

Amendment No. \_\_\_\_ (for drafter's use only)

|   | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
|---|---------------|----------------|--------------|
| 1 |               | .              |              |
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| 3 |               | .              |              |
| 4 |               | .              |              |

ORIGINAL STAMP BELOW

Representative(s) Ogles and Brown offered the following:

**Amendment (with title amendment)**

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

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

310.071 Deputy pilot certification.--

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

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

(b) A felony involving the sale of or trafficking in, or conspiracy to sell or traffic in, a controlled substance as defined by chapter 893, or an offense under the laws of any

1 state or country which, if committed in this state, would  
2 constitute the felony of selling or trafficking in, or  
3 conspiracy to sell or traffic in, such controlled substance.

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

6 310.151 Rates of pilotage; Pilotage Rate Review  
7 Board.--

8 (4)(a) The applicant shall be given written notice,  
9 either in person or by certified mail, that the board intends  
10 to modify the pilotage rates in that port and that the  
11 applicant may, within 21 days after receipt of the notice,  
12 request a hearing pursuant to the Administrative Procedure  
13 Act. Notice of the intent to modify the pilotage rates in that  
14 port shall also 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 any person who has  
17 formally requested notice of any rate change in the affected  
18 port area. Within 21 days after receipt or publication of  
19 notice, any person whose substantial interests will be  
20 affected by the intended board action may request a hearing  
21 pursuant to the Administrative Procedure Act. If the board  
22 concludes that the petitioner has raised a disputed issue of  
23 material fact, the board shall designate a hearing, which  
24 shall be conducted by formal proceeding before an  
25 administrative law judge assigned by the Division of  
26 Administrative Hearings pursuant to ss. 120.569 and 120.57(1),  
27 unless waived by all parties. If the board concludes that the  
28 petitioner has not raised a disputed issue of material fact  
29 and does not designate the petition for hearing, that decision  
30 shall be considered final agency action for purposes of s.  
31 120.68.The failure to request a hearing within 21 days after

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1 receipt or publication of notice shall constitute a waiver of  
2 any right to an administrative hearing and shall cause the  
3 order modifying the pilotage rates in that port to be entered.  
4 If an administrative hearing is requested pursuant to this  
5 subsection, notice of the time, date, and location of the  
6 hearing shall be published in the Florida Administrative  
7 Weekly and in a newspaper of general circulation in the  
8 affected port area and shall be mailed to the applicant and to  
9 any person who has formally requested notice of any rate  
10 change for the affected port area.

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

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

27 2. Any amounts deposited which exceed the rates  
28 sustained in the board's final order shall be refunded, with  
29 the accrued interest, to those customers from whom the funds  
30 were collected. Any funds that are not refunded after diligent  
31 effort of the pilot or pilots to do so shall be disbursed by

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1 the pilot or pilots as the board shall direct.

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

4 399.061 Inspections; correction of deficiencies.--

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

17 ~~(b) When a service maintenance contract is~~  
18 ~~continuously maintained with an elevator company, the division~~  
19 ~~shall verify with the elevator company before the end of each~~  
20 ~~fiscal year that the contract is in force and is being~~  
21 ~~implemented. An elevator covered by such a service~~  
22 ~~maintenance contract shall be inspected by a~~  
23 ~~certificate-of-competency holder state elevator inspector at~~  
24 ~~least once every 2 fiscal years; however, if the elevator is~~  
25 ~~not an escalator or a dumbwaiter and the elevator serves only~~  
26 ~~two adjacent floors and is covered by a service maintenance~~  
27 ~~contract, no inspection shall be required so long as the~~  
28 ~~service contract remains in effect.~~

29 (b)(c) The division may inspect an elevator whenever  
30 necessary to ensure its safe operation.

31 Section 4. Subsection (4) is added to section 455.201,

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1 Florida Statutes, to read:

2           455.211 Board rules; final agency action;  
3 challenges.--

4           (1) The secretary of the department shall have  
5 standing to challenge any rule or proposed rule of a board  
6 under its jurisdiction pursuant to s. 120.56. In addition to  
7 challenges for any invalid exercise of delegated legislative  
8 authority, the administrative law judge, upon such a challenge  
9 by the secretary, may declare all or part of a rule or  
10 proposed rule invalid if it:

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

13           (b) Unreasonably restricts competition or the  
14 availability of professional services in the state or in a  
15 significant part of the state; or

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

18  
19 However, there shall not be created a presumption of the  
20 existence of any of the conditions cited in this subsection in  
21 the event that the rule or proposed rule is challenged.

22           (2) In addition, either the secretary or the board  
23 shall be a substantially interested party for purposes of s.  
24 120.54(7). The board may, as an adversely affected party,  
25 initiate and maintain an action pursuant to s. 120.68  
26 challenging the final agency action.

27           (3) No board created within the department shall have  
28 standing to challenge a rule or proposed rule of another  
29 board. However, if there is a dispute between boards  
30 concerning a rule or proposed rule, the boards may avail  
31 themselves of the provisions of s. 455.207(5).

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1           (4) Any proposed board rule which has not been  
2 modified to remove proposed committee objections of the  
3 Administrative Procedures Committee must receive approval from  
4 the department prior to filing the rule with the Department of  
5 State for final adoption. The department may repeal any rule  
6 enacted by the board which has taken effect without having met  
7 proposed committee objections of the Administrative Procedures  
8 Committee.

9           Section 5. Subsection (6) of section 455.217, Florida  
10 Statutes, is amended to read:

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

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

31           Section 6. Section 455.2179, Florida Statutes, is

1 amended to read:

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

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

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

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

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

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

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

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

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



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

15 Section 8. Section 455.32, Florida Statutes, is  
16 created to read:

17 455.32 Management Privatization Act.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22           (g) Persons charged with the responsibility of  
23 receiving and depositing fee and fine revenues shall be  
24 required to have a faithful performance bond in such an amount  
25 and according to such terms as shall be determined in the  
26 contract.

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

31           (5) The corporation shall be funded through

1 appropriations allocated to the regulation of the relevant  
2 profession from the Professional Regulation Trust Fund.

3 (6) If the corporation is no longer approved to  
4 operate for the board or the board ceases to exist, moneys and  
5 property held in trust by the corporation for the benefit of  
6 the board shall revert to the board, or to the state if the  
7 board ceases to exist.

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

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

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

1 authority or at the direction of the Legislative Auditing  
2 Committee, conduct an audit of the corporation.

3 (10) The board and the department shall annually  
4 certify that the corporation is complying with the terms of  
5 the contract in a manner consistent with the goals and  
6 purposes of the board and in the best interest of the state.

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

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

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

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

27 (15) Corporation records are public records subject to  
28 the provisions of s. 119.07(1) and s. 24(a), Art. I of the  
29 State Constitution; however, public records exemptions set  
30 forth in ss. 455.217 and 455.229 for records created or  
31 maintained by the department shall apply to records created or

1 maintained by the corporation. The exemptions set forth in s.  
2 455.225, relating to complaints and information obtained  
3 pursuant to an investigation by the department, shall apply to  
4 such records created or obtained by the corporation only until  
5 an investigation ceases to be active. For the purposes of this  
6 subsection, an investigation is considered active so long as  
7 the corporation or any law enforcement or administrative  
8 agency is proceeding with reasonable dispatch and has a  
9 reasonable, good-faith belief that it may lead to the filing  
10 of administrative, civil, or criminal proceedings. An  
11 investigation ceases to be active when the case is dismissed  
12 prior to a finding of probable cause and the board has not  
13 exercised its option to pursue the case or 10 days after the  
14 board makes a determination regarding probable cause. All  
15 information, records, and transcriptions regarding a complaint  
16 that has been determined to be legally sufficient to state a  
17 claim within the jurisdiction of the board become available to  
18 the public when the investigation ceases to be active, except  
19 information that is otherwise confidential or exempt from s.  
20 119.07(1). However, in response to an inquiry about the  
21 licensure status of an individual, the corporation shall  
22 disclose the existence of an active investigation if the  
23 nature of the violation under investigation involves the  
24 potential for substantial physical or financial harm. The  
25 department and the board shall have access to all records of  
26 the corporation, as necessary, to exercise their authority to  
27 approve and supervise the contract.

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

31 (a) The corporation shall cease and desist from

1 exercising any powers and duties enumerated in this section.

2 (b) The department shall resume the performance of  
3 such activities. The department shall regain and receive,  
4 hold, invest, and administer property and make expenditures  
5 for the benefit of the board.

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

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

14 Section 9. Subsection (8) is added to section 468.382,  
15 Florida Statutes, to read:

16 468.382 Definitions.--As used in this act, the term:

17 (8) "Absolute auction" means an auction that requires  
18 no minimum opening bid that limits the sale other than to the  
19 highest bidder.

20 Section 10. Subsections (4), (6), and (7) of section  
21 468.385, Florida Statutes, are amended to read:

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

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

31 (6) No person shall be licensed as an auctioneer

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1 unless he or she:

2 (a) Has held an apprentice license and has served as  
3 an apprentice for 1 year or more, or has completed a course of  
4 study, consisting of not less than 80 classroom hours of  
5 instruction, that meets standards adopted by the board;

6 (b) Has passed the required ~~an~~ examination ~~conducted~~  
7 ~~by the department~~; and

8 (c) Is approved by the board.

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

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

23 Section 11. Section 468.3855, Florida Statutes, is  
24 created to read:

25 468.3855 Apprenticeship training requirements.--

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

31 (2) Any auctioneer who undertakes the sponsorship of



1 an apprentice shall ensure that the apprentice receives  
2 training as required by board rule.

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

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

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

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

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

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

30 (9) Any licensed apprentice who wishes to change the  
31 sponsor under whom he or she is licensed must submit a new

1 application and application fee. However, a new license fee  
2 shall not be required and credit shall be awarded for training  
3 received or any period of apprenticeship served under the  
4 previous sponsor.

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

9 Section 12. Section 468.388, Florida Statutes, is  
10 amended to read:

11 468.388 Conduct of an auction.--

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

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

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

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

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

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

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

30 ~~(b) There has been no prior negotiation between the~~  
31 ~~owner or the owner's agent and the auctioneer or auction~~

1 ~~business involving terms or conditions pertaining to the~~  
2 ~~property being offered for sale; and~~

3 ~~(c) The total estimated value of the property is \$500~~  
4 ~~or less. If the actual sale price of the property exceeds~~  
5 ~~\$550, the written agreement required by subsection (1) shall~~  
6 ~~be executed after the sale.~~

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

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

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

1 ~~which he or she participates.~~

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

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

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

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

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

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

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

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

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

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

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

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

4 1. Contains misrepresentations of facts.

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

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

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

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

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

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

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

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

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

28 Section 13. Paragraph (c) of subsection (1) of section  
29 468.389, Florida Statutes, is amended to read:

30 468.389 Prohibited acts; penalties.--

31 (1) The following acts shall be grounds for the

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1 disciplinary activities provided in subsections (2) and (3):

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

6 Section 14. For the purpose of incorporating the  
7 amendment to section 468.389, Florida Statutes, in references  
8 thereto, subsection (3) of section 468.385 and section  
9 468.391, Florida Statutes, are reenacted to read:

10 468.385 Licenses required; qualifications;  
11 examination; bond.--

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

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

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

18 468.391 Penalty.--Any auctioneer, apprentice, or  
19 auction business or any owner or manager thereof, or, in the  
20 case of corporate ownership, any substantial stockholder of  
21 the corporation owning the auction business, who operates  
22 without an active license or violates any provision of the  
23 prohibited acts listed under s. 468.389 commits a felony of  
24 the third degree, punishable as provided in s. 775.082 or s.  
25 775.083.

26 Section 15. Subsection (2) of section 468.392, Florida  
27 Statutes, is amended to read:

28 468.392 Auctioneer Recovery Fund.--There is created  
29 the Auctioneer Recovery Fund as a separate account in the  
30 Professional Regulation Trust Fund. The fund shall be  
31 administered by the Florida Board of Auctioneers.

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

7           Section 16. Section 468.395, Florida Statutes, is  
8 amended to read:

9           468.395 Conditions of recovery; eligibility.--

10          (1) Recovery from the Auctioneer Recovery Fund may be  
11 obtained as follows:

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

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



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

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

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

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

30       (4) The board ~~court~~ shall not issue an order for  
31 payment of a claim from the Auctioneer Recovery Fund unless

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1 the claimant has reasonably established to ~~for~~ the board ~~court~~  
2 that she or he has taken proper and reasonable action to  
3 collect the amount of her or his claim from the licensee  
4 ~~licensed auctioneer~~ responsible for the loss and that any  
5 recovery made has been applied to reduce the amount of the  
6 claim on the Auctioneer Recovery Fund.

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

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

16 Section 17. Section 468.397, Florida Statutes, is  
17 amended to read:

18 468.397 Payment of claim.--Upon a final order of the  
19 court directing that payment be made out of the Auctioneer  
20 Recovery Fund, the board shall, subject to the provisions of  
21 this part, make the payment out of ~~to~~ the Auctioneer Recovery  
22 Fund as provided in s. 468.395.

23 Section 18. Section 468.433, Florida Statutes, is  
24 amended to read:

25 468.433 Licensure by examination.--

26 (1) A person desiring to be licensed as a community  
27 association manager shall apply to the department to take the  
28 licensure examination. Each applicant must file a complete  
29 set of fingerprints that have been taken by an authorized law  
30 enforcement officer, which set of fingerprints shall be  
31 submitted to the Department of Law Enforcement for state

1 processing and to the Federal Bureau of Investigation for  
2 federal processing. The cost of processing shall be borne by  
3 the applicant.

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

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

11 (b) The department may refuse to certify an applicant  
12 only if:

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

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

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

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

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

7 (3)(2) The council shall approve an examination for  
8 licensure. The examination must demonstrate that the  
9 applicant has a fundamental knowledge of state and federal  
10 laws relating to the operation of all types of community  
11 associations and state laws relating to corporations and  
12 nonprofit corporations, proper preparation of community  
13 association budgets, proper procedures for noticing and  
14 conducting community association meetings, insurance matters  
15 relating to community associations, and management skills.

16 (4)(3) The department shall issue a license to  
17 practice in this state as a community association manager to  
18 any applicant who successfully completes the examination in  
19 accordance with this section and pays the appropriate fee.

20 Section 19. Paragraph (h) of subsection (3) of section  
21 468.525, Florida Statutes, is repealed.

22 Section 20. Subsection (2) of section 468.526, Florida  
23 Statutes, is amended to read:

24 468.526 License required; fees.--

25 (2) Two or more, but not more than five, employee  
26 leasing companies that are ~~corporations which are~~ majority  
27 owned by the same ultimate parent, entity, or persons may be  
28 licensed as an employee leasing company group. An employee  
29 leasing company group may satisfy the reporting and financial  
30 requirements of this licensing law on a consolidated basis.  
31 As a condition of licensure as an employee leasing company

1 group, each company that is a member of the group shall  
2 guarantee payment of all financial obligations of each other  
3 member.

4 Section 21. Section 468.531, Florida Statutes, is  
5 amended to read:

6 468.531 Prohibitions; penalties.--

7 (1) No person or entity shall:

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

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

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

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

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

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

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

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1           Section 22. Subsection (3) of section 470.005, Florida  
2 Statutes, is amended to read:

3           470.005 Rulemaking authority of board and  
4 department.--

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

15           Section 23. Section 470.015, Florida Statutes, is  
16 amended to read:

17           470.015 Renewal of funeral director and embalmer  
18 licenses.--

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

1 The continuing education requirement is not required after  
2 July 1, 1996, for a licensee who is over the age of 75 years  
3 if the licensee does not qualify as the sole person in charge  
4 of an establishment or facility.

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

7 (3) The board shall adopt rules to establish  
8 requirements for the advertising of continuing education  
9 courses.

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

12 470.016 Inactive status.--

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

23 Section 25. Subsection (2) of section 470.017, Florida  
24 Statutes, is amended, and subsection (5) is added to that  
25 section, to read:

26 470.017 Registration as a direct disposer.--

27 (2) Any person who desires to be registered as a  
28 direct disposer shall file an application with the department  
29 on a form furnished by the department. The department shall  
30 register each applicant who has remitted a registration fee  
31 set by the board ~~department~~, not to exceed \$200; has completed

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1 the application form and remitted a nonrefundable application  
2 fee set by the board department, not to exceed \$50; and meets  
3 the following requirements:

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

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

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

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

13 (e) Has completed a board-approved course on  
14 communicable diseases.

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

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

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

25 470.018 Renewal of registration of direct disposer.--

26 (2) The department shall adopt rules establishing a  
27 procedure for the biennial renewal of registrations. The  
28 board shall prescribe by rule continuing education  
29 requirements of up to 3 classroom hours and may by rule  
30 establish criteria for accepting alternative nonclassroom  
31 continuing education on an hour-for-hour basis, in addition to



1 a board-approved course on communicable diseases that includes  
2 the course on human immunodeficiency virus and acquired immune  
3 deficiency syndrome required by s. 455.2226, for the renewal  
4 of a registration.

5 Section 27. Subsection (10) is added to section  
6 470.021, Florida Statutes, to read:

7 470.021 Direct disposal establishment; standards and  
8 location; registration.--

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

14 Section 28. Section 470.028, Florida Statutes, is  
15 amended to read:

16 470.028 Preneed sales; registration of agents.--

17 (1) All sales of preneed funeral service contracts or  
18 direct disposition contracts shall be made pursuant to chapter  
19 497.

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

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

29 Section 29. Subsection (2) of section 470.0301,  
30 Florida Statutes, is amended to read:

31 470.0301 Removal services; refrigeration facilities;

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

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

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

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

28 (c) Any person, regardless of whether such person is  
29 otherwise regulated by this chapter, may own such a facility,  
30 provided that such facility is operated in accordance with the  
31 rules established by the board.

1 (d) A centralized embalming facility may only provide  
2 services to funeral establishments.

3 (e) The practice of embalming done at a centralized  
4 embalming facility shall only be practiced by an embalmer  
5 licensed under this chapter and shall be provided only to  
6 licensed funeral establishments.

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

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

20 (h) The board shall, by rule, establish operating  
21 procedures which shall require, at a minimum, that centralized  
22 embalming facilities maintain a system of identification of  
23 human remains received for embalming.

24 Section 30. Subsections (2) and (3) of section  
25 471.003, Florida Statutes, are amended to read:

26 471.003 Qualifications for practice, exemptions.--

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

30 (a) Any person practicing engineering for the  
31 improvement of, or otherwise affecting, property legally owned

1 by her or him, unless such practice involves a public utility  
2 or the public health, safety, or welfare or the safety or  
3 health of employees. This paragraph shall not be construed as  
4 authorizing the practice of engineering through an agent or  
5 employee who is not duly registered under the provisions of  
6 this chapter ~~ss. 471.001-471.037~~.

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

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

17 (c) Regular full-time employees of a corporation not  
18 engaged in the practice of engineering as such, whose practice  
19 of engineering for such corporation is limited to the design  
20 or fabrication of manufactured products and servicing of such  
21 products.

22 (d) Regular full-time employees of a public utility or  
23 other entity subject to regulation by the Florida Public  
24 Service Commission, Federal Energy Regulatory Commission, or  
25 Federal Communications Commission.

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

29 (f) Any person as contractor in the execution of work  
30 designed by a professional engineer or in the supervision of  
31 the construction of work as a foreman or superintendent.

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

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

16 1. Requires an electrical or plumbing or  
17 air-conditioning and refrigeration system with a value of  
18 \$50,000 or less; and

19 2.a. Requires an aggregate service capacity of 600  
20 amperes (240 volts) or less on a residential electrical system  
21 or 800 amperes (240 volts) or less on a commercial or  
22 industrial electrical system;

23 b. Requires a plumbing system with fewer than 250  
24 fixture units; or

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

29 (i) Any general contractor, certified or registered  
30 pursuant to the provisions of chapter 489, when negotiating or  
31 performing services under a design-build contract as long as

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1 the engineering services offered or rendered in connection  
2 with the contract are offered and rendered by an engineer  
3 licensed or registered in accordance with this chapter.

4 (3) Notwithstanding the provisions of this chapter ss.  
5 ~~471.001-471.037~~ or of any other law, no registered engineer  
6 whose principal practice is civil or structural engineering,  
7 or employee or subordinate under the responsible supervision  
8 or control of the engineer, is precluded from performing  
9 architectural services which are purely incidental to her or  
10 his engineering practice, nor is any registered architect, or  
11 employee or subordinate under the responsible supervision or  
12 control of the architect, precluded from performing  
13 engineering services which are purely incidental to her or his  
14 architectural practice. However, no engineer shall practice  
15 architecture or use the designation "architect" or any term  
16 derived therefrom, and no architect shall practice engineering  
17 or use the designation "engineer" or any term derived  
18 therefrom.

19 Section 31. Section 471.0035, Florida Statutes, is  
20 amended to read:

21 471.0035 Instructors in postsecondary educational  
22 institutions; exemption from registration requirement.--For  
23 the sole purpose of teaching the principles and methods of  
24 engineering design, notwithstanding the provisions of s.  
25 471.005(6), a person employed by a public postsecondary  
26 educational institution, or by an independent postsecondary  
27 educational institution licensed or exempt from licensure  
28 pursuant to the provisions of chapter 246, is not required to  
29 register under the provisions of this chapter ss.  
30 ~~471.001-471.037~~ as a registered engineer.

31 Section 32. Section 471.005, Florida Statutes, is

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1 amended to read:

2 471.005 Definitions.--As used in this chapter ~~ss.~~  
3 ~~471.001-471.037~~, the term:

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

5 (2) "Certificate of authorization" means a license to  
6 practice engineering issued by the department to a corporation  
7 or partnership.

8 (3) "Department" means the Department of Business and  
9 Professional Regulation.

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

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

19 (6) "Engineering" includes the term "professional  
20 engineering" and means any service or creative work, the  
21 adequate performance of which requires engineering education,  
22 training, and experience in the application of special  
23 knowledge of the mathematical, physical, and engineering  
24 sciences to such services or creative work as consultation,  
25 investigation, evaluation, planning, and design of engineering  
26 works and systems, planning the use of land and water,  
27 teaching of the principles and methods of engineering design,  
28 engineering surveys, and the inspection of construction for  
29 the purpose of determining in general if the work is  
30 proceeding in compliance with drawings and specifications, any  
31 of which embraces such services or work, either public or

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1 private, in connection with any utilities, structures,  
2 buildings, machines, equipment, processes, work systems,  
3 projects, and industrial or consumer products or equipment of  
4 a mechanical, electrical, hydraulic, pneumatic, or thermal  
5 nature, insofar as they involve safeguarding life, health, or  
6 property; and includes such other professional services as may  
7 be necessary to the planning, progress, and completion of any  
8 engineering services. A person who practices any branch of  
9 engineering; who, by verbal claim, sign, advertisement,  
10 letterhead, or card, or in any other way, represents himself  
11 or herself to be an engineer or, through the use of some other  
12 title, implies that he or she is an engineer or that he or she  
13 is registered under this chapter ss. 471.001-471.037; or who  
14 holds himself or herself out as able to perform, or does  
15 perform, any engineering service or work or any other service  
16 designated by the practitioner which is recognized as  
17 engineering shall be construed to practice or offer to  
18 practice engineering within the meaning and intent of this  
19 chapter ss. 471.001-471.037.

20 (7) "License" means the registration of engineers or  
21 certification of businesses to practice engineering in this  
22 state.

23 (8) "Retired professional engineer" or "professional  
24 engineer, retired" means a person who has been duly licensed  
25 as a professional engineer by the board and who chooses to  
26 relinquish or not to renew his or her license and applies to  
27 and is approved by the board to be granted the title  
28 "Professional Engineer, Retired."

29 Section 33. Subsection (1) of section 471.011, Florida  
30 Statutes, is amended to read:

31 471.011 Fees.--



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

11           Section 34. Subsection (4) and paragraph (a) of  
12 subsection (5) of section 471.015, Florida Statutes, are  
13 amended to read:

14           471.015 Licensure.--

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

21           (5)(a) The board shall deem that an applicant who  
22 seeks licensure by endorsement has passed an examination  
23 substantially equivalent to part I of the engineering  
24 examination when such applicant:

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

28           2. Has received a doctorate degree in engineering from  
29 an institution that has an undergraduate ~~a nationally~~  
30 ~~accredited~~ engineering degree program which is accredited by  
31 the Accreditation Board for Engineering Technology; or

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

4           Section 35. Subsections (2) and (3) of section  
5 471.017, Florida Statutes, are amended to read:

6           471.017 Renewal of license.--

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

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

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1 ~~portion of the Florida Building Code applicable to the area of~~  
2 ~~practice.~~

3 Section 36. Section 471.019, Florida Statutes, is  
4 amended to read:

5 471.019 ~~Reactivation; design of engineering works or~~  
6 ~~systems; continuing education.--~~

7 (1) The board shall prescribe by rule continuing  
8 education requirements for reactivating a license. The  
9 continuing education requirements for reactivating a license  
10 for a registered engineer may not exceed 12 classroom hours  
11 for each year the license was inactive.

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

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1           Section 37. Section 471.0195, Florida Statutes, is  
2 created to read:

3           471.0195 Florida Building Code training for  
4 engineers.--Effective January 1, 2000, all licensees actively  
5 participating in the design of engineering works or systems in  
6 connection with buildings, structures, or facilities and  
7 systems covered by the Florida Building Code shall take  
8 continuing education courses and submit proof to the board, at  
9 such times and in such manner as established by the board by  
10 rule, that the licensee has completed the core curriculum  
11 courses and any specialized or advanced courses on any portion  
12 of the Florida Building Code applicable to the licensee's area  
13 of practice or has passed the appropriate equivalency test of  
14 the Building Code Training Program established by s. 553.841.  
15 The board shall record reported continuing education courses  
16 on a system easily accessed by code enforcement jurisdictions  
17 for evaluation when determining license status for purposes of  
18 processing design documents. Local jurisdictions shall be  
19 responsible for notifying the board when design documents are  
20 submitted for building construction permits by persons who are  
21 not in compliance with this section. The board shall take  
22 appropriate action as provided by its rules when such  
23 noncompliance is determined to exist.

24           Section 38. Subsection (1) of section 471.023, Florida  
25 Statutes, is amended to read:

26           471.023 Certification of partnerships and  
27 corporations.--

28           (1) The practice of, or the offer to practice,  
29 engineering by registrants through a corporation or  
30 partnership offering engineering services to the public or by  
31 a corporation or partnership offering said services to the

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

29 Section 39. Subsection (1) of section 471.025, Florida  
30 Statutes, is amended to read:

31 471.025 Seals.--

1           (1) The board shall prescribe, by rule, a form of seal  
2 to be used by registrants holding valid certificates of  
3 registration. Each registrant shall obtain an impression-type  
4 metal seal in the form aforesaid and may, in addition,  
5 register his or her seal electronically in accordance with ss.  
6 282.70-282.75. All final drawings, specifications, plans,  
7 reports, or documents prepared or issued by the registrant and  
8 being filed for public record and all final bid documents  
9 provided to the owner or the owner's representative shall be  
10 signed by the registrant, dated, and stamped with said seal.  
11 Such signature, date, and seal shall be evidence of the  
12 authenticity of that to which they are affixed. Drawings,  
13 specifications, plans, reports, final bid documents, or  
14 documents prepared or issued by a registrant may be  
15 transmitted electronically and may be signed by the  
16 registrant, dated, and stamped electronically with said seal  
17 in accordance with ss. 282.70-282.75.

18           Section 40. Section 471.031, Florida Statutes, is  
19 amended to read:

20           471.031 Prohibitions; penalties.--

21           (1) A person may not knowingly:

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

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

29           (c) Present as his or her own the registration of  
30 another;

31           (d) Give false or forged evidence to the board or a

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1 member thereof;

2 (e) Use or attempt to use a registration that has been  
3 suspended, revoked, or placed on inactive or delinquent  
4 status;

5 (f) Employ unlicensed persons to practice engineering;  
6 or

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

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

12 Section 41. Section 471.037, Florida Statutes, is  
13 amended to read:

14 471.037 Effect of chapter ss. ~~471.001-471.037~~  
15 locally.--

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

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

29 Section 42. Subsection (11) of section 474.202,  
30 Florida Statutes, is amended to read:

31 474.202 Definitions.--As used in this chapter:

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

4           Section 43. Section 474.203, Florida Statutes, is  
5 amended to read:

6           474.203 Exemptions.--This chapter shall not apply to:

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

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



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1 Veterinary Graduates. Such intern or resident must be a  
2 graduate of a school or college of veterinary medicine  
3 accredited by the American Veterinary Medical Association  
4 Council on Education. This exemption expires when such intern  
5 or resident completes or is terminated from such training.  
6 Each school or college at which such intern or resident is in  
7 training shall, on July 1 of each year, provide the board with  
8 a written list of all such interns or residents designated for  
9 this exemption, and the school or college shall also notify  
10 the board of any additions or deletions to the list.

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

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

26 (5)(4) Any person, or the person's regular employee,  
27 administering to the ills or injuries of her or his own  
28 animals, including, but not limited to, castration, spaying,  
29 and dehorning of herd animals, unless title has been  
30 transferred or employment provided for the purpose of  
31 circumventing this law. This exemption shall not apply to

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1 out-of-state veterinarians practicing temporarily in the  
2 state. However, only a veterinarian may immunize or treat an  
3 animal for diseases which are communicable to humans and which  
4 are of public health significance.

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

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

26 (8) A veterinarian, licensed by and actively  
27 practicing veterinary medicine in another state, who is board  
28 certified in a specialty recognized by the board and who  
29 responds to a request of a veterinarian licensed in this state  
30 to assist with the treatment on a specific case of a specific  
31 animal or with the treatment on a specific case of the animals

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1 of a single owner, as long as the veterinarian licensed in  
2 this state requests the other veterinarian's presence. A  
3 veterinarian who practices under this subsection is not  
4 eligible to apply for a premises permit under s. 474.215.

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

10 Section 44. Subsection (3) of section 474.211, Florida  
11 Statutes, is amended to read:

12 474.211 Renewal of license.--

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

18 Section 45. Paragraph (c) of subsection (2) of section  
19 474.214, Florida Statutes, is amended to read:

20 474.214 Disciplinary proceedings.--

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

26 (c) Imposition of an administrative fine not to exceed  
27 ~~\$5,000~~\$1,000 for each count or separate offense.

28  
29 In determining appropriate action, the board must first  
30 consider those sanctions necessary to protect the public.

31 Only after those sanctions have been imposed may the

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1 disciplining authority consider and include in its order  
2 requirements designed to rehabilitate the veterinarian. All  
3 costs associated with compliance with any order issued under  
4 this subsection are the obligation of the veterinarian.

5 Section 46. For the purpose of incorporating the  
6 amendment to section 474.214, Florida Statutes, in references  
7 thereto, subsection (2) of section 474.207, Florida Statutes,  
8 is reenacted to read:

9 474.207 Licensure by examination.--

10 (2) The department shall license each applicant who  
11 the board certifies has:

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

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

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

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

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

28

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

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1 constitute a violation of this chapter until the investigation  
2 is complete and disciplinary proceedings have been terminated,  
3 at which time the provisions of s. 474.214 shall apply.

4 Section 47. For the purpose of incorporating the  
5 amendment to section 474.214, Florida Statutes, in references  
6 thereto, subsection (2) of section 474.217, Florida Statutes,  
7 is reenacted to read:

8 474.217 Licensure by endorsement.--

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

16 Section 48. Subsection (7) of section 474.215, Florida  
17 Statutes, is amended, and subsections (8) and (9) are added to  
18 that section, to read:

19 474.215 Premises permits.--

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

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

31 (b) All permits issued under this subsection are

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1 subject to the provisions of ss. 474.213 and 474.214.

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

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

1 within 10 days after any designation of a new licensed  
2 veterinarian responsible for such duties. A permittee under  
3 this subsection is subject to the provisions of subsection (9)  
4 and s. 474.214.

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

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

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

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

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

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

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

5 Section 49. Section 474.2165, Florida Statutes, is  
6 amended to read:

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

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

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

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

30 (4) Except as otherwise provided in this section, such  
31 records may not be furnished to, and the medical condition of



1 a patient may not be discussed with, any person other than the  
2 client or the client's legal representative or other  
3 veterinarians involved in the care or treatment of the  
4 patient, except upon written authorization of the client.

5 However, such records may be furnished without written  
6 authorization under the following circumstances:

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

10 (b) In any civil or criminal action, unless otherwise  
11 prohibited by law, upon the issuance of a subpoena from a  
12 court of competent jurisdiction and proper notice to the  
13 client or the client's legal representative by the party  
14 seeking such records.

15 (c) For statistical and scientific research, provided  
16 the information is abstracted in such a way as to protect the  
17 identity of the patient and the client, or provided written  
18 permission is received from the client or the client's legal  
19 representative.

20 (5) Except in a medical negligence action or  
21 administrative proceeding when a veterinarian is or reasonably  
22 expects to be named as a defendant, information disclosed to a  
23 veterinarian by a client in the course of the care and  
24 treatment of the patient is confidential and may be disclosed  
25 only to other veterinarians involved in the care or treatment  
26 of the patient, or if permitted by written authorization from  
27 the client or compelled by subpoena at a deposition,  
28 evidentiary hearing, or trial for which proper notice has been  
29 given.

30 (6) The department may obtain patient records pursuant  
31 to a subpoena without written authorization from the client if

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

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

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

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

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

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

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

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1           Section 50. 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 51. 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

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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.

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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~~

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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 ~~(b) The commission advisory committee shall select the~~

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1 proposals that shall be funded and shall give priority to  
2 projects with the greatest potential for direct or indirect  
3 benefit to the public.

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

17 (3)~~(6)~~(a) The director of the Division of Real Estate  
18 of the department, hereinafter referred to as the "director,"  
19 or her or his designated representative shall submit to the  
20 commission ~~advisory committee~~, in advance of each fiscal year,  
21 a budget for expenditures of all funds provided for the  
22 foundation in a form that is related to the proposed schedule  
23 of activities for the review and approval of the commission  
24 ~~advisory committee~~.

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

31 (4)~~(7)~~ The commission ~~advisory committee~~ shall have

1 the power and authority to adopt all rules necessary to  
2 administer this section.

3 (5)(8) ~~Neither~~ The foundation may not ~~nor the~~  
4 ~~committee shall be permitted to~~ fund or offer educational  
5 courses designed to qualify persons for licensure or the  
6 renewal of licenses pursuant to this chapter.

7 (6)(9) ~~Neither~~ The foundation may not ~~nor the~~  
8 ~~committee shall~~ expend any funds for the purpose of employing  
9 staff.

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

22 Section 52. Paragraph (d) is added to subsection (1)  
23 of section 477.0132, Florida Statutes, to read:

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

26 (1)

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



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1           Section 53. Subsection (2) of section 477.019, Florida  
2 Statutes, is amended to read:

3           477.019 Cosmetologists; qualifications; licensure;  
4 supervised practice; license renewal; endorsement; continuing  
5 education.--

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

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

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

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

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

25           a. A school of cosmetology licensed pursuant to  
26 chapter 246.

27           b. A cosmetology program within the public school  
28 system.

29           c. The Cosmetology Division of the Florida School for  
30 the Deaf and the Blind, provided the division meets the  
31 standards of this chapter.

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1           d. A government-operated cosmetology program in this  
2 state.

3  
4 The board shall establish by rule procedures whereby the  
5 school or program may certify that a person is qualified to  
6 take the required examination after the completion of a  
7 minimum of 1,000 actual school hours. If the person then  
8 passes the examination, he or she shall have satisfied this  
9 requirement; but if the person fails the examination, he or  
10 she shall not be qualified to take the examination again until  
11 the completion of the full requirements provided by this  
12 section.

13           Section 54. Section 492.101, Florida Statutes, is  
14 amended to read:

15           492.101 Purpose.--It is hereby declared to be the  
16 public policy of the state that, in order to safeguard the  
17 life, health, property, and public well-being of its citizens,  
18 any person practicing or offering to practice geology in this  
19 state shall meet the requirements of this chapter ~~the~~  
20 ~~Department of Business and Professional Regulation and shall~~  
21 ~~be licensed as provided in ss. 492.101-492.1165.~~

22           Section 55. Section 492.102, Florida Statutes, is  
23 amended to read:

24           492.102 Definitions.--For the purposes of this chapter  
25 ~~ss. 492.101-492.1165~~, unless the context clearly requires  
26 otherwise:

27           (1) "Board" means the Board of Professional  
28 Geologists.

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

31           (3) "Geology" means the science which includes the

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

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

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

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

21 (7) "Practice of professional geology" means the  
22 performance of, or offer to perform, geological services,  
23 including, but not limited to, consultation, investigation,  
24 evaluation, planning, and geologic mapping, but not including  
25 mapping as prescribed in chapter 472, relating to geological  
26 work, except as specifically exempted by this chapter ~~ss.~~  
27 ~~492.101-492.1165~~. Any person who practices any specialty  
28 branch of the profession of geology, or who by verbal claim,  
29 sign, advertisement, letterhead, card, or any other means  
30 represents herself or himself to be a professional geologist,  
31 or who through the use of some title implies that she or he is

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1 a professional geologist or that she or he is licensed under  
2 this chapter ~~ss. 492.101-492.1165~~, or who holds herself or  
3 himself out as able to perform or does perform any geological  
4 services or work recognized as professional geology, shall be  
5 construed to be engaged in the practice of professional  
6 geology.

7 Section 56. Section 492.104, Florida Statutes, is  
8 amended to read:

9 492.104 Authority to make rules.--The Board of  
10 Professional Geologists has authority to adopt rules pursuant  
11 to ss. 120.536(1) and 120.54 to implement this chapter ~~ss.~~  
12 ~~492.101-492.1165~~. Every licensee shall be governed and  
13 controlled by this chapter ~~ss. 492.101-492.1165~~ and the rules  
14 adopted by the board. The board is authorized to set, by  
15 rule, fees for application, examination, certificate of  
16 authorization, late renewal, initial licensure, and license  
17 renewal. These fees should not exceed the cost of  
18 implementing the application, examination, initial licensure,  
19 and license renewal or other administrative process and shall  
20 be established as follows:-

- 21 (1) The application fee shall not exceed \$150 and  
22 shall be nonrefundable.
- 23 (2) The examination fee shall not exceed \$250 and  
24 shall be refundable if the applicant is found to be ineligible  
25 to take the licensure examination.
- 26 (3) The initial license fee shall not exceed \$100.
- 27 (4) The biennial renewal fee shall not exceed \$150.
- 28 (5) The fee for a certificate of authorization shall  
29 not exceed \$350 and the fee for renewal of the certificate  
30 shall not exceed \$350.
- 31 (6) The fee for reactivation of an inactive license

1 shall not exceed \$50.

2 (7) The fee for a provisional license shall not exceed  
3 \$400.

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

7 Section 57. Paragraph (c) of subsection (1) and  
8 subsection (3) of section 492.105, Florida Statutes, are  
9 amended to read:

10 492.105 Licensure by examination; requirements;  
11 fees.--

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

22 (c) Has not committed any act or offense in any  
23 jurisdiction which would constitute the basis for disciplining  
24 a professional geologist licensed pursuant to this chapter ss.  
25 ~~492.101-492.1165~~.

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

31 Section 58. Section 492.107, Florida Statutes, is

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1 amended to read:

2           492.107 Seals.--

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

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

28           Section 59. Subsection (2) of section 492.108, Florida  
29 Statutes, is amended to read:

30           492.108 Licensure by endorsement; requirements;  
31 fees.--

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1           (2) The department shall issue a license to practice  
2 professional geology to any applicant who successfully  
3 complies with the requirements of this section. The  
4 department shall not issue a license to any applicant who is  
5 under investigation in any jurisdiction for an offense which  
6 would constitute a violation of this chapter ss.  
7 ~~492.101-492.1165~~. Upon completion of the investigation, the  
8 disciplinary provisions of s. 492.113 shall apply.

9           Section 60. Section 492.111, Florida Statutes, is  
10 amended to read:

11           492.111 Practice of professional geology by a firm,  
12 corporation, or partnership; certificate of  
13 authorization.--The practice of, or offer to practice,  
14 professional geology by individual professional geologists  
15 licensed under the provisions of this chapter ss.  
16 ~~492.101-492.1165~~ through a firm, corporation, or partnership  
17 offering geological services to the public through  
18 individually licensed professional geologists as agents,  
19 employees, officers, or partners thereof is permitted subject  
20 to the provisions of this chapter ss. 492.101-492.1165,  
21 provided that:

22           (1) At all times that it offers geological services to  
23 the public, the firm, corporation, or partnership has on file  
24 with the department the name and license number of one or more  
25 individuals who hold a current, active license as a  
26 professional geologist in the state and are serving as a  
27 geologist of record for the firm, corporation, or partnership.  
28 A geologist of record may be any principal officer or employee  
29 of such firm or corporation, or any partner or employee of  
30 such partnership, who holds a current, active license as a  
31 professional geologist in this state, or any other

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

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

25 (3) All final geological papers or documents involving  
26 the practice of the profession of geology which have been  
27 prepared or approved for the use of such firm, corporation, or  
28 partnership, for delivery to any person for public record with  
29 the state, shall be dated and bear the signature and seal of  
30 the professional geologist or professional geologists who  
31 prepared or approved them.



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

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

26           (6) The department may refuse to issue a certificate  
27 of authorization if any facts exist which would entitle the  
28 department to suspend or revoke an existing certificate of  
29 authorization or if the department, after giving persons  
30 involved a full and fair hearing, determines that any of the  
31 officers or directors of said firm or corporation, or partners

1 of said partnership, have violated the provisions of s.  
2 492.113.

3 Section 61. Paragraphs (a), (b), and (g) of subsection  
4 (1) of section 492.112, Florida Statutes, are amended to read:

5 492.112 Prohibitions; penalties.--

6 (1) A person may not knowingly:

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

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

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

16 Section 62. Paragraph (a) of subsection (1) of section  
17 492.113, Florida Statutes, is amended to read:

18 492.113 Disciplinary proceedings.--

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

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

23 Section 63. Section 492.116, Florida Statutes, is  
24 amended to read:

25 492.116 Exemptions.--The following persons are  
26 specifically exempted from this chapter ~~ss. 492.101-492.1165~~,  
27 provided, however, that all final geological papers or  
28 documents which have been prepared by a person exempt under  
29 subsection (1), subsection (2), subsection (3), or subsection  
30 (4) for delivery to any person for public record with the  
31 state shall be dated and bear the signature and seal of the

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1 professional geologist or professional geologists who prepared  
2 or approved them:

3 (1) Persons engaged solely in teaching the science of  
4 geology.

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

7 (3) Officers and employees of the United States  
8 Government, the State of Florida, water management districts,  
9 or other local or regional governmental entities practicing  
10 solely as such officers or employees.

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

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

23 Section 64. Section 492.1165, Florida Statutes, is  
24 amended to read:

25 492.1165 Construction of chapter ~~ch. 87-403~~.--Nothing  
26 in this chapter ~~ss. 492.101-492.1165 as enacted by chapter~~  
27 ~~87-403, Laws of Florida~~, shall be construed to prevent or  
28 prohibit the practice of any profession or trade for which a  
29 license is required under any other law of this state, or the  
30 practice by registered professional engineers.

31 Section 65. Paragraph (d) of subsection (3) of section

1 310.0015, Florida Statutes, is amended to read:

2 310.0015 Piloting regulation; general provisions.--

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

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

27 2. The pilot or pilots in a port shall establish a  
28 competency-based mentor program by which minority persons, as  
29 defined in s. 288.703(3), may acquire the skills for the  
30 professional preparation and education competency requirements  
31 of a licensed state pilot or certificated deputy pilot. The

1 department shall provide the Governor, the President of the  
2 Senate, and the Speaker of the House of Representatives with a  
3 report each year on the number of minority persons, as defined  
4 in s. 288.703(3), who have participated in each mentor  
5 program, who are licensed state pilots or certificated deputy  
6 pilots, and who have applied for state pilot licensure or  
7 deputy pilot certification.

8           Section 66. The sum of \$500,000 is appropriated from  
9 the Professional Regulation Trust Fund to the Department of  
10 Business and Professional Regulation for the purpose of  
11 disbursing funds to any private corporation or business entity  
12 to offset startup costs incurred in the implementation of  
13 section 455.32, Florida Statutes, the Management Privatization  
14 Act, pursuant to a contract executed by the department.

15           Section 67. Subsection (12) of section 477.013,  
16 Florida Statutes, is amended to read:

17           477.013 Definitions.--As used in this chapter:

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

22           (a) The application of oils, lotions, or other fluids  
23 to the body, except fluids contained in presoaked materials  
24 used in the wraps; or

25           (b) Manipulation of the body's superficial tissue,  
26 other than that arising from compression emanating from the  
27 wrap materials.

28           Section 68. This act shall take effect July 1, 2000.  
29  
30  
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1 ===== T I T L E   A M E N D M E N T =====

2 And the title is amended as follows:

3       On page 1, line 1 through  
4       page 7, line 26

5 remove from the title of the bill: all of said lines

6

7 and insert in lieu thereof:

8       An act relating to regulation of professions  
9       under the Department of Business and  
10       Professional Regulation; amending s. 310.071,  
11       F.S.; providing for disqualification from  
12       applying for and denial of deputy pilot  
13       certification for being found guilty of, or  
14       having pled guilty or nolo contendere to,  
15       certain crimes; amending s. 310.151, F.S.;  
16       providing for deposit and disposition of  
17       amounts received from imposition of pilotage  
18       rates pending rendition of a final order  
19       regarding such rates; amending s. 399.061,  
20       F.S.; revising requirements for elevator  
21       inspections and service maintenance contracts;  
22       amending s. 455.211, F.S.; limiting a board's  
23       authority to promulgate rules under a specific  
24       circumstance; amending s. 455.217, F.S.;  
25       revising provisions relating to translation of  
26       examinations in Spanish; amending s. 455.2179,  
27       F.S.; providing for approval of continuing  
28       education providers; providing fees; providing  
29       rulemaking authority; amending s. 455.219,  
30       F.S., and repealing subsection (3), relating to  
31       fees required for approval as a continuing

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1 education provider; authorizing the department  
2 to adopt rules to provide for waiver of license  
3 renewal fees under certain circumstances and  
4 for a limited period; creating s. 455.32, F.S.;  
5 creating the Management Privatization Act;  
6 providing definitions; authorizing the  
7 department to contract with a corporation or  
8 other business entity to perform support  
9 services specified pursuant to contract;  
10 providing contract requirements; providing  
11 corporation powers and responsibilities;  
12 establishing reporting and audit requirements;  
13 providing for future review and repeal;  
14 amending s. 468.382, F.S.; defining the term  
15 "absolute auction"; amending s. 468.385, F.S.;  
16 revising requirements relating to the conduct,  
17 administration, approval, and scope of the  
18 examination for licensure as an auctioneer;  
19 specifying that an auction may only be  
20 conducted by an active licensee; creating s.  
21 468.3855, F.S.; providing requirements for  
22 auctioneer apprentices; amending s. 468.388,  
23 F.S.; adding requirements and responsibilities  
24 relating to the conduct of an auction; deleting  
25 exceptions from a requirement that auctions be  
26 conducted pursuant to a written agreement;  
27 amending s. 468.389, F.S.; providing for  
28 disciplinary action against licensees who fail  
29 to account for certain property; providing  
30 penalties; reenacting ss. 468.385(3), 468.391,  
31 F.S., relating to licensure as an auctioneer

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1 and to a criminal penalty, respectively, to  
2 incorporate the amendment to s. 468.389, F.S.,  
3 in references thereto; amending s. 468.392,  
4 F.S.; authorizing the designee of the Secretary  
5 of Business and Professional Regulation to sign  
6 vouchers for payment or disbursement from the  
7 Auctioneer Recovery Fund; amending s. 468.395,  
8 F.S.; revising conditions of recovery from the  
9 Auctioneer Recovery Fund; providing for  
10 recovery from the fund pursuant to an order  
11 issued by the Florida Board of Auctioneers;  
12 deleting a requirement that notice be given to  
13 the board at the time action is commenced;  
14 providing limitations on bringing claims for  
15 certain acts; providing subrogation rights for  
16 the fund; amending s. 468.397, F.S., relating  
17 to payment of claim; correcting language;  
18 amending s. 468.433, F.S.; revising  
19 requirements for licensure as a community  
20 association manager, to include certain  
21 prelicensure education; providing for provider  
22 approval, including fees; repealing s.  
23 468.525(3)(h), F.S., relating to a prohibition  
24 on employee leasing companies and groups from  
25 including employees who engage in services or  
26 arrangements that are not within the definition  
27 of employee leasing; amending s. 468.526, F.S.;  
28 modifying qualifications for licensure as an  
29 employee leasing company group; amending s.  
30 468.531, F.S.; providing prohibitions against  
31 offering to practice employee leasing without



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1 being licensed and against the use of certain  
2 titles relating to employee leasing without  
3 being registered; providing penalties; amending  
4 s. 470.005, F.S.; providing rulemaking  
5 authority to the Board of Funeral Directors and  
6 Embalmers relating to inspection of direct  
7 disposal establishments, funeral  
8 establishments, and cinerator facilities and  
9 the records of each establishment or facility;  
10 amending s. 470.015, F.S.; requiring board  
11 approval of continuing education providers;  
12 revising provisions relating to continuing  
13 education hours; amending ss. 470.016, 470.018,  
14 F.S.; revising provisions relating to  
15 continuing education hours; amending s.  
16 470.017, F.S.; revising provisions relating to  
17 registration as a direct disposer, including  
18 fee-setting responsibility; providing certain  
19 limitations on registration after a specified  
20 date; amending s. 470.021, F.S.; prohibiting  
21 colocation of certain direct disposal  
22 establishments with more than one funeral  
23 establishment or direct disposal establishment;  
24 amending s. 470.028, F.S.; revising provisions  
25 relating to registration of agents for preneed  
26 sales; amending s. 470.0301, F.S.; revising  
27 provisions relating to registration of  
28 centralized embalming facilities to provide for  
29 operating procedures; providing requirements  
30 for full-time embalmers in charge; amending ss.  
31 471.003, 471.0035, 471.011, 471.023, 471.037,

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1 F.S.; updating references relating to  
2 regulation of engineering to incorporate  
3 provisions relating to the Florida Engineers  
4 Management Corporation and engineers performing  
5 building code inspector duties; amending s.  
6 471.005, F.S.; defining the terms "retired  
7 professional engineer" and "professional  
8 engineer, retired"; updating references;  
9 amending s. 471.015, F.S.; revising educational  
10 requirements for licensure by endorsement;  
11 updating references; amending s. 471.017, F.S.;  
12 granting the Board of Professional Engineers  
13 rulemaking authority to establish biennial  
14 licensure renewal procedures; replacing  
15 continuing education provisions with provisions  
16 requiring certain demonstration of continuing  
17 professional competency; amending s. 471.019,  
18 F.S., to create s. 471.0195, F.S.; separating  
19 provisions relating to building code training  
20 from provisions relating to licensure  
21 reactivation requirements; amending s. 471.025,  
22 F.S.; requiring final bid documents to be  
23 signed, dated, and sealed and authorizing the  
24 electronic transfer of such documents; amending  
25 s. 471.031, F.S.; providing a penalty for  
26 certain activities prohibited under ch. 471,  
27 F.S., relating to engineering; updating  
28 references; amending s. 474.202, F.S.; revising  
29 the definition of the term "veterinarian";  
30 amending s. 474.203, F.S.; revising and  
31 providing exemptions from regulation under ch.

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1 474, F.S., relating to veterinary medical  
2 practice; providing that certain exempt persons  
3 are duly licensed practitioners for purposes of  
4 prescribing drugs or medicinal supplies;  
5 amending s. 474.211, F.S.; providing that  
6 criteria for providers of continuing veterinary  
7 medical education shall be approved by the  
8 board; amending s. 474.214, F.S.; increasing  
9 the administrative fine; reenacting ss.  
10 474.207(2), 474.217(2), F.S., relating to  
11 licensure by examination and licensure by  
12 endorsement, to incorporate the amendment to s.  
13 474.214, F.S., in references thereto; amending  
14 s. 474.215, F.S.; requiring limited service  
15 permittees to register each location and  
16 providing a registration fee; providing  
17 requirements for certain temporary rabies  
18 vaccination efforts; providing permit and other  
19 requirements for persons who are not licensed  
20 veterinarians, but who desire to own and  
21 operate a veterinary medical establishment;  
22 providing disciplinary actions applicable to  
23 holders of premises permits; amending s.  
24 474.2165, F.S.; providing requirements with  
25 respect to ownership and control of veterinary  
26 medical patient records; providing for the  
27 furnishing of reports or copies of records;  
28 providing for participation of veterinarians in  
29 impaired practitioner treatment programs;  
30 amending s. 475.045, F.S.; abolishing the  
31 Florida Real Estate Commission Education and

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

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