

By the Committee on Business Regulation & Consumer Affairs
and Representatives Ogles, Brown, J. Miller, Cantens,
Greenstein and Futch

1 A bill to be entitled
2 An act relating to regulation of professions
3 under the Department of Business and
4 Professional Regulation; amending s. 310.071,
5 F.S.; providing for disqualification from
6 applying for and denial of deputy pilot
7 certification for being found guilty of, or
8 having pled guilty or nolo contendere to,
9 certain crimes; amending s. 310.151, F.S.;
10 providing for deposit and disposition of
11 amounts received from imposition of pilotage
12 rates pending rendition of a final order
13 regarding such rates; amending s. 120.80, F.S.;
14 providing requirements regarding an
15 administrative law judge's recommended order in
16 a dispute relating to action or proposed action
17 of the Pilotage Rate Review Board; amending s.
18 455.217, F.S.; revising provisions relating to
19 translation of examinations in Spanish;
20 amending s. 455.2179, F.S.; providing for
21 approval of continuing education providers;
22 providing fees; providing rulemaking authority;
23 amending s. 455.219, F.S., and repealing
24 subsection (3), relating to fees required for
25 approval as a continuing education provider;
26 authorizing the department to adopt rules to
27 provide for waiver of license renewal fees
28 under certain circumstances and for a limited
29 period; creating s. 455.32, F.S.; creating the
30 Management Privatization Act; providing
31 definitions; authorizing the department to

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

1 Recovery Fund; amending s. 468.395, F.S.;
2 revising conditions of recovery from the
3 Auctioneer Recovery Fund; providing for
4 recovery from the fund pursuant to an order
5 issued by the Florida Board of Auctioneers;
6 deleting a requirement that notice be given to
7 the board at the time action is commenced;
8 providing limitations on bringing claims for
9 certain acts; providing subrogation rights for
10 the fund; amending s. 468.397, F.S., relating
11 to payment of claim; correcting language;
12 amending s. 468.433, F.S.; revising
13 requirements for licensure as a community
14 association manager, to include certain
15 prelicensure education; providing for provider
16 approval, including fees; creating s. 468.439,
17 F.S.; providing authority to inspect and audit
18 community associations and community
19 association managers and businesses; repealing
20 s. 468.525(3)(h), F.S., relating to a
21 prohibition on employee leasing companies and
22 groups from including employees who engage in
23 services or arrangements that are not within
24 the definition of employee leasing; amending s.
25 468.526, F.S.; modifying qualifications for
26 licensure as an employee leasing company group;
27 amending s. 468.531, F.S.; providing
28 prohibitions against offering to practice
29 employee leasing without being licensed and
30 against the use of certain titles relating to
31 employee leasing without being registered;

1 providing penalties; amending s. 470.005, F.S.;
2 providing rulemaking authority to the Board of
3 Funeral Directors and Embalmers relating to
4 inspection of direct disposal establishments,
5 funeral establishments, and cinerator
6 facilities and the records of each
7 establishment or facility; amending s. 470.015,
8 F.S.; requiring board approval of continuing
9 education providers; revising provisions
10 relating to continuing education hours;
11 amending ss. 470.016 and 470.018, F.S.;
12 revising provisions relating to continuing
13 education hours; amending s. 470.017, F.S.;
14 revising provisions relating to registration as
15 a direct disposer, including fee-setting
16 responsibility; prohibiting the department from
17 issuing future registrations; amending s.
18 470.021, F.S.; prohibiting colocation of
19 certain direct disposal establishments with
20 more than one funeral establishment or direct
21 disposal establishment; amending s. 470.028,
22 F.S.; revising provisions relating to
23 registration of agents for preneed sales;
24 amending s. 470.0301, F.S.; revising provisions
25 relating to registration of centralized
26 embalming facilities to provide for operating
27 procedures; providing requirements for
28 full-time embalmers in charge; amending ss.
29 471.003, 471.0035, 471.011, 471.023, and
30 471.037, F.S.; updating references relating to
31 regulation of engineering to incorporate

1 provisions relating to the Florida Engineers
2 Management Corporation and engineers performing
3 building code inspector duties; amending s.
4 471.005, F.S.; defining the term "retired
5 professional engineer"; updating references;
6 amending s. 471.015, F.S.; revising educational
7 requirements for licensure by endorsement;
8 updating references; amending s. 471.017, F.S.;
9 granting the Board of Professional Engineers
10 rulemaking authority to establish biennial
11 licensure renewal procedures; replacing
12 continuing education provisions with provisions
13 requiring certain demonstration of continuing
14 professional competency; amending s. 471.019,
15 F.S., to create s. 471.0195, F.S.; separating
16 provisions relating to building code training
17 from provisions relating to licensure
18 reactivation requirements; amending s. 471.025,
19 F.S.; requiring final bid documents to be
20 signed, dated, and sealed and authorizing the
21 electronic transfer of such documents; amending
22 s. 471.031, F.S.; providing a penalty for
23 certain activities prohibited under ch. 471,
24 F.S., relating to engineering; updating
25 references; amending s. 474.202, F.S.; revising
26 the definition of "veterinarian"; amending s.
27 474.203, F.S.; revising and providing
28 exemptions from regulation under ch. 474, F.S.,
29 relating to veterinary medical practice;
30 providing that certain exempt persons are duly
31 licensed practitioners for purposes of

1 prescribing drugs or medicinal supplies;
2 amending s. 474.211, F.S.; providing that
3 criteria for providers of continuing veterinary
4 medical education shall be approved by the
5 board; amending s. 474.214, F.S.; increasing
6 the administrative fine; reenacting ss.
7 474.207(2) and 474.217(2), F.S., relating to
8 licensure by examination and licensure by
9 endorsement, to incorporate the amendment to s.
10 474.214, F.S., in references thereto; amending
11 s. 474.215, F.S.; requiring limited service
12 permittees to register each location and
13 providing a registration fee; providing
14 requirements for certain temporary rabies
15 vaccination efforts; providing permit and other
16 requirements for persons who are not licensed
17 veterinarians, but who desire to own and
18 operate a veterinary medical establishment;
19 providing disciplinary actions applicable to
20 holders of premises permits; amending s.
21 474.2165, F.S.; providing requirements with
22 respect to ownership and control of veterinary
23 medical patient records; providing for the
24 furnishing of reports or copies of records;
25 providing for participation of veterinarians in
26 impaired practitioner treatment programs;
27 amending s. 475.045, F.S.; abolishing the
28 Florida Real Estate Commission Education and
29 Research Foundation Advisory Committee and
30 transferring its duties to the commission;
31 amending s. 477.0132, F.S.; restricting to the

1 Board of Cosmetology authority to review,
2 evaluate, and approve courses required for hair
3 braiding, hair wrapping, and body wrapping
4 registration; exempting providers of such
5 courses from certain licensure; amending s.
6 477.019, F.S.; revising requirements for
7 licensure to practice cosmetology; providing
8 fees; amending s. 477.0201, F.S.; revising
9 requirements for registration as a specialist
10 in a specialty practice within the practice of
11 cosmetology; providing fees; amending ss.
12 492.101, 492.102, 492.104, 492.105, 492.108,
13 492.112, 492.113, 492.116, and 492.1165, F.S.;
14 revising cross references; amending s. 492.107,
15 F.S.; revising provisions relating to the use
16 of seals by licensed geologists; amending s.
17 492.111, F.S.; providing requirements relating
18 to geologists of record for firms,
19 corporations, and partnerships; providing an
20 appropriation; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:
23

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

26 310.071 Deputy pilot certification.--

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

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

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

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

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

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

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

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

19 (b) In any administrative proceeding pursuant to this
20 section, the board's proposed rate determination shall be
21 immediately effective and shall not be stayed during the
22 administrative proceeding, provided that, pending rendition of
23 the board's final order, the pilot or pilots in the subject
24 port deposit in an interest-bearing account all amounts
25 received which represent the difference between the previous
26 rates and the proposed rates. The pilot or pilots in the
27 subject port shall keep an accurate accounting of all amounts
28 deposited, specifying by whom or on whose behalf such amounts
29 were paid, and shall produce such an accounting upon request
30 of the board. Upon rendition of the board's final order:
31

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

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

11 Section 3. Paragraph (c) is added to subsection (4) of
12 section 120.80, Florida Statutes, to read:

13 120.80 Exceptions and special requirements;
14 agencies.--

15 (4) DEPARTMENT OF BUSINESS AND PROFESSIONAL
16 REGULATION.--

17 (c) Pilotage rate review.--In a dispute relating to
18 action or proposed action of the Pilotage Rate Review Board,
19 the administrative law judge's recommended order may include
20 conclusions of law and rulings on evidentiary or procedural
21 matters and shall include findings of fact for consideration
22 by the board in applying the factors set forth in s.
23 310.151(5) and (6). The recommended order shall not include a
24 recommendation as to the appropriate rate to be imposed.

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

27 455.217 Examinations.--This section shall be read in
28 conjunction with the appropriate practice act associated with
29 each regulated profession under this chapter.

30 (6) For examinations developed by the department or a
31 contracted vendor, each board, or the department, when there

1 is no board, may provide licensure examinations in an
2 applicant's native language. Applicants for examination or
3 reexamination pursuant to this subsection shall bear the full
4 cost for the department's development, preparation,
5 administration, grading, and evaluation of any examination in
6 a language other than English or Spanish. Requests for
7 translated examinations, except for those in Spanish, must be
8 on file in the board office, or with the department when there
9 is no board, at least 6 months prior to the scheduled
10 examination. When determining whether it is in the public
11 interest to allow the examination to be translated into a
12 language other than English, the board, or the department when
13 there is no board, shall consider the percentage of the
14 population who speak the applicant's native language.

15 Section 5. Section 455.2179, Florida Statutes, is
16 amended to read:

17 455.2179 Continuing education provider approval; cease
18 and desist orders.--

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

29 (2) The department, on its own motion or at the
30 request of a board, shall issue an order requiring a person or
31 entity to cease and desist from offering any continuing

1 education programs for licensees, and revoking any approval of
2 the provider previously granted by the department or a board,
3 if the department or a board determines that the person or
4 entity failed to provide appropriate continuing education
5 services that conform to approved course material.

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

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

22 Section 6. Subsection (3) of section 455.219, Florida
23 Statutes, is repealed, and subsection (1) of said section is
24 amended to read:

25 455.219 Fees; receipts; disposition; periodic
26 management reports.--

27 (1) Each board within the department shall determine
28 by rule the amount of license fees for its profession, based
29 upon department-prepared long-range estimates of the revenue
30 required to implement all provisions of law relating to the
31 regulation of professions by the department and any board;

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

30 Section 7. Section 455.32, Florida Statutes, is
31 created to read:

1 455.32 Management Privatization Act.--
2 (1) This section may be cited as the "Management
3 Privatization Act."
4 (2) As used in this section, the term:
5 (a) "Corporation" means the corporation or other
6 business entity with which the department contracts pursuant
7 to subsection (3).
8 (b) "Executive director" means the person appointed by
9 the department pursuant to s. 455.203.
10 (c) "Secretary" means the Secretary of Business and
11 Professional Regulation.
12 (3) Based upon the request of any board, commission,
13 or council, the department is authorized to contract with a
14 corporation or other business entity to perform support
15 services specified in the contract. The contract must be in
16 compliance with this section and other applicable laws and
17 must be approved by the board before the department enters
18 into the contract. The department shall retain responsibility
19 for any duties it currently exercises relating to its police
20 powers and any other current duty that is not provided to the
21 corporation by the contract. The contract shall provide, at a
22 minimum, that:
23 (a) The corporation provide administrative,
24 investigative, examination, licensing, and prosecutorial
25 support services in accordance with the provisions of this
26 section and the practice act of the relevant profession. With
27 approval of the department, the corporation may subcontract
28 for any of these services.
29 (b) The corporation utilize computer technology
30 compatible with the department to ensure compatibility and
31

- 1 availability to the public of information provided for other
2 professions by the department.
- 3 (c) The corporation submit an annual budget for
4 approval by the board and the department.
- 5 (d) The corporation keep financial and statistical
6 information as necessary to completely disclose the financial
7 condition and operation of the project and as requested by the
8 Office of Program Policy Analysis and Government
9 Accountability, the Auditor General, and the department.
- 10 (e) If the certification process in subsection (10)
11 determines noncompliance, the contract provide for methods and
12 mechanisms to resolve the situation.
- 13 (f) The corporation provide to the board and the
14 department, on or before October 1 of each year, a report
15 describing all of the activities of the corporation for the
16 previous fiscal year. The report shall include:
- 17 1. Any audit performed under subsection (9), including
18 financial reports and performance audits.
- 19 2. The number of license applications received, the
20 number of licenses approved and denied, the number of licenses
21 issued, and the average time required to issue a license.
- 22 3. The number of examinations administered and the
23 number of applicants who passed or failed the examination.
- 24 4. The number of complaints received, the number of
25 complaints determined to be legally sufficient, the number of
26 complaints dismissed, and the number of complaints determined
27 to have probable cause.
- 28 5. The number of administrative complaints issued and
29 the status of the complaints.
- 30 6. The number and nature of disciplinary actions taken
31 by the board.

1 7. All revenue received and all expenses incurred by
2 the corporation over the previous 12 months in its performance
3 of the duties under the contract.

4 8. The status of the compliance of the corporation
5 with all performance-based program measures adopted by the
6 board.

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

11 (5) The corporation shall be funded through
12 appropriations allocated to the regulation of the relevant
13 profession from the Professional Regulation Trust Fund.

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

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

27 (8) The corporation may not exercise any authority
28 assigned to the department or board under this part or the
29 practice act of the relevant profession, including determining
30 legal sufficiency and probable cause to pursue disciplinary
31 action against a licensee, taking final action on license

1 applications or in disciplinary cases, or adopting
2 administrative rules under chapter 120.

3 (9) Nothing in this section shall affect the duty of
4 the Auditor General to audit the corporation. The Auditor
5 General shall schedule with the corporation to conduct annual
6 audits, including financial reports and performance audits.
7 Additionally, the department may request an independent audit
8 to be conducted, which audit shall be at the expense of the
9 corporation.

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

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

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

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

27 (14) The department shall retain the independent
28 authority to open, investigate, or prosecute any cases or
29 complaints, as necessary, to protect the public health,
30 safety, or welfare. In addition, the department shall retain
31 sole authority to issue emergency suspension or restriction

1 orders pursuant to s. 120.60 and to prosecute unlicensed
2 activity cases pursuant to ss. 455.228 and 455.2281.
3 (15) Corporation records are public records subject to
4 the provisions of s. 119.07(1) and s. 24(a), Art. I of the
5 State Constitution; however, public records exemptions set
6 forth in ss. 455.217 and 455.229 for records created or
7 maintained by the department shall apply to records created or
8 maintained by the corporation. The exemptions set forth in s.
9 455.225, relating to complaints and information obtained
10 pursuant to an investigation by the department, shall apply to
11 such records created or obtained by the corporation only until
12 an investigation ceases to be active. For the purposes of this
13 subsection, an investigation is considered active so long as
14 the corporation or any law enforcement or administrative
15 agency is proceeding with reasonable dispatch and has a
16 reasonable, good faith belief that it may lead to the filing
17 of administrative, civil, or criminal proceedings. An
18 investigation ceases to be active when the case is dismissed
19 prior to a finding of probable cause and the board has not
20 exercised its option to pursue the case or 10 days after the
21 board makes a determination regarding probable cause. All
22 information, records, and transcriptions regarding a complaint
23 that has been determined to be legally sufficient to state a
24 claim within the jurisdiction of the board become available to
25 the public when the investigation ceases to be active, except
26 information that is otherwise confidential or exempt from s.
27 119.07(1). However, in response to an inquiry about the
28 licensure status of an individual, the corporation shall
29 disclose the existence of an active investigation if the
30 nature of the violation under investigation involves the
31 potential for substantial physical or financial harm. The

1 department and the board shall have access to all records of
2 the corporation, as necessary, to exercise their authority to
3 approve and supervise the contract.

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

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

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

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

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

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

23 468.382 Definitions.--As used in this act, the term:

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

27 Section 9. Subsections (4), (6), and (7) of section
28 468.385, Florida Statutes, are amended to read:

29 468.385 Licenses required; qualifications;
30 examination; bond.--

31

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

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

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

14 (b) Has passed the required ~~an~~ examination ~~conducted~~
15 ~~by the department~~; and

16 (c) Is approved by the board.

17 (7)(a) Any auction that is subject to the provisions
18 of this part must be conducted by an auctioneer who has an
19 active license or an apprentice who has an active apprentice
20 auctioneer license and who has received prior written sponsor
21 consent.

22 (b) No business shall auction or offer to auction any
23 property in this state unless it is licensed as an auction
24 business by the board or is exempt from licensure under this
25 act. Each application for licensure shall include the names
26 of the owner and the business, the business mailing address
27 and location, and any other information which the board may
28 require. The owner of an auction business shall report to the
29 board within 30 days of any change in this required
30 information.

31

1 Section 10. Section 468.3855, Florida Statutes, is
2 created to read:

3 468.3855 Apprenticeship training requirements.--

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

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

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

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

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

28 (6) A sponsor may not authorize an apprentice to
29 conduct an auction or act as principal auctioneer unless the
30 sponsor has determined that the apprentice has received
31 adequate training to do so.

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

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

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

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

18 Section 11. Section 468.388, Florida Statutes, is
19 amended to read:

20 468.388 Conduct of an auction.--

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

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

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

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

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

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

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

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

12 ~~(c) The total estimated value of the property is \$500~~
13 ~~or less. If the actual sale price of the property exceeds~~
14 ~~\$550, the written agreement required by subsection (1) shall~~
15 ~~be executed after the sale.~~

16 ~~(3)(4)~~ Each auctioneer or auction business shall
17 maintain a record book of all sales for which a written
18 agreement is required. The record book shall be open to
19 inspection by the board at reasonable times.

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

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

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

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

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

28 (9) The auction business under which the auction is
29 conducted is responsible for all other aspects of the auction
30 as required by board rule. The auction business may delegate
31 in whole, or in part, different aspects of the auction only to

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

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

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

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

25 (d) Unless otherwise provided by written agreement
26 executed prior to the auction, funds received by a licensee
27 from the seller or his or her agent for expenses, including
28 advertising, must be expended for the purposes advanced or
29 refunded to the seller at the time of final settlement. Any
30 funds so received shall be maintained in an escrow or trust
31 account in an insured bank or savings and loan association

1 located in this state. However, this does not prohibit
2 advanced payment of a flat fee.

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

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

14 1. Contains misrepresentations of facts.

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

18 3. Creates false or unjustified expectations of the
19 services to be performed.

20 4. Contains any representation or claim which the
21 advertising licensee fails to perform.

22 5. Fails to include the name and license number of the
23 principal auctioneer and the auction business.

24 6. Fails to include the name and license number of the
25 sponsor if an apprentice is acting as the principal
26 auctioneer.

27 7. Advertises an auction as absolute without
28 specifying any and all items to be sold with reserve or with
29 minimum bids.

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

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

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

7 Section 12. Paragraph (c) of subsection (1) of section
8 468.389, Florida Statutes, is amended to read:

9 468.389 Prohibited acts; penalties.--

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

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

16 Section 13. For the purpose of incorporating the
17 amendment to section 468.389, Florida Statutes, in references
18 thereto, paragraph (b) of subsection (3) of section 468.385
19 and section 468.391, Florida Statutes, are reenacted to read:

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

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

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

27 468.391 Penalty.--Any auctioneer, apprentice, or
28 auction business or any owner or manager thereof, or, in the
29 case of corporate ownership, any substantial stockholder of
30 the corporation owning the auction business, who operates
31 without an active license or violates any provision of the

1 prohibited acts listed under s. 468.389 commits a felony of
2 the third degree, punishable as provided in s. 775.082 or s.
3 775.083.

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

6 468.392 Auctioneer Recovery Fund.--There is created
7 the Auctioneer Recovery Fund as a separate account in the
8 Professional Regulation Trust Fund. The fund shall be
9 administered by the Florida Board of Auctioneers.

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

16 Section 15. Section 468.395, Florida Statutes, is
17 amended to read:

18 468.395 Conditions of recovery; eligibility.--

19 (1) Recovery from the Auctioneer Recovery Fund may be
20 obtained as follows:

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

29 (b)~~(1)~~ Any aggrieved person who obtains a final
30 judgment in any court against any licensee to recover damages
31 for any actual loss that results from the violation, within

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

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

27 ~~(2) At the time the action is commenced, such person~~
28 ~~shall give notice thereof to the board by certified mail,~~
29 ~~except that, if no notice is given to the board, the claim may~~
30 ~~still be honored if, in the opinion of the board, the claim is~~
31 ~~otherwise valid.~~

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

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

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

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

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

27 468.397 Payment of claim.--Upon a final order of the
28 court directing that payment be made out of the Auctioneer
29 Recovery Fund, the board shall, subject to the provisions of
30 this part, make the payment out of ~~to~~ the Auctioneer Recovery
31 Fund as provided in s. 468.395.

1 Section 17. Section 468.433, Florida Statutes, is
2 amended to read:

3 468.433 Licensure by examination.--

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

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

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

20 (b) The department may refuse to certify an applicant
21 only if:

22 1. There is a substantial connection between the lack
23 of good moral character of the applicant and the professional
24 responsibilities of a community association manager; and

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

27 (c) When an applicant is found to be unqualified for a
28 license because of a lack of good moral character, the
29 department shall furnish the applicant a statement containing
30 its findings, a complete record of the evidence upon which the
31

1 determination was based, and a notice of the rights of the
2 applicant to a rehearing and appeal.

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

17 (3)~~(2)~~ The council shall approve an examination for
18 licensure. The examination must demonstrate that the
19 applicant has a fundamental knowledge of state and federal
20 laws relating to the operation of all types of community
21 associations and state laws relating to corporations and
22 nonprofit corporations, proper preparation of community
23 association budgets, proper procedures for noticing and
24 conducting community association meetings, insurance matters
25 relating to community associations, and management skills.

26 (4)~~(3)~~ The department shall issue a license to
27 practice in this state as a community association manager to
28 any applicant who successfully completes the examination in
29 accordance with this section and pays the appropriate fee.

30 Section 18. Section 468.439, Florida Statutes, is
31 created to read:

1 468.439 Authority to inspect and audit.--Duly
2 authorized agents and employees of the department shall have
3 the power to inspect and audit in a lawful manner at all
4 reasonable hours the office and records of any community
5 association manager, community association management
6 business, or community association pursuant to this part, for
7 the purpose of determining if any of the provisions of this
8 part or chapter 455 or any rule promulgated under its
9 authority is being violated.

10 Section 19. Paragraph (h) of subsection (3) of section
11 468.525, Florida Statutes, is repealed.

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

14 468.526 License required; fees.--

15 (2) Two or more, but not more than five, employee
16 leasing companies that are ~~corporations which are~~ majority
17 owned by the same ultimate parent, entity, or persons may be
18 licensed as an employee leasing company group. An employee
19 leasing company group may satisfy the reporting and financial
20 requirements of this licensing law on a consolidated basis.
21 As a condition of licensure as an employee leasing company
22 group, each company that is a member of the group shall
23 guarantee payment of all financial obligations of each other
24 member.

25 Section 21. Section 468.531, Florida Statutes, is
26 amended to read:

27 468.531 Prohibitions; penalties.--

28 (1) No person or entity shall:

29 (a) Practice or offer to practice as an employee
30 leasing company, an employee leasing company group, or a
31

1 controlling person unless such person or entity is licensed
2 pursuant to this part;

3 (b) Practice or offer to practice as an employee
4 leasing company or employee leasing company group unless all
5 controlling persons thereof are licensed pursuant to this
6 part;

7 (c) Use the name or title "licensed employee leasing
8 company," "employee leasing company," "employee leasing
9 company group," "professional employer," "professional
10 employer organization," ~~or~~ "controlling person," or words that
11 would tend to lead one to believe that such person or entity
12 is registered pursuant to this part, when such person or
13 entity has not registered pursuant to this part;

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

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

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

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

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

25 470.005 Rulemaking authority of board and
26 department.--

27 (3) The board shall adopt rules which establish
28 requirements for inspection of direct disposal establishments,
29 funeral establishments, and cinerator facilities and the
30 records directly relating to the regulated activities of the
31 licensee to ensure compliance with the provisions of this

1 chapter and rules adopted hereunder. Such rules shall
2 include, but not be limited to, requirements to inspect for
3 compliance with federal and state laws relating to the
4 receiving, handling, storage, and disposal of biohazardous and
5 hazardous waste.

6 Section 23. Section 470.015, Florida Statutes, is
7 amended to read:

8 470.015 Renewal of funeral director and embalmer
9 licenses.--

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

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

29 (3) The board shall adopt rules to establish
30 requirements for the advertising of continuing education
31 courses.

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

3 470.016 Inactive status.--

4 (1) A funeral director or embalmer license that has
5 become inactive may be reactivated under s. 470.015 upon
6 application to the department. The board shall prescribe by
7 rule continuing education requirements as a condition of
8 reactivating a license. The continuing education requirements
9 for reactivating a license may not exceed 12 classroom hours
10 and may by rule establish criteria for accepting alternative
11 nonclassroom continuing education on an hour-for-hour basis,
12 in addition to a board-approved course on communicable
13 diseases, for each year the license was inactive.

14 Section 25. Subsection (2) of section 470.017, Florida
15 Statutes, is amended, and subsection (5) is added to said
16 section, to read:

17 470.017 Registration as a direct disposer.--

18 (2) Any person who desires to be registered as a
19 direct disposer shall file an application with the department
20 on a form furnished by the department. The department shall
21 register each applicant who has remitted a registration fee
22 set by the board department, not to exceed \$200; has completed
23 the application form and remitted a nonrefundable application
24 fee set by the board department, not to exceed \$50; and meets
25 the following requirements:

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

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

28 (c) Has no conviction or finding of guilt, and has
29 never entered a plea of nolo contendere, regardless of
30 adjudication, for a crime which directly relates to the
31

1 functions and duties of a direct disposer or the ability to
2 practice ~~of~~ direct disposition.

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

5 (e) Has completed a board-approved course on
6 communicable diseases.

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

10 (5) After June 30, 2000, no person shall be registered
11 pursuant to this section. However, any person who holds a
12 valid registration under this section on June 30, 2000, may
13 continue to renew such registration pursuant to s. 470.018 so
14 long as the registration remains current and the registrant
15 remains in good standing.

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

18 470.018 Renewal of registration of direct disposer.--

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

29 Section 27. Subsection (10) is added to section
30 470.021, Florida Statutes, to read:

31

1 470.021 Direct disposal establishment; standards and
2 location; registration.--

3 (10) A direct disposal establishment may not be
4 operated at the same location as any other direct disposal
5 establishment or funeral establishment unless such
6 establishments were licensed as colocated establishments on
7 July 1, 2000.

8 Section 28. Section 470.028, Florida Statutes, is
9 amended to read:

10 470.028 Preneed sales; registration of agents.--

11 (1) All sales of preneed funeral service contracts or
12 direct disposition contracts shall be made pursuant to chapter
13 497.

14 (2) No person may act as an agent for a ~~funeral~~
15 ~~director, funeral establishment, direct disposer, or direct~~
16 disposal disposer establishment with respect to the sale of
17 preneed contracts unless such person is registered pursuant to
18 chapter 497.

19 (3) Each licensee or registrant shall be subject to
20 discipline if his or her agent violates any provision of this
21 chapter applicable to such licensee or registrant as
22 established by board rule.

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

25 470.0301 Removal services; refrigeration facilities;
26 centralized embalming facilities.--In order to ensure that the
27 removal, refrigeration, and embalming of all dead human bodies
28 is conducted in a manner that properly protects the public's
29 health and safety, the board shall adopt rules to provide for
30 the registration of removal services, refrigeration
31 facilities, and centralized embalming facilities operated

1 independently of funeral establishments, direct disposal
2 establishments, and cinerator facilities.

3 (2) CENTRALIZED EMBALMING FACILITIES.--In order to
4 ensure that all funeral establishments have access to
5 embalming facilities that comply with all applicable health
6 and safety requirements, the board shall adopt rules to
7 provide for the registration and operation of centralized
8 embalming facilities and shall require, at a minimum, the
9 following:

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

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

22 (c) Any person, regardless of whether such person is
23 otherwise regulated by this chapter, may own such a facility,
24 provided that such facility is operated in accordance with the
25 rules established by the board.

26 (d) A centralized embalming facility may only provide
27 services to funeral establishments.

28 (e) The practice of embalming done at a centralized
29 embalming facility shall only be practiced by an embalmer
30 licensed under this chapter and shall be provided only to
31 licensed funeral establishments.

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

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

14 (h) The board shall, by rule, establish operating
15 procedures which shall require, at a minimum, that centralized
16 embalming facilities maintain a system of identification of
17 human remains received for embalming.

18 Section 30. Subsections (2) and (3) of section
19 471.003, Florida Statutes, are amended to read:

20 471.003 Qualifications for practice, exemptions.--

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

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

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

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

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

16 (d) Regular full-time employees of a public utility or
17 other entity subject to regulation by the Florida Public
18 Service Commission, Federal Energy Regulatory Commission, or
19 Federal Communications Commission.

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

23 (f) Any person as contractor in the execution of work
24 designed by a professional engineer or in the supervision of
25 the construction of work as a foreman or superintendent.

26 (g) A registered surveyor and mapper who takes, or
27 contracts for, professional engineering services incidental to
28 her or his practice of surveying and mapping and who delegates
29 such engineering services to a registered professional
30 engineer qualified within her or his firm or contracts for
31 such professional engineering services to be performed by

1 others who are registered professional engineers under the
2 provisions of this chapter ~~ss. 471.001-471.037~~.

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

10 1. Requires an electrical or plumbing or
11 air-conditioning and refrigeration system with a value of
12 \$50,000 or less; and

13 2.a. Requires an aggregate service capacity of 600
14 amperes (240 volts) or less on a residential electrical system
15 or 800 amperes (240 volts) or less on a commercial or
16 industrial electrical system;

17 b. Requires a plumbing system with fewer than 250
18 fixture units; or

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

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

29 (3) Notwithstanding the provisions of this chapter ~~ss.~~
30 ~~471.001-471.037~~ or of any other law, no registered engineer
31 whose principal practice is civil or structural engineering,

1 or employee or subordinate under the responsible supervision
2 or control of the engineer, is precluded from performing
3 architectural services which are purely incidental to her or
4 his engineering practice, nor is any registered architect, or
5 employee or subordinate under the responsible supervision or
6 control of the architect, precluded from performing
7 engineering services which are purely incidental to her or his
8 architectural practice. However, no engineer shall practice
9 architecture or use the designation "architect" or any term
10 derived therefrom, and no architect shall practice engineering
11 or use the designation "engineer" or any term derived
12 therefrom.

13 Section 31. Section 471.0035, Florida Statutes, is
14 amended to read:

15 471.0035 Instructors in postsecondary educational
16 institutions; exemption from registration requirement.--For
17 the sole purpose of teaching the principles and methods of
18 engineering design, notwithstanding the provisions of s.
19 471.005(6), a person employed by a public postsecondary
20 educational institution, or by an independent postsecondary
21 educational institution licensed or exempt from licensure
22 pursuant to the provisions of chapter 246, is not required to
23 register under the provisions of this chapter ~~ss.~~
24 ~~471.001-471.037~~ as a registered engineer.

25 Section 32. Section 471.005, Florida Statutes, is
26 amended to read:

27 471.005 Definitions.--As used in this chapter ~~ss.~~
28 ~~471.001-471.037~~, the term:

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

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

4 (3) "Department" means the Department of Business and
5 Professional Regulation.

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

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

15 (6) "Engineering" includes the term "professional
16 engineering" and means any service or creative work, the
17 adequate performance of which requires engineering education,
18 training, and experience in the application of special
19 knowledge of the mathematical, physical, and engineering
20 sciences to such services or creative work as consultation,
21 investigation, evaluation, planning, and design of engineering
22 works and systems, planning the use of land and water,
23 teaching of the principles and methods of engineering design,
24 engineering surveys, and the inspection of construction for
25 the purpose of determining in general if the work is
26 proceeding in compliance with drawings and specifications, any
27 of which embraces such services or work, either public or
28 private, in connection with any utilities, structures,
29 buildings, machines, equipment, processes, work systems,
30 projects, and industrial or consumer products or equipment of
31 a mechanical, electrical, hydraulic, pneumatic, or thermal

1 nature, insofar as they involve safeguarding life, health, or
2 property; and includes such other professional services as may
3 be necessary to the planning, progress, and completion of any
4 engineering services. A person who practices any branch of
5 engineering; who, by verbal claim, sign, advertisement,
6 letterhead, or card, or in any other way, represents himself
7 or herself to be an engineer or, through the use of some other
8 title, implies that he or she is an engineer or that he or she
9 is registered under this chapter ~~ss. 471.001-471.037~~; or who
10 holds himself or herself out as able to perform, or does
11 perform, any engineering service or work or any other service
12 designated by the practitioner which is recognized as
13 engineering shall be construed to practice or offer to
14 practice engineering within the meaning and intent of this
15 chapter ~~ss. 471.001-471.037~~.

16 (7) "License" means the registration of engineers or
17 certification of businesses to practice engineering in this
18 state.

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

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

27 471.011 Fees.--

28 (1) The board by rule may establish fees to be paid
29 for applications, examination, reexamination, licensing and
30 renewal, inactive status application and reactivation of
31 inactive licenses, and recordmaking and recordkeeping. The

1 board may also establish by rule a delinquency fee. The board
2 shall establish fees that are adequate to ensure the continued
3 operation of the board. Fees shall be based on department
4 estimates of the revenue required to implement this chapter
5 ~~ss. 471.001-471.037~~ and the provisions of law with respect to
6 the regulation of engineers.

7 Section 34. Subsection (4) and paragraph (a) of
8 subsection (5) of section 471.015, Florida Statutes, are
9 amended to read:

10 471.015 Licensure.--

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

17 (5)(a) The board shall deem that an applicant who
18 seeks licensure by endorsement has passed an examination
19 substantially equivalent to part I of the engineering
20 examination when such applicant:

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

24 2. Has received a doctorate degree in engineering from
25 an institution that has an undergraduate ~~a nationally~~
26 ~~accredited~~ engineering degree program which is accredited by
27 the Accreditation Board for Engineering Technology; or

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

31

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

3 471.017 Renewal of license.--

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

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

1 Section 36. Section 471.019, Florida Statutes, is
2 amended, and section 471.0195, Florida Statutes, is created,
3 to read:

4 ~~471.019 Reactivation; design of engineering works or~~
5 ~~systems; continuing education.--~~

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

11 471.0195 Florida Building Code training for
12 engineers.--

13 (2) Effective January 1, 2000, all licensees actively
14 participating in the design of engineering works or systems in
15 connection with buildings, structures, or facilities and
16 systems covered by the Florida Building Code shall take
17 continuing education courses and submit proof to the board, at
18 such times and in such manner as established by the board by
19 rule, that the licensee has completed the core curriculum
20 courses and any specialized or advanced courses on any portion
21 of the Florida Building Code applicable to the licensee's area
22 of practice or has passed the appropriate equivalency test of
23 the Building Code Training Program established by s. 553.841.
24 The board shall record reported continuing education courses
25 on a system easily accessed by code enforcement jurisdictions
26 for evaluation when determining license status for purposes of
27 processing design documents. Local jurisdictions shall be
28 responsible for notifying the board when design documents are
29 submitted for building construction permits by persons who are
30 not in compliance with this section. The board shall take
31

1 appropriate action as provided by its rules when such
2 noncompliance is determined to exist.

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

5 471.023 Certification of partnerships and
6 corporations.--

7 (1) The practice of, or the offer to practice,
8 engineering by registrants through a corporation or
9 partnership offering engineering services to the public or by
10 a corporation or partnership offering said services to the
11 public through registrants under this chapter ~~ss.~~
12 ~~471.001-471.037~~ as agents, employees, officers, or partners is
13 permitted only if the firm possesses a certification issued by
14 the department pursuant to qualification by the board, subject
15 to the provisions of this chapter ~~ss. 471.001-471.037~~. One or
16 more of the principal officers of the corporation or one or
17 more partners of the partnership and all personnel of the
18 corporation or partnership who act in its behalf as engineers
19 in this state shall be registered as provided by this chapter
20 ~~ss. 471.001-471.037~~. All final drawings, specifications,
21 plans, reports, or documents involving practices registered
22 under this chapter ~~ss. 471.001-471.037~~ which are prepared or
23 approved for the use of the corporation or partnership or for
24 public record within the state shall be dated and shall bear
25 the signature and seal of the registrant who prepared or
26 approved them. Nothing in this section shall be construed to
27 mean that a certificate of registration to practice
28 engineering shall be held by a corporation. Nothing herein
29 prohibits corporations and partnerships from joining together
30 to offer engineering services to the public, provided each
31 corporation or partnership otherwise meets the requirements of

1 this section. No corporation or partnership shall be relieved
2 of responsibility for the conduct or acts of its agents,
3 employees, or officers by reason of its compliance with this
4 section, nor shall any individual practicing engineering be
5 relieved of responsibility for professional services performed
6 by reason of his or her employment or relationship with a
7 corporation or partnership.

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

10 471.025 Seals.--

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

28 Section 39. Section 471.031, Florida Statutes, is
29 amended to read:

30 471.031 Prohibitions; penalties.--

31 (1) A person may not knowingly:

- 1 (a) Practice engineering unless the person is
2 registered under this chapter ~~ss. 471.001-471.037~~;
- 3 (b) Use the name or title "registered engineer" or any
4 other title, designation, words, letters, abbreviations, or
5 device tending to indicate that such person holds an active
6 registration as an engineer when the person is not registered
7 under this chapter ~~ss. 471.001-471.037~~;
- 8 (c) Present as his or her own the registration of
9 another;
- 10 (d) Give false or forged evidence to the board or a
11 member thereof;
- 12 (e) Use or attempt to use a registration that has been
13 suspended, revoked, or placed on inactive or delinquent
14 status;
- 15 (f) Employ unlicensed persons to practice engineering;
16 or
- 17 (g) Conceal information relative to violations of this
18 chapter ~~ss. 471.001-471.037~~.
- 19 (2) Any person who violates any provision of this
20 section commits ~~is guilty of~~ a misdemeanor of the first
21 degree, punishable as provided in s. 775.082 or s. 775.083.
22 Section 40. Section 471.037, Florida Statutes, is
23 amended to read:
24 471.037 Effect of chapter ~~ss. 471.001-471.037~~
25 locally.--
- 26 (1) Nothing contained in this chapter ~~ss.~~
27 ~~471.001-471.037~~ shall be construed to repeal, amend, limit, or
28 otherwise affect any local building code or zoning law or
29 ordinance, now or hereafter enacted, which is more restrictive
30 with respect to the services of registered engineers than the
31 provisions of this chapter ~~ss. 471.001-471.037~~.

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

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

10 474.202 Definitions.--As used in this chapter:

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

14 Section 42. Section 474.203, Florida Statutes, is
15 amended to read:

16 474.203 Exemptions.--This chapter shall not apply to:

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

1 with a written list of all faculty who are exempt from this
2 chapter. Such school or college shall also notify the board in
3 writing of any additions or deletions to such list.

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

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

29 ~~(4)~~(3) Any doctor of veterinary medicine in the employ
30 of a state agency or the United States Government while
31 actually engaged in the performance of her or his official

1 duties; however, this exemption shall not apply to such person
2 when the person is not engaged in carrying out her or his
3 official duties or is not working at the installations for
4 which her or his services were engaged.

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

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

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

1 including those tasks identified by rule of the board
2 requiring immediate supervision. However, the licensed
3 veterinarian shall be responsible for all such acts performed
4 under this subsection by persons under her or his supervision.

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

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

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

22 474.211 Renewal of license.--

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

28 Section 44. Paragraph (c) of subsection (2) of section
29 474.214, Florida Statutes, is amended to read:

30 474.214 Disciplinary proceedings.--

31

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

6 (c) Imposition of an administrative fine not to exceed
7 \$5,000~~\$1,000~~ for each count or separate offense.

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

16 Section 45. For the purpose of incorporating the
17 amendment to section 474.214, Florida Statutes, in references
18 thereto, the sections or subdivisions of Florida Statutes set
19 forth below are reenacted to read:

20 474.207 Licensure by examination.--

21 (2) The department shall license each applicant who
22 the board certifies has:

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

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

28 2. Graduated from a college of veterinary medicine
29 listed in the American Veterinary Medical Association Roster
30 of Veterinary Colleges of the World and obtained a certificate
31

1 from the Education Commission for Foreign Veterinary
2 Graduates.

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

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

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

16 474.217 Licensure by endorsement.--

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

24 Section 46. Subsection (7) of section 474.215, Florida
25 Statutes, is amended, and subsections (8) and (9) are added to
26 said section, to read:

27 474.215 Premises permits; disciplinary actions.--

28 (7) The board by rule shall establish minimum
29 standards for the operation of limited service veterinary
30 medical practices. Such rules shall not restrict limited
31

1 service veterinary medical practices and shall be consistent
2 with the type of limited veterinary medical service provided.

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

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

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

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

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

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

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

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

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

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

29 (b) If the permit is revoked or suspended, the owner,
30 manager, or proprietor shall cease to operate the premises as
31 a veterinary medical practice as of the effective date of the

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

14 Section 47. Section 474.2165, Florida Statutes, is
15 amended to read:

16 474.2165 Ownership and control of veterinary medical
17 patient records; report or copies of records to be
18 furnished.--

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

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

30 (3) Any records owner licensed under this chapter who
31 makes an examination of, or administers treatment or dispenses

1 legend drugs to, any patient shall, upon request of the client
2 or the client's legal representative, furnish, in a timely
3 manner, without delays for legal review, copies of all reports
4 and records relating to such examination or treatment,
5 including X rays. The furnishing of such report or copies
6 shall not be conditioned upon payment of a fee for services
7 rendered.

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

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

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

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

29 (5) Except in a medical negligence action or
30 administrative proceeding when a veterinarian is or reasonably
31 expects to be named as a defendant, information disclosed to a

1 veterinarian by a client in the course of the care and
2 treatment of the patient is confidential and may be disclosed
3 only to other veterinarians involved in the care or treatment
4 of the patient, or if permitted by written authorization from
5 the client or compelled by subpoena at a deposition,
6 evidentiary hearing, or trial for which proper notice has been
7 given.

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

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

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

28 (9) Whenever a records owner has turned records over
29 to a new records owner, the new records owner shall be
30 responsible for providing a copy of the complete medical
31

1 record, upon written request, of the client or the client's
2 legal representative.

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

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

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

11 Section 48. Notwithstanding the transfer of the
12 Division of Medical Quality Assurance to the Department of
13 Health or any other provision of law to the contrary,
14 veterinarians licensed under chapter 474, Florida Statutes,
15 shall be governed by the treatment of impaired practitioner
16 provisions of s. 455.707, Florida Statutes, as if they were
17 under the jurisdiction of the Division of Medical Quality
18 Assurance, except that for veterinarians the Department of
19 Business and Professional Regulation shall, at its option,
20 exercise any of the powers granted to the Department of Health
21 by that section, and "board" shall mean board as defined in
22 chapter 474, Florida Statutes.

23 Section 49. Section 475.045, Florida Statutes, is
24 amended to read:

25 475.045 Florida Real Estate Commission Education and
26 Research Foundation; ~~Foundation Advisory Committee.~~--

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

31

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

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

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

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

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

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

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

28 7. To periodically review the progress of persons
29 conducting such research and studies. The results of any
30 research project or study shall not be published or
31 disseminated until it has been reviewed and approved in

1 writing by the commission ~~advisory committee~~ or its designated
2 representative.

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

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

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

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

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

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

26 2. ~~Three members shall be representatives of the~~
27 ~~general public, and those appointed after October 1, 1988,~~
28 ~~shall possess qualifications in the fields of education,~~
29 ~~research, or consumer affairs which relate to the committee's~~
30 ~~education and research activities. Members representative of~~
31 ~~the general public shall not be licensed real estate brokers~~

1 ~~or salespersons and shall not have a financial interest, other~~
2 ~~than as consumers, in the practice of a licensed real estate~~
3 ~~broker or salesperson.~~

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

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

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

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

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

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

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

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

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

31

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

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

6 (2)~~(5)~~(a) The commission ~~advisory committee~~ shall
7 solicit advice and information from real estate licensees, the
8 commission, universities, colleges, real estate schools
9 registered pursuant to this chapter and the general public for
10 the purpose of submitting proposals for carrying out the
11 purposes, objectives, and duties of the foundation.

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

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

29 (3)~~(6)~~(a) The director of the Division of Real Estate
30 of the department, hereinafter referred to as the "director,"
31 or her or his designated representative shall submit to the

1 ~~commission advisory committee~~, in advance of each fiscal year,
2 a budget for expenditures of all funds provided for the
3 foundation in a form that is related to the proposed schedule
4 of activities for the review and approval of the commission
5 ~~advisory committee~~.

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

12 ~~(4)(7)~~ The commission ~~advisory committee~~ shall have
13 the power and authority to adopt all rules necessary to
14 administer this section.

15 ~~(5)(8) Neither~~ The foundation may not ~~nor the~~
16 ~~committee shall be permitted to~~ fund or offer educational
17 courses designed to qualify persons for licensure or the
18 renewal of licenses pursuant to this chapter.

19 ~~(6)(9) Neither~~ The foundation may not ~~nor the~~
20 ~~committee shall~~ expend any funds for the purpose of employing
21 staff.

22 ~~(7)(10)~~ The Treasurer shall invest \$3 million from the
23 portion of the Professional Regulation Trust Fund credited to
24 the real estate profession, under the same limitations as
25 applied to investments of other state funds, and the income
26 earned thereon shall be available to the foundation to fund
27 the activities and projects authorized under this section.
28 However, any balance of such interest in excess of \$1 million
29 shall revert to the portion of the Professional Regulation
30 Trust Fund credited to the real estate profession. In the
31 event the foundation is abolished, the funds in the trust fund

1 shall revert to such portion of the Professional Regulation
2 Trust Fund.

3 Section 50. Paragraph (d) is added to subsection (1)
4 of section 477.0132, Florida Statutes, to read:

5 477.0132 Hair braiding, hair wrapping, and body
6 wrapping registration.--

7 (1)

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

13 Section 51. Section 477.019, Florida Statutes, is
14 amended to read:

15 477.019 Cosmetologists; qualifications; licensure;
16 supervised practice; license renewal; endorsement; continuing
17 education.--

18 (1) A person desiring to be licensed as a
19 cosmetologist shall apply to the department for licensure.

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

22 (a) Is at least 16 years of age or has received a high
23 school diploma.†

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

29 (c)1. Is authorized ~~Holds an active valid license~~ to
30 practice cosmetology in another state or country, has been so
31 authorized ~~held the license~~ for at least 1 year, and does not

1 qualify for licensure by endorsement as provided for in
2 subsection ~~(7)(6)~~; or
3 2. Has successfully completed ~~received~~ a minimum of
4 1,200 actual school hours of training and instruction, the
5 minimum curriculum requirements of which are to be as
6 established by rules adopted by the board. The required
7 training and instruction, which shall include, but shall not
8 be limited to, the equivalent of completion of services
9 directly related to the practice of cosmetology. For purposes
10 of qualifying for licensure, all required training and
11 instruction must comply with the minimum curriculum
12 requirements as established by the board and must be completed
13 at or evaluated and certified to the board by at one of the
14 following, unless an applicant submits sufficient proof, as
15 determined by the board, of satisfactory completion of all
16 required training and instruction with his or her application
17 for evaluation by the board:
18 a. A school of cosmetology licensed pursuant to
19 chapter 246.
20 b. A cosmetology program within the public school
21 system of this state.
22 c. The Cosmetology Division of the Florida School for
23 the Deaf and the Blind, provided the training programs comply
24 with the minimum curriculum requirements established by the
25 board division meets the standards of this chapter.
26 d. A government-operated cosmetology program in this
27 state.
28
29 Certifications and evaluations of training and instruction by
30 each of the schools or programs listed in this paragraph shall
31 be done in accordance with rules adopted by the board.

1 (d) Has successfully completed a licensure examination
2 as established by the board.

3 (3) The board shall establish by rule procedures
4 whereby a person may be determined to be eligible for
5 licensure by examination after a ~~the~~ school or program listed
6 in paragraph (2)(c) has certified ~~may certify~~ that a person
7 has completed ~~is qualified to take the required examination~~
8 ~~after the completion of~~ a minimum of 1,000 actual school
9 hours. If the person then passes the examination, he or she
10 shall have satisfied the training and instruction ~~this~~
11 requirement; but if the person fails the examination, he or
12 she shall not be qualified to take the examination again until
13 the completion of the full requirements provided by this
14 section.

15 (4)~~(3)~~ Upon an applicant receiving a passing grade, as
16 established by board rule, on the examination and paying the
17 initial licensing fee, the department shall issue a license to
18 practice cosmetology.

19 (5)~~(4)~~ Following the completion of the first licensing
20 examination and pending the results of that examination and
21 issuance of a license to practice cosmetology, graduates of
22 licensed cosmetology schools or cosmetology programs offered
23 in public school systems, which schools or programs are
24 certified by the Department of Education, are eligible to
25 practice cosmetology, provided such graduates practice under
26 the supervision of a licensed cosmetologist in a licensed
27 cosmetology salon. A graduate who fails the first examination
28 may continue to practice under the supervision of a licensed
29 cosmetologist in a licensed cosmetology salon if the graduate
30 applies for the next available examination and until the
31 graduate receives the results of that examination. No graduate

1 may continue to practice under this subsection if the graduate
2 fails the examination twice.

3 (6)~~(5)~~ Renewal of license registration shall be
4 accomplished pursuant to rules adopted by the board.

5 (7)~~(6)~~ The board shall adopt rules specifying
6 procedures for the licensure by endorsement of practitioners
7 desiring to be licensed in this state who are authorized to
8 practice cosmetology ~~hold a current active license~~ in another
9 state or country,~~and~~ who meet personal ~~have met~~
10 qualifications substantially similar to, equivalent to, or
11 greater than the qualifications required of applicants for
12 licensure by examination in this state, and who can
13 demonstrate that they have successfully completed a written
14 licensure examination which is determined by the board to be
15 substantially similar to, equivalent to, or more stringent
16 than the examination required by ~~from~~ this state.

17 (8)~~(7)~~(a) The board shall prescribe by rule continuing
18 education requirements intended to ensure protection of the
19 public through updated training of licensees and registered
20 specialists, not to exceed 16 hours biennially, as a condition
21 for renewal of a license or registration as a specialist under
22 this chapter. Continuing education courses shall include, but
23 not be limited to, the following subjects as they relate to
24 the practice of cosmetology: human immunodeficiency virus and
25 acquired immune deficiency syndrome; Occupational Safety and
26 Health Administration regulations; workers' compensation
27 issues; state and federal laws and rules as they pertain to
28 cosmetologists, cosmetology, salons, specialists, specialty
29 salons, and booth renters; chemical makeup as it pertains to
30 hair, skin, and nails; and environmental issues. Courses given
31

1 at cosmetology conferences may be counted toward the number of
2 continuing education hours required if approved by the board.

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

7 (c) The board may, by rule, require any licensee in
8 violation of a continuing education requirement to take a
9 refresher course or refresher course and examination in
10 addition to any other penalty. The number of hours for the
11 refresher course may not exceed 48 hours.

12 Section 52. Section 477.0201, Florida Statutes, is
13 amended to read:

14 477.0201 Specialty registration; qualifications;
15 registration renewal; endorsement.--

16 (1) A ~~Any~~ person desiring to be registered is
17 ~~qualified for registration~~ as a specialist in any one ~~or more~~
18 of the specialty practices within the practice of cosmetology
19 under this chapter shall apply to the department.

20 (2) An applicant shall be eligible for registration as
21 a specialist in one or more of the specialty practices in the
22 practice of cosmetology if the applicant ~~who~~:

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

25 (b) Pays the required application fee, which is not
26 refundable.

27 (c) ~~(b)~~ Has successfully completed all required
28 training and instruction for the specialty practice in which
29 registration is sought, the minimum curriculum requirements of
30 which are to be established by rules adopted by the board. The
31 required training and instruction shall include, but shall not

1 be limited to, the equivalent of completion of specialty
2 services directly related to the practice of the specialty in
3 which registration is sought. For purposes of qualifying for
4 specialty registration, all required training and instruction
5 must comply with the minimum curriculum requirements as
6 established by the board and must be completed at or evaluated
7 by one of the following, unless the applicant submits
8 satisfactory proof, as determined by the board, of successful
9 completion of all required training and instruction with his
10 or her application for evaluation by the board ~~Has received a~~
11 ~~certificate of completion in a specialty pursuant to s.~~
12 ~~477.013(6) from one of the following:~~
13 ~~1. A school licensed pursuant to s. 477.023.~~
14 1.2. A school of cosmetology or a school of the
15 specialty in which registration is sought, licensed pursuant
16 to chapter 246 or the equivalent licensing authority of
17 another state.
18 ~~2.3. A specialty program within the public school~~
19 system of this state.
20 ~~3.4. A specialty division within the Cosmetology~~
21 Division of the Florida School for the Deaf and the Blind,
22 provided the training programs comply with minimum curriculum
23 requirements established by the board.
24 4. A government-operated cosmetology program in this
25 state or a government-operated program in this state in the
26 specialty in which registration is sought.
27
28 Certifications and evaluations of training and instruction by
29 each of the schools or programs listed in this paragraph shall
30 be done in accordance with rules adopted by the board.
31

1 ~~(2) A person desiring to be registered as a specialist~~
2 ~~shall apply to the department in writing upon forms prepared~~
3 ~~and furnished by the department.~~

4 (3) Upon certification by the board and payment of
5 paying the initial registration fee, the department shall
6 register the applicant to practice in one or more of the
7 specialty practice in which registration is sought ~~practices~~
8 ~~within the practice of cosmetology.~~

9 (4) Renewal of registration shall be accomplished
10 pursuant to rules adopted by the board.

11 (5) The board shall adopt rules specifying procedures
12 for the registration by endorsement of specialty practitioners
13 ~~desiring to be registered in this state~~ who are authorized to
14 practice the specialty in which registration is sought in
15 another state or country and who meet personal qualifications
16 ~~have been registered or licensed and are practicing in states~~
17 ~~which have registering or licensing standards~~ substantially
18 similar to, equivalent to, or more stringent than the
19 qualifications required for applicants for registration in
20 ~~standards of~~ this state.

21 (6) Pending issuance of registration, a person is
22 eligible to practice as a specialist upon submission of a
23 registration application that includes proof of successful
24 completion of the education requirements and payment of the
25 applicable fees required by this chapter, provided such
26 practice is under the supervision of a registered specialist
27 in a licensed specialty or cosmetology salon.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 492.107 Seals.--

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

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

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

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

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

17 (2) The department shall issue a license to practice
18 professional geology to any applicant who successfully
19 complies with the requirements of this section. The
20 department shall not issue a license to any applicant who is
21 under investigation in any jurisdiction for an offense which
22 would constitute a violation of this chapter ~~ss.~~

23 ~~492.101-492.1165.~~ Upon completion of the investigation, the
24 disciplinary provisions of s. 492.113 shall apply.

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

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

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

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

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

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

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

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

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

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

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

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

21 492.112 Prohibitions; penalties.--

22 (1) A person may not knowingly:

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

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

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

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

3 492.113 Disciplinary proceedings.--

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

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

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

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

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

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

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

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

31

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

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

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

17 Section 64. The sum of \$500,000 is hereby appropriated
18 from the Professional Regulation Trust Fund to the Department
19 of Business and Professional Regulation for the purpose of
20 disbursing funds to any private corporation or business entity
21 to offset startup costs incurred in the implementation of s.
22 455.32, Florida Statutes, the Management Privatization Act,
23 pursuant to a contract executed by the department.

24 Section 65. This act shall take effect July 1, 2000.
25
26
27
28
29
30
31

HOUSE SUMMARY

Revises various provisions of law relating to regulation of professions under the Department of Business and Professional Regulation.

Provides disqualification from applying for and denial of deputy pilot certification for being found guilty of, or having pled guilty or nolo contendere to, certain crimes. Provides for deposit and disposition of amounts received from imposition of pilotage rates pending rendition of a final order regarding such rates. Provides requirements regarding an administrative law judge's recommended order in a dispute relating to action or proposed action of the Pilotage Rate Review Board.

Revises provisions relating to translation of examinations in Spanish. Provides for approval of continuing education providers. Authorizes the department to adopt rules to provide for waiver of license renewal fees for a limited period of time for any profession whose trust fund moneys are in excess of the amount required to cover the necessary functions of its regulatory board, or the department when there is no board.

Creates the Management Privatization Act. Authorizes the department to contract with a corporation or other business entity to perform support services specified pursuant to contract. Provides contract requirements. Provides corporation powers and responsibilities. Establishes reporting and audit requirements. Provides for future review and repeal.

Defines "absolute auction." Revises requirements relating to the conduct, administration, approval, and scope of the examination for licensure as an auctioneer. Specifies that an auction may only be conducted by an active licensee. Provides requirements for auctioneer apprentices. Adds requirements and responsibilities relating to the conduct of an auction. Deletes exceptions from a requirement that auctions be conducted pursuant to a written agreement. Provides for disciplinary action and penalties against licensees who fail to account for certain property. Authorizes the designee of the Secretary of Business and Professional Regulation to sign vouchers for payment or disbursement from the Auctioneer Recovery Fund. Revises conditions of recovery from the Auctioneer Recovery Fund. Provides for recovery from the fund pursuant to an order issued by the Florida Board of Auctioneers. Deletes a requirement that notice be given to the board at the time action is commenced. Provides limitations on bringing claims for certain acts. Provides subrogation rights for the fund.

190-965D-00

1 Revises requirements for licensure as a community
2 association manager, to include certain prelicensure
3 education. Provides for provider approval. Provides
4 authority to inspect and audit community associations and
5 community association managers and businesses.

6 Repeals a provision relating to a prohibition on employee
7 leasing companies and groups from including employees who
8 engage in services or arrangements that are not within
9 the definition of employee leasing. Modifies
10 qualifications for licensure as an employee leasing
11 company group. Provides prohibitions against offering to
12 practice employee leasing without being licensed and
13 against the use of certain titles relating to employee
14 leasing without being registered.

15 Provides rulemaking authority to the Board of Funeral
16 Directors and Embalmers relating to inspection of direct
17 disposal establishments, funeral establishments, and
18 cinerator facilities and the records of each
19 establishment or facility. Requires board approval of
20 continuing education providers. Revises provisions
21 relating to continuing education hours. Revises
22 provisions relating to registration as a direct disposer,
23 including fee-setting responsibility, and prohibits the
24 department from issuing future registrations. Prohibits
25 colocation of certain direct disposal establishments with
26 more than one funeral establishment or direct disposal
27 establishment. Revises provisions relating to
28 registration of centralized embalming facilities to
29 provide for operating procedures. Provides requirements
30 for full-time embalmers in charge.

31 Updates references relating to regulation of engineering
to incorporate provisions relating to the Florida
Engineers Management Corporation and engineers performing
building code inspector duties. Defines the term "retired
professional engineer." Revises educational requirements
for licensure by endorsement. Grants the Board of
Professional Engineers rulemaking authority to establish
biennial licensure renewal procedures. Replaces
continuing education provisions with provisions requiring
certain demonstration of continuing professional
competency. Separates provisions relating to building
code training from provisions relating to licensure
reactivation requirements. Requires final bid documents
to be signed, dated, and sealed and authorizes the
electronic transfer of such documents. Provides a penalty
for concealing information relative to violations of ch.
471, F.S., relating to engineering.

Extends operation of provisions authorizing licensure to
practice public accounting based on certain experience.
Authorizes the use of certain titles relating to public
accountancy by persons not licensed in this state and
provides requirements with respect thereto.

190-965D-00

1 Revises the definition of "veterinarian" to specify that
2 such a person is a health care practitioner. Revises and
3 provides exemptions from regulation under ch. 474, F.S.,
4 relating to veterinary medical practice. Provides that
5 certain exempt persons are duly licensed practitioners
6 for purposes of prescribing drugs or medicinal supplies.
7 Provides that criteria for providers of continuing
8 veterinary medical education shall be approved by the
9 board. Increases the administrative fine. Requires
10 limited service permittees to register each location and
11 pay a registration fee. Provides requirements for certain
12 temporary rabies vaccination efforts. Provides permit and
13 other requirements for persons who are not licensed
14 veterinarians, but who desire to own and operate a
15 veterinary medical establishment. Provides disciplinary
16 actions applicable to holders of premises permits.
17 Provides requirements with respect to ownership and
18 control of veterinary medical patient records. Provides
19 for the furnishing of reports or copies of records.
20 Provides for participation of veterinarians in impaired
21 practitioner treatment programs.

22 Abolishes the Florida Real Estate Commission Education
23 and Research Foundation Advisory Committee and transfers
24 its duties to the commission.

25 Restricts to the Board of Cosmetology authority to
26 review, evaluate, and approve courses required for hair
27 braiding, hair wrapping, and body wrapping registration,
28 and exempts providers of such courses from licensure
29 under ch. 246, F.S., relating to nonpublic postsecondary
30 institutions. Revises requirements for licensure to
31 practice cosmetology, including fees. Revises
requirements for registration as a specialist in a
specialty practice within the practice of cosmetology,
including fees.

Updates cross references in provisions relating to
regulation of professional geology. Revises provisions
relating to the use of seals by licensed geologists.
Provides requirements relating to geologists of record
for firms, corporations, and partnerships.

See bill for details.