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1
2 An act relating to the Department of Business and
3 Professional Regulation; amending s. 455.217, F.S.;
4 exempting certified public accountants from passage of
5 an examination pertaining to state laws and rules
6 applicable to the practice of the profession; amending
7 ss. 473.305, 473.311, and 473.313, F.S.; removing
8 provisions authorizing a late filing fee for the laws
9 and rules examination, provisions requiring passage of
10 the examination for license renewal, and provisions
11 requiring passage of the examination for reactivation
12 of an inactive license to conform to the exemption
13 provided by the act; amending s. 550.2415, F.S.;
14 deleting provisions for certain moneys to be used for
15 research relating to the medication of racing animals;
16 deleting provisions relating to the Pharmacokinetic
17 and Clearance Study Agreement by and between the
18 Department of Business and Professional Regulation
19 Division of Pari-mutuel Wagering and the University of
20 Florida College of Veterinary Medicine; revising
21 provisions for implementation by the division of
22 medication levels; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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

28 455.217 Examinations.—This section shall be read in
29 conjunction with the appropriate practice act associated with

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30 each regulated profession under this chapter.

31 (7) In addition to meeting ~~any~~ other requirements for
32 licensure by examination or by endorsement, an applicant may be
33 required by a board, or by the department, if there is no board,
34 to pass an examination pertaining to state laws and rules
35 applicable to the practice of the profession regulated by that
36 board or by the department. This subsection does not apply to
37 persons regulated under chapter 473.

38 Section 2. Section 473.305, Florida Statutes, is amended to
39 read:

40 473.305 Fees.—The board, by rule, may establish fees to be
41 paid for applications, examination, reexamination, licensing and
42 renewal, reinstatement, and recordmaking and recordkeeping. The
43 fee for the examination shall be established at an amount that
44 covers the costs for the procurement or development,
45 administration, grading, and review of the examination. The fee
46 for the examination is refundable if the applicant is found to
47 be ineligible to sit for the examination. The fee for initial
48 application is nonrefundable, and the combined fees for
49 application and examination may not exceed \$250 plus the actual
50 per applicant cost to the department for purchase of the
51 examination from the American Institute of Certified Public
52 Accountants or a similar national organization. The biennial
53 renewal fee may not exceed \$250. The board may also establish,
54 by rule, a reactivation fee, ~~a late filing fee for the law and~~
55 ~~rules examination,~~ and a delinquency fee not to exceed \$50 for
56 continuing professional education reporting forms. The board
57 shall establish fees which are adequate to ensure the continued
58 operation of the board and to fund the proportionate expenses

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59 incurred by the department which are allocated to the regulation
60 of public accountants. Fees shall be based on department
61 estimates of the revenue required to implement this chapter and
62 the provisions of law with respect to the regulation of
63 certified public accountants.

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

66 473.311 Renewal of license.—

67 (1) The department shall renew a license upon receipt of
68 the renewal application and fee and upon certification by the
69 board that the licensee has satisfactorily completed the
70 continuing education requirements of s. 473.312 ~~and has passed~~
71 ~~an examination approved by the board on chapter 455 and this~~
72 ~~chapter and the related administrative rules. However, each~~
73 ~~licensee must complete the requirements of s. 473.312(1)(c)~~
74 ~~prior to taking the examination.~~

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

77 473.313 Inactive status.—

78 (3) Any licensee holding an inactive license may be
79 permitted to reactivate such license in a conditional manner.
80 The conditions of reactivation shall require, ~~in addition to the~~
81 ~~payment of fees, the passing of the examination approved by the~~
82 ~~board concerning chapter 455 and this chapter, and the related~~
83 ~~administrative rules,~~ and the completion of required continuing
84 education.

85 Section 5. Subsections (7) through (17) of section
86 550.2415, Florida Statutes, are amended to read:

87 550.2415 Racing of animals under certain conditions

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88 prohibited; penalties; exceptions.—

89 ~~(7) All moneys recovered for violations of this section~~
90 ~~shall be kept in a separate fund to be deposited into the Pari-~~
91 ~~mutuel Wagering Trust Fund and shall be used for research~~
92 ~~relating to the medication of racing animals. Such recovered~~
93 ~~moneys shall be supervised and used by the division to contract~~
94 ~~with a reputable college or school of veterinary medicine or its~~
95 ~~designee in accordance with this subsection.~~

96 (7)~~(8)~~ Under no circumstances may any medication be
97 administered closer than 24 hours prior to the officially
98 scheduled post time of a race except as provided for in this
99 section.

100 (a) The division shall adopt rules setting conditions for
101 the use of furosemide to treat exercise-induced pulmonary
102 hemorrhage.

103 (b) The division shall adopt rules setting conditions for
104 the use of prednisolone sodium succinate, but under no
105 circumstances may furosemide or prednisolone sodium succinate be
106 administered closer than 4 hours prior to the officially
107 scheduled post time for the race.

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

115 (d) Nothing in this section shall be interpreted to
116 prohibit the use of vitamins, minerals, or naturally occurring

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117 substances so long as none exceeds the normal physiological
118 concentration in a race-day ~~race-day~~ specimen.

119 (e) The division may, by rule, establish acceptable levels
120 of permitted medications and shall select the appropriate
121 biological specimens by which the administration of permitted
122 medication is monitored.

123 (8)~~(9)~~(a) Under no circumstances may any medication be
124 administered within 24 hours before the officially scheduled
125 post time of the race except as provided in this section.

126 (b) As an exception to this section, if the division first
127 determines that the use of furosemide, phenylbutazone, or
128 prednisolone sodium succinate in horses is in the best interest
129 of racing, the division may adopt rules allowing such use. Any
130 rules allowing the use of furosemide, phenylbutazone, or
131 prednisolone sodium succinate in racing must set the conditions
132 for such use. Under no circumstances may a rule be adopted which
133 allows the administration of furosemide or prednisolone sodium
134 succinate within 4 hours before the officially scheduled post
135 time for the race. Under no circumstances may a rule be adopted
136 which allows the administration of phenylbutazone or any other
137 synthetic corticosteroid within 24 hours before the officially
138 scheduled post time for the race. Any administration of
139 synthetic corticosteroids is limited to parenteral routes. Oral
140 administration of synthetic corticosteroids is expressly
141 prohibited. If this paragraph is unconstitutional, it is
142 severable from the remainder of this section.

143 (c) The division shall, by rule, establish acceptable
144 levels of permitted medications and shall select the appropriate
145 biological specimen by which the administration of permitted

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146 medications is monitored.

147 (9)~~(10)~~(a) The division may conduct a postmortem
148 examination of any animal that is injured at a permitted
149 racetrack while in training or in competition and that
150 subsequently expires or is destroyed. The division may conduct a
151 postmortem examination of any animal that expires while housed
152 at a permitted racetrack, association compound, or licensed
153 kennel or farm. Trainers and owners shall be requested to comply
154 with this paragraph as a condition of licensure.

155 (b) The division may take possession of the animal upon
156 death for postmortem examination. The division may submit blood,
157 urine, other bodily fluid specimens, or other tissue specimens
158 collected during a postmortem examination for testing by the
159 division laboratory or its designee. Upon completion of the
160 postmortem examination, the carcass must be returned to the
161 owner or disposed of at the owner's option.

162 (10)~~(11)~~ The presence of a prohibited substance in an
163 animal, found by the division laboratory in a bodily fluid
164 specimen collected during the postmortem examination of the
165 animal, which breaks down during a race constitutes a violation
166 of this section.

167 (11)~~(12)~~ The cost of postmortem examinations, testing, and
168 disposal must be borne by the division.

169 (12)~~(13)~~ The division shall adopt rules to implement this
170 section. The rules may include a classification system for
171 prohibited substances and a corresponding penalty schedule for
172 violations.

173 (13)~~(14)~~ Except as specifically modified by statute or by
174 rules of the division, the Uniform Classification Guidelines for

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175 Foreign Substances, revised February 14, 1995, as promulgated by
176 the Association of Racing Commissioners International, Inc., is
177 hereby adopted by reference as the uniform classification system
178 for class IV and V medications.

179 (14)~~(15)~~ The division shall utilize only the thin layer
180 chromatography (TLC) screening process to test for the presence
181 of class IV and V medications in samples taken from racehorses
182 except when thresholds of a class IV or class V medication have
183 been established and are enforced by rule. Once a sample has
184 been identified as suspicious for a class IV or class V
185 medication by the TLC screening process, the sample will be sent
186 for confirmation by and through additional testing methods. All
187 other medications not classified by rule as a class IV or class
188 V agent shall be subject to all forms of testing available to
189 the division.

190 (15)~~(16)~~ The division may ~~shall~~ implement by rule
191 medication levels recommended ~~finalized~~ by the University of
192 Florida College of Veterinary Medicine developed pursuant to an
193 agreement between the Division of Pari-mutuel Wagering and the
194 University of Florida College of Veterinary Medicine. ~~the~~
195 ~~Pharmacokinetic and Clearance Study Agreement by and between the~~
196 ~~Florida Department of Business and Professional Regulation~~
197 ~~Division of Pari-mutuel Wagering and the University of Florida~~
198 ~~College of Veterinary Medicine. Research on a drug level is~~
199 ~~finalized when~~ The University of Florida College of Veterinary
200 Medicine may provide ~~provides~~ written notification to the
201 division that it has completed ~~its~~ research or review on a
202 particular drug pursuant to the agreement and when the College
203 of Veterinary Medicine has completed ~~provides~~ a final report of

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204 its findings, conclusions, and recommendations to the division.

205 (16)~~(17)~~ The testing medium for phenylbutazone in horses
206 shall be serum, and the division may collect up to six full 15-
207 milliliter blood tubes for each horse being sampled.

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