the local
22 newspaper or notify clients, in writing, when they are
23 terminating practice, retiring, or relocating and are no
24 longer available to patients and shall offer clients the
25 opportunity to obtain a copy of their medical records.

26 (8) Notwithstanding the provisions of s. 455.242,
27 records owners shall notify the board office when they are
28 terminating practice, retiring, or relocating and are no
29 longer available to patients, specifying who the new records
30 owner is and where the medical records can be found.

31

1 (9) Whenever a records owner has turned records over
2 to a new records owner, the new records owner shall be
3 responsible for providing a copy of the complete medical
4 record, upon written request, of the client or the client's
5 legal representative.

6 (10) Veterinarians in violation of the provisions of
7 this section shall be disciplined by the board.

8 (11) A records owner furnishing copies of reports or
9 records pursuant to this section shall charge no more than the
10 actual cost of copying, including reasonable staff time, or
11 the amount specified in administrative rule by the board.

12 (12) Nothing in this section shall be construed to
13 limit veterinarian consultations, as necessary.

14 Section 49. Notwithstanding the transfer of the
15 Division of Medical Quality Assurance to the Department of
16 Health or any other provision of law to the contrary,
17 veterinarians licensed under chapter 474, Florida Statutes,
18 shall be governed by the treatment of impaired practitioner
19 provisions of section 455.707, Florida Statutes, as if they
20 were under the jurisdiction of the Division of Medical Quality
21 Assurance, except that for veterinarians the Department of
22 Business and Professional Regulation shall, at its option,
23 exercise any of the powers granted to the Department of Health
24 by that section, and "board" shall mean board as defined in
25 chapter 474, Florida Statutes.

26 Section 50. Section 475.045, Florida Statutes, is
27 amended to read:

28 475.045 Florida Real Estate Commission Education and
29 Research Foundation ~~Foundation Advisory Committee~~.--

30 (1)(a) There is established a Florida Real Estate
31 Commission Education and Research Foundation, hereinafter

1 referred to as the "foundation," which shall be administered
2 by the commission ~~Foundation Advisory Committee~~.

3 (b) The purposes, objectives, and duties of the
4 foundation are as follows:

5 1. To create and promote educational projects to
6 expand the knowledge of the public and real estate licensees
7 in matters pertaining to Florida real estate.

8 2. To augment the existing real estate programs by
9 increasing the number of teaching personnel and real estate
10 courses in the state in degree-granting programs in
11 universities and colleges in this state.

12 3. To conduct studies in all areas that relate
13 directly or indirectly to real estate or urban or rural
14 economics and to publish and disseminate the findings and
15 results of the studies.

16 4. To assist the teaching program in real estate
17 offered by the universities, colleges, and real estate schools
18 registered pursuant to this chapter in the state, when
19 requested to do so.

20 5. To develop and from time to time revise and update
21 materials for use in the courses in real estate offered by the
22 universities, colleges, and real estate schools registered
23 pursuant to this chapter in the state, when requested to do
24 so.

25 6. To make studies of, and recommend changes in, state
26 statutes and municipal ordinances; provided, however, that
27 such studies are requested by the Governor or the presiding
28 officers of the Legislature. The foundation shall maintain
29 political nonadvocacy.

30 7. To periodically review the progress of persons
31 conducting such research and studies. The results of any

1 research project or study shall not be published or
2 disseminated until it has been reviewed and approved in
3 writing by the commission ~~advisory committee~~ or its designated
4 representative.

5 8. To prepare information of consumer interest
6 concerning Florida real estate and to make the information
7 available to the public and appropriate state agencies.

8 (c) The foundation may make a charge for its
9 publications and may receive gifts and grants from
10 foundations, individuals, and other sources for the benefit of
11 the foundation.

12 (d) A report of the activities and accomplishments of
13 the foundation shall be published annually.

14 (e) On or before January 1 of each year, the
15 commission ~~advisory committee~~ shall file with the Governor,
16 the presiding officer of each house of the Legislature, and
17 the secretary of the department a complete and detailed
18 written report accounting for all funds received and disbursed
19 by the foundation during the preceding year.

20 ~~(2)(a) There is created the Foundation Advisory~~
21 ~~Committee which is composed of nine persons appointed by the~~
22 ~~Governor without regard to race, creed, sex, religion, or~~
23 ~~national origin of the appointee, with the following~~
24 ~~representation:~~

25 1. ~~Six active real estate licensees, one of whom may~~
26 ~~be a real estate salesperson. All licensees shall have been~~
27 ~~active real estate licensees for at least the past 5 years.~~

28 2. ~~Three members shall be representatives of the~~
29 ~~general public, and those appointed after October 1, 1988,~~
30 ~~shall possess qualifications in the fields of education,~~
31 ~~research, or consumer affairs which relate to the committee's~~

1 ~~education and research activities. Members representative of~~
2 ~~the general public shall not be licensed real estate brokers~~
3 ~~or salespersons and shall not have a financial interest, other~~
4 ~~than as consumers, in the practice of a licensed real estate~~
5 ~~broker or salesperson.~~

6 ~~(b)1. No current member of the Florida Real Estate~~
7 ~~Commission shall be eligible for appointment to the Foundation~~
8 ~~Advisory Committee.~~

9 ~~2. The chair of the Florida Real Estate Commission or~~
10 ~~a member of the commission designated by the chair shall serve~~
11 ~~as an ex officio nonvoting member of the advisory committee.~~

12 ~~(c)1. Except for the initial appointees, members of~~
13 ~~the advisory committee shall hold office for staggered terms~~
14 ~~of 4 years, with the terms of three members expiring on~~
15 ~~January 31 of each odd-numbered year. The current members may~~
16 ~~complete their present terms unless removed for cause.~~

17 ~~2. Any vacancy shall be filled by appointment for the~~
18 ~~unexpired portion of the term. Each member shall serve until~~
19 ~~the member's successor is qualified.~~

20 ~~3. Each member of the advisory committee is entitled~~
21 ~~to per diem and travel expenses as set by legislative~~
22 ~~appropriation for each day that the member engages in the~~
23 ~~business of the advisory committee.~~

24 ~~(3) It is grounds for removal from the advisory~~
25 ~~committee, if:~~

26 ~~(a) A broker or salesperson member of the committee~~
27 ~~ceases to be an active licensee; or~~

28 ~~(b) A public member of the committee acquires a real~~
29 ~~estate license or a financial interest in the practice of a~~
30 ~~licensed real estate broker or salesperson.~~

31

1 ~~(4)(a) The committee shall elect a chair annually from~~
2 ~~among its membership.~~

3 ~~(b) The committee shall meet not less than~~
4 ~~semiannually and, in addition, on call of its chair or on~~
5 ~~petition of any six of its members.~~

6 ~~(c) The advisory committee is subject to the sunshine~~
7 ~~law pursuant to s. 286.011.~~

8 (2)(5)(a) The commission ~~advisory committee~~ shall
9 solicit advice and information from real estate licensees, the
10 commission, universities, colleges, real estate schools
11 registered pursuant to this chapter and the general public for
12 the purpose of submitting proposals for carrying out the
13 purposes, objectives, and duties of the foundation.

14 (b) The commission ~~advisory committee~~ shall select the
15 proposals that shall be funded and shall give priority to
16 projects with the greatest potential for direct or indirect
17 benefit to the public.

18 (c) The commission ~~advisory committee~~ shall select the
19 university or college within the state or qualified full-time
20 faculty member of a university or college within the state
21 with the consent of the institution to perform the education
22 study, research study, or other project in accordance with the
23 purposes, objectives, and duties of the foundation. In those
24 instances where no university or college within the state, or
25 qualified full-time faculty member of a university or college
26 within the state with the consent of the institution, submits
27 an acceptable proposal, a qualified person or persons may be
28 selected in accordance with law to perform the education
29 study, research study, or other project in accordance with the
30 purposes, objectives, and duties of the foundation.

31

1 ~~(3)(6)~~(a) The director of the Division of Real Estate
2 of the department, hereinafter referred to as the "director,"
3 or her or his designated representative shall submit to the
4 commission ~~advisory committee~~, in advance of each fiscal year,
5 a budget for expenditures of all funds provided for the
6 foundation in a form that is related to the proposed schedule
7 of activities for the review and approval of the commission
8 ~~advisory committee~~.

9 (b) The director shall submit to the commission
10 ~~advisory committee~~ all proposals received for its review and
11 approval in developing an educational and research agenda at
12 the beginning of each fiscal year and shall continuously
13 inform the commission ~~advisory committee~~ of changes in its
14 substance and scheduling.

15 ~~(4)(7)~~ The commission ~~advisory committee~~ shall have
16 the power and authority to adopt all rules necessary to
17 administer this section.

18 ~~(5)(8)~~ ~~Neither~~ The foundation may not ~~nor the~~
19 ~~committee shall be permitted to~~ fund or offer educational
20 courses designed to qualify persons for licensure or the
21 renewal of licenses pursuant to this chapter.

22 ~~(6)(9)~~ ~~Neither~~ The foundation may not ~~nor the~~
23 ~~committee shall~~ expend any funds for the purpose of employing
24 staff.

25 ~~(7)(10)~~ The Treasurer shall invest \$3 million from the
26 portion of the Professional Regulation Trust Fund credited to
27 the real estate profession, under the same limitations as
28 applied to investments of other state funds, and the income
29 earned thereon shall be available to the foundation to fund
30 the activities and projects authorized under this section.
31 However, any balance of such interest in excess of \$1 million

1 shall revert to the portion of the Professional Regulation
2 Trust Fund credited to the real estate profession. In the
3 event the foundation is abolished, the funds in the trust fund
4 shall revert to such portion of the Professional Regulation
5 Trust Fund.

6 Section 51. Paragraph (d) is added to subsection (1)
7 of section 477.0132, Florida Statutes, to read:

8 477.0132 Hair braiding, hair wrapping, and body
9 wrapping registration.--

10 (1)

11 (d) Only the board may review, evaluate, and approve a
12 course required of an applicant for registration under this
13 subsection in the occupation or practice of hair braiding,
14 hair wrapping, or body wrapping. A provider of such a course
15 is not required to hold a license under chapter 246.

16 Section 52. Subsection (2) of section 477.019, Florida
17 Statutes, is amended to read:

18 477.019 Cosmetologists; qualifications; licensure;
19 supervised practice; license renewal; endorsement; continuing
20 education.--

21 (2) An applicant shall be eligible for licensure by
22 examination to practice cosmetology if the applicant:

23 (a) Is at least 16 years of age or has received a high
24 school diploma;

25 (b) Pays the required application fee, which is not
26 refundable, and the required examination fee, which is
27 refundable if the applicant is determined to not be eligible
28 for licensure for any reason other than failure to
29 successfully complete the licensure examination; and

30 (c)1. Is authorized ~~Holds an active valid license to~~
31 practice cosmetology in another state or country, has been so

1 authorized ~~held the license~~ for at least 1 year, and does not
2 qualify for licensure by endorsement as provided for in
3 subsection (6); or

4 2. Has received a minimum of 1,200 hours of training
5 as established by the board, which shall include, but shall
6 not be limited to, the equivalent of completion of services
7 directly related to the practice of cosmetology at one of the
8 following:

9 a. A school of cosmetology licensed pursuant to
10 chapter 246.

11 b. A cosmetology program within the public school
12 system.

13 c. The Cosmetology Division of the Florida School for
14 the Deaf and the Blind, provided the division meets the
15 standards of this chapter.

16 d. A government-operated cosmetology program in this
17 state.

18
19 The board shall establish by rule procedures whereby the
20 school or program may certify that a person is qualified to
21 take the required examination after the completion of a
22 minimum of 1,000 actual school hours. If the person then
23 passes the examination, he or she shall have satisfied this
24 requirement; but if the person fails the examination, he or
25 she shall not be qualified to take the examination again until
26 the completion of the full requirements provided by this
27 section.

28 Section 53. Section 492.101, Florida Statutes, is
29 amended to read:

30 492.101 Purpose.--It is hereby declared to be the
31 public policy of the state that, in order to safeguard the

1 life, health, property, and public well-being of its citizens,
2 any person practicing or offering to practice geology in this
3 state shall meet the requirements of this chapter ~~the~~
4 ~~Department of Business and Professional Regulation and shall~~
5 ~~be licensed as provided in ss. 492.101-492.1165.~~

6 Section 54. Section 492.102, Florida Statutes, is
7 amended to read:

8 492.102 Definitions.--For the purposes of this chapter
9 ~~ss. 492.101-492.1165~~, unless the context clearly requires
10 otherwise:

11 (1) "Board" means the Board of Professional
12 Geologists.

13 (2) "Department" means the Department of Business and
14 Professional Regulation.

15 (3) "Geology" means the science which includes the
16 treatment of the earth and its origin and history, in general;
17 the investigation of the earth's crust and interior and the
18 solids and fluids, including all surface and underground
19 waters, and gases which compose the earth; the study of the
20 natural agents, forces, and processes which cause changes in
21 the earth; and the utilization of this knowledge of the earth
22 and its solids, fluids, and gases, and their collective
23 properties and processes, for the benefit of humankind.

24 (4) "Geologist" means an individual who, by reason of
25 her or his knowledge of geology, soils, mathematics, and the
26 physical and life sciences, acquired by education and
27 practical experience, is capable of practicing the science of
28 geology.

29 (5) "Qualified geologist" means an individual who
30 possesses all the qualifications for licensure under the
31

1 provisions of this chapter ~~ss. 492.101-492.1165~~, except that
2 such person is not licensed.

3 (6) "Professional geologist" means an individual who
4 is licensed as a geologist under the provisions of this
5 chapter ~~ss. 492.101-492.1165~~.

6 (7) "Practice of professional geology" means the
7 performance of, or offer to perform, geological services,
8 including, but not limited to, consultation, investigation,
9 evaluation, planning, and geologic mapping, but not including
10 mapping as prescribed in chapter 472, relating to geological
11 work, except as specifically exempted by this chapter ~~ss.~~
12 ~~492.101-492.1165~~. Any person who practices any specialty
13 branch of the profession of geology, or who by verbal claim,
14 sign, advertisement, letterhead, card, or any other means
15 represents herself or himself to be a professional geologist,
16 or who through the use of some title implies that she or he is
17 a professional geologist or that she or he is licensed under
18 this chapter ~~ss. 492.101-492.1165~~, or who holds herself or
19 himself out as able to perform or does perform any geological
20 services or work recognized as professional geology, shall be
21 construed to be engaged in the practice of professional
22 geology.

23 Section 55. Section 492.104, Florida Statutes, is
24 amended to read:

25 492.104 Authority to make rules.--The Board of
26 Professional Geologists has authority to adopt rules pursuant
27 to ss. 120.536(1) and 120.54 to implement this chapter ~~ss.~~
28 ~~492.101-492.1165~~. Every licensee shall be governed and
29 controlled by this chapter ~~ss. 492.101-492.1165~~ and the rules
30 adopted by the board. The board is authorized to set, by
31 rule, fees for application, examination, certificate of

1 authorization, late renewal, initial licensure, and license
2 renewal. These fees should not exceed the cost of
3 implementing the application, examination, initial licensure,
4 and license renewal or other administrative process and shall
5 be established as follows:-

6 (1) The application fee shall not exceed \$150 and
7 shall be nonrefundable.

8 (2) The examination fee shall not exceed \$250 and
9 shall be refundable if the applicant is found to be ineligible
10 to take the licensure examination.

11 (3) The initial license fee shall not exceed \$100.

12 (4) The biennial renewal fee shall not exceed \$150.

13 (5) The fee for a certificate of authorization shall
14 not exceed \$350 and the fee for renewal of the certificate
15 shall not exceed \$350.

16 (6) The fee for reactivation of an inactive license
17 shall not exceed \$50.

18 (7) The fee for a provisional license shall not exceed
19 \$400.

20 (8) The fee for application, examination, and
21 licensure for a license by endorsement shall be as provided in
22 this section for licenses in general.

23 Section 56. Paragraph (c) of subsection (1) and
24 subsection (3) of section 492.105, Florida Statutes, are
25 amended to read:

26 492.105 Licensure by examination; requirements;
27 fees.--

28 (1) Any person desiring to be licensed as a
29 professional geologist shall apply to the department to take
30 the licensure examination. The written licensure examination
31 shall be designed to test an applicant's qualifications to

1 practice professional geology, and shall include such subjects
2 as will tend to ascertain the applicant's knowledge of the
3 theory and the practice of professional geology and may
4 include such subjects as are taught in curricula of accredited
5 colleges and universities. The department shall examine each
6 applicant who the board certifies:

7 (c) Has not committed any act or offense in any
8 jurisdiction which would constitute the basis for disciplining
9 a professional geologist licensed pursuant to this chapter ~~ss.~~
10 ~~492.101-492.1165~~.

11 (3) The department shall not issue a license to any
12 applicant who is under investigation in any jurisdiction for
13 an offense which would constitute a violation of this chapter
14 ~~ss. 492.101-492.1165~~. Upon completion of the investigation,
15 the disciplinary provisions of s. 492.113 shall apply.

16 Section 57. Section 492.107, Florida Statutes, is
17 amended to read:

18 492.107 Seals.--

19 (1) The board shall prescribe, by rule, a form of
20 seal, including its electronic form, to be used by persons
21 holding valid licenses. All geological papers, reports, and
22 documents prepared or issued by the licensee shall be signed
23 by the licensee, dated, and sealed by the licensee who
24 performed or is responsible for the supervision, direction, or
25 control of the work contained in the papers, reports, or
26 documents stamped with said seal. Such signature, date, and
27 seal shall be evidence of the authenticity of that to which
28 they are affixed. Geological papers, reports, and documents
29 prepared or issued by the licensee may be transmitted
30 electronically provided they have been signed by the licensee,
31 dated, and electronically sealed. It is unlawful for any

1 person to sign ~~stamp~~ or seal any document as a professional
2 geologist unless that person holds a current, active license
3 as a professional geologist which has not ~~with a seal after~~
4 ~~that person's license has~~ expired or been revoked or
5 suspended, unless reinstated or reissued.

6 (2) No licensee ~~registrant~~ shall affix or permit to be
7 affixed her or his ~~the registrant's~~ seal or name to any
8 geologic reports, papers, or other documents which depict work
9 which the licensee ~~registrant~~ is not licensed to perform or
10 which was not performed by or under the responsible
11 supervision, direction, or control of the licensee ~~is beyond~~
12 ~~the registrant's profession or specialty therein.~~

13 Section 58. Subsection (2) of section 492.108, Florida
14 Statutes, is amended to read:

15 492.108 Licensure by endorsement; requirements;
16 fees.--

17 (2) The department shall issue a license to practice
18 professional geology to any applicant who successfully
19 complies with the requirements of this section. The
20 department shall not issue a license to any applicant who is
21 under investigation in any jurisdiction for an offense which
22 would constitute a violation of this chapter ~~ss.~~
23 ~~492.101-492.1165.~~ Upon completion of the investigation, the
24 disciplinary provisions of s. 492.113 shall apply.

25 Section 59. Section 492.111, Florida Statutes, is
26 amended to read:

27 492.111 Practice of professional geology by a firm,
28 corporation, or partnership; certificate of
29 authorization.--The practice of, or offer to practice,
30 professional geology by individual professional geologists
31 licensed under the provisions of this chapter ~~ss.~~

1 ~~492.101-492.1165~~ through a firm, corporation, or partnership
2 offering geological services to the public through
3 individually licensed professional geologists as agents,
4 employees, officers, or partners thereof is permitted subject
5 to the provisions of this chapter ~~ss. 492.101-492.1165~~,
6 provided that:

7 (1) At all times that it offers geological services to
8 the public, the firm, corporation, or partnership has on file
9 with the department the name and license number of one or more
10 individuals who hold a current, active license as a
11 professional geologist in the state and are serving as a
12 geologist of record for the firm, corporation, or partnership.
13 A geologist of record may be any principal officer or employee
14 of such firm or corporation, or any partner or employee of
15 such partnership, who holds a current, active license as a
16 professional geologist in this state, or any other
17 Florida-licensed professional geologist with whom the firm,
18 corporation, or partnership has entered into a long-term,
19 ongoing relationship, as defined by rule of the board, to
20 serve as one of its geologists of record. It shall be the
21 responsibility of the firm, corporation, or partnership and
22 the geologist of record to notify the department of any
23 changes in the relationship or identity of that geologist of
24 record within 30 days after such change.~~One or more of the~~
25 ~~principal officers, employees, or agents of such firm or~~
26 ~~corporation, or partners, employees, or agents of such~~
27 ~~partnership, who act in its behalf as professional geologists~~
28 ~~in this state are licensed as provided in ss.~~
29 ~~492.101-492.1165.~~

30 (2) The firm, corporation, or partnership has been
31 issued a certificate of authorization by the department as

1 provided in this chapter ~~ss. 492.101-492.1165~~. For purposes
2 of this section, a certificate of authorization shall be
3 required of any firm, corporation, partnership, association,
4 or person practicing under a fictitious name and offering
5 geological services to the public; except that, when an
6 individual is practicing geology in his or her own name, he or
7 she shall not be required to obtain a certificate of
8 authorization under this section. Such certificate of
9 authorization shall be renewed every 2 years.

10 (3) All final geological papers or documents involving
11 the practice of the profession of geology which have been
12 prepared or approved for the use of such firm, corporation, or
13 partnership, for delivery to any person for public record with
14 the state, shall be dated and bear the signature and seal of
15 the professional geologist or professional geologists who
16 prepared or approved them.

17 (4) The fact that a licensed geologist practices
18 through a corporation or partnership shall not relieve the
19 registrant from personal liability for negligence, misconduct,
20 or wrongful acts committed by him or her. Partnership and all
21 partners shall be jointly and severally liable for the
22 negligence, misconduct, or wrongful acts committed by their
23 agents, employees, or partners while acting in a professional
24 capacity. Any officer, agent, or employee of a corporation
25 shall be personally liable and accountable only for negligent
26 acts, wrongful acts, or misconduct committed by him or her or
27 committed by any person under his or her direct supervision
28 and control, while rendering professional services on behalf
29 of the corporation. The personal liability of a shareholder
30 of a corporation, in his or her capacity as shareholder, shall
31 be no greater than that of a shareholder-employee of a

1 corporation incorporated under chapter 607. The corporation
2 shall be liable up to the full value of its property for any
3 negligent acts, wrongful acts, or misconduct committed by any
4 of its officers, agents, or employees while they are engaged
5 on behalf of the corporation in the rendering of professional
6 services.

7 (5) The firm, corporation, or partnership desiring a
8 certificate of authorization shall file with the department an
9 application therefor, upon a form to be prescribed by the
10 department, accompanied by the required application fee.

11 (6) The department may refuse to issue a certificate
12 of authorization if any facts exist which would entitle the
13 department to suspend or revoke an existing certificate of
14 authorization or if the department, after giving persons
15 involved a full and fair hearing, determines that any of the
16 officers or directors of said firm or corporation, or partners
17 of said partnership, have violated the provisions of s.
18 492.113.

19 Section 60. Paragraphs (a), (b), and (g) of subsection
20 (1) of section 492.112, Florida Statutes, are amended to read:

21 492.112 Prohibitions; penalties.--

22 (1) A person may not knowingly:

23 (a) Practice geology unless the person is licensed
24 under this chapter ~~ss. 492.101-492.1165~~.

25 (b) Use the name or title "Professional Geologist" or
26 any other title, designation, words, letters, abbreviations,
27 or device tending to indicate that the person holds an active
28 license as a geologist when the person is not licensed under
29 this chapter ~~ss. 492.101-492.1165~~.

30 (g) Conceal information relative to violations of this
31 chapter ~~ss. 492.101-492.1165~~.

1 Section 61. Paragraph (a) of subsection (1) of section
2 492.113, Florida Statutes, is amended to read:

3 492.113 Disciplinary proceedings.--

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

6 (a) Violation of any provision of s. 492.112 or any
7 other provision of this chapter ~~ss. 492.101-492.1165~~.

8 Section 62. Section 492.116, Florida Statutes, is
9 amended to read:

10 492.116 Exemptions.--The following persons are
11 specifically exempted from this chapter ~~ss. 492.101-492.1165~~,
12 provided, however, that all final geological papers or
13 documents which have been prepared by a person exempt under
14 subsection (1), subsection (2), subsection (3), or subsection
15 (4) for delivery to any person for public record with the
16 state shall be dated and bear the signature and seal of the
17 professional geologist or professional geologists who prepared
18 or approved them:

19 (1) Persons engaged solely in teaching the science of
20 geology.

21 (2) Persons engaged in geological research which does
22 not affect the health, safety, or well-being of the public.

23 (3) Officers and employees of the United States
24 Government, the State of Florida, water management districts,
25 or other local or regional governmental entities practicing
26 solely as such officers or employees.

27 (4) Regular full-time employees of a corporation not
28 engaged in the practice of professional geology as such, who
29 are directly supervised by a person licensed as a professional
30 geologist under this chapter ~~ss. 492.101-492.1165~~.

31

1 (5) A person employed on a full-time basis as a
2 geologist by an employer engaged in the business of
3 developing, mining, or treating ores, other minerals, and
4 petroleum resources if that person engages in geological
5 practice exclusively for and as an employee of such employer
6 and does not hold herself or himself out and is not held out
7 as available to perform any geological services for persons
8 other than her or his employer.

9 Section 63. Section 492.1165, Florida Statutes, is
10 amended to read:

11 492.1165 Construction of chapter ~~ch. 87-403~~.--Nothing
12 in this chapter ~~ss. 492.101-492.1165 as enacted by chapter~~
13 ~~87-403, Laws of Florida~~, shall be construed to prevent or
14 prohibit the practice of any profession or trade for which a
15 license is required under any other law of this state, or the
16 practice by registered professional engineers.

17 Section 64. Paragraph (d) of subsection (3) of section
18 310.0015, Florida Statutes, is amended to read:

19 310.0015 Piloting regulation; general provisions.--

20 (3) The rate-setting process, the issuance of licenses
21 only in numbers deemed necessary or prudent by the board, and
22 other aspects of the economic regulation of piloting
23 established in this chapter are intended to protect the public
24 from the adverse effects of unrestricted competition which
25 would result from an unlimited number of licensed pilots being
26 allowed to market their services on the basis of lower prices
27 rather than safety concerns. This system of regulation
28 benefits and protects the public interest by maximizing
29 safety, avoiding uneconomic duplication of capital expenses
30 and facilities, and enhancing state regulatory oversight. The
31 system seeks to provide pilots with reasonable revenues,

1 taking into consideration the normal uncertainties of vessel
2 traffic and port usage, sufficient to maintain reliable,
3 stable piloting operations. Pilots have certain restrictions
4 and obligations under this system, including, but not limited
5 to, the following:

6 (d)1. The pilot or pilots in a port shall train and
7 compensate all member deputy pilots in that port. Failure to
8 train or compensate such deputy pilots shall constitute a
9 ground for disciplinary action under s. 310.101. Nothing in
10 this subsection shall be deemed to create an agency or
11 employment relationship between a pilot or deputy pilot and
12 the pilot or pilots in a port.

13 2. The pilot or pilots in a port shall establish a
14 competency-based mentor program by which minority persons, as
15 defined in s. 288.703(3), may acquire the skills for the
16 professional preparation and education competency requirements
17 of a licensed state pilot or certificated deputy pilot. The
18 department shall provide the Governor, the President of the
19 Senate, and the Speaker of the House of Representatives with a
20 report each year on the number of minority persons, as defined
21 in s. 288.703(3), who have participated in each mentor
22 program, who are licensed state pilots or certificated deputy
23 pilots, and who have applied for state pilot licensure or
24 deputy pilot certification.

25 Section 65. The sum of \$500,000 is appropriated from
26 the Professional Regulation Trust Fund to the Department of
27 Business and Professional Regulation for the purpose of
28 disbursing funds to any private corporation or business entity
29 to offset startup costs incurred in the implementation of
30 section 455.32, Florida Statutes, the Management Privatization
31 Act, pursuant to a contract executed by the department.

1 Section 66. Subsection (12) of section 477.013,
2 Florida Statutes, is amended to read:

3 477.013 Definitions.--As used in this chapter:

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

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

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

14 Section 67. This act shall take effect July 1, 2000.