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LEGISLATIVE ACTION

Senate	.	House
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Floor: AD/CR	.	
05/08/2009 12:38 PM	.	
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The Conference Committee on CS for SB 1754 recommended the following:

Senate Conference Committee Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (7) of section 455.217, Florida Statutes, is amended to read:

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

(7) In addition to meeting ~~any~~ other requirements for



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12 licensure by examination or by endorsement, an applicant may be
13 required by a board, or by the department, if there is no board,
14 to pass an examination pertaining to state laws and rules
15 applicable to the practice of the profession regulated by that
16 board or by the department. This subsection does not apply to
17 persons regulated under chapter 473.

18 Section 2. Section 473.305, Florida Statutes, is amended to
19 read:

20 473.305 Fees.—The board, by rule, may establish fees to be
21 paid for applications, examination, reexamination, licensing and
22 renewal, reinstatement, and recordmaking and recordkeeping. The
23 fee for the examination shall be established at an amount that
24 covers the costs for the procurement or development,
25 administration, grading, and review of the examination. The fee
26 for the examination is refundable if the applicant is found to
27 be ineligible to sit for the examination. The fee for initial
28 application is nonrefundable, and the combined fees for
29 application and examination may not exceed \$250 plus the actual
30 per applicant cost to the department for purchase of the
31 examination from the American Institute of Certified Public
32 Accountants or a similar national organization. The biennial
33 renewal fee may not exceed \$250. The board may also establish,
34 by rule, a reactivation fee, ~~a late filing fee for the law and~~
35 ~~rules examination,~~ and a delinquency fee not to exceed \$50 for
36 continuing professional education reporting forms. The board
37 shall establish fees which are adequate to ensure the continued
38 operation of the board and to fund the proportionate expenses
39 incurred by the department which are allocated to the regulation
40 of public accountants. Fees shall be based on department



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41 estimates of the revenue required to implement this chapter and
42 the provisions of law with respect to the regulation of
43 certified public accountants.

44 Section 3. Subsection (1) of section 473.311, Florida
45 Statutes, is amended to read:

46 473.311 Renewal of license.—

47 (1) The department shall renew a license upon receipt of
48 the renewal application and fee and upon certification by the
49 board that the licensee has satisfactorily completed the
50 continuing education requirements of s. 473.312 and has passed
51 an examination approved by the board on chapter 455 and this
52 chapter and the related administrative rules. However, each
53 licensee must complete the requirements of s. 473.312(1)(c)
54 prior to taking the examination.

55 Section 4. Subsection (3) of section 473.313, Florida
56 Statutes, is amended to read:

57 473.313 Inactive status.—

58 (3) Any licensee holding an inactive license may be
59 permitted to reactivate such license in a conditional manner.
60 The conditions of reactivation shall require, in addition to the
61 payment of fees, the passing of the examination approved by the
62 board concerning chapter 455 and this chapter, and the related
63 administrative rules, and the completion of required continuing
64 education.

65 Section 5. Subsections (7) through (17) of section
66 550.2415, Florida Statutes, are amended to read:

67 550.2415 Racing of animals under certain conditions
68 prohibited; penalties; exceptions.—

69 ~~(7) All moneys recovered for violations of this section~~



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70 ~~shall be kept in a separate fund to be deposited into the Pari-~~
71 ~~mutuel Wagering Trust Fund and shall be used for research~~
72 ~~relating to the medication of racing animals. Such recovered~~
73 ~~moneys shall be supervised and used by the division to contract~~
74 ~~with a reputable college or school of veterinary medicine or its~~
75 ~~designee in accordance with this subsection.~~

76 (7)~~(8)~~ Under no circumstances may any medication be
77 administered closer than 24 hours prior to the officially
78 scheduled post time of a race except as provided for in this
79 section.

80 (a) The division shall adopt rules setting conditions for
81 the use of furosemide to treat exercise-induced pulmonary
82 hemorrhage.

83 (b) The division shall adopt rules setting conditions for
84 the use of prednisolone sodium succinate, but under no
85 circumstances may furosemide or prednisolone sodium succinate be
86 administered closer than 4 hours prior to the officially
87 scheduled post time for the race.

88 (c) The division shall adopt rules setting conditions for
89 the use of phenylbutazone and synthetic corticosteroids; in no
90 case, except as provided in paragraph (b), shall these
91 substances be given closer than 24 hours prior to the officially
92 scheduled post time of a race. Oral corticosteroids are
93 prohibited except when prescribed by a licensed veterinarian and
94 reported to the division on forms prescribed by the division.

95 (d) Nothing in this section shall be interpreted to
96 prohibit the use of vitamins, minerals, or naturally occurring
97 substances so long as none exceeds the normal physiological
98 concentration in a race-day ~~race-day~~ specimen.



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99 (e) The division may, by rule, establish acceptable levels
100 of permitted medications and shall select the appropriate
101 biological specimens by which the administration of permitted
102 medication is monitored.

103 ~~(8)~~(9)(a) Under no circumstances may any medication be
104 administered within 24 hours before the officially scheduled
105 post time of the race except as provided in this section.

106 (b) As an exception to this section, if the division first
107 determines that the use of furosemide, phenylbutazone, or
108 prednisolone sodium succinate in horses is in the best interest
109 of racing, the division may adopt rules allowing such use. Any
110 rules allowing the use of furosemide, phenylbutazone, or
111 prednisolone sodium succinate in racing must set the conditions
112 for such use. Under no circumstances may a rule be adopted which
113 allows the administration of furosemide or prednisolone sodium
114 succinate within 4 hours before the officially scheduled post
115 time for the race. Under no circumstances may a rule be adopted
116 which allows the administration of phenylbutazone or any other
117 synthetic corticosteroid within 24 hours before the officially
118 scheduled post time for the race. Any administration of
119 synthetic corticosteroids is limited to parenteral routes. Oral
120 administration of synthetic corticosteroids is expressly
121 prohibited. If this paragraph is unconstitutional, it is
122 severable from the remainder of this section.

123 (c) The division shall, by rule, establish acceptable
124 levels of permitted medications and shall select the appropriate
125 biological specimen by which the administration of permitted
126 medications is monitored.

127 ~~(9)~~(10)(a) The division may conduct a postmortem



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128 examination of any animal that is injured at a permitted
129 racetrack while in training or in competition and that
130 subsequently expires or is destroyed. The division may conduct a
131 postmortem examination of any animal that expires while housed
132 at a permitted racetrack, association compound, or licensed
133 kennel or farm. Trainers and owners shall be requested to comply
134 with this paragraph as a condition of licensure.

135 (b) The division may take possession of the animal upon
136 death for postmortem examination. The division may submit blood,
137 urine, other bodily fluid specimens, or other tissue specimens
138 collected during a postmortem examination for testing by the
139 division laboratory or its designee. Upon completion of the
140 postmortem examination, the carcass must be returned to the
141 owner or disposed of at the owner's option.

142 ~~(10)-(11)~~ The presence of a prohibited substance in an
143 animal, found by the division laboratory in a bodily fluid
144 specimen collected during the postmortem examination of the
145 animal, which breaks down during a race constitutes a violation
146 of this section.

147 ~~(11)-(12)~~ The cost of postmortem examinations, testing, and
148 disposal must be borne by the division.

149 ~~(12)-(13)~~ The division shall adopt rules to implement this
150 section. The rules may include a classification system for
151 prohibited substances and a corresponding penalty schedule for
152 violations.

153 ~~(13)-(14)~~ Except as specifically modified by statute or by
154 rules of the division, the Uniform Classification Guidelines for
155 Foreign Substances, revised February 14, 1995, as promulgated by
156 the Association of Racing Commissioners International, Inc., is



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157 hereby adopted by reference as the uniform classification system
158 for class IV and V medications.

159 ~~(14)-(15)~~ The division shall utilize only the thin layer
160 chromatography (TLC) screening process to test for the presence
161 of class IV and V medications in samples taken from racehorses
162 except when thresholds of a class IV or class V medication have
163 been established and are enforced by rule. Once a sample has
164 been identified as suspicious for a class IV or class V
165 medication by the TLC screening process, the sample will be sent
166 for confirmation by and through additional testing methods. All
167 other medications not classified by rule as a class IV or class
168 V agent shall be subject to all forms of testing available to
169 the division.

170 ~~(15)-(16)~~ The division may ~~shall~~ implement by rule
171 medication levels recommended ~~finalized~~ by the University of
172 Florida College of Veterinary Medicine developed pursuant to an
173 agreement between the Division of Pari-mutuel Wagering and the
174 University of Florida College of Veterinary Medicine. ~~the~~
175 ~~Pharmacokinetic and Clearance Study Agreement by and between the~~
176 ~~Florida Department of Business and Professional Regulation~~
177 ~~Division of Pari-mutuel Wagering and the University of Florida~~
178 ~~College of Veterinary Medicine. Research on a drug level is~~
179 ~~finalized when~~ The University of Florida College of Veterinary
180 Medicine may provide ~~provides~~ written notification to the
181 division that it has completed ~~its~~ research or review on a
182 particular drug pursuant to the agreement and when the College
183 of Veterinary Medicine has completed ~~provides~~ a final report of
184 its findings, conclusions, and recommendations to the division.

185 ~~(16)-(17)~~ The testing medium for phenylbutazone in horses



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186 shall be serum, and the division may collect up to six full 15-
187 milliliter blood tubes for each horse being sampled.

188 Section 6. This act shall take effect July 1, 2009.

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190 ===== T I T L E A M E N D M E N T =====

191 And the title is amended as follows:

192 Delete everything before the enacting clause
193 and insert:

194 A bill to be entitled

195 An act relating to the Department of Business and
196 Professional Regulation; amending s. 455.217, F.S.;
197 exempting certified public accountants from passage of
198 an examination pertaining to state laws and rules
199 applicable to the practice of the profession; amending
200 ss. 473.305, 473.311, and 473.313, F.S.; removing
201 provisions authorizing a late filing fee for the laws
202 and rules examination, provisions requiring passage of
203 the examination for license renewal, and provisions
204 requiring passage of the examination for reactivation
205 of an inactive license to conform to the exemption
206 provided by the act; amending s. 550.2415, F.S.;
207 deleting provisions for certain moneys to be used for
208 research relating to the medication of racing animals;
209 deleting provisions relating to the Pharmacokinetic
210 and Clearance Study Agreement by and between the
211 Department of Business and Professional Regulation
212 Division of Pari-mutuel Wagering and the University of
213 Florida College of Veterinary Medicine; revising
214 provisions for implementation by the division of



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medication levels; providing an effective date.