

1
2 An act relating to regulation of professions
3 under the Department of Business and
4 Professional Regulation; amending s. 458.319,
5 F.S.; providing that renewal of medical
6 licenses of members of the Legislature shall be
7 continued during term of legislative office;
8 requiring the completion of continuing medical
9 education and payment of fees for renewal of
10 such licenses; providing the period during
11 which such licenses may be renewed; providing
12 the period during which such renewed licenses
13 shall be valid; providing for the subsequent
14 renewal of such licenses; amending s. 310.071,
15 F.S.; providing for disqualification from
16 applying for and denial of deputy pilot
17 certification for being found guilty of, or
18 having pled guilty or nolo contendere to,
19 certain crimes; amending s. 310.151, F.S.;
20 providing for deposit and disposition of
21 amounts received from imposition of pilotage
22 rates pending rendition of a final order
23 regarding such rates; amending s. 399.061,
24 F.S.; revising requirements for elevator
25 inspections and service maintenance contracts;
26 amending s. 455.211, F.S.; limiting a board's
27 authority to adopt rules under a specific
28 circumstance; amending s. 455.217, F.S.;
29 revising provisions relating to translation of
30 examinations in Spanish; amending s. 455.2179,
31 F.S.; providing for approval of continuing

1 education providers; providing fees; providing
2 rulemaking authority; amending s. 455.219,
3 F.S., and repealing subsection (3), relating to
4 fees required for approval as a continuing
5 education provider; authorizing the department
6 to adopt rules to provide for waiver of license
7 renewal fees under certain circumstances and
8 for a limited period; creating s. 455.32, F.S.;
9 creating the Management Privatization Act;
10 providing definitions; authorizing the
11 department to contract with a corporation or
12 other business entity to perform support
13 services specified pursuant to contract;
14 providing contract requirements; providing
15 corporation powers and responsibilities;
16 establishing reporting and audit requirements;
17 providing for future review and repeal;
18 amending s. 468.382, F.S.; defining the term
19 "absolute auction"; amending s. 468.385, F.S.;
20 revising requirements relating to the conduct,
21 administration, approval, and scope of the
22 examination for licensure as an auctioneer;
23 specifying that an auction may only be
24 conducted by an active licensee; creating s.
25 468.3855, F.S.; providing requirements for
26 auctioneer apprentices; amending s. 468.388,
27 F.S.; adding requirements and responsibilities
28 relating to the conduct of an auction; deleting
29 exceptions from a requirement that auctions be
30 conducted pursuant to a written agreement;
31 amending s. 468.389, F.S.; providing for

1 disciplinary action against licensees who fail
2 to account for certain property; providing
3 penalties; reenacting ss. 468.385(3), 468.391,
4 F.S., relating to licensure as an auctioneer
5 and to a criminal penalty, respectively, to
6 incorporate the amendment to s. 468.389, F.S.,
7 in references thereto; amending s. 468.392,
8 F.S.; authorizing the designee of the Secretary
9 of Business and Professional Regulation to sign
10 vouchers for payment or disbursement from the
11 Auctioneer Recovery Fund; amending s. 468.395,
12 F.S.; revising conditions of recovery from the
13 Auctioneer Recovery Fund; providing for
14 recovery from the fund pursuant to an order
15 issued by the Florida Board of Auctioneers;
16 deleting a requirement that notice be given to
17 the board at the time action is commenced;
18 providing limitations on bringing claims for
19 certain acts; providing subrogation rights for
20 the fund; amending s. 468.397, F.S., relating
21 to payment of claim; correcting language;
22 amending s. 468.433, F.S.; revising
23 requirements for licensure as a community
24 association manager, to include certain
25 prelicensure education; providing for provider
26 approval, including fees; repealing s.
27 468.525(3)(h), F.S., relating to a prohibition
28 on employee leasing companies and groups from
29 including employees who engage in services or
30 arrangements that are not within the definition
31 of employee leasing; amending s. 468.526, F.S.;

1 modifying qualifications for licensure as an
2 employee leasing company group; amending s.
3 468.531, F.S.; providing prohibitions against
4 offering to practice employee leasing without
5 being licensed and against the use of certain
6 titles relating to employee leasing without
7 being registered; providing penalties; amending
8 s. 470.005, F.S.; providing rulemaking
9 authority to the Board of Funeral Directors and
10 Embalmers relating to inspection of direct
11 disposal establishments, funeral
12 establishments, and cinerator facilities and
13 the records of each establishment or facility;
14 amending s. 470.015, F.S.; requiring board
15 approval of continuing education providers;
16 revising provisions relating to continuing
17 education hours; amending ss. 470.016, 470.018,
18 F.S.; revising provisions relating to
19 continuing education hours; requiring a
20 recommendation regarding registration of direct
21 disposers; amending s. 470.021, F.S.;
22 prohibiting colocation of certain direct
23 disposal establishments with more than one
24 funeral establishment or direct disposal
25 establishment; amending s. 470.028, F.S.;
26 revising provisions relating to registration of
27 agents for preneed sales; amending s. 470.0301,
28 F.S.; revising provisions relating to
29 registration of centralized embalming
30 facilities to provide for operating procedures;
31 providing requirements for full-time embalmers

1 in charge; amending ss. 471.003, 471.0035,
2 471.011, 471.023, 471.037, F.S.; updating
3 references relating to regulation of
4 engineering to incorporate provisions relating
5 to the Florida Engineers Management Corporation
6 and engineers performing building code
7 inspector duties; amending s. 471.005, F.S.;
8 defining the terms "retired professional
9 engineer" and "professional engineer, retired";
10 updating references; amending s. 471.015, F.S.;
11 revising educational requirements for licensure
12 by endorsement; updating references; amending
13 s. 471.017, F.S.; granting the Board of
14 Professional Engineers rulemaking authority to
15 establish biennial licensure renewal
16 procedures; replacing continuing education
17 provisions with provisions requiring certain
18 demonstration of continuing professional
19 competency; amending s. 471.019, F.S., to
20 create s. 471.0195, F.S.; separating provisions
21 relating to building code training from
22 provisions relating to licensure reactivation
23 requirements; amending s. 471.025, F.S.;
24 requiring final bid documents to be signed,
25 dated, and sealed and authorizing the
26 electronic transfer of such documents; amending
27 s. 471.031, F.S.; providing a penalty for
28 certain activities prohibited under ch. 471,
29 F.S., relating to engineering; updating
30 references; amending s. 474.202, F.S.; revising
31 the definition of the term "veterinarian";

1 amending s. 474.203, F.S.; revising and
2 providing exemptions from regulation under ch.
3 474, F.S., relating to veterinary medical
4 practice; providing that certain exempt persons
5 are duly licensed practitioners for purposes of
6 prescribing drugs or medicinal supplies;
7 amending s. 474.211, F.S.; providing that
8 criteria for providers of continuing veterinary
9 medical education shall be approved by the
10 board; amending s. 474.214, F.S.; increasing
11 the administrative fine; reenacting ss.
12 474.207(2), 474.217(2), F.S., relating to
13 licensure by examination and licensure by
14 endorsement, to incorporate the amendment to s.
15 474.214, F.S., in references thereto; amending
16 s. 474.215, F.S.; requiring limited service
17 permittees to register each location and
18 providing a registration fee; providing
19 requirements for certain temporary rabies
20 vaccination efforts; providing permit and other
21 requirements for persons who are not licensed
22 veterinarians, but who desire to own and
23 operate a veterinary medical establishment;
24 providing disciplinary actions applicable to
25 holders of premises permits; amending s.
26 474.2165, F.S.; providing requirements with
27 respect to ownership and control of veterinary
28 medical patient records; providing for the
29 furnishing of reports or copies of records;
30 providing for participation of veterinarians in
31 impaired practitioner treatment programs;

1 amending s. 475.045, F.S.; abolishing the
2 Florida Real Estate Commission Education and
3 Research Foundation Advisory Committee and
4 transferring its duties to the commission;
5 amending s. 477.013, F.S.; revising a
6 definition; amending s. 477.0132, F.S.;
7 restricting to the Board of Cosmetology
8 authority to review, evaluate, and approve
9 courses required for hair braiding, hair
10 wrapping, and body wrapping registration;
11 exempting providers of such courses from
12 certain licensure; amending s. 477.019, F.S.;
13 revising requirements for licensure to practice
14 cosmetology; providing fees; amending ss.
15 492.101, 492.102, 492.104, 492.105, 492.108,
16 492.112, 492.113, 492.116, 492.1165, F.S.;
17 revising cross-references; amending s. 492.107,
18 F.S.; revising provisions relating to the use
19 of seals by licensed geologists; amending s.
20 492.111, F.S.; providing requirements relating
21 to geologists of record for firms,
22 corporations, and partnerships; amending s.
23 310.0015, F.S.; requiring the establishment of
24 competency-based mentor programs for minority
25 persons seeking to become licensed state pilots
26 or certificated deputy pilots; requiring an
27 annual report thereon to the Governor and
28 Legislature; amending s. 468.456, F.S.;
29 providing an additional prohibited act as
30 grounds for disciplinary action; requiring
31 suspension or revocation of license for certain

1 violations; creating s. 468.45615, F.S.;

2 prohibiting the provision of illegal

3 inducements to athletes; providing penalties;

4 amending s. 468.4562, F.S.; providing for the

5 award of treble damages to colleges or

6 universities that prevail in civil actions with

7 respect to illegal acts by athlete agents;

8 providing an appropriation; providing an

9 effective date.

10

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

12

13 Section 1. Effective upon becoming law and retroactive

14 to January 1, 1996, subsection (4) is added to section

15 458.319, Florida Statutes, to read:

16 458.319 Renewal of license.--

17 (4)(a) Notwithstanding any provision of this chapter

18 or part II, chapter 455, the requirements for the biennial

19 renewal of the license of any licensee who is a member of the

20 Legislature shall stand continued and extended without the

21 requirement of any filing by such a licensee of any notice or

22 application for renewal with the board or the department and

23 such licensee's license shall be an active status license

24 under this chapter, throughout the period that the licensee is

25 a member of the Legislature and for a period of 60 days after

26 the licensee ceases to be a member of the Legislature.

27 (b) At any time during the licensee's legislative term

28 of office and during the period of 60 days after the licensee

29 ceases to be a member of the Legislature, the licensee may

30 file a completed renewal application that shall consist solely

31 of:

1 1. A license renewal fee of \$250 for each year the
2 licensee's license renewal has been continued and extended
3 pursuant to the terms of this subsection since the last
4 otherwise regularly scheduled biennial renewal year and each
5 year during which the renewed license shall be effective until
6 the next regularly scheduled biennial renewal date;

7 2. Documentation of the completion by the licensee of
8 10 hours of continuing medical education credits for each year
9 from the effective date of the last renewed license for the
10 licensee until the year in which the application is filed;

11 3. The information from the licensee expressly
12 required in s. 455.565(1)(a)1.-8. and (b), and (4)(a), (b),
13 and (c),

14 (c) The department and board may not impose any
15 additional requirements for the renewal of such licenses and,
16 not later than 20 days after receipt of a completed
17 application as specified in paragraph (b), shall renew the
18 active status license of the licensee, effective on and
19 retroactive to the last previous renewal date of the
20 licensee's license. Said license renewal shall be valid until
21 the next regularly scheduled biennial renewal date for said
22 license, and thereafter shall be subject to the biennial
23 requirements for renewal in this chapter and chapter 455, part
24 II.

25 Section 2. Subsection (4) is added to section 310.071,
26 Florida Statutes, to read:

27 310.071 Deputy pilot certification.--

28 (4) Notwithstanding s. 112.011 or any other provision
29 of law relating to the restoration of civil rights, an
30 applicant shall be disqualified from applying for and shall be
31 denied a deputy pilot certificate if the applicant, regardless

1 of adjudication, has ever been found guilty of, or pled guilty
2 or nolo contendere to, a charge which was:

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

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

12 Section 3. Subsection (4) of section 310.151, Florida
13 Statutes, is amended to read:

14 310.151 Rates of pilotage; Pilotage Rate Review
15 Board.--

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

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

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

31

1 1. Any amounts deposited in the interest-bearing
2 account which are sustained by the final order shall be paid
3 over to the pilot or pilots in the subject port, including all
4 interest accrued on such funds; and

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

11 Section 4. Subsection (1) of section 399.061, Florida
12 Statutes, is amended to read:

13 399.061 Inspections; correction of deficiencies.--

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

26 ~~(b) When a service maintenance contract is~~
27 ~~continuously maintained with an elevator company, the division~~
28 ~~shall verify with the elevator company before the end of each~~
29 ~~fiscal year that the contract is in force and is being~~
30 ~~implemented. An elevator covered by such a service~~
31 ~~maintenance contract shall be inspected by a~~

1 certificate-of-competency holder ~~state elevator inspector~~ at
2 least once every 2 ~~fiscal~~ years; however, if the elevator is
3 not an escalator or a dumbwaiter and the elevator serves only
4 two adjacent floors and is covered by a service maintenance
5 contract, no inspection shall be required so long as the
6 service contract remains in effect.

7 (b)~~(e)~~ The division may inspect an elevator whenever
8 necessary to ensure its safe operation.

9 Section 5. Section 455.211, Florida Statutes, is
10 amended to read:

11 455.211 Board rules; final agency action;
12 challenges.--

13 (1) The secretary of the department shall have
14 standing to challenge any rule or proposed rule of a board
15 under its jurisdiction pursuant to s. 120.56. In addition to
16 challenges for any invalid exercise of delegated legislative
17 authority, the administrative law judge, upon such a challenge
18 by the secretary, may declare all or part of a rule or
19 proposed rule invalid if it:

20 (a) Does not protect the public from any significant
21 and discernible harm or damages;

22 (b) Unreasonably restricts competition or the
23 availability of professional services in the state or in a
24 significant part of the state; or

25 (c) Unnecessarily increases the cost of professional
26 services without a corresponding or equivalent public benefit.

27
28 However, there shall not be created a presumption of the
29 existence of any of the conditions cited in this subsection in
30 the event that the rule or proposed rule is challenged.

31

1 (2) In addition, either the secretary or the board
2 shall be a substantially interested party for purposes of s.
3 120.54(7). The board may, as an adversely affected party,
4 initiate and maintain an action pursuant to s. 120.68
5 challenging the final agency action.

6 (3) No board created within the department shall have
7 standing to challenge a rule or proposed rule of another
8 board. However, if there is a dispute between boards
9 concerning a rule or proposed rule, the boards may avail
10 themselves of the provisions of s. 455.207(5).

11 (4) Any proposed board rule that has not been modified
12 to remove proposed committee objections of the Administrative
13 Procedures Committee must receive approval from the department
14 prior to filing the rule with the Department of State for
15 final adoption. The department may repeal any rule enacted by
16 the board which has taken effect without having met proposed
17 committee objections of the Administrative Procedures
18 Committee.

19 Section 6. Subsection (6) of section 455.217, Florida
20 Statutes, is amended to read:

21 455.217 Examinations.--This section shall be read in
22 conjunction with the appropriate practice act associated with
23 each regulated profession under this chapter.

24 (6) For examinations developed by the department or a
25 contracted vendor, each board, or the department, when there
26 is no board, may provide licensure examinations in an
27 applicant's native language. Applicants for examination or
28 reexamination pursuant to this subsection shall bear the full
29 cost for the department's development, preparation,
30 administration, grading, and evaluation of any examination in
31 a language other than English or Spanish. Requests for

1 translated examinations, except for those in Spanish, must be
2 on file in the board office, or with the department when there
3 is no board, at least 6 months prior to the scheduled
4 examination. When determining whether it is in the public
5 interest to allow the examination to be translated into a
6 language other than English or Spanish, the board, or the
7 department when there is no board, shall consider the
8 percentage of the population who speak the applicant's native
9 language.

10 Section 7. Section 455.2179, Florida Statutes, is
11 amended to read:

12 455.2179 Continuing education provider approval; cease
13 and desist orders.--

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

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

1 (3) Each board authorized to approve continuing
2 education providers, or the department if there is no board,
3 may establish, by rule, a fee not to exceed \$250 for anyone
4 seeking approval to provide continuing education courses and
5 may establish, by rule, a biennial fee not to exceed \$250 for
6 the renewal of providership of such courses. The Florida Real
7 Estate Commission, authorized under the provisions of chapter
8 475 to approve prelicensure, precertification, and
9 postlicensure education providers, may establish, by rule, an
10 application fee not to exceed \$250 for anyone seeking approval
11 to offer prelicensure, precertification, or postlicensure
12 education courses and may establish, by rule, a biennial fee
13 not to exceed \$250 for the renewal of such courses.

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

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

20 455.219 Fees; receipts; disposition; periodic
21 management reports.--

22 (1) Each board within the department shall determine
23 by rule the amount of license fees for its profession, based
24 upon department-prepared long-range estimates of the revenue
25 required to implement all provisions of law relating to the
26 regulation of professions by the department and any board;
27 however, when the department has determined, based on the
28 long-range estimates of such revenue, that a profession's
29 trust fund moneys are in excess of the amount required to
30 cover the necessary functions of the board, or the department
31 when there is no board, the department may adopt rules to

1 implement a waiver of license renewal fees for that profession
2 for a period not to exceed 2 years, as determined by the
3 department. Each board, or the department when there is no
4 board, shall ensure license fees are adequate to cover all
5 anticipated costs and to maintain a reasonable cash balance,
6 as determined by rule of the department, with advice of the
7 applicable board. If sufficient action is not taken by a board
8 within 1 year of notification by the department that license
9 fees are projected to be inadequate, the department shall set
10 license fees on behalf of the applicable board to cover
11 anticipated costs and to maintain the required cash balance.
12 The department shall include recommended fee cap increases in
13 its annual report to the Legislature. Further, it is
14 legislative intent that no regulated profession operate with a
15 negative cash balance. The department may provide by rule for
16 the advancement of sufficient funds to any profession or the
17 Florida State Boxing Commission operating with a negative cash
18 balance. Such advancement may be for a period not to exceed 2
19 consecutive years and shall require interest to be paid by the
20 regulated profession. Interest shall be calculated at the
21 current rate earned on Professional Regulation Trust Fund
22 investments. Interest earned shall be allocated to the various
23 funds in accordance with the allocation of investment earnings
24 during the period of the advance.

25 Section 9. Section 455.32, Florida Statutes, is
26 created to read:

27 455.32 Management Privatization Act.--

28 (1) This section may be cited as the "Management
29 Privatization Act."

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

31

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

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

6 (c) "Secretary" means the Secretary of Business and
7 Professional Regulation.

8 (3) Based upon the request of any board, commission,
9 or council, the department is authorized to contract with a
10 corporation or other business entity to perform support
11 services specified in the contract. The contract must be in
12 compliance with this section and other applicable laws and
13 must be approved by the board before the department enters
14 into the contract. The department shall retain responsibility
15 for any duties it currently exercises relating to its police
16 powers and any other current duty that is not provided to the
17 corporation by the contract. The contract shall provide, at a
18 minimum, that:

19 (a) The corporation provide administrative,
20 investigative, examination, licensing, and prosecutorial
21 support services in accordance with the provisions of this
22 section and the practice act of the relevant profession. With
23 approval of the department, the corporation may subcontract
24 for any of these services.

25 (b) The corporation utilize computer technology
26 compatible with the department to ensure compatibility and
27 availability to the public of information provided for other
28 professions by the department.

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

31

1 (d) The corporation keep financial and statistical
2 information as necessary to completely disclose the financial
3 condition and operation of the project and as requested by the
4 Office of Program Policy Analysis and Government
5 Accountability, the Auditor General, and the department.

6 (e) If the certification process in subsection (10)
7 determines noncompliance, the contract provide for methods and
8 mechanisms to resolve the situation.

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

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

15 2. The number of license applications received, the
16 number of licenses approved and denied, the number of licenses
17 issued, and the average time required to issue a license.

18 3. The number of examinations administered and the
19 number of applicants who passed or failed the examination.

20 4. The number of complaints received, the number of
21 complaints determined to be legally sufficient, the number of
22 complaints dismissed, and the number of complaints determined
23 to have probable cause.

24 5. The number of administrative complaints issued and
25 the status of the complaints.

26 6. The number and nature of disciplinary actions taken
27 by the board.

28 7. All revenue received and all expenses incurred by
29 the corporation over the previous 12 months in its performance
30 of the duties under the contract.

31

1 8. The status of the compliance of the corporation
2 with all performance-based program measures adopted by the
3 board.

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

8 (5) The corporation shall be funded through
9 appropriations allocated to the regulation of the relevant
10 profession from the Professional Regulation Trust Fund.

11 (6) If the corporation is no longer approved to
12 operate for the board or the board ceases to exist, moneys and
13 property held in trust by the corporation for the benefit of
14 the board shall revert to the board, or to the state if the
15 board ceases to exist.

16 (7) The executive director shall supervise the
17 activities of the corporation to ensure compliance with the
18 contract and provisions of this section and the practice act
19 of the relevant profession. The executive director shall be an
20 employee of the department and serve as a liaison between the
21 department, the board, and the corporation and shall ensure
22 that the police powers of the state are not exercised by the
23 corporation.

24 (8) The corporation may not exercise any authority
25 assigned to the department or board under this section or the
26 practice act of the relevant profession, including determining
27 legal sufficiency and probable cause to pursue disciplinary
28 action against a licensee, taking final action on license
29 applications or in disciplinary cases, or adopting
30 administrative rules under chapter 120.

31

1 (9) The corporation shall provide for an annual
2 financial and compliance audit of its financial accounts and
3 records by an independent certified public accountant in
4 accordance with generally accepted auditing standards. The
5 annual audit report shall include a detailed supplemental
6 schedule of expenditures for each expenditure category and a
7 management letter. The annual audit report must be submitted
8 to the board, the department, and the Auditor General for
9 review. The Auditor General may, pursuant to his or her
10 authority or at the direction of the Legislative Auditing
11 Committee, conduct an audit of the corporation.

12 (10) The board and the department shall annually
13 certify that the corporation is complying with the terms of
14 the contract in a manner consistent with the goals and
15 purposes of the board and in the best interest of the state.

16 (11) Nothing in this section shall limit the ability
17 of the corporation to enter into contracts and perform all
18 other acts incidental to those contracts that are necessary
19 for the administration of its affairs and for the attainment
20 of its purposes.

21 (12) The corporation may acquire by lease, and
22 maintain, use, and operate, any real or personal property
23 necessary to perform the duties provided by the contract and
24 this section.

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

29 (14) The department shall retain the independent
30 authority to open, investigate, or prosecute any cases or
31 complaints, as necessary, to protect the public health,

1 safety, or welfare. In addition, the department shall retain
2 sole authority to issue emergency suspension or restriction
3 orders pursuant to s. 120.60 and to prosecute unlicensed
4 activity cases pursuant to ss. 455.228 and 455.2281.

5 (15) Corporation records are public records subject to
6 the provisions of s. 119.07(1) and s. 24(a), Art. I of the
7 State Constitution; however, public records exemptions set
8 forth in ss. 455.217 and 455.229 for records created or
9 maintained by the department shall apply to records created or
10 maintained by the corporation. The exemptions set forth in s.
11 455.225, relating to complaints and information obtained
12 pursuant to an investigation by the department, shall apply to
13 such records created or obtained by the corporation only until
14 an investigation ceases to be active. For the purposes of this
15 subsection, an investigation is considered active so long as
16 the corporation or any law enforcement or administrative
17 agency is proceeding with reasonable dispatch and has a
18 reasonable, good-faith belief that it may lead to the filing
19 of administrative, civil, or criminal proceedings. An
20 investigation ceases to be active when the case is dismissed
21 prior to a finding of probable cause and the board has not
22 exercised its option to pursue the case or 10 days after the
23 board makes a determination regarding probable cause. All
24 information, records, and transcriptions regarding a complaint
25 that has been determined to be legally sufficient to state a
26 claim within the jurisdiction of the board become available to
27 the public when the investigation ceases to be active, except
28 information that is otherwise confidential or exempt from s.
29 119.07(1). However, in response to an inquiry about the
30 licensure status of an individual, the corporation shall
31 disclose the existence of an active investigation if the

1 nature of the violation under investigation involves the
2 potential for substantial physical or financial harm. The
3 department and the board shall have access to all records of
4 the corporation, as necessary, to exercise their authority to
5 approve and supervise the contract.

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

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

11 (b) The department shall resume the performance of
12 such activities. The department shall regain and receive,
13 hold, invest, and administer property and make expenditures
14 for the benefit of the board.

15 (c) The Executive Office of the Governor,
16 notwithstanding chapter 216, is authorized to reestablish
17 positions, budget authority, and salary rate necessary to
18 carry out the department's responsibilities related to the
19 board.

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

23 Section 10. Subsection (8) is added to section
24 468.382, Florida Statutes, to read:

25 468.382 Definitions.--As used in this act, the term:

26 (8) "Absolute auction" means an auction that requires
27 no minimum opening bid that limits the sale other than to the
28 highest bidder.

29 Section 11. Subsections (4), (6), and (7) of section
30 468.385, Florida Statutes, are amended to read:

31

1 468.385 Licenses required; qualifications;
2 examination; bond.--
3 (4) Any person seeking a license as an auctioneer must
4 ~~shall~~ pass a written examination approved by the board
5 ~~prepared and administered by the department~~ which tests his or
6 her general knowledge of the laws of this state relating to
7 provisions of the Uniform Commercial Code that are relevant to
8 ~~bulk sales, auctions, the laws of agency brokerage,~~ and the
9 provisions of this act.
10 (6) No person shall be licensed as an auctioneer
11 unless he or she:
12 (a) Has held an apprentice license and has served as
13 an apprentice for 1 year or more, or has completed a course of
14 study, consisting of not less than 80 classroom hours of
15 instruction, that meets standards adopted by the board;
16 (b) Has passed the required an examination ~~conducted~~
17 ~~by the department~~; and
18 (c) Is approved by the board.
19 (7)(a) Any auction that is subject to the provisions
20 of this part must be conducted by an auctioneer who has an
21 active license or an apprentice who has an active apprentice
22 auctioneer license and who has received prior written sponsor
23 consent.
24 (b) No business shall auction or offer to auction any
25 property in this state unless it is licensed as an auction
26 business by the board or is exempt from licensure under this
27 act. Each application for licensure shall include the names
28 of the owner and the business, the business mailing address
29 and location, and any other information which the board may
30 require. The owner of an auction business shall report to the
31

1 board within 30 days of any change in this required
2 information.

3 Section 12. Section 468.3855, Florida Statutes, is
4 created to read:

5 468.3855 Apprenticeship training requirements.--

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

11 (2) Any auctioneer who undertakes the sponsorship of
12 an apprentice shall ensure that the apprentice receives
13 training as required by board rule.

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

18 (4) Apprentices are prohibited from conducting any
19 auction without the prior express written consent of the
20 sponsor. The apprentice's sponsor must be present at the
21 auction site at any time the apprentice is actively
22 participating in the conduct of the auction. If the
23 apprentice's sponsor cannot attend a particular auction, the
24 sponsor may appoint a qualified auctioneer who meets the
25 requirements of board rule to attend the auction in his or her
26 place. Prior written consent must be given by the apprentice's
27 sponsor for each substitution.

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

30 (6) A sponsor may not authorize an apprentice to
31 conduct an auction or act as principal auctioneer unless the

1 sponsor has determined that the apprentice has received
2 adequate training to do so.

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

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

10 (9) Any licensed apprentice who wishes to change the
11 sponsor under whom he or she is licensed must submit a new
12 application and application fee. However, a new license fee
13 shall not be required and credit shall be awarded for training
14 received or any period of apprenticeship served under the
15 previous sponsor.

16 (10) Credit for training received or any period of
17 apprenticeship served shall not be allowed unless it occurred
18 under the supervision of the sponsor under whose supervision
19 the apprentice is licensed.

20 Section 13. Section 468.388, Florida Statutes, is
21 amended to read:

22 468.388 Conduct of an auction.--

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

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

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

30 and

31

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

4 (2) The auctioneer or auction business shall give the
5 owner one copy of the agreement and shall keep one copy for 2
6 years after the date of the auction.

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

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

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

15 ~~(c) The total estimated value of the property is \$500~~
16 ~~or less. If the actual sale price of the property exceeds~~
17 ~~\$550, the written agreement required by subsection (1) shall~~
18 ~~be executed after the sale.~~

19 ~~(3)(4)~~ Each auctioneer or auction business shall
20 maintain a record book of all sales for which a written
21 agreement is required. The record book shall be open to
22 inspection by the board at reasonable times.

23 (4) Each auction must be conducted by an auctioneer
24 who has an active license or by an apprentice who has an
25 active apprentice auctioneer license and who has received
26 prior written sponsor consent. Each auction must be conducted
27 under the auspices of a licensed auction business. Any
28 auctioneer or apprentice auctioneer conducting an auction, and
29 any auction business under whose auspices such auction is
30 held, shall be responsible for determining that any
31 auctioneer, apprentice, or auction business with whom they are

1 associated in conducting such auction has an active Florida
2 auctioneer, apprentice, or auction business license.

3 (5) The principal auctioneer shall prominently display
4 at the auction site the licenses of the principal auctioneer,
5 the auction business, and any other licensed auctioneers or
6 apprentices who are actively participating in the auction. If
7 such a display is not practicable, then an oral announcement
8 at the beginning of the auction or a prominent written
9 announcement that these licenses are available for inspection
10 at the auction site must be made.~~Each auctioneer or auction~~
11 ~~business shall prominently display his or her license, or make~~
12 ~~it otherwise available for inspection, at each auction in~~
13 ~~which he or she participates.~~

14 (6) If a buyer premium or any surcharge is a condition
15 to sale at any auction, the amount of the premium or surcharge
16 must be announced at the beginning of the auction and a
17 written notice of this information must be conspicuously
18 displayed or distributed to the public at the auction site.

19 (7) At the beginning of an auction must be announced
20 the terms of bidding and sale and whether the sale is with
21 reserve, without reserve, or absolute or if a minimum bid is
22 required. If the sale is absolute and has been announced or
23 advertised as such, an article or lot may not be withdrawn
24 from sale once a bid has been accepted. If no bid is received
25 within a reasonable time, the item or lot may be withdrawn.

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

30 (9) The auction business under which the auction is
31 conducted is responsible for all other aspects of the auction

1 as required by board rule. The auction business may delegate
2 in whole, or in part, different aspects of the auction only to
3 the extent that such delegation is permitted by law and that
4 such delegation will not impede the principal auctioneer's
5 ability to ensure the proper conduct of his or her independent
6 responsibility for the auction. The auction business under
7 whose auspices the auction is conducted is responsible for
8 ensuring compliance as required by board rule.

9 (10)(a) When settlement is not made immediately after
10 an auction, all sale proceeds received for another person must
11 be deposited in an escrow or trust account in an insured bank
12 or savings and loan association located in this state within 2
13 working days after the auction. A maximum of \$100 may be kept
14 in the escrow account for administrative purposes.

15 (b) Each auction business shall maintain, for not less
16 than 2 years, a separate ledger showing the funds held for
17 another person deposited and disbursed by the auction business
18 for each auction. The escrow or trust account must be
19 reconciled monthly with the bank statement. A signed and dated
20 record shall be maintained for a 2-year period and be
21 available for inspection by the department or at the request
22 of the board.

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

27 (d) Unless otherwise provided by written agreement
28 executed prior to the auction, funds received by a licensee
29 from the seller or his or her agent for expenses, including
30 advertising, must be expended for the purposes advanced or
31 refunded to the seller at the time of final settlement. Any

1 funds so received shall be maintained in an escrow or trust
2 account in an insured bank or savings and loan association
3 located in this state. However, this does not prohibit
4 advanced payment of a flat fee.

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

10 (b) No licensed auctioneer, apprentice, or auction
11 business may disseminate or cause to be disseminated any
12 advertisement or advertising which is false, deceptive,
13 misleading, or untruthful. Any advertisement or advertising
14 shall be deemed to be false, deceptive, misleading, or
15 untruthful if it:

- 16 1. Contains misrepresentations of facts.
- 17 2. Is misleading or deceptive because, in its content
18 or in the context in which it is presented, it makes only a
19 partial disclosure of relevant facts.
- 20 3. Creates false or unjustified expectations of the
21 services to be performed.
- 22 4. Contains any representation or claim which the
23 advertising licensee fails to perform.
- 24 5. Fails to include the name and license number of the
25 principal auctioneer and the auction business.
- 26 6. Fails to include the name and license number of the
27 sponsor if an apprentice is acting as the principal
28 auctioneer.
- 29 7. Advertises an auction as absolute without
30 specifying any and all items to be sold with reserve or with
31 minimum bids.

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

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

6 (d) The auction business shall be responsible for the
7 content of all advertising disseminated in preparation for an
8 auction.

9 Section 14. Paragraph (c) of subsection (1) of section
10 468.389, Florida Statutes, is amended to read:

11 468.389 Prohibited acts; penalties.--

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

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

18 Section 15. For the purpose of incorporating the
19 amendment to section 468.389, Florida Statutes, in references
20 thereto, subsection (3) of section 468.385 and section
21 468.391, Florida Statutes, are reenacted to read:

22 468.385 Licenses required; qualifications;
23 examination; bond.--

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

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

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

30 468.391 Penalty.--Any auctioneer, apprentice, or
31 auction business or any owner or manager thereof, or, in the

1 case of corporate ownership, any substantial stockholder of
2 the corporation owning the auction business, who operates
3 without an active license or violates any provision of the
4 prohibited acts listed under s. 468.389 commits a felony of
5 the third degree, punishable as provided in s. 775.082 or s.
6 775.083.

7 Section 16. Subsection (2) of section 468.392, Florida
8 Statutes, is amended to read:

9 468.392 Auctioneer Recovery Fund.--There is created
10 the Auctioneer Recovery Fund as a separate account in the
11 Professional Regulation Trust Fund. The fund shall be
12 administered by the Florida Board of Auctioneers.

13 (2) All payments and disbursements from the Auctioneer
14 Recovery Fund shall be made by the Treasurer upon a voucher
15 signed by the Secretary of Business and Professional
16 Regulation or the secretary's designee. Amounts transferred to
17 the Auctioneer Recovery Fund shall not be subject to any
18 limitation imposed by an appropriation act of the Legislature.

19 Section 17. Section 468.395, Florida Statutes, is
20 amended to read:

21 468.395 Conditions of recovery; eligibility.--

22 (1) Recovery from the Auctioneer Recovery Fund may be
23 obtained as follows:

24 (a) Any aggrieved person is eligible to receive
25 recovery from the Auctioneer Recovery Fund if the Florida
26 Board of Auctioneers has issued a final order directing an
27 offending licensee to pay restitution to the claimant as the
28 result of the licensee violating, within this state, any
29 provision of s. 468.389 or any rule adopted by the board and
30 if the board determined that the order of restitution cannot
31 be enforced; or

1 **(b)**~~(1)~~ Any aggrieved person who obtains a final
2 judgment in any court against any licensee to recover damages
3 for any actual loss that results from the violation, within
4 this state, by failure to meet the obligations of a licensee
5 of any provision of s. 468.389 or any rule under this part and
6 the rules adopted by the board, with or without findings by
7 the board, that results in an actual cash loss to the
8 ~~aggrieved person~~ may, upon termination of all proceedings,
9 including appeals and proceedings supplemental to judgment for
10 collection purposes, file a verified application to the board
11 ~~in the court in which the judgment was entered for an order~~
12 ~~directing payment out of the Auctioneer Recovery Fund of the~~
13 ~~amount of actual and direct loss in the transaction that~~
14 ~~remains unpaid upon the judgment. Notwithstanding subsection~~
15 ~~(3), any application received by the court in which the~~
16 ~~judgment was entered within 6 months of termination of all~~
17 ~~proceedings, including appeals and proceedings supplemental to~~
18 ~~judgment for collection purposes, shall be considered timely~~
19 ~~filed.~~The amount of actual ~~and direct~~ loss may include court
20 costs, but shall not include attorney's fees or punitive
21 damages awarded.

22 **(2)** The amount paid from the Auctioneer Recovery Fund
23 may not exceed \$50,000 per claim judgment or claims judgments
24 arising out of the same transaction or auction or ~~and~~ an
25 aggregate lifetime limit of \$100,000 with respect to any one
26 licensee. For purposes of this subsection, auctions conducted
27 under a single contract, agreement, or consignment shall be
28 considered a single transaction or auction even though
29 conducted at more than one time or place.

30 ~~(2) At the time the action is commenced, such person~~
31 ~~shall give notice thereof to the board by certified mail,~~

1 ~~except that, if no notice is given to the board, the claim may~~
2 ~~still be honored if, in the opinion of the board, the claim is~~
3 ~~otherwise valid.~~

4 (3) A claim for recovery from the Auctioneer Recovery
5 Fund shall be made within 2 years from the time of the act
6 giving rise to the claim or within 2 years from the time the
7 act is discovered or should have been discovered with the
8 exercise of due diligence; however, in no event may a claim
9 for recovery be made more than 4 years after the date of the
10 act giving rise to the claim.

11 (4) The board ~~court~~ shall not issue an order for
12 payment of a claim from the Auctioneer Recovery Fund unless
13 the claimant has reasonably established to ~~for~~ the board ~~court~~
14 that she or he has taken proper and reasonable action to
15 collect the amount of her or his claim from the licensee
16 ~~licensed auctioneer~~ responsible for the loss and that any
17 recovery made has been applied to reduce the amount of the
18 claim on the Auctioneer Recovery Fund.

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

24 (6) In case of payment of loss from the Auctioneer
25 Recovery Fund, the fund shall be subrogated, to the extent of
26 the amount of the payment, to all the rights of the claimant
27 against any licensee with respect to the loss.

28 Section 18. Section 468.397, Florida Statutes, is
29 amended to read:

30 468.397 Payment of claim.--Upon a final order of the
31 court directing that payment be made out of the Auctioneer

1 Recovery Fund, the board shall, subject to the provisions of
2 this part, make the payment out of ~~to~~ the Auctioneer Recovery
3 Fund as provided in s. 468.395.

4 Section 19. Section 468.433, Florida Statutes, is
5 amended to read:

6 468.433 Licensure by examination.--

7 (1) A person desiring to be licensed as a community
8 association manager shall apply to the department to take the
9 licensure examination. Each applicant must file a complete
10 set of fingerprints that have been taken by an authorized law
11 enforcement officer, which set of fingerprints shall be
12 submitted to the Department of Law Enforcement for state
13 processing and to the Federal Bureau of Investigation for
14 federal processing. The cost of processing shall be borne by
15 the applicant.

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

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

23 (b) The department may refuse to certify an applicant
24 only if:

25 1. There is a substantial connection between the lack
26 of good moral character of the applicant and the professional
27 responsibilities of a community association manager; and

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

30 (c) When an applicant is found to be unqualified for a
31 license because of a lack of good moral character, the

1 department shall furnish the applicant a statement containing
2 its findings, a complete record of the evidence upon which the
3 determination was based, and a notice of the rights of the
4 applicant to a rehearing and appeal.

5 (d) The council shall establish by rule the required
6 amount of prelicensure education, which shall consist of not
7 more than 24 hours of in-person instruction by a
8 department-approved provider and which shall cover all areas
9 of the examination specified in subsection (3). Such
10 instruction shall be completed within 12 months prior to the
11 date of the examination. Prelicensure education providers
12 shall be considered continuing education providers for
13 purposes of establishing provider approval fees. A licensee
14 shall not be required to comply with the continuing education
15 requirements of s. 468.4337 prior to the first license
16 renewal. The department shall, by rule, set standards for
17 exceptions to the requirement of in-person instruction in
18 cases of hardship or disability.

19 ~~(3)(2)~~ The council shall approve an examination for
20 licensure. The examination must demonstrate that the
21 applicant has a fundamental knowledge of state and federal
22 laws relating to the operation of all types of community
23 associations and state laws relating to corporations and
24 nonprofit corporations, proper preparation of community
25 association budgets, proper procedures for noticing and
26 conducting community association meetings, insurance matters
27 relating to community associations, and management skills.

28 ~~(4)(3)~~ The department shall issue a license to
29 practice in this state as a community association manager to
30 any applicant who successfully completes the examination in
31 accordance with this section and pays the appropriate fee.

1 Section 20. Paragraph (h) of subsection (3) of section
2 468.525, Florida Statutes, is repealed.

3 Section 21. Subsection (2) of section 468.526, Florida
4 Statutes, is amended to read:

5 468.526 License required; fees.--

6 (2) Two or more, but not more than five, employee
7 leasing companies that are ~~corporations which are~~ majority
8 owned by the same ultimate parent, entity, or persons may be
9 licensed as an employee leasing company group. An employee
10 leasing company group may satisfy the reporting and financial
11 requirements of this licensing law on a consolidated basis.
12 As a condition of licensure as an employee leasing company
13 group, each company that is a member of the group shall
14 guarantee payment of all financial obligations of each other
15 member.

16 Section 22. Section 468.531, Florida Statutes, is
17 amended to read:

18 468.531 Prohibitions; penalties.--

19 (1) No person or entity shall:

20 (a) Practice or offer to practice as an employee
21 leasing company, an employee leasing company group, or a
22 controlling person unless such person or entity is licensed
23 pursuant to this part;

24 (b) Practice or offer to practice as an employee
25 leasing company or employee leasing company group unless all
26 controlling persons thereof are licensed pursuant to this
27 part;

28 (c) Use the name or title "licensed employee leasing
29 company," "employee leasing company," "employee leasing
30 company group," "professional employer," "professional
31 employer organization," ~~or~~ "controlling person," or words that

1 would tend to lead one to believe that such person or entity
2 is registered pursuant to this part, when such person or
3 entity has not registered pursuant to this part;

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

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

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

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

13 Section 23. Subsection (3) of section 470.005, Florida
14 Statutes, is amended to read:

15 470.005 Rulemaking authority of board and
16 department.--

17 (3) The board shall adopt rules which establish
18 requirements for inspection of direct disposal establishments,
19 funeral establishments, and cinerator facilities and the
20 records directly relating to the regulated activities of the
21 licensee to ensure compliance with the provisions of this
22 chapter and rules adopted hereunder. Such rules shall
23 include, but not be limited to, requirements to inspect for
24 compliance with federal and state laws relating to the
25 receiving, handling, storage, and disposal of biohazardous and
26 hazardous waste.

27 Section 24. Section 470.015, Florida Statutes, is
28 amended to read:

29 470.015 Renewal of funeral director and embalmer
30 licenses.--

31

1 (1) The department shall renew a funeral director or
2 embalmer license upon receipt of the renewal application and
3 fee set by the board not to exceed \$250. The board may
4 prescribe by rule continuing education requirements of up to
5 12 classroom hours and may by rule establish criteria for
6 accepting alternative nonclassroom continuing education on an
7 hour-for-hour basis, in addition to a board-approved course on
8 communicable diseases that includes the course on human
9 immunodeficiency virus and acquired immune deficiency syndrome
10 required by s. 455.2226, for the renewal of a funeral director
11 or embalmer license. The board may provide for the waiver of
12 continuing education requirements in circumstances that would
13 justify the waiver, such as hardship, disability, or illness.
14 The continuing education requirement is not required after
15 July 1, 1996, for a licensee who is over the age of 75 years
16 if the licensee does not qualify as the sole person in charge
17 of an establishment or facility.

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

20 (3) The board shall adopt rules to establish
21 requirements for the advertising of continuing education
22 courses.

23 Section 25. Subsection (1) of section 470.016, Florida
24 Statutes, is amended to read:

25 470.016 Inactive status.--

26 (1) A funeral director or embalmer license that has
27 become inactive may be reactivated under s. 470.015 upon
28 application to the department. The board shall prescribe by
29 rule continuing education requirements as a condition of
30 reactivating a license. The continuing education requirements
31 for reactivating a license may not exceed 12 classroom hours

1 and may by rule establish criteria for accepting alternative
2 nonclassroom continuing education on an hour-for-hour basis,
3 in addition to a board-approved course on communicable
4 diseases, for each year the license was inactive.

5 Section 26. The Department of Business and
6 Professional Regulation shall by January 1, 2001, make a
7 recommendation to the President of the Senate and the Speaker
8 of the House of Representatives regarding whether persons
9 should continue to be registered as direct disposers under
10 section 470.017, Florida Statutes, after June 30, 2001.

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

13 470.018 Renewal of registration of direct disposer.--

14 (2) The department shall adopt rules establishing a
15 procedure for the biennial renewal of registrations. The
16 board shall prescribe by rule continuing education
17 requirements of up to 3 classroom hours and may by rule
18 establish criteria for accepting alternative nonclassroom
19 continuing education on an hour-for-hour basis, in addition to
20 a board-approved course on communicable diseases that includes
21 the course on human immunodeficiency virus and acquired immune
22 deficiency syndrome required by s. 455.2226, for the renewal
23 of a registration.

24 Section 28. Subsection (10) is added to section
25 470.021, Florida Statutes, to read:

26 470.021 Direct disposal establishment; standards and
27 location; registration.--

28 (10) A direct disposal establishment may not be
29 operated at the same location as any other direct disposal
30 establishment or funeral establishment unless such
31

1 establishments were licensed as colocated establishments on
2 July 1, 2000.

3 Section 29. Section 470.028, Florida Statutes, is
4 amended to read:

5 470.028 Preneed sales; registration of agents.--

6 (1) All sales of preneed funeral service contracts or
7 direct disposition contracts shall be made pursuant to chapter
8 497.

9 (2) No person may act as an agent for a ~~funeral~~
10 ~~director, funeral establishment, direct disposer, or direct~~
11 disposal disposer establishment with respect to the sale of
12 preneed contracts unless such person is registered pursuant to
13 chapter 497.

14 (3) Each licensee or registrant shall be subject to
15 discipline if his or her agent violates any provision of this
16 chapter applicable to such licensee or registrant as
17 established by board rule.

18 Section 30. Subsection (2) of section 470.0301,
19 Florida Statutes, is amended to read:

20 470.0301 Removal services; refrigeration facilities;
21 centralized embalming facilities.--In order to ensure that the
22 removal, refrigeration, and embalming of all dead human bodies
23 is conducted in a manner that properly protects the public's
24 health and safety, the board shall adopt rules to provide for
25 the registration of removal services, refrigeration
26 facilities, and centralized embalming facilities operated
27 independently of funeral establishments, direct disposal
28 establishments, and cinerator facilities.

29 (2) CENTRALIZED EMBALMING FACILITIES.--In order to
30 ensure that all funeral establishments have access to
31 embalming facilities that comply with all applicable health

1 and safety requirements, the board shall adopt rules to
2 provide for the registration and operation of centralized
3 embalming facilities and shall require, at a minimum, the
4 following:

5 (a) All centralized embalming facilities shall contain
6 all of the equipment and meet all of the requirements that a
7 preparation room located in a funeral establishment is
8 required to meet, but such facilities shall not be required to
9 comply with any of the other requirements for funeral
10 establishments, as set forth in s. 470.024.

11 (b) Each licensed centralized embalming facility shall
12 have at least one full-time embalmer in charge. The full-time
13 embalmer in charge must have an active license and may not be
14 the full-time embalmer in charge, full-time funeral director
15 in charge, or full-time direct disposer in charge of any other
16 establishment licensed under this chapter.

17 (c) Any person, regardless of whether such person is
18 otherwise regulated by this chapter, may own such a facility,
19 provided that such facility is operated in accordance with the
20 rules established by the board.

21 (d) A centralized embalming facility may only provide
22 services to funeral establishments.

23 (e) The practice of embalming done at a centralized
24 embalming facility shall only be practiced by an embalmer
25 licensed under this chapter and shall be provided only to
26 licensed funeral establishments.

27 (f) Application for registration of a centralized
28 embalming facility shall be made on forms furnished by the
29 department and shall be accompanied by a nonrefundable fee not
30 to exceed \$300 as set by board rule, and registration shall be
31 renewed biennially pursuant to procedures and upon payment of

1 a nonrefundable fee not to exceed \$300 as set by board rule.
2 The board may also establish by rule a late fee not to exceed
3 \$50. Any registration not renewed within 30 days after the
4 renewal date shall expire without further action by the
5 department.

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

9 (h) The board shall, by rule, establish operating
10 procedures which shall require, at a minimum, that centralized
11 embalming facilities maintain a system of identification of
12 human remains received for embalming.

13 Section 31. Subsections (2) and (3) of section
14 471.003, Florida Statutes, are amended to read:

15 471.003 Qualifications for practice, exemptions.--

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

19 (a) Any person practicing engineering for the
20 improvement of, or otherwise affecting, property legally owned
21 by her or him, unless such practice involves a public utility
22 or the public health, safety, or welfare or the safety or
23 health of employees. This paragraph shall not be construed as
24 authorizing the practice of engineering through an agent or
25 employee who is not duly registered under the provisions of
26 this chapter ~~ss. 471.001-471.037~~.

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

31

1 2. Persons who are employees of any state, county,
2 municipal, or other governmental unit of this state and who
3 are the subordinates of a person in responsible charge
4 registered under this chapter ~~ss. 471.001-471.037~~, to the
5 extent that the supervision meets standards adopted by rule of
6 the board.

7 (c) Regular full-time employees of a corporation not
8 engaged in the practice of engineering as such, whose practice
9 of engineering for such corporation is limited to the design
10 or fabrication of manufactured products and servicing of such
11 products.

12 (d) Regular full-time employees of a public utility or
13 other entity subject to regulation by the Florida Public
14 Service Commission, Federal Energy Regulatory Commission, or
15 Federal Communications Commission.

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

19 (f) Any person as contractor in the execution of work
20 designed by a professional engineer or in the supervision of
21 the construction of work as a foreman or superintendent.

22 (g) A registered surveyor and mapper who takes, or
23 contracts for, professional engineering services incidental to
24 her or his practice of surveying and mapping and who delegates
25 such engineering services to a registered professional
26 engineer qualified within her or his firm or contracts for
27 such professional engineering services to be performed by
28 others who are registered professional engineers under the
29 provisions of this chapter ~~ss. 471.001-471.037~~.

30 (h) Any electrical, plumbing, air-conditioning, or
31 mechanical contractor whose practice includes the design and

1 fabrication of electrical, plumbing, air-conditioning, or
2 mechanical systems, respectively, which she or he installs by
3 virtue of a license issued under chapter 489, under part I of
4 chapter 553, or under any special act or ordinance when
5 working on any construction project which:

6 1. Requires an electrical or plumbing or
7 air-conditioning and refrigeration system with a value of
8 \$50,000 or less; and

9 2.a. Requires an aggregate service capacity of 600
10 amperes (240 volts) or less on a residential electrical system
11 or 800 amperes (240 volts) or less on a commercial or
12 industrial electrical system;

13 b. Requires a plumbing system with fewer than 250
14 fixture units; or

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

19 (i) Any general contractor, certified or registered
20 pursuant to the provisions of chapter 489, when negotiating or
21 performing services under a design-build contract as long as
22 the engineering services offered or rendered in connection
23 with the contract are offered and rendered by an engineer
24 licensed or registered in accordance with this chapter.

25 (3) Notwithstanding the provisions of this chapter ~~ss.~~
26 ~~471.001-471.037~~ or of any other law, no registered engineer
27 whose principal practice is civil or structural engineering,
28 or employee or subordinate under the responsible supervision
29 or control of the engineer, is precluded from performing
30 architectural services which are purely incidental to her or
31 his engineering practice, nor is any registered architect, or

1 employee or subordinate under the responsible supervision or
2 control of the architect, precluded from performing
3 engineering services which are purely incidental to her or his
4 architectural practice. However, no engineer shall practice
5 architecture or use the designation "architect" or any term
6 derived therefrom, and no architect shall practice engineering
7 or use the designation "engineer" or any term derived
8 therefrom.

9 Section 32. Section 471.0035, Florida Statutes, is
10 amended to read:

11 471.0035 Instructors in postsecondary educational
12 institutions; exemption from registration requirement.--For
13 the sole purpose of teaching the principles and methods of
14 engineering design, notwithstanding the provisions of s.
15 471.005(6), a person employed by a public postsecondary
16 educational institution, or by an independent postsecondary
17 educational institution licensed or exempt from licensure
18 pursuant to the provisions of chapter 246, is not required to
19 register under the provisions of this chapter ~~ss.~~
20 ~~471.001-471.037~~ as a registered engineer.

21 Section 33. Section 471.005, Florida Statutes, is
22 amended to read:

23 471.005 Definitions.--As used in this chapter ~~ss.~~
24 ~~471.001-471.037~~, the term:

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

26 (2) "Certificate of authorization" means a license to
27 practice engineering issued by the department to a corporation
28 or partnership.

29 (3) "Department" means the Department of Business and
30 Professional Regulation.

31

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

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

10 (6) "Engineering" includes the term "professional
11 engineering" and means any service or creative work, the
12 adequate performance of which requires engineering education,
13 training, and experience in the application of special
14 knowledge of the mathematical, physical, and engineering
15 sciences to such services or creative work as consultation,
16 investigation, evaluation, planning, and design of engineering
17 works and systems, planning the use of land and water,
18 teaching of the principles and methods of engineering design,
19 engineering surveys, and the inspection of construction for
20 the purpose of determining in general if the work is
21 proceeding in compliance with drawings and specifications, any
22 of which embraces such services or work, either public or
23 private, in connection with any utilities, structures,
24 buildings, machines, equipment, processes, work systems,
25 projects, and industrial or consumer products or equipment of
26 a mechanical, electrical, hydraulic, pneumatic, or thermal
27 nature, insofar as they involve safeguarding life, health, or
28 property; and includes such other professional services as may
29 be necessary to the planning, progress, and completion of any
30 engineering services. A person who practices any branch of
31 engineering; who, by verbal claim, sign, advertisement,

1 letterhead, or card, or in any other way, represents himself
2 or herself to be an engineer or, through the use of some other
3 title, implies that he or she is an engineer or that he or she
4 is registered under this chapter ~~ss. 471.001-471.037~~; or who
5 holds himself or herself out as able to perform, or does
6 perform, any engineering service or work or any other service
7 designated by the practitioner which is recognized as
8 engineering shall be construed to practice or offer to
9 practice engineering within the meaning and intent of this
10 chapter ~~ss. 471.001-471.037~~.

11 (7) "License" means the registration of engineers or
12 certification of businesses to practice engineering in this
13 state.

14 (8) "Retired professional engineer" or "professional
15 engineer, retired" means a person who has been duly licensed
16 as a professional engineer by the board and who chooses to
17 relinquish or not to renew his or her license and applies to
18 and is approved by the board to be granted the title
19 "Professional Engineer, Retired."

20 Section 34. Subsection (1) of section 471.011, Florida
21 Statutes, is amended to read:

22 471.011 Fees.--

23 (1) The board by rule may establish fees to be paid
24 for applications, examination, reexamination, licensing and
25 renewal, inactive status application and reactivation of
26 inactive licenses, and recordmaking and recordkeeping. The
27 board may also establish by rule a delinquency fee. The board
28 shall establish fees that are adequate to ensure the continued
29 operation of the board. Fees shall be based on department
30 estimates of the revenue required to implement this chapter
31

1 ~~ss. 471.001-471.037~~ and the provisions of law with respect to
2 the regulation of engineers.

3 Section 35. Subsection (4) and paragraph (a) of
4 subsection (5) of section 471.015, Florida Statutes, are
5 amended to read:

6 471.015 Licensure.--

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

13 (5)(a) The board shall deem that an applicant who
14 seeks licensure by endorsement has passed an examination
15 substantially equivalent to part I of the engineering
16 examination when such applicant:

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

20 2. Has received a doctorate degree in engineering from
21 an institution that has an undergraduate ~~a nationally~~
22 ~~accredited~~ engineering degree program which is accredited by
23 the Accreditation Board for Engineering Technology; or

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

27 Section 36. Subsections (2) and (3) of section
28 471.017, Florida Statutes, are amended to read:

29 471.017 Renewal of license.--

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

1 (3) The board shall require a demonstration of
2 continuing professional competency of engineers as a condition
3 of license renewal or relicensure. Every licensee must
4 complete 4 professional development hours, for each year of
5 the license renewal period. For each renewal period for such
6 continuing education, 4 hours shall relate to this chapter and
7 the rules adopted under this chapter and the remaining 4 hours
8 hours shall relate to the licensee's area of practice. The
9 board shall adopt rules that are consistent with the
10 guidelines of the National Council of Examiners for
11 Engineering and Surveying for multijurisdictional licensees
12 for the purpose of avoiding proprietary continuing
13 professional competency requirements and shall allow
14 nonclassroom hours to be credited. The board may, by rule,
15 exempt from continuing professional competency requirements
16 retired professional engineers who no longer sign and seal
17 engineering documents and licensees in unique circumstances
18 that severely limit opportunities to obtain the required
19 professional development hours.~~Commencing with licensure~~
20 ~~renewal in 2002, each licensee actively participating in the~~
21 ~~design of engineering works or systems in connection with~~
22 ~~buildings, structures, and facilities covered by the Florida~~
23 ~~Building Code shall submit proof to the board that the~~
24 ~~licensee participates in continuing education courses relating~~
25 ~~to the core curriculum courses or the building code training~~
26 ~~program or evidence of passing an equivalency test on the core~~
27 ~~curriculum courses or specialized or advanced courses on any~~
28 ~~portion of the Florida Building Code applicable to the area of~~
29 ~~practice.~~

30 Section 37. Section 471.019, Florida Statutes, is
31 amended to read:

1 471.019 Reactivation ~~of design of engineering works or~~
2 ~~systems; continuing education.~~--

3 (1) The board shall prescribe by rule continuing
4 education requirements for reactivating a license. The
5 continuing education requirements for reactivating a license
6 for a registered engineer may not exceed 12 classroom hours
7 for each year the license was inactive.

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

28 Section 38. Section 471.0195, Florida Statutes, is
29 created to read:

30 471.0195 Florida Building Code training for
31 engineers.--Effective January 1, 2000, all licensees actively

1 participating in the design of engineering works or systems in
2 connection with buildings, structures, or facilities and
3 systems covered by the Florida Building Code shall take
4 continuing education courses and submit proof to the board, at
5 such times and in such manner as established by the board by
6 rule, that the licensee has completed the core curriculum
7 courses and any specialized or advanced courses on any portion
8 of the Florida Building Code applicable to the licensee's area
9 of practice or has passed the appropriate equivalency test of
10 the Building Code Training Program established by s. 553.841.
11 The board shall record reported continuing education courses
12 on a system easily accessed by code enforcement jurisdictions
13 for evaluation when determining license status for purposes of
14 processing design documents. Local jurisdictions shall be
15 responsible for notifying the board when design documents are
16 submitted for building construction permits by persons who are
17 not in compliance with this section. The board shall take
18 appropriate action as provided by its rules when such
19 noncompliance is determined to exist.

20 Section 39. Subsection (1) of section 471.023, Florida
21 Statutes, is amended to read:

22 471.023 Certification of partnerships and
23 corporations.--

24 (1) The practice of, or the offer to practice,
25 engineering by registrants through a corporation or
26 partnership offering engineering services to the public or by
27 a corporation or partnership offering said services to the
28 public through registrants under this chapter ~~ss.~~
29 ~~471.001-471.037~~ as agents, employees, officers, or partners is
30 permitted only if the firm possesses a certification issued by
31 the department pursuant to qualification by the board, subject

1 to the provisions of this chapter ~~ss. 471.001-471.037~~. One or
2 more of the principal officers of the corporation or one or
3 more partners of the partnership and all personnel of the
4 corporation or partnership who act in its behalf as engineers
5 in this state shall be registered as provided by this chapter
6 ~~ss. 471.001-471.037~~. All final drawings, specifications,
7 plans, reports, or documents involving practices registered
8 under this chapter ~~ss. 471.001-471.037~~ which are prepared or
9 approved for the use of the corporation or partnership or for
10 public record within the state shall be dated and shall bear
11 the signature and seal of the registrant who prepared or
12 approved them. Nothing in this section shall be construed to
13 mean that a certificate of registration to practice
14 engineering shall be held by a corporation. Nothing herein
15 prohibits corporations and partnerships from joining together
16 to offer engineering services to the public, provided each
17 corporation or partnership otherwise meets the requirements of
18 this section. No corporation or partnership shall be relieved
19 of responsibility for the conduct or acts of its agents,
20 employees, or officers by reason of its compliance with this
21 section, nor shall any individual practicing engineering be
22 relieved of responsibility for professional services performed
23 by reason of his or her employment or relationship with a
24 corporation or partnership.

25 Section 40. Subsection (1) of section 471.025, Florida
26 Statutes, is amended to read:

27 471.025 Seals.--

28 (1) The board shall prescribe, by rule, a form of seal
29 to be used by registrants holding valid certificates of
30 registration. Each registrant shall obtain an impression-type
31 metal seal in the form aforesaid and may, in addition,

1 register his or her seal electronically in accordance with ss.
2 282.70-282.75. All final drawings, specifications, plans,
3 reports, or documents prepared or issued by the registrant and
4 being filed for public record and all final bid documents
5 provided to the owner or the owner's representative shall be
6 signed by the registrant, dated, and stamped with said seal.
7 Such signature, date, and seal shall be evidence of the
8 authenticity of that to which they are affixed. Drawings,
9 specifications, plans, reports, final bid documents, or
10 documents prepared or issued by a registrant may be
11 transmitted electronically and may be signed by the
12 registrant, dated, and stamped electronically with said seal
13 in accordance with ss. 282.70-282.75.

14 Section 41. Section 471.031, Florida Statutes, is
15 amended to read:

16 471.031 Prohibitions; penalties.--

17 (1) A person may not knowingly:

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

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

25 (c) Present as his or her own the registration of
26 another;

27 (d) Give false or forged evidence to the board or a
28 member thereof;

29 (e) Use or attempt to use a registration that has been
30 suspended, revoked, or placed on inactive or delinquent
31 status;

1 (f) Employ unlicensed persons to practice engineering;
2 or

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

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

8 Section 42. Section 471.037, Florida Statutes, is
9 amended to read:

10 471.037 Effect of chapter ~~ss. 471.001-471.037~~
11 locally.--

12 (1) Nothing contained in this chapter ~~ss.~~
13 ~~471.001-471.037~~ shall be construed to repeal, amend, limit, or
14 otherwise affect any local building code or zoning law or
15 ordinance, now or hereafter enacted, which is more restrictive
16 with respect to the services of registered engineers than the
17 provisions of this chapter ~~ss. 471.001-471.037~~.

18 (2) In counties or municipalities that issue building
19 permits, such permits may not be issued in any case in which
20 it is apparent from the application for the building permit
21 that the provisions of this chapter ~~ss. 471.001-471.037~~ have
22 been violated. However, this subsection does not authorize the
23 withholding of building permits in cases involving the
24 exceptions and exemptions set out in s. 471.003.

25 Section 43. Subsection (11) of section 474.202,
26 Florida Statutes, is amended to read:

27 474.202 Definitions.--As used in this chapter:

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

31

1 Section 44. Section 474.203, Florida Statutes, is
2 amended to read:

3 474.203 Exemptions.--This chapter shall not apply to:

4 (1) Any faculty member practicing only in conjunction
5 with teaching duties at a school or college of veterinary
6 medicine. ~~Such school or college shall be~~ located in this
7 state and ~~be~~ accredited by the American Veterinary Medical
8 Association Council on Education. However, this exemption
9 shall only apply to such a faculty member who does not hold a
10 valid license issued under this chapter, but who is a graduate
11 of a school or college of veterinary medicine accredited by
12 the American Veterinary Medical Association Council on
13 Education or a school or college recognized by the American
14 Veterinary Medical Association Commission for Foreign
15 Veterinary Graduates.The faculty member exemption shall
16 automatically expire when such school or college terminates
17 the faculty member from such teaching duties. On December 31
18 of each year, such school or college shall provide the board
19 with a written list of all faculty who are exempt from this
20 chapter. Such school or college shall also notify the board in
21 writing of any additions or deletions to such list.

22 (2) A person practicing as an intern or resident
23 veterinarian who does not hold a valid license issued under
24 this chapter and who is a graduate in training at a school or
25 college of veterinary medicine located in this state and
26 accredited by the American Veterinary Medical Association
27 Council on Education or a school or college recognized by the
28 American Veterinary Medical Association Commission for Foreign
29 Veterinary Graduates. Such intern or resident must be a
30 graduate of a school or college of veterinary medicine
31 accredited by the American Veterinary Medical Association

1 Council on Education. This exemption expires when such intern
2 or resident completes or is terminated from such training.
3 Each school or college at which such intern or resident is in
4 training shall, on July 1 of each year, provide the board with
5 a written list of all such interns or residents designated for
6 this exemption, and the school or college shall also notify
7 the board of any additions or deletions to the list.

8 (3)~~(2)~~ A student in a school or college of veterinary
9 medicine while in the performance of duties assigned by her or
10 his instructor or when working as a preceptor under the
11 immediate supervision of a licensee, provided that such
12 preceptorship is required for graduation from an accredited
13 school or college of veterinary medicine. The licensed
14 veterinarian shall be responsible for all acts performed by a
15 preceptor under her or his supervision.

16 (4)~~(3)~~ Any doctor of veterinary medicine in the employ
17 of a state agency or the United States Government while
18 actually engaged in the performance of her or his official
19 duties; however, this exemption shall not apply to such person
20 when the person is not engaged in carrying out her or his
21 official duties or is not working at the installations for
22 which her or his services were engaged.

23 (5)~~(4)~~ Any person, or the person's regular employee,
24 administering to the ills or injuries of her or his own
25 animals, including, but not limited to, castration, spaying,
26 and dehorning of herd animals, unless title has been
27 transferred or employment provided for the purpose of
28 circumventing this law. This exemption shall not apply to
29 out-of-state veterinarians practicing temporarily in the
30 state. However, only a veterinarian may immunize or treat an
31

1 animal for diseases which are communicable to humans and which
2 are of public health significance.

3 (6)~~(5)~~ State agencies, accredited schools,
4 institutions, foundations, business corporations or
5 associations, physicians licensed to practice medicine and
6 surgery in all its branches, graduate doctors of veterinary
7 medicine, or persons under the direct supervision thereof,
8 which or who conduct experiments and scientific research on
9 animals in the development of pharmaceuticals, biologicals,
10 serums, or methods of treatment, or techniques for the
11 diagnosis or treatment of human ailments, or when engaged in
12 the study and development of methods and techniques directly
13 or indirectly applicable to the problems of the practice of
14 veterinary medicine.

15 (7)~~(6)~~ Any veterinary aide, nurse, laboratory
16 technician, preceptor, or other employee of a licensed
17 veterinarian who administers medication or who renders
18 auxiliary or supporting assistance under the responsible
19 supervision of a ~~such~~ licensed veterinarian ~~practitioner~~,
20 including those tasks identified by rule of the board
21 requiring immediate supervision. However, the licensed
22 veterinarian shall be responsible for all such acts performed
23 under this subsection by persons under her or his supervision.

24 (8) A veterinarian, licensed by and actively
25 practicing veterinary medicine in another state, who is board
26 certified in a specialty recognized by the board and who
27 responds to a request of a veterinarian licensed in this state
28 to assist with the treatment on a specific case of a specific
29 animal or with the treatment on a specific case of the animals
30 of a single owner, as long as the veterinarian licensed in
31 this state requests the other veterinarian's presence. A

1 veterinarian who practices under this subsection is not
2 eligible to apply for a premises permit under s. 474.215.

3
4 For the purposes of chapters 465 and 893, persons exempt
5 pursuant to subsection (1), subsection (2), or subsection (4)
6 are deemed to be duly licensed practitioners authorized by the
7 laws of this state to prescribe drugs or medicinal supplies.

8 Section 45. Subsection (3) of section 474.211, Florida
9 Statutes, is amended to read:

10 474.211 Renewal of license.--

11 (3) The board may by rule prescribe continuing
12 education, not to exceed 30 hours biennially, as a condition
13 for renewal of a license or certificate. The criteria for such
14 programs, providers, and ~~or~~ courses shall be approved by the
15 board.

16 Section 46. Paragraph (c) of subsection (2) of section
17 474.214, Florida Statutes, is amended to read:

18 474.214 Disciplinary proceedings.--

19 (2) When the board finds any applicant or veterinarian
20 guilty of any of the grounds set forth in subsection (1),
21 regardless of whether the violation occurred prior to
22 licensure, it may enter an order imposing one or more of the
23 following penalties:

24 (c) Imposition of an administrative fine not to exceed
25 ~~\$1,000~~ \$5,000 for each count or separate offense.

26
27 In determining appropriate action, the board must first
28 consider those sanctions necessary to protect the public.
29 Only after those sanctions have been imposed may the
30 disciplining authority consider and include in its order
31 requirements designed to rehabilitate the veterinarian. All

1 costs associated with compliance with any order issued under
2 this subsection are the obligation of the veterinarian.

3 Section 47. For the purpose of incorporating the
4 amendment to section 474.214, Florida Statutes, in references
5 thereto, subsection (2) of section 474.207, Florida Statutes,
6 is reenacted to read:

7 474.207 Licensure by examination.--

8 (2) The department shall license each applicant who
9 the board certifies has:

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

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

15 2. Graduated from a college of veterinary medicine
16 listed in the American Veterinary Medical Association Roster
17 of Veterinary Colleges of the World and obtained a certificate
18 from the Education Commission for Foreign Veterinary
19 Graduates.

20 (c) Successfully completed the examination provided by
21 the department for this purpose, or an examination determined
22 by the board to be equivalent.

23 (d) Demonstrated knowledge of the laws and rules
24 governing the practice of veterinary medicine in Florida in a
25 manner designated by rules of the board.

26
27 The department shall not issue a license to any applicant who
28 is under investigation in any state or territory of the United
29 States or in the District of Columbia for an act which would
30 constitute a violation of this chapter until the investigation
31

1 is complete and disciplinary proceedings have been terminated,
2 at which time the provisions of s. 474.214 shall apply.

3 Section 48. For the purpose of incorporating the
4 amendment to section 474.214, Florida Statutes, in references
5 thereto, subsection (2) of section 474.217, Florida Statutes,
6 is reenacted to read:

7 474.217 Licensure by endorsement.--

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

15 Section 49. Subsection (7) of section 474.215, Florida
16 Statutes, is amended, and subsections (8) and (9) are added to
17 that section, to read:

18 474.215 Premises permits.--

19 (7) The board by rule shall establish minimum
20 standards for the operation of limited service veterinary
21 medical practices. Such rules shall not restrict limited
22 service veterinary medical practices and shall be consistent
23 with the type of limited veterinary medical service provided.

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

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

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

17 (8) Any person who is not a veterinarian licensed
18 under this chapter but who desires to own and operate a
19 veterinary medical establishment or limited service clinic
20 shall apply to the board for a premises permit. If the board
21 certifies that the applicant complies with the applicable laws
22 and rules of the board, the department shall issue a premises
23 permit. No permit shall be issued unless a licensed
24 veterinarian is designated to undertake the professional
25 supervision of the veterinary medical practice and the minimum
26 standards set by rule of the board for premises where
27 veterinary medicine is practiced. Upon application, the
28 department shall submit the permittee's name for a statewide
29 criminal records correspondence check through the Department
30 of Law Enforcement. The permittee shall notify the board
31 within 10 days after any designation of a new licensed

1 veterinarian responsible for such duties. A permittee under
2 this subsection is subject to the provisions of subsection (9)
3 and s. 474.214.

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

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

10 2. Attempted to procure, or has procured, a permit for
11 any other person by making, or causing to be made, any false
12 representation;

13 3. Violated any of the requirements of this chapter or
14 any rule of the board; or

15 4. Been convicted or found guilty of, or entered a
16 plea of nolo contendere to, regardless of adjudication, a
17 felony in any court of this state, of any other state, or of
18 the United States.

19 (b) If the permit is revoked or suspended, the owner,
20 manager, or proprietor shall cease to operate the premises as
21 a veterinary medical practice as of the effective date of the
22 suspension or revocation. In the event of such revocation or
23 suspension, the owner, manager, or proprietor shall remove
24 from the premises all signs and symbols identifying the
25 premises as a veterinary medical practice. The period of any
26 such suspension shall be prescribed by rule of the board, but
27 may not exceed 1 year. If the permit is revoked, the person
28 owning or operating the establishment may not apply for a
29 permit to operate a premises for a period of 1 year after the
30 effective date of such revocation. Upon the effective date of
31 such revocation, the permittee must advise the board of the

1 disposition of all medicinal drugs and must provide for
2 ensuring the security, confidentiality, and availability to
3 clients of all patient medical records.

4 Section 50. Section 474.2165, Florida Statutes, is
5 amended to read:

6 474.2165 Ownership and control of veterinary medical
7 patient records; report or copies of records to be
8 furnished.--

9 (1) As used in this section, the term "records owner"
10 means any veterinarian who generates a medical record after
11 making a physical examination of, or administering treatment
12 or dispensing legend drugs to, any patient; any veterinarian
13 to whom records are transferred by a previous records owner;
14 or any veterinarian's employer, provided the employment
15 contract or agreement between the employer and the
16 veterinarian designates the employer as the records owner.

17 (2) Each person who provides veterinary medical
18 services shall maintain medical records, as established by
19 rule.

20 (3) Any records owner licensed under this chapter who
21 makes an examination of, or administers treatment or dispenses
22 legend drugs to, any patient shall, upon request of the client
23 or the client's legal representative, furnish, in a timely
24 manner, without delays for legal review, copies of all reports
25 and records relating to such examination or treatment,
26 including X rays. The furnishing of such report or copies
27 shall not be conditioned upon payment of a fee for services
28 rendered.

29 (4) Except as otherwise provided in this section, such
30 records may not be furnished to, and the medical condition of
31 a patient may not be discussed with, any person other than the

1 client or the client's legal representative or other
2 veterinarians involved in the care or treatment of the
3 patient, except upon written authorization of the client.
4 However, such records may be furnished without written
5 authorization under the following circumstances:
6 (a) To any person, firm, or corporation that has
7 procured or furnished such examination or treatment with the
8 client's consent.
9 (b) In any civil or criminal action, unless otherwise
10 prohibited by law, upon the issuance of a subpoena from a
11 court of competent jurisdiction and proper notice to the
12 client or the client's legal representative by the party
13 seeking such records.
14 (c) For statistical and scientific research, provided
15 the information is abstracted in such a way as to protect the
16 identity of the patient and the client, or provided written
17 permission is received from the client or the client's legal
18 representative.
19 (5) Except in a medical negligence action or
20 administrative proceeding when a veterinarian is or reasonably
21 expects to be named as a defendant, information disclosed to a
22 veterinarian by a client in the course of the care and
23 treatment of the patient is confidential and may be disclosed
24 only to other veterinarians involved in the care or treatment
25 of the patient, or if permitted by written authorization from
26 the client or compelled by subpoena at a deposition,
27 evidentiary hearing, or trial for which proper notice has been
28 given.
29 (6) The department may obtain patient records pursuant
30 to a subpoena without written authorization from the client if
31 the department and the probable cause panel of the board find

1 reasonable cause to believe that a veterinarian has
2 excessively or inappropriately prescribed any controlled
3 substance specified in chapter 893 in violation of this
4 chapter or that a veterinarian has practiced his or her
5 profession below that level of care, skill, and treatment
6 required as defined by this chapter.

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

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

18 (9) Whenever a records owner has turned records over
19 to a new records owner, the new records owner shall be
20 responsible for providing a copy of the complete medical
21 record, upon written request, of the client or the client's
22 legal representative.

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

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

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

31

1 Section 51. Notwithstanding the transfer of the
2 Division of Medical Quality Assurance to the Department of
3 Health or any other provision of law to the contrary,
4 veterinarians licensed under chapter 474, Florida Statutes,
5 shall be governed by the treatment of impaired practitioner
6 provisions of section 455.707, Florida Statutes, as if they
7 were under the jurisdiction of the Division of Medical Quality
8 Assurance, except that for veterinarians the Department of
9 Business and Professional Regulation shall, at its option,
10 exercise any of the powers granted to the Department of Health
11 by that section, and "board" shall mean board as defined in
12 chapter 474, Florida Statutes.

13 Section 52. Section 475.045, Florida Statutes, is
14 amended to read:

15 475.045 Florida Real Estate Commission Education and
16 Research Foundation ~~Foundation Advisory Committee~~--

17 (1)(a) There is established a Florida Real Estate
18 Commission Education and Research Foundation, hereinafter
19 referred to as the "foundation," which shall be administered
20 by the commission ~~Foundation Advisory Committee~~.

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

23 1. To create and promote educational projects to
24 expand the knowledge of the public and real estate licensees
25 in matters pertaining to Florida real estate.

26 2. To augment the existing real estate programs by
27 increasing the number of teaching personnel and real estate
28 courses in the state in degree-granting programs in
29 universities and colleges in this state.

30 3. To conduct studies in all areas that relate
31 directly or indirectly to real estate or urban or rural

1 economics and to publish and disseminate the findings and
2 results of the studies.

3 4. To assist the teaching program in real estate
4 offered by the universities, colleges, and real estate schools
5 registered pursuant to this chapter in the state, when
6 requested to do so.

7 5. To develop and from time to time revise and update
8 materials for use in the courses in real estate offered by the
9 universities, colleges, and real estate schools registered
10 pursuant to this chapter in the state, when requested to do
11 so.

12 6. To make studies of, and recommend changes in, state
13 statutes and municipal ordinances; provided, however, that
14 such studies are requested by the Governor or the presiding
15 officers of the Legislature. The foundation shall maintain
16 political nonadvocacy.

17 7. To periodically review the progress of persons
18 conducting such research and studies. The results of any
19 research project or study shall not be published or
20 disseminated until it has been reviewed and approved in
21 writing by the commission ~~advisory committee~~ or its designated
22 representative.

23 8. To prepare information of consumer interest
24 concerning Florida real estate and to make the information
25 available to the public and appropriate state agencies.

26 (c) The foundation may make a charge for its
27 publications and may receive gifts and grants from
28 foundations, individuals, and other sources for the benefit of
29 the foundation.

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

1 (e) On or before January 1 of each year, the
2 commission advisory committee shall file with the Governor,
3 the presiding officer of each house of the Legislature, and
4 the secretary of the department a complete and detailed
5 written report accounting for all funds received and disbursed
6 by the foundation during the preceding year.

7 ~~(2)(a) There is created the Foundation Advisory~~
8 ~~Committee which is composed of nine persons appointed by the~~
9 ~~Governor without regard to race, creed, sex, religion, or~~
10 ~~national origin of the appointee, with the following~~
11 ~~representation:~~

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

15 ~~2. Three members shall be representatives of the~~
16 ~~general public, and those appointed after October 1, 1988,~~
17 ~~shall possess qualifications in the fields of education,~~
18 ~~research, or consumer affairs which relate to the committee's~~
19 ~~education and research activities. Members representative of~~
20 ~~the general public shall not be licensed real estate brokers~~
21 ~~or salespersons and shall not have a financial interest, other~~
22 ~~than as consumers, in the practice of a licensed real estate~~
23 ~~broker or salesperson.~~

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

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

30 ~~(c)1. Except for the initial appointees, members of~~
31 ~~the advisory committee shall hold office for staggered terms~~

1 ~~of 4 years, with the terms of three members expiring on~~
2 ~~January 31 of each odd-numbered year. The current members may~~
3 ~~complete their present terms unless removed for cause.~~

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

7 ~~3. Each member of the advisory committee is entitled~~
8 ~~to per diem and travel expenses as set by legislative~~
9 ~~appropriation for each day that the member engages in the~~
10 ~~business of the advisory committee.~~

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

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

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

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

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

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

25 ~~(2)(5)(a)~~ The commission advisory committee shall
26 solicit advice and information from real estate licensees, the
27 commission, universities, colleges, real estate schools
28 registered pursuant to this chapter and the general public for
29 the purpose of submitting proposals for carrying out the
30 purposes, objectives, and duties of the foundation.

31

1 (b) The commission ~~advisory committee~~ shall select the
2 proposals that shall be funded and shall give priority to
3 projects with the greatest potential for direct or indirect
4 benefit to the public.

5 (c) The commission ~~advisory committee~~ shall select the
6 university or college within the state or qualified full-time
7 faculty member of a university or college within the state
8 with the consent of the institution to perform the education
9 study, research study, or other project in accordance with the
10 purposes, objectives, and duties of the foundation. In those
11 instances where no university or college within the state, or
12 qualified full-time faculty member of a university or college
13 within the state with the consent of the institution, submits
14 an acceptable proposal, a qualified person or persons may be
15 selected in accordance with law to perform the education
16 study, research study, or other project in accordance with the
17 purposes, objectives, and duties of the foundation.

18 (3)~~(6)~~(a) The director of the Division of Real Estate
19 of the department, hereinafter referred to as the "director,"
20 or her or his designated representative shall submit to the
21 commission ~~advisory committee~~, in advance of each fiscal year,
22 a budget for expenditures of all funds provided for the
23 foundation in a form that is related to the proposed schedule
24 of activities for the review and approval of the commission
25 ~~advisory committee~~.

26 (b) The director shall submit to the commission
27 ~~advisory committee~~ all proposals received for its review and
28 approval in developing an educational and research agenda at
29 the beginning of each fiscal year and shall continuously
30 inform the commission ~~advisory committee~~ of changes in its
31 substance and scheduling.

1 ~~(4)(7)~~ The commission ~~advisory committee~~ shall have
2 the power and authority to adopt all rules necessary to
3 administer this section.

4 ~~(5)(8)~~ ~~Neither~~ The foundation may not ~~nor the~~
5 ~~committee shall be permitted to~~ fund or offer educational
6 courses designed to qualify persons for licensure or the
7 renewal of licenses pursuant to this chapter.

8 ~~(6)(9)~~ ~~Neither~~ The foundation may not ~~nor the~~
9 ~~committee shall~~ expend any funds for the purpose of employing
10 staff.

11 ~~(7)(10)~~ The Treasurer shall invest \$3 million from the
12 portion of the Professional Regulation Trust Fund credited to
13 the real estate profession, under the same limitations as
14 applied to investments of other state funds, and the income
15 earned thereon shall be available to the foundation to fund
16 the activities and projects authorized under this section.
17 However, any balance of such interest in excess of \$1 million
18 shall revert to the portion of the Professional Regulation
19 Trust Fund credited to the real estate profession. In the
20 event the foundation is abolished, the funds in the trust fund
21 shall revert to such portion of the Professional Regulation
22 Trust Fund.

23 Section 53. Paragraph (d) is added to subsection (1)
24 of section 477.0132, Florida Statutes, to read:

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

27 (1)

28 (d) Only the board may review, evaluate, and approve a
29 course required of an applicant for registration under this
30 subsection in the occupation or practice of hair braiding,
31

1 hair wrapping, or body wrapping. A provider of such a course
2 is not required to hold a license under chapter 246.

3 Section 54. Subsection (2) of section 477.019, Florida
4 Statutes, is amended to read:

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

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

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

12 (b) Pays the required application fee, which is not
13 refundable, and the required examination fee, which is
14 refundable if the applicant is determined to not be eligible
15 for licensure for any reason other than failure to
16 successfully complete the licensure examination; and

17 (c)1. Is authorized ~~Holds an active valid license~~ to
18 practice cosmetology in another state or country, has been so
19 authorized ~~held the license~~ for at least 1 year, and does not
20 qualify for licensure by endorsement as provided for in
21 subsection (6); or

22 2. Has received a minimum of 1,200 hours of training
23 as established by the board, which shall include, but shall
24 not be limited to, the equivalent of completion of services
25 directly related to the practice of cosmetology at one of the
26 following:

27 a. A school of cosmetology licensed pursuant to
28 chapter 246.

29 b. A cosmetology program within the public school
30 system.

31

1 c. The Cosmetology Division of the Florida School for
2 the Deaf and the Blind, provided the division meets the
3 standards of this chapter.

4 d. A government-operated cosmetology program in this
5 state.

6
7 The board shall establish by rule procedures whereby the
8 school or program may certify that a person is qualified to
9 take the required examination after the completion of a
10 minimum of 1,000 actual school hours. If the person then
11 passes the examination, he or she shall have satisfied this
12 requirement; but if the person fails the examination, he or
13 she shall not be qualified to take the examination again until
14 the completion of the full requirements provided by this
15 section.

16 Section 55. Section 492.101, Florida Statutes, is
17 amended to read:

18 492.101 Purpose.--It is hereby declared to be the
19 public policy of the state that, in order to safeguard the
20 life, health, property, and public well-being of its citizens,
21 any person practicing or offering to practice geology in this
22 state shall meet the requirements of this chapter ~~the~~
23 ~~Department of Business and Professional Regulation and shall~~
24 ~~be licensed as provided in ss. 492.101-492.1165.~~

25 Section 56. Section 492.102, Florida Statutes, is
26 amended to read:

27 492.102 Definitions.--For the purposes of this chapter
28 ~~ss. 492.101-492.1165~~, unless the context clearly requires
29 otherwise:

30 (1) "Board" means the Board of Professional
31 Geologists.

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

3 (3) "Geology" means the science which includes the
4 treatment of the earth and its origin and history, in general;
5 the investigation of the earth's crust and interior and the
6 solids and fluids, including all surface and underground
7 waters, and gases which compose the earth; the study of the
8 natural agents, forces, and processes which cause changes in
9 the earth; and the utilization of this knowledge of the earth
10 and its solids, fluids, and gases, and their collective
11 properties and processes, for the benefit of humankind.

12 (4) "Geologist" means an individual who, by reason of
13 her or his knowledge of geology, soils, mathematics, and the
14 physical and life sciences, acquired by education and
15 practical experience, is capable of practicing the science of
16 geology.

17 (5) "Qualified geologist" means an individual who
18 possesses all the qualifications for licensure under the
19 provisions of this chapter ~~ss. 492.101-492.1165~~, except that
20 such person is not licensed.

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

24 (7) "Practice of professional geology" means the
25 performance of, or offer to perform, geological services,
26 including, but not limited to, consultation, investigation,
27 evaluation, planning, and geologic mapping, but not including
28 mapping as prescribed in chapter 472, relating to geological
29 work, except as specifically exempted by this chapter ~~ss.~~
30 ~~492.101-492.1165~~. Any person who practices any specialty
31 branch of the profession of geology, or who by verbal claim,

1 sign, advertisement, letterhead, card, or any other means
2 represents herself or himself to be a professional geologist,
3 or who through the use of some title implies that she or he is
4 a professional geologist or that she or he is licensed under
5 this chapter ~~ss. 492.101-492.1165~~, or who holds herself or
6 himself out as able to perform or does perform any geological
7 services or work recognized as professional geology, shall be
8 construed to be engaged in the practice of professional
9 geology.

10 Section 57. Section 492.104, Florida Statutes, is
11 amended to read:

12 492.104 Authority to make rules.--The Board of
13 Professional Geologists has authority to adopt rules pursuant
14 to ss. 120.536(1) and 120.54 to implement this chapter ~~ss.~~
15 ~~492.101-492.1165~~. Every licensee shall be governed and
16 controlled by this chapter ~~ss. 492.101-492.1165~~ and the rules
17 adopted by the board. The board is authorized to set, by
18 rule, fees for application, examination, certificate of
19 authorization, late renewal, initial licensure, and license
20 renewal. These fees should not exceed the cost of
21 implementing the application, examination, initial licensure,
22 and license renewal or other administrative process and shall
23 be established as follows:-

- 24 (1) The application fee shall not exceed \$150 and
25 shall be nonrefundable.
- 26 (2) The examination fee shall not exceed \$250 and
27 shall be refundable if the applicant is found to be ineligible
28 to take the licensure examination.
- 29 (3) The initial license fee shall not exceed \$100.
- 30 (4) The biennial renewal fee shall not exceed \$150.
- 31

1 (5) The fee for a certificate of authorization shall
2 not exceed \$350 and the fee for renewal of the certificate
3 shall not exceed \$350.

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

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

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

11 Section 58. Paragraph (c) of subsection (1) and
12 subsection (3) of section 492.105, Florida Statutes, are
13 amended to read:

14 492.105 Licensure by examination; requirements;
15 fees.--

16 (1) Any person desiring to be licensed as a
17 professional geologist shall apply to the department to take
18 the licensure examination. The written licensure examination
19 shall be designed to test an applicant's qualifications to
20 practice professional geology, and shall include such subjects
21 as will tend to ascertain the applicant's knowledge of the
22 theory and the practice of professional geology and may
23 include such subjects as are taught in curricula of accredited
24 colleges and universities. The department shall examine each
25 applicant who the board certifies:

26 (c) Has not committed any act or offense in any
27 jurisdiction which would constitute the basis for disciplining
28 a professional geologist licensed pursuant to this chapter ~~ss.~~
29 ~~492.101-492.1165~~.

30 (3) The department shall not issue a license to any
31 applicant who is under investigation in any jurisdiction for

1 an offense which would constitute a violation of this chapter
2 ~~ss. 492.101-492.1165~~. Upon completion of the investigation,
3 the disciplinary provisions of s. 492.113 shall apply.

4 Section 59. Section 492.107, Florida Statutes, is
5 amended to read:

6 492.107 Seals.--

7 (1) The board shall prescribe, by rule, a form of
8 seal, including its electronic form, to be used by persons
9 holding valid licenses. All geological papers, reports, and
10 documents prepared or issued by the licensee shall be signed
11 ~~by the licensee~~, dated, and sealed by the licensee who
12 performed or is responsible for the supervision, direction, or
13 control of the work contained in the papers, reports, or
14 documents stamped with said seal. Such signature, date, and
15 seal shall be evidence of the authenticity of that to which
16 they are affixed. Geological papers, reports, and documents
17 prepared or issued by the licensee may be transmitted
18 electronically provided they have been signed by the licensee,
19 dated, and electronically sealed. It is unlawful for any
20 person to sign stamp or seal any document as a professional
21 geologist unless that person holds a current, active license
22 as a professional geologist which has not with a seal after
23 that person's license has expired or been revoked or
24 suspended, unless reinstated or reissued.

25 (2) No licensee registrant shall affix or permit to be
26 affixed her or his the registrant's seal or name to any
27 geologic reports, papers, or other documents which depict work
28 which the licensee registrant is not licensed to perform or
29 which was not performed by or under the responsible
30 supervision, direction, or control of the licensee is beyond
31 the registrant's profession or specialty therein.

1 Section 60. Subsection (2) of section 492.108, Florida
2 Statutes, is amended to read:

3 492.108 Licensure by endorsement; requirements;
4 fees.--

5 (2) The department shall issue a license to practice
6 professional geology to any applicant who successfully
7 complies with the requirements of this section. The
8 department shall not issue a license to any applicant who is
9 under investigation in any jurisdiction for an offense which
10 would constitute a violation of this chapter ss.

11 ~~492.101-492.1165~~. Upon completion of the investigation, the
12 disciplinary provisions of s. 492.113 shall apply.

13 Section 61. Section 492.111, Florida Statutes, is
14 amended to read:

15 492.111 Practice of professional geology by a firm,
16 corporation, or partnership; certificate of
17 authorization.--The practice of, or offer to practice,
18 professional geology by individual professional geologists
19 licensed under the provisions of this chapter ss.
20 ~~492.101-492.1165~~ through a firm, corporation, or partnership
21 offering geological services to the public through
22 individually licensed professional geologists as agents,
23 employees, officers, or partners thereof is permitted subject
24 to the provisions of this chapter ss. ~~492.101-492.1165~~,
25 provided that:

26 (1) At all times that it offers geological services to
27 the public, the firm, corporation, or partnership has on file
28 with the department the name and license number of one or more
29 individuals who hold a current, active license as a
30 professional geologist in the state and are serving as a
31 geologist of record for the firm, corporation, or partnership.

1 A geologist of record may be any principal officer or employee
2 of such firm or corporation, or any partner or employee of
3 such partnership, who holds a current, active license as a
4 professional geologist in this state, or any other
5 Florida-licensed professional geologist with whom the firm,
6 corporation, or partnership has entered into a long-term,
7 ongoing relationship, as defined by rule of the board, to
8 serve as one of its geologists of record. It shall be the
9 responsibility of the firm, corporation, or partnership and
10 the geologist of record to notify the department of any
11 changes in the relationship or identity of that geologist of
12 record within 30 days after such change.~~One or more of the~~
13 ~~principal officers, employees, or agents of such firm or~~
14 ~~corporation, or partners, employees, or agents of such~~
15 ~~partnership, who act in its behalf as professional geologists~~
16 ~~in this state are licensed as provided in ss.~~
17 ~~492.101-492.1165.~~

18 (2) The firm, corporation, or partnership has been
19 issued a certificate of authorization by the department as
20 provided in this chapter ss. 492.101-492.1165. For purposes
21 of this section, a certificate of authorization shall be
22 required of any firm, corporation, partnership, association,
23 or person practicing under a fictitious name and offering
24 geological services to the public; except that, when an
25 individual is practicing geology in his or her own name, he or
26 she shall not be required to obtain a certificate of
27 authorization under this section. Such certificate of
28 authorization shall be renewed every 2 years.

29 (3) All final geological papers or documents involving
30 the practice of the profession of geology which have been
31 prepared or approved for the use of such firm, corporation, or

1 partnership, for delivery to any person for public record with
2 the state, shall be dated and bear the signature and seal of
3 the professional geologist or professional geologists who
4 prepared or approved them.

5 (4) The fact that a licensed geologist practices
6 through a corporation or partnership shall not relieve the
7 registrant from personal liability for negligence, misconduct,
8 or wrongful acts committed by him or her. Partnership and all
9 partners shall be jointly and severally liable for the
10 negligence, misconduct, or wrongful acts committed by their
11 agents, employees, or partners while acting in a professional
12 capacity. Any officer, agent, or employee of a corporation
13 shall be personally liable and accountable only for negligent
14 acts, wrongful acts, or misconduct committed by him or her or
15 committed by any person under his or her direct supervision
16 and control, while rendering professional services on behalf
17 of the corporation. The personal liability of a shareholder
18 of a corporation, in his or her capacity as shareholder, shall
19 be no greater than that of a shareholder-employee of a
20 corporation incorporated under chapter 607. The corporation
21 shall be liable up to the full value of its property for any
22 negligent acts, wrongful acts, or misconduct committed by any
23 of its officers, agents, or employees while they are engaged
24 on behalf of the corporation in the rendering of professional
25 services.

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

30 (6) The department may refuse to issue a certificate
31 of authorization if any facts exist which would entitle the

1 department to suspend or revoke an existing certificate of
2 authorization or if the department, after giving persons
3 involved a full and fair hearing, determines that any of the
4 officers or directors of said firm or corporation, or partners
5 of said partnership, have violated the provisions of s.
6 492.113.

7 Section 62. Paragraphs (a), (b), and (g) of subsection
8 (1) of section 492.112, Florida Statutes, are amended to read:
9 492.112 Prohibitions; penalties.--

10 (1) A person may not knowingly:

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

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

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

20 Section 63. Paragraph (a) of subsection (1) of section
21 492.113, Florida Statutes, is amended to read:

22 492.113 Disciplinary proceedings.--

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

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

27 Section 64. Section 492.116, Florida Statutes, is
28 amended to read:

29 492.116 Exemptions.--The following persons are
30 specifically exempted from this chapter ~~ss. 492.101-492.1165~~,
31 provided, however, that all final geological papers or

1 documents which have been prepared by a person exempt under
2 subsection (1), subsection (2), subsection (3), or subsection
3 (4) for delivery to any person for public record with the
4 state shall be dated and bear the signature and seal of the
5 professional geologist or professional geologists who prepared
6 or approved them:

7 (1) Persons engaged solely in teaching the science of
8 geology.

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

11 (3) Officers and employees of the United States
12 Government, the State of Florida, water management districts,
13 or other local or regional governmental entities practicing
14 solely as such officers or employees.

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

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

27 Section 65. Section 492.1165, Florida Statutes, is
28 amended to read:

29 492.1165 Construction of chapter ~~ch. 87-403~~.--Nothing
30 in this chapter ~~ss. 492.101-492.1165 as enacted by chapter~~
31 ~~87-403, Laws of Florida~~, shall be construed to prevent or

1 prohibit the practice of any profession or trade for which a
2 license is required under any other law of this state, or the
3 practice by registered professional engineers.

4 Section 66. Paragraph (d) of subsection (3) of section
5 310.0015, Florida Statutes, is amended to read:

6 310.0015 Piloting regulation; general provisions.--

7 (3) The rate-setting process, the issuance of licenses
8 only in numbers deemed necessary or prudent by the board, and
9 other aspects of the economic regulation of piloting
10 established in this chapter are intended to protect the public
11 from the adverse effects of unrestricted competition which
12 would result from an unlimited number of licensed pilots being
13 allowed to market their services on the basis of lower prices
14 rather than safety concerns. This system of regulation
15 benefits and protects the public interest by maximizing
16 safety, avoiding uneconomic duplication of capital expenses
17 and facilities, and enhancing state regulatory oversight. The
18 system seeks to provide pilots with reasonable revenues,
19 taking into consideration the normal uncertainties of vessel
20 traffic and port usage, sufficient to maintain reliable,
21 stable piloting operations. Pilots have certain restrictions
22 and obligations under this system, including, but not limited
23 to, the following:

24 (d)1. The pilot or pilots in a port shall train and
25 compensate all member deputy pilots in that port. Failure to
26 train or compensate such deputy pilots shall constitute a
27 ground for disciplinary action under s. 310.101. Nothing in
28 this subsection shall be deemed to create an agency or
29 employment relationship between a pilot or deputy pilot and
30 the pilot or pilots in a port.

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1 2. The pilot or pilots in a port shall establish a
2 competency-based mentor program by which minority persons, as
3 defined in s. 288.703(3), may acquire the skills for the
4 professional preparation and education competency requirements
5 of a licensed state pilot or certificated deputy pilot. The
6 department shall provide the Governor, the President of the
7 Senate, and the Speaker of the House of Representatives with a
8 report each year on the number of minority persons, as defined
9 in s. 288.703(3), who have participated in each mentor
10 program, who are licensed state pilots or certificated deputy
11 pilots, and who have applied for state pilot licensure or
12 deputy pilot certification.

13 Section 67. The sum of \$500,000 is appropriated from
14 the Professional Regulation Trust Fund to the Department of
15 Business and Professional Regulation for the purpose of
16 disbursing funds to any private corporation or business entity
17 to offset startup costs incurred in the implementation of
18 section 455.32, Florida Statutes, the Management Privatization
19 Act, pursuant to a contract executed by the department.

20 Section 68. Subsection (12) of section 477.013,
21 Florida Statutes, is amended to read:

22 477.013 Definitions.--As used in this chapter:

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

27 (a) The application of oils, lotions, or other fluids
28 to the body, except fluids contained in presoaked materials
29 used in the wraps; or
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1 (b) Manipulation of the body's superficial tissue,
2 other than that arising from compression emanating from the
3 wrap materials.

4 Section 69. Paragraph (o) is added to subsection (1)
5 of section 468.456, Florida Statutes, and subsection (3) of
6 that section is amended to read:

7 468.456 Prohibited acts.--

8 (1) The following acts shall be grounds for the
9 disciplinary actions provided for in subsection (3):

10 (o) Being employed to illegally recruit or solicit
11 student athletes by being utilized by or otherwise
12 collaborating with a person known to have been convicted or
13 found guilty of, or to have entered a plea of nolo contendere
14 to, a violation of s. 468.45615, regardless of adjudication.

15 (3) When the department finds any person guilty of any
16 of the prohibited acts set forth in subsection (1), the
17 department may enter an order imposing one or more of the
18 penalties provided for in s. 455.227. In addition to any other
19 penalties or disciplinary actions provided for in this part,
20 the department shall suspend or revoke the license of any
21 athlete agent licensed under this part who violates paragraph
22 (f) or paragraph (o) or s. 468.45615.

23 Section 70. Section 468.45615, Florida Statutes, is
24 created to read:

25 468.45615 Provision of illegal inducements to athletes
26 prohibited; penalties; license suspension.--

27 (1) Any person who violates s. 468.456(1)(f) is guilty
28 of a felony of the second degree, punishable as provided in s.
29 775.082, s. 775.083, s. 775.084, s. 775.089, or s. 775.091.

30 (2)(a) Regardless of whether adjudication is withheld,
31 any person convicted or found guilty of, or entering a plea of

1 nolo contendere to, the violation described in subsection (1)
2 shall not employ, utilize, or otherwise collaborate with a
3 licensed or unlicensed athlete agent in Florida to illegally
4 recruit or solicit student athletes. Any person who violates
5 the provisions of this subsection is guilty of a felony of the
6 second degree, punishable as provided in s. 775.082, s.
7 775.083, s. 775.084, s. 775.089, or s. 775.091.

8 (b) Regardless of whether adjudication is withheld,
9 any person who knowingly actively assists in the illegal
10 recruitment or solicitation of student athletes for a person
11 who has been convicted or found guilty of, or entered a plea
12 of nolo contendere to, a violation of this section is guilty
13 of a felony of the second degree, punishable as provided in s.
14 775.082, s. 775.083, s. 775.084, s. 775.089, or s. 775.091.

15 (3) In addition to any other penalties provided in
16 this section, the court may suspend the license of the person
17 pending the outcome of any administrative action against the
18 person by the department.

19 Section 71. Subsections (1) and (3) of section
20 468.4562, Florida Statutes, are amended to read:

21 468.4562 Civil action by institution.--

22 (1) A college or university may sue for damages, as
23 provided by this section, any person who violates this part.
24 A college or university may seek equitable relief to prevent
25 or minimize harm arising from acts or omissions which are or
26 would be a violation of this part.

27 (3) An institution that prevails in a suit brought
28 under this section may recover:

29 (a) Actual damages;

30 (b) Punitive damages;

31 (c) Treble damages;

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(d)~~(c)~~ Court costs; and
(e)~~(d)~~ Reasonable attorney's fees.
Section 72. This act shall take effect July 1, 2000.