Session Law 83-329

Florida Senate & House of Representatives

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H 0010 GENERAL BILL/CS BY COMMERCE, BILL (SIMILAR ENG'S GO.1/)
HOUSE BILL PENDING ON CONSIDERATION OF GENERAL POWERS & RULES OF INSURANCE DEPT. & SECURITY DEPOSITS; PROVIDES FOR DEPOSIT OF ADDITIONAL SECURITIES UNDER CERTAIN CIRCUMSTANCES; REQUIRES NOTICE OF UNFAIR PRACTICES TO COMPANIES, ETC. AMENDS/REVISES/REAPPTS CH. 639; REPEALS 639.309(1), 316. EFFECTIVE DATE: 10/01/83.

H 0011 HOUSE NOTE: SIMILAR TO HB 1067 & SB 207 REGULAR SESSION;

H 0012 HOUSE INTRODUCTION ALLOWED: INTRODUCED, REFERRED TO COMMERCE;

H 0013 HOUSE COMM. ALPPTS: C/S PLACED ON CALENDAR BY COMMERCE:

H 0014 HOUSE COMM. REPORT: C/S REMOVED FROM CALENDAR;

H 0015 HOUSE COMM. REPORT: C/S PLACED ON CALENDAR;

H 0016 HOUSE COMM. REPORT: C/S PLACED ON CALENDAR;

H 0017 HOUSE COMM. REPORT: C/S REMOVED FROM CALENDAR;

H 0018 HOUSE COMM. REPORT: C/S PLACED ON CALENDAR;

H 0019 HOUSE COMM. REPORT: C/S PLACED ON CALENDAR;

H 0020 HOUSE COMM. REPORT: C/S PLACED ON CALENDAR;

H 0021 HOUSE COMM. REPORT: C/S PLACED ON CALENDAR;

H 0022 HOUSE COMM. REPORT: C/S PLACED ON CALENDAR;

H 0023 HOUSE COMM. REPORT: C/S PLACED ON CALENDAR;

H 0024 HOUSE COMM. REPORT: C/S PLACED ON CALENDAR;

H 0025 HOUSE COMM. REPORT: C/S PLACED ON CALENDAR;

H 0026 HOUSE COMM. REPORT: C/S PLACED ON CALENDAR;

H 0027 HOUSE COMM. REPORT: C/S PLACED ON CALENDAR;

H 0028 HOUSE COMM. REPORT: C/S PLACED ON CALENDAR;

H 0029 HOUSE COMM. REPORT: C/S PLACED ON CALENDAR;

H 0030 HOUSE COMM. REPORT: C/S PLACED ON CALENDAR;
06/16/83 SENATE FILED; INTRODUCTION ALLOWED; INTRODUCED; REFERRED TO DEPT. TO DEVELOP PROGRAM OF INSPECTING PACKAGE SEWAGE TREATMENT FACILITIES, ETC. AMENDS F.S.S. APPROPRIATION. EFFECTIVE DATE: 07/01/83.
06/16/83 SENATE NOTE: SIMILAR TO SB 1109 REGULAR SESSION; FILED; INTRODUCTION ALLOWED; REFERRED TO NATURAL RESOURCES AND CONSERVATION -SJ 00021
06/24/83 SENATE DIED IN COMMITTEE; REFER TO HB 47-B (CH. 83-3101)

5 0033 LOCAL BILL BY MYERS (IDENTICAL H 0042)
PALM BEACH COUNTY HOSPITAL DISTRICT; CREATES SAID DISTRICT & ESTABLISHES BOUNDARIES; PROVIDES FOR MEMBERSHIP, POWERS, & DUTIES OF DISTRICT BOARD OF COMMISSIONERS; AUTHORIZES PALM BEACH CO. BOARD OF COUNTY COMMISSIONERS TO LEVY AD VALOREM TAXES FOR DISTRICT; PROVIDES FOR REFERENDUM. EFFECTIVE DATE: CONTINGENT.
06/16/83 SENATE NOTE: SIMILAR TO SB 1191 REGULAR SESSION; FILED; INTRODUCTION ALLOWED; REFERRED TO RULES AND CALENDAR; WITHDRAWD FROM RULES AND CALENDAR; PASSED;

06/16/83 HOUSE IN MESSAGES; RECEIVED; INTRODUCTION ALLOWED; PLACED ON CALENDAR; READING SECOND TIME; READING THIRD TIME; PASSED; YEAS 80 NAYS 29 -HJ 00143

5 0034 GENERAL BILL BY KIRKPATRICK INSURANCE & CIVIL ACTIONS; SPECIFIES GROUNDS FOR DISCRIMINATORY PROCEEDINGS AGAINST PHYSICIANS BY MEDICAL EXAMINERS BOARD; REQUIRES BOARD TO INVESTIGATE CLAIMS OF PROFESSIONAL LIABILITY; AMENDS CH. 395, F.S. 10-033, EFFECTIVE DATE: 07/01/83.
06/16/83 SENATE NOTE: IDENTICAL TO HB 1017 REGULAR SESSION; FILED; INTRODUCTION ALLOWED; INTRODUCED; REFERRED TO COMMERCE; WITHDRAWN FROM COMMERCE -SJ 00023; PLACED ON SPECIAL ORDER CALENDAR -SJ 00031; PASSED; YEAS 26 NAYS 7 -SJ 00034

06/16/83 HOUSE IN MESSAGES; RECEIVED; INTRODUCTION REFUSED; RECONSIDERED; INTRODUCTION REFUSED -HJ 00070

5 0035 GENERAL BILL BY GERSTEN (COMPARE H 0024)
DOCUMENTS ISSUED AUTHORIZES CERTAIN CHARTER COUNTIES TO LEVY DISCRETIONARY SURCHARGE ON CERTAIN DOCUMENTS TO PROVIDE FOR ACQUISITION/CONSTRUCTION/IMPROVEMENT OF LOCAL JAILS & RELATED FACILITIES; PROVIDES LIMITATIONS & PROCEDURES; PROVIDES FOR REFERENDUM, ETC. CREATES 115.0107, 204.033. EFFECTIVE DATE 10/01/83.
06/18/83 SENATE FILED; INTRODUCTION ALLOWED; INTRODUCED -SJ 00029; PLACED ON SPECIAL ORDER CALENDAR -SJ 00031; PASSED AS AMENDED; YEAS 115 NAYS 0 -HJ 00067
06/18/83 HOUSE IN MESSAGES; RECEIVED; INTRODUCTION REFUSED; RECONSIDERED; INTRODUCTION REFUSED -HJ 00067

06/18/83 HOUSE DIED IN MESSAGES

5 0036 GENERAL BILL BY GIRAIDOE PRECIOUS METALS; AMEND S. 1, CH. 83-94, AUTHORIZING A PRECIOUS METALS DEALER TO ACCEPT CERTAIN FORMS OF IDENTIFICATION IN LIEU OF A DRIVER'S LICENSE; PROVIDES PENALTIES. EFFECTIVE DATE: 07/13/83.
06/16/83 SENATE NOTE: AMENDS HB 303 (CH. 83-94) FILED; INTRODUCTION ALLOWED; INTRODUCED; REFERRED TO COMMERCE; WITHDRAWN FROM COMMERCE; PLACED ON SPECIAL ORDER CALENDAR -SJ 00031; PASSED; YEAS 36 NAYS 0 -SJ 00033
06/18/83 HOUSE IN MESSAGES; RECEIVED; INTRODUCTION ALLOWED; PLACED ON CALENDAR; READING SECOND TIME; READING THIRD TIME; PASSED; YEAS 105 NAYS 5 -HJ 00034
06/23/83 HOUSE ORDERED EMANDED -SJ 00043
06/23/83 SENATE FILED; INTRODUCTION ALLOWED; PLACED ON CALENDAR; READING SECOND TIME; READING THIRD TIME; PASSED; YEAS 105 NAYS 5 -HJ 00034

5 0037 GENERAL BILL BY JOHNSTON & OTHERS (SIMILAR H 0053)
TRANSPORTATION; PROHIBITS SPECIFIED USES OF FUNDS IN CONTINUED ON NEXT PAGE

SPECIAL SESSION **
S 0685 GENERAL BILL BY GIRARDEAU (IDENTICAL H 5086)

EDUCATION: REQUIRES COMMUNITY COLLEGE DISTRICT BOARDS OF TRUSTEES TO PERMIT STUDENTS 60 YEARS OF AGE OR OLDER TO ENROLL IN MAXIMUM OF 6 CREDIT HOURS UPON INSTRUCTION ON NONM严重 Basis UP TO LIMIT OF FULL-TIME EQUIVALENT STUDENT ENROLLMENT AT EACH COMMUNITY COLLEGE.

AMENDS 240-349, EFFECTIVE DATE: 06/03/83.

04/13/83 SENATE INTRODUCED; REFERRED TO EDUCATION, APPROPRIATIONS

04/27/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE EDUCATION

05/11/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE EDUCATION

06/03/83 SENATE INDEFINITELY POSTPONED & W/D (SCR 12091) WAS IN COMMITTEE ON EDUCATION.

S 0686 GENERAL BILL/LCS BY HEALTH AND REHABILITATIVE SERVICES, HARR, SCOTT

(SIMILAR ENG/H 1127, COMPARE S 4455)

PATIENT RECORDS: PROVIDES THAT MEDICAL RECORDS MAY BE FURNISHED TO CERTAIN PERSONS IN SPECIFIED CIRCUMSTANCES. AMENDS 455.261, 395.817. EFFECTIVE DATE: 10/01/83.

04/13/83 SENATE FILED

04/21/83 SENATE INTRODUCED; REFERRED TO HEALTH AND REHABILITATIVE SERVICES, JUDICIARY-CIVIL - SJ 00094

05/21/83 SENATE ON COMMITTEE AGENDA -- H 1020; CS/S 05/30/83, 10:00 AM, RM. H.

05/23/83 SENATE C/S COMBINES THIS BILL AND S 4455; COMM. REPORT: C/S BY HEALTH AND REHABILITATIVE SERVICES - SJ 00200; CS/S 05/30/83, 10:00 AM, RM. H.

S 0687 GENERAL BILL BY HENDERSON (IDENTICAL H 1422), COMPARE ENG/H 1480

TRUST FUND DEPOSITS: REQUIRES CERTAIN MONEYS COLLECTED TO BE DEPOSITED IN DIVISION OF LICENSING TRUST FUND; REQUIRES RECOVERED CIVIL PENALTIES, ATTORNEYS FEES, FEE COURT COSTS TO BE DEPOSITED IN DIVISION OF LICENSING TRUST FUND, ETC. AMENDS 496.285, 335. EFFECTIVE DATE: UPON BECOMING LAW.

04/11/83 SENATE FILED

04/13/83 SENATE INTRODUCED; REFERRED TO APPROPRIATIONS - SJ 00094

06/04/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE APPROPRIATIONS

05/13/83 SENATE WITHDRAWN FROM COMMISSION AGENDA -- C/S 12093; PLACED ON CALENDAR.

06/25/83 SENATE PLACED ON CURRENT CALENDAR; AMENDMENT ADOPTED; IDEN./SIM. HOUSE BILL SUBSTITUTED; LAID ON TABLE UNDER RULE IDEN./SIM./COMPARE BILL PASSED, REFER TO HB 1127 (CH. 83-108) - SJ 00394

S 0688 GENERAL BILL BY ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS, GERSTEN

(CONTINUED ON NEXT PAGE)
H 1311 LOCAL BILL BY MITCHELL
JACKSON CO./AGGIE CITY: ESTABLISHES & ORGANIZES A MUNICIPALITY TO BE KNOWN AS "AGGIE CITY" IN SAID COUNTY. DEFINES TERRITORIAL BOUNDARIES; PROVIDES FOR ITS GOVERNMENT, JURISDICTION, POWERS, FRANCHISES; IMMUNITIES, PRIVILEGES & MEANS FOR EXERCISING SAME, ETC. EFFECTIVE DATE: 10/01/83.

07/25/83 HOUSE FILED
07/27/83 HOUSE FILED
07/27/83 SENATE IN MESSAGES
07/31/83 SENATE RECEIVED, REFERRED TO RULES AND CALENDAR - SJ 00596;

H 1312 RESOLUTION BY COATTING, MARTIN
WORLD CUP CHAMPIONSHIP: FULL SUPPORT OF HOUSE OF REPRESENTATIVES TO U. S. SOCCER FEDERATION IN ITS BID TO HOST THE 1986 WORLD CUP CHAMPIONSHIP & FOR USE OF EXISTING FLORIDA STADIUMS AS SITES FOR WORLD CUP TOURNAMENT MATCHES.

07/26/83 HOUSE FILED
07/27/83 HOUSE INTRODUCED, REFERRED TO RULES & CALENDAR - HJ 00641

H 1313 RESOLUTION BY THOMPSON
TASCHIDA CARRI MARIE: HONORS MISS CAROL MARIE TASCHIDA, THE 1983 FLORIDA SWEETHEART.

07/25/83 HOUSE FILED
07/17/83 HOUSE INTRODUCED, REFERRED TO RULES & CALENDAR - HJ 00640
07/25/83 HOUSE WITHDRAWN FROM RULES & CALENDAR - HJ 00621;

H 1314 RESOLUTION BY THOMPSON, MITCHELL
CHIPOLA JUNIOR COLLEGE: COMMENDS CHIPOLA JUNIOR COLLEGE BASEBALL TEAM FOR WINNING THE 1983 STATE JUNIOR COLLEGE BASEBALL CHAMPIONSHIP.

07/15/83 HOUSE INTRODUCED, REFERRED TO RULES & CALENDAR - HJ 00460
07/25/83 HOUSE INTRODUCED, REFERRED TO RULES & CALENDAR - HJ 00632;

H 1315 LOCAL BILL BY HOLLINGSWORTH (IDENTICAL S 194)
SUMMARY (S/FLORIDA FISHING): AUTHORIZES & DIRECTS TAX COLLECTOR TO CONSTRUCT ADDITIONAL FEE ON EACH FRESHWATER FISHING LICENSE ISSUED; PROVIDES FOR USE OF SUCH FUNDS; PROVIDES QUALIFICATIONS. EFFECTIVE DATE: 07/01/83.

07/13/83 HOUSE FILED
07/17/83 HOUSE INTRODUCED, REFERRED TO NATURAL RESOURCES, FINANCE & TAXATION; COMMUNITY AFFAIRS - HJ 00440
07/31/83 HOUSE WITHDRAWN FROM NATURAL RESOURCES - HJ 00475; NOW IN FINANCE & TAXATION; WITHDRAWN FROM FINANCE & TAXATION - HJ 00475; NOW IN COMMUNITY AFFAIRS.

06/01/83 HOUSE INTRODUCED, REFERRED TO COMMUNITY AFFAIRS - HJ 00896;

06/15/83 HOUSE PLACED ON SPECIAL ORDER CALENDAR; INDEFINITELY-postponed & W/O (SCR 12091) WAS ON CALENDAR.
Section 9. Authorizes DPR to charge a licensure fee for licenses being initially licensed.

Currently, fees are assessed for application and examination, but these revenues do not in all cases cover the costs of regulating initial licensees. Various DPR boards have attempted to charge initial licensure fees, but it has been ruled that they have no statutory authority to do so.

Section 10. Contains technical name change.

Allows the department to provide candidate names when contracting for national examinations.

Section 11. Provides for peer review by a committee of the appropriateness, quality, utilization and cost of health care and health services provided to a patient. Chiropractors only.

Section 12. Provides that each DPR board may, in the alternative of filing a formal complaint, send a letter of guidance after a finding of probable cause.

Deletes notice requirements for probable cause panel meetings. Such meetings are not open to the public.

Section 13. Adds an additional ground of discipline – using certain laser devices without complying with the appropriate rules.

Section 14. Authorizes the Department to obtain patient records from naturopaths, just as it does for other medical professionals.

Section 15. Provides that only graduates from an allopathic school or college may take the licensure examination and authorizes the Board of Medical Examiners to waive certain educational requirements instead of the Department.

Section 16. Clarifies that a physician is not required to report another physician if he verifies that the individual is in an approved treatment program.

Section 17. Provides for the creation of an Impaired Professionals Advisory Committee and establishes the duties and responsibilities of the committee. In
BILL SUMMARY

COMMITTEE ON REGULATORY REFORM

relating to Professional Regulation

Other Committees of Reference:

Subcommittee: ____________
Committee: ______________

I. SUMMARY AND PURPOSE

This bill is an omnibus bill containing the Department of Professional Regulation's legislative package. The various proposals within the bill originated with the Department of Professional Regulation or with the professional boards within the Department. The bill amends 25 chapters of the Florida Statutes; all of which directly relate to professional regulation.

II. CURRENT LAW AND EFFECT OF CHANGES

A. Current Law

Section 1. Changes the name of the Division of Administrative Services to Division of Examination Services.

Section 2. The purpose of this section is to amend procedures whereby a party who is up for discipline before a DPR board may allege interest or bias by board members, thus forcing disqualification of the members. Such a situation occurred with the dental board and could happen to other boards.
III. FISCAL DATA

See the attached sheets for summary of the fiscal impact of the various sections of this bill.

Prepared by: John Davis

Staff Director: Chris Holland, Ph.D

CH/kc
addition, the Board of Medical Examiners is authorized to establish rules relating to the Committee and its functions.

Section 18. Requires nursing homes ambulatory surgical centers or their staff to report to DPR disciplinary actions taken against physicians just as hospitals and hospital staff must report violations.

Sections 19, 20 and 21. These sections amend the osteopathic practice act by providing for the following:

Authorizing an osteopath to practice in Florida in conjunction with teaching duties at an accredited school;

Authorizing the Department to compel a mental or physical examination when investigating alcohol or drug abuse by an osteopath;

Would require the waiver of any objection to the admissibility of medical report. The statute is rewritten to conform to language in the medical practice act.

Section 22. Extends the waiver provision from 1979 to 1990, the grandfather provision which allows graduates of unapproved chiropractic colleges to establish eligibility for licensure in Florida.

Section 23. Would require physicians to keep X-rays in addition to other medical records. There is no similar provision for doctors.

Section 24. Requires podiatrists applying for licensure or renewal of licensure to indicate whether or not they accept Medicare assignment reimbursement and requires the department to share that information with the Department of HRS district offices.

Section 25. Raises the cap for naturopathy biennial license renewal from $50 to $100.

Section 26. Rewrites naturopathic disciplinary section to conform with medical practice act.

Section 27. Technical change to correct incorrect statute reference.
Journal of the
SENATE
State of Florida

SPECIAL SESSION "B"
SECOND SPECIAL SESSION 1982-1984
JUNE 15 THROUGH JUNE 24, 1983

At a Special Session of the Legislature, convened by
proclamation of His Excellency, Bob Graham, Governor
of Florida.
Amendment 2—On page 31, lines 17-28, strike all of said lines and insert

(5) When principal and interest payments are paid to a trust which is beneficially held by the residents as described in 651.023(3), the department may use all or any portion of the escrow requirements for mortgage principal and interest contained in subsection (1) if the department finds that such waiver is not inconsistent with the security protection intended by this chapter.

Amendment 3—On page 56, line 25, strike “Section 25” and insert, Sections 25, 27, 28, and 29.

On motion by Senator Thomas, by three-thirds vote CS for HB 7-B as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President: Frank Johnson Neal
Mr. Barron: Gersten Kirkpatrick Plummer
Mr. Berchtold: Lanz Rehn Ren
Mr. Carlucci: Grant Malchon Scott
Mr. Castor: Grizzle Mann Stuart
Mr. Childers, D: HAir Margolis Thomas
Mr. Childers, W. D: Henderson Maxwell Thurman
Mr. Crawford: Jernigan Beeson West
Mr. Dunn: Jene Meck Weinstein
Mr. Fox: Jennings Myers

Nays—None

SB 15-B was laid on the table.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote of the membership and passed HB 18-B and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Lippman—

HB 18-B A bill to be entitled An act relating to professional regulation, amending s 520.02(3), 131, and 14(3), Florida Statutes, 1982 Supplement, and adding a paragraph thereof, renaming a division and board within the Department of Professional Regulation, and adding the Board of Acupuncture, amending s 120.71, Florida Statutes, changing procedures for the disqualification of agency personnel in administrative proceedings, providing for rules, amending ss. 310.011 and 310.021(1) and adding a new subsection (4) to s. 310.151, Florida Statutes, relating to the members of the Board of Pilot Commissioners who may vote on rates matters, amending s. 310.131, Florida Statutes, authorizing procedures for the verification of amounts of pilotage at each port, adding a subsection to s. 455.203, Florida Statutes, authorizing peer review of certain health care providers, amending s. 455.217(1), Florida Statutes, 1982 Supplement, amending the limited release of certain examination information, creating s. 455.220, Florida Statutes, establishing peer review of treatment by chiropractic physicians; amending s. 455.225(3), Florida Statutes, changing complaint procedures involving persons regulated by the department, exempting probable cause panel proceedings from certain notice requirements, amending s. 455.22(1), Florida Statutes, providing for initial license fees for professional licensees, amending s 455.217(1), Florida Statutes, 1982 Supplement, amending the limited release of certain examination information, creating s. 455.220, Florida Statutes, establishing peer review of treatment by chiropractic physicians; amending s. 455.225(3), Florida Statutes, changing complaint procedures involving persons regulated by the department, exempting probable cause panel proceedings from certain notice requirements, amending s. 455.22(1), Florida Statutes, providing for additional ground for disciplinary boards within the Department of Professional Regulation; amending s. 455.241(2), Florida Statutes, 1982 Supplement, authorizing the department to obtain certain patient records of naturopathic physicians, amending s. 455.311(1)(b) and (4), Florida Statutes, requiring graduation from an allopathic medical school or college, providing for board waiver of certain educational requirements for licensure of physicians, amending s. 455.331(1)(f), Florida Statutes, 1982 Supplement, providing an exception to violation reporting requirements, creating s. 458.331, Florida Statutes, creating the impaired professionals advisory committee, providing its duties, providing for consultants and for the confidentiality of certain information, providing for reports of impairment, amending s. 458.337(1)(b), Florida Statutes, requiring notification to the department of disciplinary action by ambulatory surgical centers or nursing homes against physicians, creating s. 459.0076, Florida Statutes, authorizing osteopathic faculty certificates, amending s. 459.215(2), Florida Statutes, providing for certificating examinations of osteopathic physicians and restricting the use of related information, amending s. 459.017, Florida Statutes, expanding provisions relating to the release of certain medical reports during an investigation, amending s. 460.406(2), Florida Statutes, extending the date for waiver of accreditation and approval requirements for chiropractic colleges, providing additional provisions for waiver; deleting requirement for department to make available certain courses, amending s. 460.413(1)(n), Florida Statutes, expanding the types of chiropractic records which must be kept; creating s. 461.0095, Florida Statutes, requiring licensed podiatrists to disclose whether they omit Medicare reimbursement; amending s. 462.08(4), Florida Statutes, increasing the naturopathy license renewal fee, amending s. 462.14, Florida Statutes, changing the grounds for and types of disciplinary action against naturopathic physicians, amending s. 463.0142, Florida Statutes, changing the types of corporations or organizations which may employ optometrists to provide optometric services to employees; amending s. 464.0181(1)(b) and (1), Florida Statutes, providing for certain mental or physical examinations of nurses and restricting the use of related information, providing an exception to violation reporting requirements, creating s. 464.0185, Florida Statutes, providing for the use of the impaired professionals advisory committee with regard to practitioners applying for reinstatement, amending s. 465.003(3), Florida Statutes, 1982 Supplement, adding new types of pharmacies, amending s. 465.0071(1)(b), Florida Statutes, adding requirements for licensure as a pharmacist, adding a subsection to s. 465.008, Florida Statutes, providing for the use of the impaired professionals advisory committee with regard to practitioners applying for reinstatement, amending s. 465.027(1), Florida Statutes, authorizing alternative disciplinary actions against pharmacy permittees, amending s. 465.166(1)1 and (2), Florida Statutes, decreasing and changing the membership of the Board of Nursing Home Administrators, amending s. 468.1705(2), Florida Statutes, 1982 Supplement, changing provisions relating to licensure of nursing home administrators by endorsement, creating s. 468.1756, Florida Statutes, providing a statute of limitations for certain violations by nursing home administrators, amending s. 468.322(1), Florida Statutes, and adding a subsection, redefining “acupuncture”, providing a definition; creating s. 468.3225, Florida Statutes, providing a board; providing duties and membership, appointment, and terms, creating s. 468.3226, Florida Statutes, authorizing board rules, amending s. 468.3228, Florida Statutes, 1982 Supplement, establishing an additional certification requirement, deleting a requirement, and removing the cap on certification and reexamination fees and authorizing application and examination fees, providing that certain Oriental practitioners be used in the certification examination request; providing that certain persons be qualified without examination, providing that certain persons be qualified to take the examination, amending s. 468.324, Florida Statutes, removing the cap on renewal fees and penalties and providing for establishment by the board, providing for continuing education requirements, amending s. 468.325(3) and (3). Florida Statutes, establishing the board’s authority over disciplinary actions; providing that certain persons may retaliate certain portions of the examination a limited number of times; repealing s. 468.327, Florida Statutes, 1982 Supplement, relating to department rulemaking authority, repealing s. 468.3275, Florida Statutes, 1982 Supplement, relating to apprenticeship programs, amending s. 471.0031 and (2)(1), Florida Statutes, 1982 Supplement, and s. 471.031(1)(b), Florida Statutes, prohibiting unregistered engineers from holding themselves out as being registered, changing the types of construction projects upon which certain electrical, plumbing, heating, and cooling, or mechanical contractors may work; providing for unregistered engineers from holding themselves out as being registered, changing the types of construction projects upon which certain electrical, plumbing, heating, and cooling, or mechanical contractors may work, creating s. 472.0071, Florida Statutes, 1982 Supplement, amending s. 472.0071, Florida Statutes, authorizing the Board of Land Surveyors, amending s. 472.0132 and (4), Florida Statutes, changing examination procedures for applicants for land surveyor licenses, amending s. 472.0331(1)(h), Florida Statutes, expanding certain grounds for disciplinary action against land surveyors, amending s. 473.303(1), Florida Statutes, expanding the membership of the Board of Accountancy, amending s. 473.313, Florida Statutes, revising provisions relating to inactive status of accountants’ licenses, providing a restriction upon the duration of inactive status, providing exceptions, amending s. 474.2034, Florida Statutes, restricting the extension from licensure as a veterinarian for certain vaccinations of animals, adding a subsection to s. 474.207, Florida Statutes, authorizing certain practice by unlicensed veterinarians.
amending section 15.5, Florida Statutes, requiring reimbursement and insurance coverage for massage establishments, amending sections 4-8.314, 4-8.41, 4-8.509, and 4-9.008, Florida Statutes, relating to regulation of medical practitioners, osteopathic physicians, chiropractic physicians, podiatrists, optometrists, dentists and dental hygienists, nursing home administrators, funeral directors and embalmers, engineers, land surveyors, veterinarians, real estate brokers and salesmen, architects, landscape architects, opticians, psychologists, barbers, cosmetologists and cosmetology instructors, and masseurs, to modify regulatory provisions enabling said professionals to place their licenses in an inactive status, correcting a cross-reference; providing for relative uniformity, providing for application and fees; limiting inactive status to 4 years, unless renewed, providing for automatic expiration of license upon failure to renew or reactivate, modifying continuing education requirements; grandfathering in current licenses whose licenses have been placed in inactive status; repealing sections 15.154, 15.154(5), Florida Statutes, relating to placement of cosmetologists' licenses in an inactive status, sections 4-7.021(7), Florida Statutes, relating to placement of cosmetology instructors' licenses in an inactive status, and sections 4-9.007(4), Florida Statutes, relating to placement of licenses of psychologists, clinical social workers, marriage and family therapists, mental health counselors, and school psychologists in an inactive status; amending section 4-5.02, Florida Statutes, relating to renewal of licenses for members of the United States Armed Forces; providing for future review and repeal, providing effective dates.

On motion by Senator Gersten, by the required constitutional two-thirds vote of the Senate, HB 18-B was admitted for introduction, read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Gersten, by two-thirds vote HB 18-B was withdrawn from the Committee on Economic, Community and Consumer Affairs and by unanimous consent taken up instantly.

On motion by Senator Gersten, by two-thirds vote HB 18-B was read the second time by title.

Senator Myers moved the following amendment which was adopted:

Amendment 1—On page 25, lines 23-30, and on page 26, lines 1-10, strike all of section 15.

(Renumber subsequent sections.)

Senator Stuart moved the following amendment which was adopted:

Amendment 2—On page 55, line 8, strike "400" and insert: 600.

Senator Myers moved the following amendment which was adopted:

Amendment 3—In title, on page 2, lines 14-18, strike "amending sections 4-5.111(1)(b) and (4), Florida Statutes, requiring graduation from an allopathic medical school or college, providing board waiver of certain educational requirements for licensure of physicians"

On motion by Senator Frank, further consideration of HB 18-B was deferred.

Senator Johnston moved that the rules be waived and the Conference Committee Report on SB 1-B be considered. The motion was adopted.

CONFERENCE COMMITTEE REPORT ON SB 1-B

June 24, 1983

The Honorable Curtis Peterson
President of the Senate

The Honorable H. Lee Mofitt
Speaker, House of Representatives

Dear Sirs,

Your Conference Committee on the disagreeing votes of the two Houses on the House amendments to Senate Bill 1-B same being An Act making appropriations, providing moneys for the annual period beginning July 1, 1983, and ending June 30, 1984, to pay sala-
SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

ANALYST STAFF DIRECTOR REFERENCE ACTION
1. Malloy 1. Bums 1. ECCA W/D
2. 2. WLD
3. 3. 

SUBJECT: BILL NO. AND SPONSOR:
Professional Regulation HB 18-B by Representative Lippman

I. SUMMARY:

A. Present Situation:

The Department of Professional Regulation (DPR) is established by s. 20.30, F.S. Chapter 455, F.S., provides DPR's general regulatory authority. The following professional practice acts are administered by DPR:

- Accountancy (ch. 473)
- Acupuncture (ch. 468, part VII)
- Architecture (ch. 481, part I)
- Barbering (ch. 476)
- Chiropractic (ch. 460)
- Construction Contracting (ch. 489, part I)
- Cosmetology (ch. 477)
- Dentistry, Dental Hygiene, and Dental Laboratories (ch. 466)
- Electrical Contracting (ch. 489, part II)
- Engineering (ch. 471)
- Funeral Directing, Embalming, and Direct Disposition (ch. 470)
- Land Surveying (ch. 472)
- Landscape Architecture (ch. 481, part II)
- Massage (ch. 480)
- Medical Practice (ch. 458)
- Naturopathy (ch. 462)
- Nursing (ch. 464)
- Nursing Home Administration (ch. 468, part IV)
- Opticianry (ch. 484)
- Optometry (ch. 463)
- Osteopathy (ch. 459)
- Pharmacy (ch. 465)
- Harbor Piloting (ch. 310)
B. Effect of Proposed Changes:

The following are changes affecting DPR or the boards generally:

- The name of the Division of Administrative Services would be changed to the Division of Examination and Licensure.

- Agency personnel could be disqualified from participation in agency proceedings on grounds of bias, prejudice, or interest if any party shows just cause. The Administration Commission would be specifically empowered to adopt rules to implement this provision.

- Failure to attend 3 consecutive meetings or 50% of the meetings in a 12-month period without good cause would constitute a vacancy in the board or commission member's office.

- Board members would not be paid the $50 per day allowed for "other business of the board" for telephone conference calls.

- DPR would be allowed to charge an initial license fee of up to $200, set by board rule, prior to issuing a license.

- DPR would clarify that DPR would specify areas to be covered by examination when there is no board. The board or DPR could provide the name and number of national examination candidates to a national examination firm to prepare grade tapes.

- If a probable cause panel finds probable cause, it would direct DPR to send the licensee a "letter of guidance" or to file a formal complaint against the licensee. If DPR decides not to prosecute a complaint because it believes probable cause was improvidently found, DPR would refer the matter to the board. The proceedings of the probable cause panel would be specifically exempted from the requirement to give public notice of meetings and hearings.

- Use of laser devices by licensees would be included in the grounds for disciplinary actions by boards.

- DPR would study the procedures used by boards and commissions to qualify foreign-speaking Florida residents to practice their professions in the State of Florida. DPR would examine the need for regulation of legal and court interpreters. DPR would make a report with recommendations to the Legislature by January 6, 1984.

- Persons practicing the healing arts would be required to comply with HRS rules governing the registration of lasers prior to using such devices. Violators would be guilty of a second degree misdemeanor.

- Boards would adopt rules exempting spouses of Armed Forces personnel from licensure renewal procedures, if the licensee was absent from Florida because of duties with the Armed Forces.

INACTIVE STATUS

The period of time for which a license can remain inactive before it automatically expires would be reduced from 10 years to 4 years. Licensees on inactive status when this act takes
effect could retain inactive status for 4 years before expiration. The boards would adopt rules relating to inactive status of licenses. The language which specifically provides that licensees may request inactive status would be deleted. The boards would set a fee not to exceed $50 for the renewal of inactive licenses. These provisions would apply to all boards except nursing. Licenses issued under the Psychological Services Act delinquent for a period less than 1 year would be placed on inactive status and would be reactivated only when the licensee pays twice the delinquent fee and meets the continuing education requirements for reactivation, as these existing provisions would not be repealed by the bill.

PILOT COMMISSIONERS

DPR would adopt rules establishing a procedure for verification of the amount of pilotage at each port. If a port fails to comply with this procedure, DPR could charge costs to the port of having an audit performed.

The composition of the board for purposes of setting pilotage rates would be specifically required to include one pilot member, one shipping member, and three members not monetarily interested in piloting or shipping.

CHIROPRACTIC

DPR would appoint a 7-member "peer review committee" to review the quality and cost of chiropractic health care. The reviewing agency could charge up to $50 for each review.

The time prior to which an applicant would have to have matriculated to be exempt from the school accreditation requirements would be extended from 1979 to 1990.

X-rays would be added to the records required to be maintained by chiropractors. The x-rays would not have to be maintained longer than 4 years.

MEDICAL PRACTICE

Treatment programs would be developed for impaired professionals. An impaired professionals advisory committee would be created with its composition to be established by board rule. The Board of Nursing would appoint one member to the committee. The committee would advise the board on policies, education, and treatment. DPR would retain one or more "impaired professional consultants" to assist the department in carrying out impaired professional programs. As an exception to the disciplinary ground for not reporting violators to DPR, a licensee would only be required to report violators of professional regulation law or rules to an "impaired professional consultant," if he verifies that the person is participating in a board-approved treatment program.

Ambulatory surgical centers and nursing homes would be added to the health facilities which must notify DPR of disciplinary actions taken against physicians.

OSTEOPATHY

DPR could issue an osteopathic faculty certificate without an examination to practice in conjunction with school affiliation. The certificate would expire when the affiliation with the school terminates or after 1 year, whichever occurs first.

DPR would have authority to compel licensees to submit to physical or mental examinations.
PODIATRY

DPR would require applicants for licensure or renewal to respond to whether they will accept Medicare assignment. DPR would provide a list of these podiatrists to the Department of Health and Rehabilitative Services.

NATUROPATHY

Patient records of naturopathic physicians would be accessible to DPR in the same manner as are the records of other health professionals. This would allow examination of records to ascertain if the licensee is diverting or misprescribing controlled substances.

The maximum biennial license renewal fee would be increased from $50 to $100.

The disciplinary section of the naturopathy practice act would be revised to contain similar provisions to those contained in other health-related practice acts in 1979. Specific grounds for disciplinary action would include having a license revoked or suspended in another jurisdiction, failing to report violators of the naturopathy act or rules of DPR or the board, assisting unlicensed practice, making false representations in practice, falsely soliciting patients, failing to keep treatment records of patients, exploiting patients for financial gain, performing services not authorized by the patient, malpractice, experimenting on human subjects, practicing beyond the permitted scope which the licensee is competent to perform, delegating responsibilities to unqualified persons, violating a provision of the naturopathy law or rules or disciplinary order of the board or DPR, conspiring with another person to prevent another licensee from advertising, and presigning blank prescription forms.

Penalties would be expanded from constituting a third degree felony to specifically include refusal by the board to certify an application to DPR, revocation or suspension of license, restriction of practice, imposition of a fine up to $1,000, reprimand, and probation.

NURSING

DPR would be authorized to compel nurses to submit to mental or physical examinations with regard to disciplinary action for ability to practice. As an exception to the disciplinary ground for not reporting violators to DPR, a licensee would only be required to report violators of professional regulation law or rules to an "impaired professional consultant," if the licensee verifies that the person is participating in a board-approved treatment program. The board would appoint one licensee to the impaired professionals advisory committee established under the Medical Practice Act.

PHARMACY

The definition of pharmacy would be expanded to include radiopharmacies and special pharmacies. Permits would be required for their operation as is the case with other pharmacies.

Graduates of 4-year undergraduate pharmacy programs in foreign schools or colleges of pharmacy who have passed the Test of English as a Foreign Language and the Foreign Pharmacy Graduate Equivalency Examination and who have completed at least 500 hours in a board-approved supervised work activity program with supervision by a state licensed pharmacist could take the licensure examination. Fees would be established in amounts sufficient to cover administrative costs.
DPR would issue or renew consultant pharmacist licenses. The fees would not exceed $250.

Violation of the Federal Drug Abuse Act would be grounds for disciplinary action against a pharmacist or pharmacy.

**NURSING HOME ADMINISTRATION**

The board would be reduced from 11 to 7 members. Regional or state examinations for licensure would no longer be presumed to be substantially equivalent to the Florida examination.

**ACUPUNCTURE**

The definition of acupuncture would be changed from the insertion of needles into the human body for the purpose of controlling and regulating the flow and balance of energy in the human body to the insertion of cutaneous and intracutaneous needles with or without electrical stimulation, wet or dry cupping, plum blossom, press needles, staples, dermal needles, acupatches, moxabustion, heat or cold, auricular therapy, ryodorako, and acutotement.

A five member Board of Acupuncture, appointed by the Governor and confirmed by the Senate, would be created and would be authorized to make rules.

Applicants would be required to have completed a 2-year training or tutorial program, which includes courses in human sciences. Applicants could request the use of Oriental nomenclature in the examination.

Provisions establishing maximum fees which may be charged would be repealed which will allow fees to be raised to the amount necessary to cover the cost of regulation as provided in s. 455.219(1), F.S.

Persons who have been trained in the Orient, who have practiced at least 5 years, the last 2 of which were in Florida under the supervision of a licensed physician or osteopath, and who applied for certification before October 1, 1981, would be entitled to certification without examination. Persons who have practiced only in the Orient for at least 2 years and who applied for certification before October 1, 1981, would be qualified to take the examination.

Persons who fail to renew their certificates within 1 year after expiration could be required to pass the examination.

The board would be authorized to require up to 20 hours of continuing education biennially.

Candidates who failed any portion of the August 1982 examination and candidates who applied but failed to take the March 1983 examination because of its cancellation would be entitled to retake the comparable portions.

Authorization for the department to approve apprenticeship programs would be repealed.

**ENGINEERING**

The use of titles, designations, words, letters, abbreviations, or devices tending to indicate that an unregistered person is registered would be prohibited.

Electrical, plumbing, air-conditioning, and mechanical contractors are currently not required to register when working on a construction project with a value of $10,000 or less and which requires electrical service of less than 600 amperes in residential construction and less than 800 amperes three-phase in commercial or industrial construction or a plumbing system.
of fewer than 125 fixtures or if the construction project has a value of $100,000 or less and requires air-conditioning and refrigeration equipment to serve an occupant content of fewer than 100 persons. This bill would exempt those contractors when they are working on construction projects which require systems valued at $50,000 or less and which require an aggregate service capacity of 600 amperes or less on residential electrical systems and 800 amperes or less on commercial or industrial electrical systems, or which require a plumbing system with less than 250 fixture units, or which requires a heating, ventilation, and air-conditioning system not to exceed a 15 ton per system capacity or is designed to accommodate not more than 100 persons. Those contractors also would not have to register when working on construction projects which are less than 5,000 square feet in area and which are designed for public assembly.

LAND SURVEYING

The Board of Land Surveyors would be renamed the Board of Professional Land Surveyors.

Graduates of approved courses of study in land surveying from a recognized college or university and graduates of 4-year courses of study, other than in land surveying, at an accredited college or university would require an additional 2 years of experience as a subordinate to a land surveyor in order to take the licensure examination, thus increasing the experience requirement to 4 years and 6 years, respectively. Regardless of experience, persons who had not successfully completed a high school education would not be eligible to take the examination. Persons who have successfully completed 10 years active duty service in the U. S. Military with a Military Occupational Specialty classification of 82 and a minimum skill level of 40 would be eligible to take the examination if they have 7 years' experience in responsible charge of land surveying.

Disciplinary action could be taken for failing to perform statutory or legal obligations, violating any provision of the practice act, violating any board or department rule or lawful order, or failing to comply with a subpoena issued by DPR.

ACCOUNTANCY

Membership of the Board of Accountancy would be increased from seven to nine members.

VETERINARY MEDICINE

Graduates of accredited colleges or schools of veterinary medicine who have completed all parts of the licensure examination would be permitted to practice under the immediate supervision of a licensee while awaiting the examination results. This issuance of temporary permits would no longer be authorized.

REAL ESTATE

The commission would refund application and license fees to which the state was not fully entitled.

Any applicant who acted, attempted to act, or held himself out as entitled to act, as a real estate broker or salesman during the year immediately preceding the filing of the application, unless exempt from the licensure requirement, regardless of whether any such acts or services were performed for or on valuable considerations would be denied licensure. The maximum number of course hours required for licensure as a salesman would be increased from 51 to 59; and for licensure as a broker, from 48 to 72.
Current provisions requiring persons desiring licensure to answer questions and furnish supporting information as may be required, including fingerprints for FBI processing and entitling them to take the examination if they have met the qualifications specified for practice would be replaced with provisions entitling applicants to take the examination if they submit fingerprints which DPR may require for processing through appropriate law enforcement agencies and submit certification from the educational institution attended proving that they have satisfactorily completed the education requirements specified for practice. Each accredited educational institution or registered real estate school would be required to notify the commission of the names of all persons who have satisfactorily completed the education requirements.

Applications would expire 1 year after filing if the applicant fails to take the examination. Applicants who pass the examination and are certified by the commission but who have not requested initial licensure within 6 months would require recertification.

The commission would be authorized to take more than one type of disciplinary action against licensees, schools, or applicants. Disciplinary action could be taken against any person convicted or found guilty of a crime in any jurisdiction which directly relates to real estate activity or involves moral turpitude or fraudulent or dishonest dealing. A plea of nolo contendere would be considered a conviction. Disciplinary action could be taken for failure to inform the commission within 30 days after pleading guilty or nolo contendere to any felony or being convicted or found guilty of any felony.

In addition to existing requirements, applicants for permits to operate real estate schools, or to be chief administrators or instructors in real estate schools would be required to meet the qualifications specified for practice as a broker or salesman. Instructors would no longer be able to substitute acquisition of an initial license as a broker within the preceding 5 years in lieu of passing the instructor's examination. This provision would not affect persons currently holding instructor's permits. Applicants could be required to submit fingerprints for FBI processing.

A person seeking recovery from the Real Estate Recovery Fund, but who failed to give notice by certified mail, could have the claim honored if, in the commission's opinion, the claim is otherwise valid. The amount for which claims could be paid from the fund would be increased from $10,000 to $25,000. Payments for claims against any one broker or salesman could not exceed $50,000, instead of $20,000, in the aggregate.

BARBERING

Retired barbers would not be able to renew their licenses by paying the required restoration fee.

Each barber shop would be required to display its registration certificate and each individual licensee's certificate.

Barber services would have to be performed in registered barbershops unless the customer, for reasons of ill health, is unable to go to a registered barbershop. In those cases, services may be performed in locations including, but not limited to, nursing homes, hospitals, or residences.

COSMETOLOGY

Those persons currently exempted from the Barbers' Act would be exempted from the Florida Cosmetology Act.
Persons would be required to complete 1,000, rather than 600, of the 1,200 hours of cosmetology instruction prior to being allowed to take the examination.

The board would be authorized to require continuing education for renewal of a cosmetologist or cosmetology instructor license. The board would be authorized to charge each approved continuing education provider a $50 fee.

The board could offer a written clinical examination and a performance examination in addition to a written theory examination.

Second degree misdemeanor penalties would be established, but would not be imposed against continuing education providers. The board would be authorized to take disciplinary action against continuing education providers and would be authorized to apply more than one form of discipline against licensees.

Cosmetology could be performed in locations including, but not limited to, nursing homes, hospitals, or residences if the customer, for reasons of ill health, cannot go to a licensed salon.

MASSAGE

The use of colonic irrigation in hydrotherapy would be authorized. The board would be authorized to require continuing education whereas the current law requires attendance at continuing education programs. The board would be authorized to take more than one form of disciplinary action against a licensee.

ARCHITECTURE

The maximum application and examination fee would be increased from $200 to $300. The maximum biennial renewal fee would be increased from $100 to $200.

LANDSCAPE ARCHITECTURE

The maximum application and examination fee would be increased from $200 to $250. Applicants would be required to pass an examination on Florida plant materials and other specialized aspects of landscape architecture practice.

OPTICIANRY

The requirement that applicants complete 2-year courses of at least 1,000 hours per year would be changed to require completion of 2-year courses resulting in A.A. or A.S. degrees. Opticians would be clearly authorized to fill prescriptions written by medical doctors or optometrists licensed by other states.

PHYSICAL THERAPY

The Board of Medical Examiners would be authorized to take disciplinary action in addition to or in lieu of registration, suspension, or revocation.

CONSTRUCTION CONTRACTING

Certificate holders would be authorized to engage in contracting only for the type of work covered by the certificate. Contractors would be required to include their registration or certification numbers in any advertising. City and county building departments would require each contractor to provide verification giving the contractor's license number as a precondition for the issuance of a building permit. The board would be authorized to take disciplinary action in
addition to, rather than in lieu of, revocation, suspension, or denial of certification or registration.

**ELECTRICAL CONTRACTING**

Maximum fees would be increased as follows: certification application and examination and certification renewal from $150 to $200; registration application and registration renewal from $20 to $75.

The board would be authorized to take disciplinary action for abandonment of a project in which a contractor is engaged or under contractual obligation to perform. Failure to perform work without just cause for 90 consecutive days would create a presumption of abandonment.

**PSYCHOLOGY**

Authorization for licensure as a psychologist for persons who complied with the examination eligibility requirements set by the Old Psychology Board in a final order issued prior to July 1, 1979, when that board was abolished pursuant to the Regulatory Reform Act of 1976, would be removed.

**CLINICAL SOCIAL WORK**

Two of the 3 years' experience required for licensure would have to be at the post-master's level.

**MARRIAGE AND FAMILY THERAPY**

Licensure requirements of a master's degree and 60 semester or 90 quarter hours of graduate study with a marriage and family therapy specialty or a master's or doctor's degree with a major emphasis in specific areas including sociology in the family, family life education, or closely comparable fields of study emphasizing marriage and family therapy would be repealed. New requirements would be a minimum of a master's degree with a major emphasis in specific areas excluding those cited above or completion of a minimum of a master's degree, 18 semester or 27 quarter hours of graduate coursework in specified areas, at least one course in evaluation, research, appraisal, assessment, or testing procedures, and at least one supervised practicum/internship/field experience in a counseling setting. Certain baccalaureate level coursework could be applied toward the educational requirements for licensure. The requirement that applicants have 3 years' full-time post-master's experience, including 2 under supervision, would be changed to 3 years' experience as a marriage and family therapist with 2 years at the post-master's level and 2 under supervision.

**MENTAL HEALTH COUNSELING**

Licensure requirements of a minimum of an earned master's degree in a planned, supervised, integrated program and completion of 60 semester or 90 quarter hours of graduate study in specific areas, including community counseling, with coursework emphasizing mental health in a planned program of study including specific courses would be repealed. New requirements would be a minimum of an earned master's degree in those areas now required for graduate study, except for community counseling or completion of a minimum of a master's degree, 18 semester or 27 quarter hours of graduate coursework in specified areas, at least one course in evaluation, research, appraisal, assessment, or testing procedures, and at least one supervised practicum/internship/field experience in a counseling setting. Certain baccalaureate level coursework could be applied toward the educational requirements for licensure. The requirement that the applicant have 3 years' experience would be amended to require that 2 of those years be at the post-master's level.
The licensure requirement that a degree be in an integrated program of graduate study primarily psychological in nature and including 60 semester or 90 quarter hours of instruction beyond the baccalaureate degree would be replaced with a requirement that the applicant have a degree and have 60 semester or 90 quarter hours of graduate study, primarily psychological in nature. Two of the required 3 years' of experience would have to be at the post-master's level.

The exemption from the licensure requirement for persons who are certified in school psychology by the Department of Education and who are performing psychological services as full-time employees of public or private educational institutions would be amended to delete the requirement that employment be full-time. The exemption would not be construed to authorize unlicensed practice not performed as a direct employee of an educational institution.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

There are several provisions in this bill which may increase the cost of regulation and licensure to professionals. These provisions include: initial license fees for all professionals; increased maximum license renewal fees for naturopathic physicians; fees for acupuncturists in amounts sufficient to cover the cost of regulation; additional experience requirements for land surveyors; increased membership for the Board of Accountancy; additional educational requirements necessary for licensure as a real estate broker or salesman; continuing education for cosmetologists; and increased minimum number of classroom hours required before the licensure examination may be taken early; increased maximum application and examination fees for architects and landscape architects; and increased maximum certification, application, and examination fees for electrical contractors. Nursing home administrators may realize a savings in regulatory costs since board membership is decreased. Increasing the cap on license fees will have an impact only to the extent that fees are increased by rule of the appropriate boards.

It is assumed that any increase or decrease in the cost of regulation to professionals will ultimately be passed on to consumers in the form of higher or lower prices for their services. Also, any person requesting peer review of the fees and services of a chiropractic physician may be charged a fee not to exceed $50 and persons with claims against the Real Estate Recovery Fund would be able to recover increased amounts.

B. Government:

According to the Department of Professional Regulation, there are several provisions in this bill which will increase regulatory costs. They include: peer review of certain health care providers (the department feels the $50 fee should cover the additional costs); treatment programs for certain impaired professionals (the department estimates that this program will cost approximately $134,600 to implement); increased membership of the Board of Accountancy ($4,000 annually); establishment of a 5-member Board of Acupuncture at a cost of $27,590 for travel and board member's compensation and $13,918 for board staff (the department estimates the total cost of regulation for acupuncture to amount to $129,997 annually); and a study of board and commission policies relating to licensure of foreign-speaking applicants and regulation of legal and court interpreters (the department estimates the cost of implementing these studies will be approximately $40,000). The department expects to realize a savings in regulatory costs due to
provisions of the bill which decrease the membership of the Board of Nursing Home Administrators (savings of $5,600 annually); delete conference calls from board business for purposes of board-member compensation (there were 45 board-member conference calls during FY 1981-82; however, the department is unable to quote a dollar amount for savings); and change inactive status requirements (it costs $412,789 per year to maintain an estimated 300,000 inactive records which cost should decrease as a result of the reduction in the length of time a license may remain on inactive status).

Additional revenues may be generated by increased caps on certain fees (initial license fees for all professions; biennial renewal license fees for naturopaths; application and examination fees for architects and landscape architects; certification, application, and examination fees for electrical contractors) and by removal of the cap on license fees for acupuncturists to the extent that the appropriate boards increase these fees by rule.

III. COMMENTS:

The Impaired Professionals Advisory Committee created in s. 458.3311, F.S., would not be properly constituted under the Sundown Act, s. 11.611, F.S., 1982 Supp. It would be a statutorily created advisory committee which is established by the Board of Medical Examiners; however, neither the number of members nor the length of terms is set out. Furthermore, s. 464.0185, F.S., which would create a treatment program for impaired nursing professionals would provide that the Board of Nursing shall appoint a licensee who shall serve on the committee. There is no provision for future repeal and legislative review under s. 11.611, F.S., 1982 Supp.

The amendment to s. 475.451, F.S., would, in part, repeal subsection (6), but it does not provide for the renumbering of current subsections (7), (8), and (9).

Section 476.210 relating to barber services has been created and numbered; however, the decimal numbering system used in the Florida Statutes treats a number ending in zero on the right of the decimal point the same as the number without the zero. In this case, s. 476.210 is not available as a s. 476.21, F.S., has previously existed and, when a section of the Florida Statutes is repealed, its section number may not be used again.

HB 18-B was ordered enrolled by the House on June 24, 1983.

IV. AMENDMENTS:

None.
SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

ANALYST STAFF DIRECTOR REFERENCE ACTION
1. Malloy Burnside 18 1. ECCA
2. 
3. 

SUBJECT:
Professional Regulation

BILL NO. AND SPONSOR:
SB 688 by Senator Gersten

I. SUMMARY:

A. Present Situation:

Section 20.30, F.S., establishes various divisions within the Department of Professional Regulation (DPR). The Division of Administrative Services, according to s. 455.217, F.S., is responsible for the preparation and administration of examinations and is responsible for licensee recordkeeping.

Section 114.01, F.S., specifies when an office of state government is deemed to be vacant and includes provisions for: death, removal from office, resignation, unexplained absence for 60 consecutive days, etc.

Section 120.71, F.S., provides that any individual serving as an agency head shall be disqualified from serving in an agency proceeding for bias, prejudice, interest, or other causes for which a judge may be recused.

A candidate's name, address, and examination grade is confidential information and an exception from the public information requirements of s. 119.07, F.S.

Each regulatory board within the DPR sets, by rule, the amount of licensing fees. Many of these boards charge an initial license or application fee. Other boards do not, and in some cases, professionals are allowed to practice for 1 month to 2 years without paying a license fee.

According to s. 455.227, F.S., boards may impose administrative fines on licensees for violations of the statutes. Prosecution and probationary costs are absorbed by the board and paid by all licensees as a cost of regulation.

According to s. 455.225, F.S., the DPR must file a formal complaint against a regulated professional when a probable cause panel indicates that probable cause exists. Also, all probable cause proceedings must comply with s. 120.53, F.S., which includes public notice for these meetings even though these meetings are not open to the public.

Chapter 310, F.S., relating to pilots and pilotage, authorizes board members to set pilotage rates. The board is composed of licensed pilots and laymembers. Also, the department assesses a percentage of the gross amount of pilotage earned by pilots at each port. These funds are deposited in a trust fund. Any expenses of regulation of harbor pilots are paid from this fund.

Section 487.184, F.S., requires that barbershops be registered with the DPR.
Section 471.031, F.S., prohibits the use of the name or title "registered engineer" when a person is not registered pursuant to ch. 471, F.S.

Within each of the professional practice acts, there is a section relating to disciplinary actions by the boards. These sections include specified actions which constitute grounds for disciplinary action by the board and the actions the board may take in response.

B. Effect of Proposed Changes:

The name of the Division of Administrative Services is changed to the Division of Examination and Licensure to more accurately reflect its duties.

Section 114.01, F.S., is amended to provide that the failure of a board or commission member of the DPR to attend 3 consecutive meetings, or half of the meetings if fewer than 5 meetings are held per year, shall create a vacancy on the board or commission.

Section 120.71, F.S., is amended to allow any party to an agency proceeding to allege interest or bias on the part of a board or commission member. The Cabinet would be responsible for adopting rules to implement this section.

Section 455.217, F.S., is amended to allow the department to give the names and numbers of candidates when contracting for national examinations.

Section 455.213, F.S., is amended to allow the department to charge a fee of no more than $200 to cover the cost of initial licensure. Application and examination fees currently charged do not always cover the cost of licensure.

Section 455.227, F.S., is amended to allow the boards to assess prosecution and probationary costs against the appropriate licensee.

Section 455.225, F.S., is amended to allow the department the discretion of filing a formal complaint when a probable cause panel finds that probable cause exists. Also, proceedings of a probable cause panel are exempted from the notice requirements of s. 120.53, F.S.

Chapter 310, F.S., is amended to remove pilot members of the Board of Pilot Commissioners from pilotage rate-making decisions. The DPR is given the authority to charge certain costs (e.g., financial audits) to the appropriate port which makes these expenses necessary.

Chapter 487, F.S., is amended to require barbershops to display the barbershop registration along with each individual licensee's certificate in a conspicuous place.

Section 471.031, F.S., is amended to prohibit the use of any words indicating that a person is a registered engineer when the person is not so registered.

The following sections dealing with disciplinary actions are amended:

- Section 458.337, F.S. (Medical Practice), is amended to require nursing homes to report to DPR any disciplinary actions taken against physicians.

- Section 459.015, F.S. (Osteopathy), is amended to authorize the department to compel any osteopathic physician to submit to a mental and physical examination during an investigation of alcohol or drug
abuse. (Conforms language to the Medical Practice Act.)

- Section 460.413, F.S. (Chiropractic), is amended to require that x-rays be kept as part of the patient record.

- Section 462.14, F.S. (Naturopathy), is amended to conform this section to the disciplinary section of the Medical Practice Act.

- Section 465.016, F.S. (Pharmacy), is amended to provide disciplinary action for violations of the Federal Drug Abuse Act. Section 465.032, F.S., is amended to allow the department or board to revoke or suspend a pharmacy permit or reprimand, fine, or use other disciplinary action.

- Section 472.033, F.S. (Land Surveying), is amended to include disciplinary action for violations of board or department rules and other statutory or legal obligations.

- Section 475.25, F.S. (Real Estate Brokers, Salesmen, and Schools), is amended to allow the commission to use a combination of disciplinary actions. Also, a plea of nolo contendere shall be considered a conviction under the disciplinary section.

- Section 480.046, F.S. (Massage), is amended to allow the board to use a combination of disciplinary actions.

- Section 486.091, F.S. (Physical Therapy Practice), is amended to allow the board to reprimand, fine, place on probation, and otherwise discipline any registered person.

- Section 489.115, F.S. (Contracting), is amended to allow the board to use a combination of disciplinary actions.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

It is assumed that any increase or decrease in the cost of regulation to professionals will ultimately be passed on to consumers in the form of higher or lower prices for their services.

Licensees who violate laws or board or department rules may be assessed for prosecution and probationary costs to the extent that such costs are determined pursuant to board rules.

B. Government:

The department's authority to charge an initial license fee may generate additional revenue to the extent that boards establish such fees by rule. According to the department, the amount of such additional revenues is indeterminable.

III. COMMENTS:

There is a technical error on page 29, line 9. The word "fire" should be "fine."

IV. AMENDMENTS:

None.
I. SUMMARY:

A. Present Situation:

Section 20.30, F.S., establishes various divisions within the Department of Professional Regulation (DPR). The Division of Administrative Services, according to s. 455.217, F.S., is responsible for the preparation and administration of examinations and is responsible for licensee recordkeeping.

Section 114.01, F.S., specifies when an office of state government is deemed to be vacant and includes provisions for: death, removal from office, resignation, unexplained absence for 60 consecutive days, etc.

Section 120.71, F.S., provides that any individual serving as an agency head shall be disqualified from serving in an agency proceeding for bias, prejudice, interest, or other causes for which a judge may be recused.

A candidate's name, address, and examination grade is confidential information and an exception from the public information requirements of s. 119.07, F.S.

Section 455.203, F.S., provides the powers and duties of the DPR.

Section 455.207, F.S., provides for board-member compensation of $50 for each day the board member attends an official meeting of the board or participates in any other board business.

Each regulatory board within the DPR sets, by rule, the amount of licensing fees. Many of these boards charge an initial license or application fee. Other boards do not, and in some cases, professionals are allowed to practice for 1 month to 2 years without paying a license fee.

Section 455.227, F.S., provides the boards with enforcement authority and includes the grounds for disciplinary action.

According to s. 455.225, F.S., the DPR must file a formal complaint against a regulated professional when a probable cause panel indicates that probable cause exists. Also, all probable cause proceedings must comply with s. 120.53, F.S., which includes public notice for these meetings even though these meetings are not open to the public.

Chapter 310, F.S., relating to pilots and pilotage, authorizes board members to set pilotage rates. The board is composed of licensed pilots and laymembers. Also, the department assesses a percentage of the gross amount of pilotage earned by pilots at each port. These funds are deposited in a trust fund. Any expenses of regulation of harbor pilots are paid from this fund.
Neither chapters 458 or 464, F.S., provides for the treatment of impaired physicians or nurses; however, DPR operates an impaired physician treatment program pursuant to department rules.

Section 460.406, F.S., provides for approval and accreditation of chiropractic colleges for licensure purposes and includes a waiver of these requirements for applicants who matriculated prior to July 1, 1979.

Section 462.08, F.S., sets a cap of $50 on biennial renewal fees set by the board for naturopaths.

Section 465.07, F.S., provides the following requirements for licensure as a pharmacist: the applicant must be at least 18 years of age and have a degree from an accredited school or college of pharmacy.

Section 466.006, F.S., 1982 Supp., provides for a refundable examination fee for dentists. This fee is set by the board and shall not exceed $150. This section also contains provisions for licensure when an applicant is a graduate of a foreign dental school which is not approved by the board.

Section 468.1665, F.S., creates the Board of Nursing Home Administrators consisting of 11 members as follows: 1 medical doctor; 1 geriatric-trained registered nurse; 1 hospital administrator, 1 licensed pharmacist; 5 licensed nursing home administrators, and 2 lay persons.

Section 471.031, F.S., prohibits the use of the name or title "registered engineer" when a person is not registered pursuant to ch. 471, F.S.

Chapter 472, F.S., provides regulations for land surveyors and creates the Board of Land Surveyors.

Section 473.303, F.S., creates a Board of Accountancy consisting of seven members, five of whom shall be certified public accountants.

Section 475.17, F.S., 1982 Supp., sets the required classroom hours necessary for licensure as a real estate salesman (not to exceed 51 hours) and broker (not to exceed 48 hours). Section 475.175, F.S., 1982 Supp., provides that an applicant may not take the real estate examination until certain background checks have been made by the commission pursuant to s. 475.17, F.S., 1982 Supp.

Section 476.184, F.S., requires that barbershops be registered with the DPR.

Section 477.019, F.S., provides qualifications for licensure as a cosmetologist, including: 1200 hours of training with a procedure for certification by a school of a person to qualify to take the examination after completion of a minimum of 600 hours. Section 477.030, F.S., requires that cosmetology services be performed only in licensed salons.

Section 490.005, F.S., provides requirements for licensure for psychological services (clinical social workers, marriage and family therapists, mental health counselors, and school psychologists).

Within each of the professional practice acts, there is a section relating to disciplinary actions by the boards. These sections include specified actions which constitute grounds for disciplinary action by the board and the actions the board may take in response.
B. Effect of Proposed Changes:

The name of the Division of Administrative Services is changed to the Division of Examination and Licensure to more accurately reflect its duties.

Section 114.01, F.S., is amended to provide that the failure of a board or commission member of the DPR to attend 3 consecutive meetings, or 50% of the meetings held during a 12-month period, shall create a vacancy on the board or commission.

Section 120.71, F.S., is amended to allow any party to an agency proceeding to allege interest or bias on the part of a board or commission member. The Cabinet would be responsible for adopting rules to implement this section.

Section 455.217, F.S., is amended to allow the department to give the names and numbers of candidates when contracting for national examinations.

A new section is created to provide peer review, by the department or by contract, of health care providers (licensed chiropractic physicians) to advise the department as to the appropriateness of services and fees rendered by the health care providers whose activities the peer review committee reviews. The reviewing agency may charge a fee (not to exceed $50) to be paid by the person requesting the review.

Section 455.207, F.S., is amended to provide that the term "other business of the board" shall not include telephone conference calls.

Section 455.213, F.S., is amended to allow the department to charge a fee of no more than $200 to cover the cost of initial licensure. Application and examination fees currently charged do not always covers the cost of licensure.

Section 455.227, F.S., is amended to allow the boards to use disciplinary actions when licensees use certain laser devices without complying with the Department of Health and Rehabilitative Services' rules on the use of such devices.

Section 455.225, F.S., is amended to require the department to follow a probable cause panel’s direction as to whether to send a letter of guidance to a licensee or file a formal complaint when a probable cause panel finds that probable cause exists. Also, proceedings of a probable cause panel are exempted from the notice requirements of s. 120.53, F.S.

Chapter 310, F.S., is amended to allow only one pilot board member and one member who is a maritime or marine shipping professional to sit on the Board of Pilot Commissioners when pilotage rates are set. The DPR is given the authority to charge certain costs (e.g., financial audits) to the appropriate port which makes these expenses necessary.

An impaired professionals advisory committee is created to provide for treatment programs for impaired professionals regulated under chapters 458 (medical practice) and 464 (nursing), F.S.

Section 460.406, F.S., is amended to extend the time period for waiver of the accreditation and approval requirements for chiropractic colleges for those applicants who matriculate prior to July 1, 1990.

Section 462.08, F.S., is amended to increase the cap on renewal fees for naturopathic physicians from $50 to $200.

Section 465.07, F.S., is amended to provide that an applicant for licensure as a pharmacist have a degree from an accredited pharmacy school or college or be a graduate of a 4-year program
of a school or college outside the U.S., pass the Test of English as a Foreign Language, pass the Foreign Graduate Equivalency Exam, and complete at least 500 hours in a board-approved supervised work activity program.

Section 460.006, F.S., is amended to increase to $300 the maximum refundable examination fee for dentists and expand the requirements for licensure to include a diagnostic skills examination. When an applicant is a graduate of a college which is not accredited or approved, the applicant would be allowed to take the licensure examination upon meeting certain requirements. Exemptions are provided for applicants who cannot comply with certain licensure requirements as a result of political or other conditions in the country in which the applicants received an education.

The membership of the Board of Nursing Home Administrators is decreased to 7 members as follows: 3 licensed nursing home administrators, 2 members from the health services industry, and 2 lay persons (s. 468.1665, F.S.).

Section 471.031, F.S., is amended to prohibit the use of any words indicating that a person is a registered engineer when the person is not so registered.

Chapter 472, F.S., is amended to include the following provisions: the name of the board is changed to the Board of Professional Land Surveyors; a requirement of 12 hours of mandatory continuing education per annum (effective July 1, 1985) is added; qualifications for licensure are changed to allow applicants with a specified experience record in the U.S. military to take the licensure examination; and to require the board to adopt rules providing for review and approval of military schools and apprenticeship programs operated by the U.S. government.

The membership of the Board of Accountancy is increased to nine members, seven of whom shall be certified public accountants.

Section 475.17, F.S., 1982 Supp., is amended to increase the required classroom hours necessary for licensure as a real estate broker (72 hours) and salesman (63 hours). Section 475.175, F.S., 1982 Supp., is amended to allow a person to take the licensure examination upon submission of an application and the required fee, and submission at the time of examination of the certificate proving satisfactory completion of the educational requirements (educational institutions shall notify the commission of the persons who have completed the educational requirements).

Chapter 476, F.S., is amended to require barbershops to display the barbershop registration along with each individual licensee’s certificate in a conspicuous place.

Section 477.019, F.S., is amended to increase the minimum hours needed for a person to qualify to take the cosmetology examination early. Section 477.030, F.S., is amended to allow the performance of certain cosmetology services outside a licensed salon when a client for reasons of ill health is unable to go to a salon.

Section 490.005, F.S., is amended to revise the licensure requirements for marriage and family therapists, mental health counselors, clinical social workers, and school psychologists and delete unclear grandfathering language.

The following sections dealing with disciplinary actions are amended:

- Section 458.337, F.S. (Medical Practitioners), is amended to require nursing homes and ambulatory surgical
centers to report to DPR any disciplinary actions taken against physicians.

- Section 459.015, F.S. (Osteopathy), is amended to authorize the department to compel any osteopathic physician to submit to a mental and physical examination during an investigation of alcohol or drug abuse. (Conforms language to the Medical Practice Act.)

- Section 460.413, F.S. (Chiropractic), is amended to require that x-rays be kept for no longer than 4 years as part of the patient record.

- Section 462.14, F.S. (Naturopathy), is amended to conform this section to the disciplinary section of the Medical Practice Act.

- Section 465.016, F.S. (Pharmacy), is amended to provide disciplinary action for violations of the Federal Drug Abuse Act. Section 465.032, F.S., is amended to allow the department or board to revoke or suspend a pharmacy permit and reprimand, fine, or use other disciplinary action.

- Section 466.028, F.S. (Dentistry), is amended to include the following under grounds for disciplinary action: paying or receiving any commission, bonus, kickback, or rebate for patients referred to providers of health care goods and services; and pre-signing blank prescription forms.

- Section 472.033, F.S. (Land Surveying), is amended to allow disciplinary action for violations of board or department rules and other statutory or legal obligations.

- Section 475.25, F.S. (Real Estate Brokers, Salesmen, and Schools), is amended to allow the commission to use a combination of disciplinary actions. Also, a plea of nolo contendere shall be considered a conviction under the disciplinary section.

- Section 480.046, F.S. (Massage), is amended to allow the board to use a combination of disciplinary actions.

- Section 486.091, F.S. (Physical Therapy Practice), is amended to allow the board to reprimand, fine, place on probation, and otherwise discipline any registered person.

- Section 489.115, F.S. (Contracting), is amended to allow the board to use a combination of disciplinary actions.

This bill creates a nonprofit, nongovernmental advisory body known as the Florida Consultative Council consisting of at least 25 members representing the construction industry and the public interest. Members are to be appointed by the Governor subject to Senate confirmation. The council would establish a consultative committee to ensure a direct line of communication between the council and private trade, professional, and labor organizations, regulatory agencies, testing bodies, and consumer groups. The council would give particular attention to the development of methods for encouraging cooperation with the council, acceptance and use of its technical findings, and acceptance and use of the recognized performance criteria, standards, and other technical provisions developed for use. Council members would not receive any travel expenses or per diem from the state. The council shall annually report in writing to the Governor, the President of the Senate, and
Speaker of the House. The report shall include the council's operations, activities, financial condition, accomplishments and may include recommendations.

The bill also requires that the Department of Professional Regulation conduct a study of procedures of the various boards and commissions to qualify foreign-speaking residents to practice their professions in Florida and of the need for regulation of legal and court interpreters. The results of these studies and recommendations for development of a uniform approach relating to foreign-speaking residents shall be made by the department to the President of the Senate and Speaker of the House no later than January 6, 1984.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

There are several provisions in this bill which may increase the cost of regulation to professionals. These provisions include: initial license fees for all professionals; increased maximum license renewal fees for naturopathic physicians; increased maximum examination fees and expanded licensure requirements for dentists; and an increased board membership for public accountants. Nursing home administrators may realize a savings in regulatory costs since board membership is decreased. Increasing the cap on license fees will have an impact only to the extent that fees are increased by rule of the appropriate boards.

Other provisions in the bill which may increase the costs of licensure include: after July 1, 1985 applicants for licensure as land surveyors will bear the annual cost of mandatory continuing education; applicants for licensure as real estate brokers and salesmen may be required to pay for additional classroom hours necessary to meet licensure requirements; and applicants for licensure as cosmetologists will be required to complete additional hours before qualifying to take the licensure examination early.

It is assumed that any increase or decrease in the cost of regulation to professionals will ultimately be passed on to consumers in the form of higher or lower prices for their services. Also, any person requesting peer review of the fees and services of a chiropractic physician may be charged a fee not to exceed $50.

B. Government:

According to the Department of Professional Regulation, there are several provisions in this bill which will increase regulatory costs. They include: peer review of certain health care providers (the department feels the $50 fee should cover the additional costs); treatment programs for certain impaired professionals (the department estimates that this program will cost approximately $134,600 to implement); diagnostic examinations for dentists (estimated additional cost of $28,000 per year if DPR uses the North East Regional Board's diagnostic exam or $60,000 (1st year) and $25,000 (each subsequent year) if DPR develops such an exam; increased membership of the Board of Accountancy ($4,000 annually); and a study of board and commission policies relating to licensure of foreign-speaking applicants and regulation of legal and court interpreters (the department estimates the cost of implementing this provision will be approximately $20,000). The department expects to realize a savings in regulatory costs due to provisions of the bill which decrease the membership of the Board of Nursing Home Administrators (savings of $5,600 annually) and delete conference calls from board business for purposes of board-member compensation (there were 45 board-member conference calls during FY 1981-82; however, the department is unable to quote a dollar amount for savings).
Additional revenues may be generated by increased caps on certain fees (initial license fees for all professions, biennial renewal license fees for naturopaths, and examination fees for dentists) to the extent that the appropriate boards increase these fees by rule.

III. COMMENTS:

Many of the provisions of this bill, or similar provisions are contained in HB 18-B which passed the Legislature during Special Session B. HB 18-B was ordered enrolled by the House on June 24, 1983.

IV. AMENDMENTS:

None.
Provides that the Board of Pilot Commissioners shall consist of one pilot board member, one board member professionally involved in maritime or marine shipping, and three board members not involved or monetarily interested in these areas when rates of pilotage are set.

- Provides for peer review of certain health care providers.
- Specifies that "other business of the board" shall not include telephone conference calls.
- Deletes board authority to assess prosecution and probationary costs against licensees.
- Provides for treatment programs for certain impaired professionals and creates an impaired professionals advisory committee.
- Extends the time period for waiver of the requirements for accreditation and approval of chiropractic colleges.
- Increases cap on biennial license renewal fees for naturopathic physicians.
- Changes licensure requirements for pharmacists.
- Increases cap on examination fees for dentists and provides for additional licensure requirements.
- Decreases membership of the Board of Nursing Home Administrators.
- Changes the name of the land surveyor's board to Board of Professional Land Surveyors and changes the prerequisites for examination. Mandatory continuing education is also required after July 1, 1985.
- Increases membership of the Board of Accountancy.
- Increases classroom hours necessary for licensure as a real estate broker or salesman.
- Increases the hours of training necessary to qualify to take the cosmetology examination early. Allows cosmetology services to be performed outside a licensed salon for specified reasons.
- Changes requirements for licensure of clinical social workers, marriage and family therapists, mental health counselors, and school psychologists.
- Creates the Florida Consultative Council and provides for membership, terms of office, and duties.
Requires the Department of Professional Regulation to conduct a study on the procedures employed by the various boards and commissions to qualify foreign-speaking residents to practice their professions in Florida and to examine the need for regulation of legal and court interpreters. Requires a report to the President of the Senate and Speaker of the House no later than January 6, 1984.
The Committee on ECCA recommended the following amendment which was moved by Senator and adopted:

PROPOSED AMENDMENT

On page 13 between lines 8 & 9,

section 13. Section 458.3311, Florida Statutes, is created to read:

458.3311 Treatment programs for impaired professionals; advisory committee; consultants.—

(1) There is hereby created the impaired professionals advisory committee, the composition of which shall be determined by rule of the board, and shall include the secretary of the department or his designee.

(2) The committee shall:

(a) Advise the board as to appropriate policies and guidelines to be utilized in approving providers and preventive and rehabilitative programs directed to impaired professionals;

(b) Act as liaison between approved providers and the board;

(c) Promote education programs on impairment for facility chiefs of staff, local medical societies, medical schools, post-graduate training programs, specialty societies, medical auxiliaries, and other professional groups to enhance
understanding of addictive and mental disorders and the
treatment options available through approved providers;

(d) Advise the board on the continuation and expansion
of treatment programs for impaired professionals; and,

(e) Disseminate information on the treatment programs.

(3) The department shall retain one or more impaired
professional consultants as recommended by the committee and
approved by the board. A consultant shall be a recovered
impaired physician, or a physician licensed under chapter 458
or chapter 459, Florida Statutes, or a psychiatrist as defined
in s. 394.455(2)(b). The consultant shall assist the board
and the department in carrying out the responsibilities of
this section.

(4) The board is authorized to adopt rules setting
forth appropriate criteria for approval of providers to engage
in preventive and rehabilitative programs involving impaired
professionals.

(5) Information and knowledge of the consultant
involving an impaired physician who may be in violation of
this chapter or of the rules of the board or department, shall
not constitute a complaint as described in s. 455.255, so long
as the licensee is progressing satisfactorily in a board
approved program. The approved program provider shall upon
request disclose to the consultant all information in its
possession regarding an impaired physician in treatment. All
information obtained by the consultant pursuant to this
section shall be exempt from disclosure under s. 119.07, and
shall be held confidential subject to the provisions of
subsection (6).

(6) If in the opinion of the consultant, after
consultation with the provider, the impaired physician
enrolled in an approved treatment program does not progress satisfactorily, then the consultant shall disclose to the department all information in his possession regarding such physician and such disclosure shall constitute a complaint pursuant to the general provisions of s. 455.225. Whenever the consultant concludes that impairment affects a licensee's practice constituting an immediate serious danger to the public health, safety or welfare, such conclusion shall be communicated to the secretary of the department. A consultant, licensee or approved program provider who makes a disclosure pursuant to this section or s. 458.331(1)(f) shall not be subject to civil liability for such disclosure or its consequence.

(Renumber subsequent sections)
I. SUMMARY:

A. Present Situation:

Section 20.30, F.S., establishes various divisions within the Department of Professional Regulation (DPR). The Division of Administrative Services, according to s. 455.217, F.S., is responsible for the preparation and administration of examinations and is responsible for licensee recordkeeping.

Section 114.01, F.S., specifies when an office of state government is deemed to be vacant and includes provisions for: death, removal from office, resignation, unexplained absence for 60 consecutive days, etc.

Section 120.71, F.S., provides that any individual serving as an agency head shall be disqualified from serving in an agency proceeding for bias, prejudice, interest, or other causes for which a judge may be recused.

A candidate's name, address, and examination grade is confidential information and an exception from the public information requirements of s. 119.07, F.S.

Section 455.203, F.S., provides the powers and duties of the DPR.

Section 455.207, F.S., provides for board-member compensation of $50 for each day the board member attends an official meeting of the board or participates in any other board business.

Each regulatory board within the DPR sets, by rule, the amount of licensing fees. Many of these boards charge an initial license or application fee. Other boards do not, and in some cases, professionals are allowed to practice for 1 month to 2 years without paying a license fee.

Section 455.227, F.S., provides the boards with enforcement authority and includes the grounds for disciplinary action.

According to s. 455.225, F.S., the DPR must file a formal complaint against a regulated professional when a probable cause panel indicates that probable cause exists. Also, all probable cause proceedings must comply with s. 120.53, F.S., which includes public notice for these meetings even though these meetings are not open to the public.

Chapter 310, F.S., relating to pilots and pilotage, authorizes board members to set pilotage rates. The board is composed of licensed pilots and laymembers. Also, the department assesses a percentage of the gross amount of pilotage earned by pilots at each port. These funds are deposited in a trust fund. Any expenses of regulation of harbor pilots are paid from this fund.
Neither chapters 458 or 464, F.S., provides for the treatment of impaired physicians or nurses; however, DPR operates an impaired physician treatment program pursuant to department rules.

Section 460.406, F.S., provides for approval and accreditation of chiropractic colleges for licensure purposes and includes a waiver of these requirements for applicants who matriculated prior to July 1, 1979.

Section 462.08, F.S., sets a cap of $50 on biennial renewal fees set by the board for naturopaths.

Section 465.07, F.S., provides the following requirements for licensure as a pharmacist: the applicant must be at least 18 years of age and have a degree from an accredited school or college of pharmacy.

Section 466.006, F.S., 1982 Supp., provides for a refundable examination fee for dentists. This fee is set by the board and shall not exceed $150. This section also contains provisions for licensure when an applicant is a graduate of a foreign dental school which is not approved by the board.

Section 468.1665, F.S., creates the Board of Nursing Home Administrators consisting of 11 members as follows: 1 medical doctor; 1 geriatric-trained registered nurse; 1 hospital administrator, 1 licensed pharmacist; 5 licensed nursing home administrators, and 2 lay persons.

Section 471.031, F.S., prohibits the use of the name or title "registered engineer" when a person is not registered pursuant to ch. 471, F.S.

Chapter 472, F.S., provides regulations for land surveyors and creates the Board of Land Surveyors.

Section 473.303, F.S., creates a Board of Accountancy consisting of seven members, five of whom shall be certified public accountants.

Section 475.17, F.S., 1982 Supp., sets the required classroom hours necessary for licensure as a real estate salesman (not to exceed 51 hours) and broker (not to exceed 48 hours). Section 475.175, F.S., 1982 Supp., provides that an applicant may not take the real estate examination until certain background checks have been made by the commission pursuant to s. 475.17, F.S., 1982 Supp.

Section 476.184, F.S., requires that barbershops be registered with the DPR.

Section 477.019, F.S., provides qualifications for licensure as a cosmetologist, including: 1200 hours of training with a procedure for certification by a school of a person to qualify to take the examination after completion of a minimum of 600 hours. Section 477.030, F.S., requires that cosmetology services be performed only in licensed salons.

Section 490.005, F.S., provides requirements for licensure for psychological services (clinical social workers, marriage and family therapists, mental health counselors, and school psychologists).

Within each of the professional practice acts, there is a section relating to disciplinary actions by the boards. These sections include specified actions which constitute grounds for disciplinary action by the board and the actions the board may take in response.
B. Effect of Proposed Changes:

The name of the Division of Administrative Services is changed to the Division of Examination and Licensure to more accurately reflect its duties.

Section 114.01, F.S., is amended to provide that the failure of a board or commission member of the DPR to attend 3 consecutive meetings, or 50% of the meetings held during a 12-month period, shall create a vacancy on the board or commission.

Section 120.71, F.S., is amended to allow any party to an agency proceeding to allege interest or bias on the part of a board or commission member. The Cabinet would be responsible for adopting rules to implement this section.

Section 455.217, F.S., is amended to allow the department to give the names and numbers of candidates when contracting for national examinations.

A new section is created to provide peer review, by the department or by contract, of health care providers (licensed chiropractic physicians) to advise the department as to the appropriateness of services and fees rendered by the health care providers whose activities the peer review committee reviews. The reviewing agency may charge a fee (not to exceed $50) to be paid by the person requesting the review.

Section 455.207, F.S., is amended to provide that the term "other business of the board" shall not include telephone conference calls.

Section 455.213, F.S., is amended to allow the department to charge a fee of no more than $200 to cover the cost of initial licensure. Application and examination fees currently charged do not always cover the cost of licensure.

Section 455.227, F.S., is amended to allow the boards to use disciplinary actions when licensees use certain laser devices without complying with the Department of Health and Rehabilitative Services' rules on the use of such devices.

Section 455.225, F.S., is amended to require the department to follow a probable cause panel's direction as to whether to send a letter of guidance to a licensee or file a formal complaint when a probable cause panel finds that probable cause exists. Also, proceedings of a probable cause panel are exempted from the notice requirements of S. 120.53, F.S.

Chapter 310, F.S., is amended to allow only one pilot board member and one member who is a maritime or marine shipping professional to sit on the Board of Pilot Commissioners when pilotage rates are set. The DPR is given the authority to charge certain costs (e.g., financial audits) to the appropriate port which makes these expenses necessary.

An impaired professionals advisory committee is created to provide for treatment programs for impaired professionals regulated under chapters 458 (medical practice) and 464 (nursing), F.S.

Section 460.406, F.S., is amended to extend the time period for waiver of the accreditation and approval requirements for chiropractic colleges for those applicants who matriculate prior to July 1, 1990.

Section 462.08, F.S., is amended to increase the cap on renewal fees for naturopathic physicians from $50 to $200.

Section 465.07, F.S., is amended to provide that an applicant for licensure as a pharmacist have a degree from an accredited pharmacy school or college or be a graduate of a 4-year program.
of a school or college outside the U.S., pass the Test of English as a Foreign Language, pass the Foreign Graduate Equivalency Exam, and complete at least 500 hours in a board-approved supervised work activity program.

Section 460.006, F.S., is amended to increase to $300 the maximum refundable examination fee for dentists and expand the requirements for licensure to include a diagnostic skills examination. When an applicant is a graduate of a college which is not accredited or approved, the applicant would be allowed to take the licensure examination upon meeting certain requirements. Exemptions are provided for applicants who cannot comply with certain licensure requirements as a result of political or other conditions in the country in which the applicants received an education.

The membership of the Board of Nursing Home Administrators is decreased to 7 members as follows: 3 licensed nursing home administrators, 2 members from the health services industry, and 2 lay persons (s. 468.1665, F.S.).

Section 471.031, F.S., is amended to prohibit the use of any words indicating that a person is a registered engineer when the person is not so registered.

Chapter 472, F.S., is amended to include the following provisions: the name of the board is changed to the Board of Professional Land Surveyors; a requirement of 12 hours of mandatory continuing education per annum (effective July 1, 1985) is added; qualifications for licensure are changed to allow applicants with a specified experience record in the U.S. military to take the licensure examination; and to require the board to adopt rules providing for review and approval of military schools and apprenticeship programs operated by the U.S. government.

The membership of the Board of Accountancy is increased to nine members, seven of whom shall be certified public accountants.

Section 475.17, F.S., 1982 Supp., is amended to increase the required classroom hours necessary for licensure as a real estate broker (72 hours) and salesman (63 hours). Section 475.175, F.S., 1982 Supp., is amended to allow a person to take the licensure examination upon submission of an application and the required fee, and submission at the time of examination of the certificate proving satisfactory completion of the educational requirements (educational institutions shall notify the commission of the persons who have completed the educational requirements).

Chapter 476, F.S., is amended to require barbershops to display the barbershop registration along with each individual licensee's certificate in a conspicuous place.

Section 477.019, F.S., is amended to increase the minimum hours needed for a person to qualify to take the cosmetology examination early. Section 477.030, F.S., is amended to allow the performance of certain cosmetology services outside a licensed salon when a client for reasons of ill health is unable to go to a salon.

Section 490.005, F.S., is amended to revise the licensure requirements for marriage and family therapists, mental health counselors, clinical social workers, and school psychologists and delete unclear grandfathering language.

The following sections dealing with disciplinary actions are amended:

- Section 458.337, F.S. (Medical Practice), is amended to require nursing homes and ambulatory surgical
centers to report to DPR any disciplinary actions taken against physicians.

- Section 459.015, F.S. (Osteopathy), is amended to authorize the department to compel any osteopathic physician to submit to a mental and physical examination during an investigation of alcohol or drug abuse. (Conforms language to the Medical Practice Act.)

- Section 460.413, F.S. (Chiropractic), is amended to require that x-rays be kept for no longer than 4 years as part of the patient record.

- Section 462.14, F.S. (Naturopathy), is amended to conform this section to the disciplinary section of the Medical Practice Act.

- Section 465.016, F.S. (Pharmacy), is amended to provide disciplinary action for violations of the Federal Drug Abuse Act. Section 465.032, F.S., is amended to allow the department or board to revoke or suspend a pharmacy permit and reprimand, fine, or use other disciplinary action.

- Section 466.028, F.S. (Dentistry), is amended to include the following under grounds for disciplinary action: paying or receiving any commission, bonus, kickback, or rebate for patients referred to providers of health care goods and services; and pre-signing blank prescription forms.

- Section 472.033, F.S. (Land Surveying), is amended to include disciplinary action for violations of board or department rules and other statutory or legal obligations.

- Section 475.25, F.S. (Real Estate Brokers, Salesmen, and Schools), is amended to allow the commission to use a combination of disciplinary actions. Also, a plea of nolo contendere shall be considered a conviction under the disciplinary section.

- Section 480.046, F.S. (Massage), is amended to allow the board to use a combination of disciplinary actions.

- Section 486.091, F.S. (Physical Therapy Practice), is amended to allow the board to reprimand, fine, place on probation, and otherwise discipline any registered person.

- Section 489.115, F.S. (Contracting), is amended to allow the board to use a combination of disciplinary actions.

This bill creates a nonprofit, nongovernmental advisory body known as the Florida Consultative Council consisting of at least 25 members representing the construction industry and the public interest. Members are to be appointed by the Governor subject to Senate confirmation. The council would establish a consultative committee to ensure a direct line of communication between the council and private trade, professional, and labor organizations, regulatory agencies, testing bodies, and consumer groups. The council would give particular attention to the development of methods for encouraging cooperation with the council, acceptance and use of its technical findings, and acceptance and use of the recognized performance criteria, standards, and other technical provisions developed for use. Council members would not receive any travel expenses or per diem from the state. The council shall annually report in writing to the Governor, the President of the Senate, and
Speaker of the House. The report shall include the council's operations, activities, financial condition, accomplishments and may include recommendations.

The bill also requires that the Department of Professional Regulation conduct a study of procedures of the various boards and commissions to qualify foreign-speaking residents to practice their professions in Florida and of the need for regulation of legal and court interpreters. The results of these studies and recommendations for development of a uniform approach relating to foreign-speaking residents shall be made by the department to the President of the Senate and Speaker of the House no later than January 6, 1984.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

There are several provisions in this bill which may increase the cost of regulation to professionals. These provisions include: initial license fees for all professionals; increased maximum license renewal fees for naturopathic physicians; increased maximum examination fees and expanded licensure requirements for dentists; and an increased board membership for public accountants. Nursing home administrators may realize a savings in regulatory costs since board membership is decreased. Increasing the cap on license fees will have an impact only to the extent that fees are increased by rule of the appropriate boards.

Other provisions in the bill which may increase the costs of licensure include: after July 1, 1985 applicants for licensure as land surveyors will bear the annual cost of mandatory continuing education; applicants for licensure as real estate brokers and salesmen may be required to pay for additional classroom hours necessary to meet licensure requirements; and applicants for licensure as cosmetologists will be required to complete additional hours before qualifying to take the licensure examination early.

It is assumed that any increase or decrease in the cost of regulation to professionals will ultimately be passed on to consumers in the form of higher or lower prices for their services. Also, any person requesting peer review of the fees and services of a chiropractic physician may be charged a fee not to exceed $50.

B. Government:

According to the Department of Professional Regulation, there are several provisions in this bill which will increase regulatory costs. They include: peer review of certain health care providers (the department feels the $50 fee should cover the additional costs); treatment programs for certain impaired professionals (the department estimates that this program will cost approximately $134,600 to implement); diagnostic examinations for dentists (estimated additional cost of $28,000 per year if DPR uses the North East Regional Board's diagnostic exam or $60,000 (1st year) and $25,000 (each subsequent year) if DPR develops such an exam; increased membership of the Board of Accountancy ($4,000 annually); and a study of board and commission policies relating to licensure of foreign-speaking applicants and regulation of legal and court interpreters (the department estimates the cost of implementing this provision will be approximately $20,000). The department expects to realize a savings in regulatory costs due to provisions of the bill which decrease the membership of the Board of Nursing Home Administrators (savings of $5,600 annually) and delete conference calls from board business for purposes of board-member compensation (there were 45 board-member conference calls during FY 1981-82; however, the department is unable to quote a dollar amount for savings).
Additional revenues may be generated by increased caps on certain fees (initial license fees for all professions, biennial renewal license fees for naturopaths, and examination fees for dentists) to the extent that the appropriate boards increase these fees by rule.

III. **COMMENTS:**

None.

IV. **AMENDMENTS:**

None.
DIFFERENCES IN CS/SB 688 AND HB 1311 (FIRST ENGROSSED)

- Language in s. 120.71 on disqualifications is slightly different. New language in SB applies only to DPR. In HB, it applies to all agencies.

- HB allows department to publish the names of unlicensed individuals who are operating without a license in a newspaper in the area in which the person is operating.

- HB amends s. 458.311, F.S., to include examination of graduates from an allopathic medical school or college.

- HB provides for the issuance of an osteopathic faculty certificate. Allows holder of certificate to practice only in conjunction with teaching duties.

- HB creates a new section requiring podiatrists to state whether they will accept Medicare assignment reimbursement. HRS is to prepare a list of such podiatrists.

- HB changes statutory cite for optometrists who are employed by corporations or labor organizations licensed under ch. 637.

- HB provides that nurses may be compelled to submit to a physical or medical exam in certain cases.

- HB includes radiopharmacists and special pharmacists under regulations of ch. 465, F.S.

- HB includes a statute of limitations for filing complaints under ch. 468, F.S.

- HB does not decrease membership of Board of Nursing Home Administrators.
- HB sets thresholds for the type of activities (plumbing, electrical, air conditioning and heating) which may be done by contractors without a professional engineer’s seal.

- HB does not include mandatory continuing education for land surveyors.

- HB rewords s. 473.313, F.S., relating to inactive status of public accountants.

- HB specifies that those persons who vaccinate animals must be a licensed veterinarian and allows an unlicensed doctor of veterinary medicine to practice under the immediate supervision of a licensed veterinarian.

- HB provides for a refund of fees under certain circumstances in ch. 475, F.S. (Real Estate).

- HB bars from licensure those persons who have held themselves out to be real estate brokers or salesmen the year prior to filing an application for licensure under ch. 475, F.S.

- HB provides that an application for licensure under ch. 475, F.S., expires after one year if the applicant does not take the appropriate exam and provides that an on-site broker is required to manage a branch office.

- HB includes provisions that real estate school instructors must pass an instructor’s written examination; however, present permittees are grandfathered in.

- HB increases payments for claims from the Real Estate Recovery Fund from $20,000 to $50,000.
Committee Information Record

Committee on Appropriations

Date of meeting  May 24, 1983
Time  3:30 p.m.
Place  Morris Hall

FINAL ACTION:  X  FAVORABLE

X  FAVORABLE WITH AMENDMENTS
X  FAVORABLE WITH SUBSTITUTE
X  UNFAVORABLE

Vote:

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X Upchurch
X Wallace
X Ward
X Weinstock
X Wetherell
X Young
X Morgan

Committee Appearance Record

The following persons (other than legislators) appeared before the committee during the consideration of this bill:

Name  Representing  Address

NOTE: Please indicate by an "X" any State employee appearing at the request of Committee Chairman.

(If additional persons, enter on reverse side and check here.)
PROPOSED COMMITTEE BILL #27  (HB____)

relating to Professional Regulation

Other Committees of Reference:

Subcommittee: ________

Committee: ________

I. SUMMARY AND PURPOSE

PCB 27 is an omnibus bill containing the Department of Professional Regulation's legislative package. The various proposals within the bill originated with the Department of Professional Regulation or with the professional boards within the Department. The bill amends 25 chapters of the Florida Statutes; all of which directly relate to professional regulation.

II. CURRENT LAW AND EFFECT OF CHANGES

A. Current Law

Section 1. Changes the name of the Division of Administrative Services to Division of Examination Services.

Changes the name of the Board of Land Surveyors to the Board of Professional Land Surveyors.

Section 2. Provides for the automatic creation of a vacancy when a board or commission member fails to attend three consecutive or 50% of a board's meetings.
Article IV, Section 6 of the Florida Constitution provides that:

"Boards authorized to grant and revoke licenses to engage in regulated occupations shall be assigned to appropriate departments and their members appointed or fixed terms, SUBJECT TO REMOVAL ONLY FOR CAUSE."

Removal for cause would include neglect of duty, but removal from office would be discretionary with the Governor.

The bill would provide for automatic removal from office by creating a vacancy when, without good cause, there is failure to attend meetings.

The change affects ALL board or commission members, not just DPR Board members.

Section 3. The purpose of this section is to amend procedures whereby a party who is up for discipline before a DPR board may allege interest or bias by board members, thus forcing disqualification of the members. Such a situation occurred with the dental board and could happen to other boards.

The proposal would affect all state agency proceedings, not just DPR board actions.

The proposal would require the filing of suggestion within a "reasonable time" prior to the proceedings, and would authorize the Administration Commission (Cabinet) to adopt rules of procedure. There is a change of wording from "shall" to "may," the effects of which would not be clarified until rules are adopted.

Sections 4, 5, and 7. These sections change the composition of the Board of Pilot Commissioners for rule-making decisions. The Board is composed of ten members:

- 5 harbor pilots
- 2 non-pilots actively engaged in maritime shipping
- 3 non-pilots actively engaged in maritime shipping
For rate making decisions the board shall be comprised of the following:

- 1 harbor pilot member

- 1 board member actively involved in their professional or business capacity in maritime or marine shipping; and

- 3 board members not involved or monetarily interested in the piloting profession or in the maritime industry or marine shipping.

Section 6. Requires rulemaking regarding procedures for verifying the amount of pilotage at each port.

Section 8. Authorizes DPR to charge a licensure fee for licenses being initially licensed.

Currently, fees are assessed for application and examination, but these revenues do not in all cases cover the costs of regulating initial licensees. Various DPR boards have attempted to charge initial licensure fees, but it has been ruled that they have no statutory authority to do so.

Section 9. Contains technical name change.

Allows the department to provide candidate names when contracting for national examinations.

Section 10. Provides that each DPR board may, in the alternative of filing a formal complaint, send a letter of guidance after a finding of probable cause.

Deletes notice requirements for probable cause panel meetings. Such meetings are not open to the public.

Section 11. Authorizes the Department to obtain patient records from naturopaths, just as it does for other medical professionals.

Section 12. Authorizes the Board of Medical Examiners rather than the Department to waive educational requirements where the applicant has been examined and certified as a specialist.
Section 13. Clarifies that a physician is not required to report another physician if he verifies that the individual is in an approved treatment program. In addition, the cap on administrative fines on physicians is raised from $1,000 per count to $10,000 per count.

Section 14. Provides for the creation of an Impaired Professionals Advisory Committee and establishes the duties and responsibilities of the committee. In addition, the Board of Medical Examiners is authorized to establish rules relating to the Committee and its functions.

Section 15. Requires nursing homes ambulatory surgical centers or their staff to report to DPR disciplinary actions taken against physicians just as hospitals and hospital staff must report violations.

Sections 16, 17 and 18. These sections amend the osteopathic practice act by providing for the following:

Authorizing an osteopath to practice in Florida in conjunction with teaching duties at an accredited school;

Authorizing the Department to compel a mental or physical examination when investigating alcohol or drug abuse by an osteopath;

Would require the waiver of any objection to the admissibility of medical report. The statute is rewritten to conform to language in the medical practice act.

Section 19. Would require physicians to keep X-rays in addition to other medical records. There is no similar provision for doctors.

Section 20. Requires podiatrists applying for licensure or renewal of licensure to indicate whether or not they accept Medicare assignment reimbursement and requires the department to share that information with the Department of HRS district offices.

Section 21. Rewrites naturopathic disciplinary section to conform with medical practice act.

Section 22. Technical change to correct incorrect statute reference.
Section 23. Authorizes DPR to compel a mental or physical examination when investigating alcohol or drug abuse by a nurse. Requires that nurse pay for the examination. Expects nurses from reporting another nurse suspected of alcohol or drug abuse if they verify that the nurse is in an approved treatment program.

Section 24. Authorizes Board of Nursing to appoint a licensee to serve on Impaired Professionals Advisory Committee; requires the Department to retain consultants approved by the board and provides some specific duties of the department.

Sections 25, 26, 27, 28 and 29. Defines and provides for permitting of radiopharmacies, special pharmacies and consulting pharmacists.

Provides for discipline of pharmacists violating the Federal Drug Abuse Act.

Section 30. Provides for flexibility in the discipline of pharmacy permittees.

Section 31. Authorizes the Board of Dentistry to require a person to submit a mental or physical examination under certain circumstances and authorizes disciplinary action against dentists who presign blank prescription forms.

Section 32. Eliminates the presumption that state or regional examinations for licensure as a nursing home administrator are substantially equivalent to Florida examination requirements.

Section 33. Authorizes a statute of limitations for certain violations by nursing home administrators.

Sections 34 and 35. Restricts the use of the title "registered engineer" to engineers licensed pursuant to Chapter 471.

Sections 36, 37 and 39. Changes the name of the Board of Land Surveyors to the Board of Professional Land Surveyors.

Provides for discipline of land surveyors for violations of Florida Statutes, or rules of the Board.
Section 38. The current law provides for alternative sets of criteria which will qualify an applicant for licensure as a land surveyor. The alternatives are:

A. graduate from an approved college course and have two years experience

B. graduate from a four year program, other than land surveying and have four years experience

C. complete 32 semester hour course of study, and have six years experience

D. complete eight years of experience

The bill would change the qualifications for licensure pursuant to alternative A as follows:

- the applicant would be required to graduate from a four year course rather than an approved course
- have four rather than two years experience

Applicants pursuant to alternative B would be required to have six rather than four years of experience.

Applicants pursuant to alternative D would be required to have ten rather than eight years of experience. The requirement of a high school diploma is added.

Alternatives C and D would be eliminated after 1993.

Section 40. Expands the Board of Accountancy from 7 to 9 members by adding two professional members.

Section 41. Clarifies the inactive status provisions relating to accountants; defines permanently retired and authorizes board to extend the four-year period which a license may be inactive under certain circumstances.

Sections 42, 43 and 44. Provides that the vaccination of animals against diseases communicable to humans must be performed by a veterinarian.

Repeals provisions for a temporary permit, and adds language to allow practice of veterinary medicine under direct supervision while awaiting examination results.
Section 45. Allows refund or partial refund of real estate application fees.

Section 46. Prohibits the licensure of applicants who have unlawfully acted as real estate brokers or salesman in the year prior to application.

Raises the number of classroom hours required to be a real estate salesman from 51 to 63 hours, and the hours required to be a broker from 48 to 72 hours.

Section 47. Amends s. 475.175, F.S., and clarifies the procedure and requirements individuals must meet in order to be eligible to take the real estate license examination.

Section 48. Requires real estate applicants to take real estate examinations within one year of application and to request initial licensure within six months of passage of the examination.

Section 49. Technical change to clarify language.

Section 50. Requires branch real estate offices to be managed by an on-site broker.

Section 51. Adds permit holders (real estate schools) to disciplinary provisions of Chapter 475.

Provides that a plea of nolo contendre shall be considered a conviction for the purposes of discipline by real estate commission.

Requires real estate licensees to notify DPR of any felony conviction.

Section 52. Requires real estate school instructors to pass an examination.

Rewrites grandfather clause for real estate school instructors.

Section 53. Allows for a claim to be honored, despite lack of notice, if the commission determines the claim is valid.

Section 54. Raises cap on allowable payments from real estate recovery fund.
Section 55. Deletes language relating to renewal of license of retired barbers. In all other practice acts a person is either active or inactive.

Section 56. Provides that a barber's assistant may not apply hair tonics.

Section 57. Requires each barber shop to display its barber shop registration certificate.

Section 58. Creates an exception and allows barber services to be performed in locations other than registered barber shops under certain circumstances.

Section 59. Provides for exemption from cosmetology licensure for medical professionals, nurses, barbers, and employees of certain public institutions.

Section 60. Clarifies the continuing education requirements for cosmetologists.

Section 61. Provides flexibility to the Board of Cosmetology regarding examinations. Currently, a practical examination is statutorily required; this proposal would permit all the Board to choose what types of examinations will be offered.

Section 62. Rewrites the disciplinary section in the cosmetology practice act to reflect similar language in other practice acts.

Section 63. Provides for disciplinary proceedings against continuing education providers.

Section 64. Rewrites disciplinary section of cosmetology practice act to conform with other practice acts.

Section 65. Creates an exception and allows cosmetology services to be performed in locations other than licensed salon under certain circumstances.

Section 66. Would allow for colonic irrigation by massage licensees. It is currently unclear as to whether "Hydrotherapy" includes colonic irrigation.

Section 67. Deletes mandatory continuing education requirements and adds language to allow the Board
of Massage to include prescribed continuing education by rule.

Section 68. Deletes financial responsibility and insurance coverage requirements for massage establishments.

Section 69. Provides for flexibility in disciplinary proceedings.

Section 70. Raises fee cap for application and examination as an architect from $200 to $300.

Section 71. Raises the fee cap for application and examination as a landscape architect from $200 to $250.

Section 72. Requires that applicants for licensure as a landscape architect must pass a test on Florida plant materials. The requirement would primarily affect applicants from out-of-state applying for licensure by endorsement.

Section 73. Changes the educational requirement for licensure of opticians. An A.A. or A.S. degree in opticianry would meet the altered requirements. At present a two year course is required, but also 1,000 hours per year is required.

Section 74. Deletes definition section which currently has the effect of limiting opticians to filling prescriptions of in-state physicians.

Section 75. Provides for flexibility in the discipline of physical therapists.

Section 76. Alters contractor certification regulation to clarify that a contractor may only practice the particular type of contracting which is covered in the certificate.

Section 77. Requires local building departments to verify that a DPR construction license is verified before issuing a building permit.

Section 78. Technical change in disciplinary language.

Section 79. Clarifies definition relating to electrical contracting (technical).
Section 80. Raises the following fee caps for electrical contractors:

- examination and certification from $150 to $200
- initial application for registration from $20 to $75
- certification renewal from $150 to $200
- registration renewal from $20 to $75

Section 81. Abandonment of a contracted project is added as grounds for which an electrical contractor may be disciplined.

Section 82. Deletes unclear grandfathering language relating to licensure in psychology.

Alters licensure requirements to marriage and family therapists, mental health counselors, clinical social workers, and school psychologists.

Section 83. Exempts certain persons from licensure requirements, if the individual is an employee of a public or private educational institution.

Section 84. Provides for repeal and review of each section added to Chapter 459 by this act on October 1, 1986.

Section 85. Provides for repeal and review of each section added to Chapter 465 by this act on October 1, 1986.

Section 86. Provides for repeal and review of each section added to Chapter 477 by this act of October 1, 1985.

Section 87. Provides for effective date.

B. Effect of Proposed Changes

None.
III. FISCAL DATA

The bill does not contain provisions which would require additional personnel or direct expenditures by the Department. Section 8 could redistribute the burden of funding regulation by authorizing initial licensees to pay additional fees. Section 40 would add additional costs to the Board of Accountancy by adding additional members to the Board.

Prepared by: John
Staff Director: Chris Holland, Ph.D

CH/kc
III. COMMENTS:

The bill's provisions regarding initial licensure fees and the increase in fee caps will allow the boards and/or DPR to recover necessary costs of licensure and regulation, allowing each profession to be financially self-supporting.

The expansion of the Board of Accountancy will have minimal cost increases for this board.

The costs of the Impaired Professional Advisory Committee and the retention of the required consultant will be approximately $67,300 to be assessed against participating boards through the DPR's administrative assessment.

[Signatures]

Staff Director

Staff Analyst
In compliance with Rule 7.16, there is hereby submitted a fiscal note on the above listed bill relative to the effect on revenues, expenditures, or fiscal liability of the State, and of Local Governments as a whole.

I. DESCRIPTION OF BILL
A. Fund or Tax Affected
   Professional Regulation Trust Fund
B. Principal Agency Affected
   Department of Professional Regulation
C. Narrative Summary
   (Sections containing fiscal impact are listed. See Bill Summary for a description of all 87 sections.)

   Section 8: Allows DPR to charge an initial license fee not to exceed $200. This provides DPR or the affected board the authority to assess for costs of initial registration and investigation which the current license/renewal fees do not cover.

   Section 14: Provides for the creation of an Impaired Professions Advisory Committee with rules established by the Board of Medical Advisors. Requires DPR to retain a consultant for the Advisory Committee.

   Section 40: Expands the Board of Accountancy from 7 to 9 members.

   Section 70: Raises the fee cap for application and examination as an architect from $200 to $300.

   Section 71: Raises the fee cap for application and examination as a landscape architect from $200 to $250.

   Section 80: Raises the fee caps for electrical contractors.

   Effective date: October 1, 1983, except that the amendments to ss. 475.17 and 475.451(2)(c) provided in this act shall take effect January 1, 1984.

II. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS
A. Non-Recurring or First Year Start-up Effects
   See Comments

B. Recurring or Annualized Continuation Effects
   See Comments

C. Long Run Effects other than Normal Growth
   N/A

D. Appropriations Consequences
   See Comments

(Page 1 of 2)
83hb1311
Journal
of the
House of Representatives

Eighty-fifth
Regular Session
since Statehood in 1845
April 5 through June 13, 1983

Including a record of transmittal of Acts subsequent to sine die adjournment
Rep. Gustafson moved the adoption of the amendment, which was adopted without objection.

On motion by Rep. Gustafson, the rules were waived and CS/SB 201, as amended, was read the third time by title. On passage, the vote was.

Yea's—115

The Chair

Deratany

Kelly

Robinson

Abrams

Deutsch

Kutun

Roe

Allen

Dorn

Lawson

Sample

Armstrong

Dudley

Lehtinen

Sanderson

Arnold

Dunbar

Lewis

Selph

Bailey

Easley

Liberti

Shackelford

Bankhead

Evans-Jones

Lippman

Shelley

Bass

Fig

Locke

Silver

Bell

Friedman

Logan

Simon

Branley

Gallagher

Mackenzie

Simone

Bronson

Gordon

Martinez

Spaet

Brown, C

Grant

McEwan

Stewart

Brown, T C

Grindle

Meffert

Thomas

Burnsed

Gustafson

Mesersmith

Thompson

Burrall

Hanson

Mills

Titone

Carlton

Hargrett

Mitchell

Tobassen

Carpenter

Harris

Morgan

Toban

Casas

Hawkins, L R

Murphy

Upchurch

Clark

Hawkins, M E

Nerger

Wallace

Clements

Hazouri

Ogden

Ward

Combee

Healey

Patchett

Watt

Cortina

Hill

Peoples

Webster

Cosgrove

Hodges

Fress

Weinstock

Cray

Johnson, B L

Ready

Wetherell

Crotty

Johnson, R C

Reeves

Williams

Danson

Johnson, R M

Redick

Woodruff

Dantzler

Jones, C F

Reynolds

Young

Davis

Jones, D L

Richmond

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

Consideration of HB 1165 was temporarily deferred.
salesmen licenses, amending s 475 24, Florida Statutes, 1982 Sup­
plement, providing for on-site management of branch offices, amend­
ing s 475 25 (1), Florida Statutes, 1982 Supplement, expanding the
application of provisions relating to real estate related disciplinary
action and changing certain grounds therefor, amending s 475 451 (2),
(6), and (8), Florida Statutes, 1982 Supplement, changing licensure
requirements for real estate school operators, administrators and
instructors to meet certain licensure requirements, amending s
475 488 (1) (b), Florida Statutes, 1982 Supplement, providing an
exception to notice requirements for claims against the Real Estate
Recovery Fund, amending s 475 484 (1), (3), and (4), Florida Statu­
estes, 1982 Supplement, increasing amount limits for authorized
payments from the Real Estate Receiving Fund, amending s.
476 154 (1), Florida Statutes, deleting provisions relating to resto­
ation of licenses of retired barbers, amending s 476 164 (4), Flori­
da Statutes, restricting the practice of barbers' assistants, adding a
subsection to s 476 184, Florida Statutes, requiring display of bar­
er shop registrations and barbers' licenses; creating s 476 210, Florda Statutes, requiring barber services to be performed in regis­
tered barbershops; providing exceptions, creating s 477 0135, Flori­
da Statutes, exempting certain persons from licensure as cosme­
tologists; creating s 477 0211, Florida Statutes, authorizing con­
tinuing education requirements for cosmetologists, amending s.
477 022 (1) and (3), Florida Statutes, 1982 Supplement, changing
cosmetology examination requirements, creating s 477 0265, Flori­
da Statutes, prohibiting certain acts and providing penalties, amend­
ing s 477 028 (1), Florida Statutes, authorizing disciplinary actions
against continuing education providers, amending s 477 029, Flori­
da Statutes, prohibiting violations of provisions relating to cosme­
tology and increasing the types of disciplinary actions, creating s
477 030, Florida Statutes, requiring cosmetology services to be per­
fomed in licensed salons, providing exceptions, amending s 480 053 (3),
Florida Statutes, expanding the definition of "massage", amending 
s 480 041 (4), Florida Statutes, 1982 Supplement, clarifying license
renewal requirements for masseurs, amending s 480 043 (2), Flori­
da Statutes, deleting authority of the Board of Massage for regula­
tion of financial responsibility and insurance coverage for massage
establishments, amending s 480 046 (1), Florida Statutes, relating to
disciplinary action by the Board of Massage, amending s 481 207
and 481 307, Florida Statutes, increasing certain fees for architects and
landscape architects, adding a subsection to s 481 309, Florida Statu­
estes, providing examination requirements for landscape archi­
tecture licenses, amending s 484 007 (1) (e), Florida Statutes, chang­
ing qualifications for licensure of opticians; repealing s 484 002 (6),
Florida Statutes, removing the definition of "licensed physician" in
provisions relating to opticians; amending s 486 091, Florida Statu­
estes, providing alternative disciplinary actions against physical
therapists, amending s 489 115 (1), Florida Statutes, restricting the
effect of certification of construction contractors; amending s
489 119 (5), Florida Statutes, 1982 Supplement, requiring local veri­
fication of state licensure of construction contractors, amending s
489 129 (1), Florida Statutes, relating to disciplinary action against
such contractors, amending s 489 505, Florida Statutes, making a
technical change, amending s 489 509, Florida Statutes, increasing
fees for electrical contractors, adding a paragraph to s 489 533 (1),
Florida Statutes, adding a ground for disciplinary action against
electrical contractors, amending s 490 005 (1) (b) and (2), Florida Statu­
estes, changing qualifications for licensure of psychologists by
examination, changing qualifications for clinical social workers,
marrage and family therapists, mental health counselors, and school
psychologists, amending s 490 014 (2) (c), Florida Statutes, 1982
Supplement, changing the exemption from licensure as psycholo­
gists for certain employees of educational institutions, providing for
future review and repeal; providing an effective date.

---was read the second time by title

Representative Crady offered the following amendment

Amendment 1—On page 41, between lines 27 and 28, insert
Section 38 Paragraph (e) is added to subsection (2) of section 472 013,
Florida Statutes, and subsection (4) of said section is amended, to
read: 472 013 Examinations, prerequisites.—
(2) An applicant shall be entitled to take the licensure examina­
tion to practice in this state as a land surveyor if the applicant is of
good moral character and has satisfied one of the following
requirements
(e) Has successfully completed a specific experience record of not
less than 10 years of active duty service in the military of the United
States with a Military Occupational Specialty classification of 82
and a minimum skill level of 40, or its current equivalent military
designation, provided that 7 years of such experience shall be in the
active practice of land surveying of a nature indicating that the
applicant was in responsible charge of the accuracy and correctness
of the land surveying work performed.

(4) The board shall adopt rules providing for the review and
approval of schools or colleges, including military schools and train­
ing and apprenticeship programs operated by the United States Gov­
ernment, and the courses of study in land surveying in such schools
or colleges and military schools and training and apprenticeship
programs. The rules shall be based on the educational require­
ments for land surveying as defined in s. 472 005. The board may
adopt rules providing for the acceptance of the approval and accredi­
tation of schools and courses of study by a nationally accepted
accreditation organization (Renumber subsequent sections).

Rep Crady moved the adoption of the amendment, which was
adopted without objection

Representative Lippman offered the following amendment

Amendment 2—On page 18, lines 1-31, page 19, lines 1-31, and
page 20, lines 1-17, strike all of said lines and insert 458 331
Grounds for disciplinary action, action by the board —
(1) The following acts shall constitute grounds for which the
disciplinary actions specified in subsection (2) may be taken:
(f) Failing to report to the department any person who the licen­
see knows is in violation of this chapter or of the rules of the
department or the board, provided, however, that if the licensee
verifies that the person is actually participating in a board approved
program for the treatment of a physical or mental condition, then
the licensee shall be required to report such person to an impaired
professional consultant only.

Section 14 Section 458 3311, Florida Statutes, is created to read
458 3311 Treatment programs for impaired professionals, advi­sory committee, consultants —
(1) There is hereby created the impaired professionals advisory
committee, the composition of which shall be determined by rule of
the board, and shall include the secretary of the department or his
designee.

(a) Advise the board as to appropriate policies and guidelines to
be utilized in approving providers and preventive and rehabilita­
tive programs directed to impaired professionals.
(b) Act as liaison between approved providers and the board;
(c) Promote education programs on impairment for facility chiefs of
staff, local medical societies, medical schools, post-graduate train­
ing programs, specialty societies, medical auxiliaries, and other
professional groups to enhance understanding of addictive and mental
disorders and the treatment options available through approved
providers;
(d) Advise the board on the continuation and expansion of treat­
mament programs for impaired professionals, and,
(e) Disseminate information on the treatment programs.
The department shall retain one or more impaired professional consultants as recommended by the committee and approved by the board. A consultant shall be a recovered impaired physician, or a physician licensed under chapter 458 or chapter 459, Florida Statutes, or a psychiatrist as defined in s. 394.455(2)(b). The consultant shall assist the board and the department in carrying out the responsibilities of this section.

The board is authorized to adopt rules setting forth appropriate criteria for approval of providers to engage in preventive and rehabilitative programs involving impaired professionals.

Information and knowledge of the consultant involving an impaired physician who may be in violation of this chapter or of the rules of the board or department, shall not constitute a complaint as described in s. 455.255, so long as the licensee is progressing satisfactorily in a board approved program. The approved program provider shall upon request disclose to the consultant all information in its possession regarding an impaired physician in treatment. All information obtained by the consultant pursuant to this section shall be exempt from disclosure under the provisions of subsection (6).

If in the opinion of the consultant, after consultation with the provider, the impaired physician enrolled in an approved treatment program does not progress satisfactorily, then the consultant shall disclose to the department all information in his possession regarding such physician and such disclosure shall constitute a complaint pursuant to the general provisions of s. 455.255. Whenever the consultant concludes that impairment affects a licensee's practice constituting an immediate serious danger to the public health, safety or welfare, such conclusion shall be communicated to the secretary of the department. A consultant, licensee or approved program provider who makes a disclosure pursuant to this section of s. 458.331(1)(f) shall not be subject to civil liability for such disclosure or its consequence.

Representative Lippman moved the adoption of the amendment, which was adopted without objection.

Representative Lippman offered the following amendment:

Amendment 3—On page 17, line 29, insert a new Section 13 to read:

Section 13 Paragraph (b) of subsection (1) and subsection (4) of section 458.311, Florida Statutes, are amended to read:

458.311 Licensure by examination—

(1) Any person desiring to be licensed as a physician shall apply to the department to take the license examination. The department shall examine each applicant who the board certifies has

(b) Graduated from an allopathic medical school or allopathic college recognized and approved by an accrediting agency recognized by the United States Office of Education

(4) The department shall waive the requirements of paragraph (1)(b) for an applicant who demonstrates to the board that he has graduated from an allopathic medical school or allopathic college and been examined and certified as a specialist by one of the appropriate American specialty boards accredited by the Council on Medical Education of the American Medical Association

Rep. Lippman moved the adoption of the amendment, which was adopted without objection.

Representative Robinson offered the following amendment:

Amendment 4—On pages 37 & 38, lines 21-31 and 1-13, strike all of said lines and insert:

Section 31 Subsections (1) and (3) of section 466.006, Florida Statutes, 1982 Supplement, are amended, and paragraph (c) is added to subsection (4) of said section, to read:

466.006 Examination of dentists.—

(1) Any person desiring to be licensed as a dentist shall apply to the department to take the license examinations and shall verify the information required on the application by oath. The application shall include two recent photographs. There shall be an application fee, set by the board, not to exceed $100 which shall be nonrefundable. There shall also be an examination fee set by the board, which shall not exceed $300.66, which may be refundable if the applicant is found ineligible to take the examinations.

(3) If an applicant is a graduate of a foreign dental college or school not accredited in accordance with paragraph (2)(b) or of a dental college or school not approved by the board, he shall not be entitled to take the examinations required in this section to practice dentistry until he

(a) Furnishes evidence to the board of a score on the examination of the National Board of Dental Examiners taken within 10 years of the date of application, which score is at least equal to the minimum score required for certification by that board. If the applicant fails to attain the score needed for certification on part I of the national board examination in two attempts, or fails to attain the score needed for certification on part II of the national board examination in two attempts, he shall not be entitled to take the laboratory model examination authorized in paragraph (3)(b) (6), except that an applicant who graduated from the University of Havana before 1962, may take both parts of the examination an unlimited number of times.

(b) Upon meeting the requirements of paragraph (a), he shall submit the following credentials for review by the board:

1. Transcripts of predental and dental education totaling 7 academic years of postsecondary education, including 4 academic years of dental education.

2. A dental school diploma.

The board shall not review the credentials specified in this paragraph until the applicant has furnished to the board evidence of satisfactory completion of the National Board of Dental Examiners examination as required by paragraph (a). Such credentials shall be submitted in a manner provided by rules of the board. The board shall approve those credentials which comply with this paragraph and with rules of the board adopted pursuant hereto.

(c) The provisions of paragraph (b) notwithstanding, an applicant who cannot produce the credentials required by said paragraph as a result of political or other conditions in the country in which he received his education may seek approval by the board of his educational background prior to complying with the provisions of paragraph (a) by submitting such other reasonable and reliable evidence as may be set forth by rule of the board in lieu of the credentials required in paragraph (b). The board shall not accept such alternative evidence until it has made a reasonable attempt to obtain the credentials required by paragraph (b) from the educational institutions the applicant is alleged to have attended, or unless the board is otherwise satisfied that such credentials cannot be obtained. In addition, the provisions of paragraph (b) (1) shall not apply to applicants who graduated from the University of Havana before 1962.

(d)(b) Exhibits manual skills on a laboratory model pursuant to rules of the board. The board may charge a reasonable fee, not to exceed $250, to cover the costs of administering the examination of competency in manual skills. If the applicant fails to exhibit competent clinical skills in two attempts, he shall not be entitled to take the examinations authorized in subsection (4), except that an applicant who graduated from the University of Havana before 1962, may take the examination of competency in manual skills examination an unlimited number of times.

(4) To be licensed as a dentist in this state, an applicant must successfully complete the following:

(c) A diagnostic skills examination demonstrating ability to diagnose conditions within the human oral cavity and its adjacent tissues and
structures from photographs, slides, radiographs or models pursuant to rules of the board, except that an applicant who graduated from the University of Havana before 1962 shall not be required to take the diagnostic skills examination described in this paragraph. If the applicant fails to pass the diagnostic skills examination in three attempts, he shall not be eligible for reexamination unless he completes additional educational requirements established by the board.

Section 32 Sections 466.028(1), Florida Statutes, is amended by amending paragraphs (m) and (t) and by adding paragraph (ee) to read

466.028 Grounds for disciplinary action, action by the board

(1) The following acts shall be grounds for which the disciplinary actions specified in subsection (2) may be taken:

(m) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party which shall include, but not be limited to, the promotion or sale of services, goods, appliances, or drugs and the promoting or advertising on any prescription form of a community pharmacy unless the form shall also state "This prescription may be filled at any pharmacy of your choice." Paying or receiving any commission, bonus, kickback, or rebate, or engaging in any split fee arrangement in any form whatsoever with a dentist, organization, agency, or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to, dentists, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent a dentist from receiving a fee for professional consultation services.

(t) Being unable to practice his profession with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon a finding of probable cause, authority to compel a licensee to submit to a mental or physical examination by a qualified person or persons designated by the department. Failure of a licensee to submit to such examination when so directed shall constitute an admission of the allegations against him, unless the failure was due to circumstances beyond his control, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A licensee affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of his profession with reasonable skill and safety to patients.

(ee) Prescribing blank prescription forms.

Rep. Robinson moved the adoption of the amendment, which was adopted without objection.

Representative Kelly offered the following amendment

Amendment 5—On page 57, between lines 25 & 26, insert Section 476.158, F.S., is created to read

476.158 Barbering instructors, qualifications, licensure; license renewal, inactive licenses—

(1) The board shall adopt rules governing the experience, training, and competency necessary for licensure of barbering instructors and establishing an examination for applicants seeking licensure under this chapter as barbering instructors.

(2) Any person is qualified for licensure under this chapter as a barbering instructor who

(a) Meets the standards for experience, training and competency established under subsection (1)

(b) Holds an active or inactive practitioner’s license in the state

(c) Has received a passing grade on the examination established under subsection (1)

(3) Every person seeking licensure as a barbering instructor under this chapter shall apply to the department in writing upon forms prepared and furnished by the department and shall pay an application fee, which fee shall accompany the application.

(4) When the applicant meets the requirements of subsections (1), (2), and (3), the department shall issue to the applicant a barbering instructor’s license.

(5) When an applicant for licensure as a barbering instructor under this chapter fails to meet the requirements herein, the department shall deny the application in writing and shall list the specific requirements not met. No applicant denied licensure because of failure to meet the requirements herein shall be precluded from reapplying for licensure.

(6) Renewal of license registration shall be accomplished pursuant to rules adopted by the board. As part of the license renewal procedure, the board shall require licensees periodically to demonstrate their current competency in the teaching of barbering. Such requirements shall be reasonable and shall include, but shall not be limited to completion of continuing education programs approved by the board. The board is further authorized to adopt rules governing delinquent renewal of licenses and may impose penalty fees for delinquent renewal.

(7) The board may also adopt rules establishing provisions for barbering instructors licensed under this chapter to hold inactive licenses and standards for the reactivation of such licenses.

(8) No barbering instructor licensed under this chapter shall be required to continue or renew the barber’s license required in paragraph (2)(b) in order to practice barbering, as long as his license as a barbering instructor remains active. However, any person holding an inactive barbering instructor’s license under this chapter, in order to practice barbering, shall be required to hold an active barber’s license. (Renumber subsequent sections accordingly)

Rep. Kelly moved the adoption of the amendment, which was adopted without objection.

Representative Lippman offered the following amendment

Amendment 6—On page 35, between lines 3 and 4, insert Section 26 Paragraph (b) of subsection (1) of section 465.007, Florida Statutes, is amended to read

465.007 Licensure by examination—

(1) Any person desiring to be licensed as a pharmacist shall apply to the department to take the licensure examination. The department, shall examine each applicant who the board certifies has:

(b) Submitted satisfactory proof that he is not less than 18 years of age and.

1. Is a recipient of a degree from a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Office of Education; or

2. Is a graduate of a 4-year undergraduate pharmacy program of a school or college of pharmacy located outside the United States, has demonstrated proficiency in English by passing the Test of English as a Foreign Language (TOEFL), has passed the Foreign Pharmacy Graduate Equivalency Examination that is approved by rule of the board, and has completed a minimum of 500 hours in a supervised work activity program within this state under the supervision of a pharmacist licensed in this state, which program is approved by the board. (Renumber subsequent sections)

Rep. Lippman moved the adoption of the amendment, which was adopted without objection.

Representatives Lippman and Cassa offered the following amendment

[Further amendments and discussions not transcribed]
Amendment 7—On page 78, between lines 28 and 29, insert Section 84 The Department of Professional Regulation shall conduct a complete study and examination of the procedures employed by the various boards and commissions to qualify foreign-speaking Florida residents to practice their professions in the State of Florida. In addition, the department shall examine the need for regulation of legal and court interpreters. The results of both studies including recommendations for the development of a uniform approach relating to foreign-speaking residents shall be made by the department to the President of the Senate and Speaker of the House of Representatives no later than January 6, 1984 (Renumber subsequent sections accordingly)

Rep. Lippman moved the adoption of the amendment, which was adopted without objection

Representative Kelly offered the following amendment

Amendment 8—On page 79, between lines 6 & 7, insert Section 86 Each section which is added to Chapter 476, Florida Statutes, by this act is repealed on October 1, 1985, and shall be reviewed by the legislature pursuant to section 1161, Florida Statutes (Renumber subsequent sections accordingly)

Rep. Kelly moved the adoption of the amendment, which was adopted without objection.

Representative Lippman offered the following amendment

Amendment 9—On page 32, lines 18-31, page 33, lines 1-31, and page 34, lines 1 & 2, strike all of said lines and insert (1) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department or the board, however, if the licensee verifies that the person is actively participating in a board approved program for the treatment of physical or mental condition, then the licensee shall be required to report such person to an impaired professionals consultant only.

Section 24 Section 464 0185, Florida Statutes, is created to read

464 0185 Treatment programs for impaired professionals, advisory committee, consultants—

(1) The board shall appoint a licensee who shall serve on the impaired professionals advisory committee established by s 458 3911.

(2) The department may retain one or more impaired professional consultants as recommended and approved by the board. The consultant shall act as a liaison between the board and treatment programs approved pursuant to chapter 458 which provide services to nursing licensees

(3) Information and knowledge of the consultant involving an impaired nurse who may be in violation of this chapter or of the rules of the board or department, shall not constitute a complaint as described in s. 455 225, so long as the licensee is progressing satisfactorily in an approved program. The approved program provider shall upon request disclose to the consultant all information in its possession regarding an impaired nurse in treatment. All information obtained by the consultant pursuant to this section shall be exempt from disclosure under s 119 07, and shall be held confidential subject to the provisions of subsection (4)

(4) If in the opinion of the consultant, after consultation with the provider, the impaired nurse enrolled in an approved treatment program does not progress satisfactorily, then the consultant shall disclose to the department all information in his possession regarding such nurse and such disclosure shall constitute a complaint pursuant to the general provisions of s. 455 225. Whenever the consultant concludes that impairment affects a licensee’s practice constituting an immediate serious danger to the public health, safety or welfare, such conclusion shall be communicated to the Secretary of the department A consultant, licensee or approved program provider who makes a disclosure pursuant to this section or s 464 018 (1)(i) shall not be subject to civil liability for such disclosure or its consequences

Rep. Lippman moved the adoption of the amendment

Representative Easley offered the following amendment to the amendment.

Amendment 1 to Amendment 9—On page 1, between lines 21 & 22, insert. The fees authorized under this section shall be established in sufficient amounts to cover administrative costs

Rep Easley moved the adoption of the amendment, which was adopted without objection.

The question recurred on the adoption of Amendment 9, as amended, which was adopted

Representative Gordon offered the following amendment

Amendment 10—On page 78, between lines 28-29, insert Section 84 Subsection (3) is added to section 501 122, Florida Statutes, to read

501 122 Control of nonionizing radiations, laser.

(2) AUTHORITY TO ISSUE REGULATIONS—The department shall promulgate such rules and regulations as it may determine to be necessary to protect the health and safety of persons exposed to laser devices and other nonionizing radiation, including the user or any others who might come in contact with such radiation. The department is further authorized

(a) To develop a program for registration of laser devices and uses and of identifying and controlling sources and uses of other nonionizing radiations

(b) To maintain liaison with, and receive information from, industry, industry associations, and other organizations or individuals relating to present or future radiation-producing products or devices

(c) To study and evaluate the degree of hazard associated with the use of laser devices or other sources of radiation

(d) To establish and prescribe performance standards for laser and other radiation control if it determines that such standards are necessary for the protection of the public health

(e) To amend or revoke any performance standard established under the provisions of this section

(3) (a) No person licensed to practice the healing arts, nor any other person, shall use a Class III or a Class IV laser device or product as defined by federal regulations unless he has completed with the rules governing the registration of such devices with the department promulgated pursuant to subsection (2)

(b) Any person violating the provisions of this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s 775.082, s 775.083, or s 775.084 (Renumber subsequent sections accordingly)

Rep Gordon moved the adoption of the amendment, which was adopted without objection

Representative Gordon offered the following amendment

Amendment 11—On page 16, between lines 16 and 17, insert Section 11 Subsection (1) of section 455 227, Florida Statutes, is amended to read

455 227 Grounds for discipline; penalties, enforcement—

(1) The board shall have the power to revoke, suspend, or deny the renewal of the license, or to reprimand, censure, or otherwise discipline a licensee, if the board finds that

(d) The licensee has been adjudicated mentally incompetent; or
(e) The license has been obtained by fraud or material misrepresentation of a material fact, or

(f) The licensee has used a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules governing the registration of such devices with the Department of Health and Rehabilitative Services promulgated pursuant to s 501.22(2). (Renumber subsequent sections)

Rep. Gordon moved the adoption of the amendment, which was adopted without objection.

Representative Gordon offered the following amendment:

**Amendment 12**—On page 12, between lines 27 and 28, insert Section 8 Subsection (9) of section 455.203, Florida Statutes, is created to read

(9) Cause to be published on a regular basis the name and address of any individual or individuals determined to be operating as unlicensed professionals in a newspaper of general paid circulation in the area in which the unlicensed activity is occurring or has occurred. (Renumber subsequent sections accordingly.)

Rep. Gordon moved the adoption of the amendment, which was adopted without objection.

Representative Lippman offered the following amendment:

**Amendment 13**—On page 23, between lines 17-18, insert Section 19 Subsection (2) of section 460.406, Florida Statutes, as amended to read

460.406 Licensure by examination—

(2) For those applicants who have matriculated prior to July 1, 1979, in a chiropractic college, the board shall waive the provisions of paragraph (1)(b) if the applicant is a graduate of a chiropractic college which has been denied accreditation or approval on the grounds that its curriculum does not include all of, or is deficient in, the subjects necessary for the completion of the state examination or if the applicant is a graduate of a chiropractic college where such subjects are not taught or offered, if the college is accredited by or has status with an accrediting agency which is recognized and approved by the United States Office of Education provided that the applicant can show that he has successfully completed such supplemental courses, the completion of which was upon July 1, 1979, a condition of admission to take the exam. In the event the department determines that such supplemental courses are unavailable or otherwise unassailable, the department shall make an available continuing education course relating to such subjects as may be provided by rule. (Renumber subsequent sections)

Rep. Lippman moved the adoption of the amendment, which was adopted without objection.

Representative Lippman offered the following amendment:

**Amendment 14**—On page 14, between lines 22 and 23 insert Section 10 Section 455.220, Florida Statutes, is created to read

455.220 Peer review of health care providers

(1) Legislative intent—

It is the intent of the Legislature that the Department of Professional Regulation review directly or by contracts the fees of certain health care providers licensed by the State of Florida. A major purpose of this act is to provide for the regulation of the cost of health care and its impact upon the business of insurance through peer review activities as defined by the state. If the board directs, peer review shall be performed by peer review committees which are constituted by the Department or by the Department's contractual arrangements. Each peer review committee shall advise the Department and the board as to the appropriateness of services and fees rendered by the health care providers whose activities the committee reviews. The board shall establish criteria for screening requests for peer review, which screening shall occur upon submission by a patient, his representative, insurer, or health care provider of an inquiry about a bill for treatment rendered to a patient by a health care provider covered under this act. The reviewing agency, under contract, shall have the authority to establish and charge a fee not to exceed $50, for each peer review request, to be paid by the person submitting the request, to assist in defraying the administrative costs of performing the review.

(2) Definitions—As used in this section.

(a) "Peer review" means an evaluation by a peer review committee of the appropriateness, quality, utilization and cost of health care and health services provided to a patient based on medically accepted standards.

(b) "Peer review committee" means a committee of 7 individuals, 5 of whom shall be physicians licensed under the same chapter as the health care provider being reviewed, a consumer and a health insurance company representative, none of whom shall be in a direct business relationship with the provider, insurer, or patient whose case is being reviewed. The committee shall be appointed by the Secretary of the department or provided for in the contractual arrangement.

(c) "Health care provider" means a physician licensed under chapter 460.

(d) "Medically accepted standards" for a health care provider receiving peer review shall be those standards of care, skill, and treatment which are recognized by a reasonably prudent similar health care provider as being acceptable under similar conditions and circumstances.

(e) "Patient" means an individual who receives treatment from a health care provider licensed by the State of Florida, which treatment is within the scope of the provider's authorized practice.

(f) "Board" means the licensing board of the health care provider within the department.

(3) Peer review shall occur upon submission by a patient, his representative, insurer, or health care provider, in accordance with the procedures approved by the department, of an inquiry about a bill for treatment rendered to a patient by a health care provider covered under this act. Each peer review committee shall examine each inquiry submitted to it and shall report its findings to the Secretary of the department with copies furnished to the patient, health care provider, and the third party payor. An annual summary of each peer review committee's findings shall be prepared by the reviewing entity and submitted to the department. The report may be made available to interested persons upon request and upon payment of necessary administrative costs to defray the expenses of such reproduction. Any report or summary submitted to the public by the department shall not disclose any patient names or identifiers of the patient.

(4) Peer review committee's findings on each inquiry submitted to it shall include a determination of whether or not the health care provider properly utilized services and rendered or ordered appropriate medical treatment or services and whether or not the cost of such treatment was appropriate.

(5) Accepting or requesting payment for treatment rendered to a patient by a health care provider shall constitute the provider's consent to the submission of all necessary records and other information concerning such treatment to the appropriate peer review committee.

(6) The criteria or standards established for the peer review shall be adopted by the board as rules pursuant to chapter 120. The decision by the department to refer the matter to the peer review committee, the establishment by the department of the procedures by which a peer review committee reviews the rendering of health care services, and the peer review committee's review proceedings and findings shall not be subject to the provisions of chapter 120. The board's criteria shall be developed to conform with medically accepted standards as defined in this act.
(7) The provisions of s. 768.40 shall apply to any officer, employee, or agent of the department or the board, and to any officer, employee, or agent of any entity with which the department has contracted pursuant to this section. (Renumber subsequent sections.)

Rep. Lippman moved the adoption of the amendment, which was adopted without objection.

Representative Lippman offered the following amendment.

Amendment 15—On page 12, between lines 27 and 28, insert Section 8 Subsection (9) is added to section 455.203, Florida Statutes, to read:

455.203 Department of Professional Regulation, powers and duties—The Department of Professional Regulation shall

Representative Lippman moved the adoption of the amendment, which was adopted without objection.

Representatives Lippman and M. E. Hawkins offered the following amendment.

Amendment 16—On page 39, lines 1 & 2, strike all of said lines and insert. Section 34 Subsections (1) and (2) of section 471.003, Florida Statutes, 1982 Supplement, are amended to read:

Rep. Hawkins moved the adoption of the amendment, which was adopted without objection.

Representatives Lippman and M. E. Hawkins offered the following amendment.

Amendment 17—On page 39, between lines 9 & 10, insert (2)
The following persons are not required to register under the provisions of ss. 471.001-471.039 as a registered engineer:

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

1. Requires an electric or plumbing or air-conditioning and refrigeration system with a value of $50,000 or less, and

a. Requires an aggregate service capacity of 400 amperes (240 volts) or less on residential electrical systems or 800 amperes (240 volts) or less on commercial or industrial electrical systems, or

b. Requires a plumbing system with less than 250 fixture units, or

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

2. Is less than 5,000 square feet in area and is designed for public assembly.

Rep. Hawkins moved the adoption of the amendment, which was adopted without objection.

Representative Lippman offered the following amendment.

Amendment 18—On page 22, lines 5 & 6, strike all of said lines and insert: "physicians, who shall be osteopathic physicians when available in the geographic area of the physician's practice, designated by the department."

Rep. Lippman moved the adoption of the amendment, which was adopted without objection.

Representative Lippman offered the following amendment.

Amendment 19—On page 23, line 2, strike all of said line and insert: preparation and release of all medical records

Rep. Lippman moved the adoption of the amendment, which was adopted without objection.

Representative Lippman offered the following amendment:

Amendment 20—On page 78, between lines 28-29, insert. Section 84 Subsection (4) of section 455.207, Florida Statutes, is amended to read:

455.207 Boards, organization, meetings, compensation and travel expenses.—

(4) Unless otherwise provided by law, a board member shall be compensated $50 for each day he attends an official meeting of the board and for each day he participates in any other business involving the board. Each board shall adopt rules defining "other business involving the board." "Other business of the board" shall not be defined to include telephone conference calls. A board member also shall be entitled to reimbursement for expenses pursuant to 112.061 Travel out of state shall require the prior approval of the secretary. (Renumber subsequent sections)

Rep. Lippman moved the adoption of the amendment, which was adopted without objection.
Rep. Lippman moved the adoption of the amendment, which was adopted without objection.

Amendment 26, a title amendment, offered by Representative Lippman was temporarily deferred.

Representative Thomas offered the following amendment:

Amendment 27—On page 59, between lines 20 and 21, insert: Section 60 Paragraph (b) of subsection 477.019, Florida Statutes, is amended to read:

477.019 Cosmetologists; qualifications; licensure; license renewal, inactive licenses, endorsement —

(1) Any person is qualified for licensure as a cosmetologist under this chapter who

(b) Has received a minimum of 1,200 hours of training according to standards established by the board, which standards shall include, but shall not be limited to, the requirement of completion of services directly related to the practice of cosmetology at a school of cosmetology approved by the department, in a cosmetology program within the public school system, from the Cosmetology Division of the Florida School for the Deaf and the Blind, provided the division meets the standards of this chapter, or from any other government-operated cosmetology program in this state or has met standards established by the board equivalent to such 1,200 hours of training. However, the standards established by the board shall include procedures for certification by the school of any such person to qualify to take the examination hereinafter provided once only after the completion of a minimum of 1,000 actual school hours if such person then passes the examination, he shall have satisfied this requirement, but if such person fails the examination, he shall not be qualified to take the examination again until the completion of the full requirements herein provided (Renumber subsequent sections).

Rep. Thomas moved the adoption of the amendment, which failed adoption.

Subsequently, on motion by Rep. Danson, the House reconsidered the vote by which the amendment failed adoption. The question recurred on the adoption of the amendment, which was adopted.

Representative Webster offered the following amendment:

Amendment 28—On page 69, line 14, insert before the period in addition, the registration or certification number of each contractor shall appear in any newspaper, airwave transmission, phone directory or other advertising media used by that contractor

Rep. Webster moved the adoption of the amendment, which was adopted without objection.

Representative Dudley offered the following amendment:

Amendment 29—On page 9, lines 25-26, insert: Section 2 Subsection (10) is added to Section 20.30, Florida Statutes, to read 20.30(10) This section is repealed on 1 October 1987, and shall be reviewed by the Legislature pursuant to the Regulatory Sunset Act, s 11.61, Florida Statutes. (Renumber subsequent sections)

Rep. Dudley moved the adoption of the amendment. On motion by Rep. Bell, the amendment was laid on the table. The vote was:

Yea—58
The Chair Brown, C
Abrams Armstrong Bailey Bass Bell
Dudley

Nay—57
Hargrett Hawkins, L. R Hazouri Healey Johnson, R C Kutun Lawson Lippman

Votes after roll call:

Nays to Yeas—Mitchell

Subsequently, Rep. Dunbar moved to reconsider the vote by which Amendment 29 was laid on the table. On motion by Rep. Kutun, the motion to reconsider was laid on the table. The vote was:

Yea—59
The Chair Abrams Allen Armstrong Bailey Bell Brown, C Brown, T. C. Burnsed Burton Carpenter Clark Clements Cosgrove

Nay—57
Arnold Bankhead Bass Brantley Bronson Cassas Combee Cortina Darstany Drake Dudley

Representative D. L. Jones offered the following amendment:

Amendment 30—On page 38, between lines 13 and 14, insert: Section 32 Section 468.1665, Florida Statutes, is amended to read:
Amendment 31—On page 41, lines 26-27, strike said lines and renumber subsequent sections.

Rep Easley moved the adoption of the amendment, which was adopted.

Representatives Easley and Ogden offered the following amendment:

Amendment 32—On page 40, line 10, strike "a 4-year".

Rep Easley moved the adoption of the amendment, which was adopted without objection.

Representative Williams offered the following amendment

Amendment 33—On page 24, line 14, insert new section 21 FS 462.022 as here-by repealed (Renumber subsequent sections)

Rep Williams moved the adoption of the amendment. On motion by Rep Robinson, the amendment was adopted with a voice vote.

Representative Gardner offered the following amendment

Amendment 34—On page 39, line 10, adding new Section 35, and renumber subsequent section. Section 35, Paragraph (a) of subsection (1) of Section 471.013 is amended to read:

471.013 Examinations; prerequisites.—
(1)(a) A person shall be entitled to take an examination for the purpose of determining whether he is qualified to practice in this state as an engineer if the person is of good moral character and

1. Has a graduate from an approved engineering curriculum of 4 years or more in a school, college, or university which has been approved by the board and has a record of 4 years of active engineering experience of a character indicating competence to be responsible for charge of engineering;

2. Is a graduate of an approved engineering technology curriculum of 4 years or more in a school, college, or university within the State University System, having been enrolled or having graduated prior to July 1, 1979, and has a record of 4 years of active engineering experience of a character indicating competence to be responsible for charge of engineering, or

3. Has, in lieu of such education and experience requirements, 10 years or more of active engineering work of a character indicating that the applicant is competent to be placed in responsible charge of engineering. However, the subparagraph does not apply unless such person notifies the department before July 1, 1984, that he was engaged in such work on July 1, 1981.

The board shall adopt rules providing for the review and approval of schools or colleges and the courses of study in engineering in such schools and colleges. The rules shall be based on the educational requirements for engineering as defined in 471.005. The board may adopt rules providing for the acceptance of the approval and accreditation of schools or courses of study by a nationally accepted accreditation organization.

Rep Gardner moved the adoption of the amendment. On motion by Rep Robinson, the amendment was adopted with a voice vote.

Year—65

| Representatives | Amendment 31, 32, 33, 34, 35 |

Year—69

| Representatives | Amendment 31, 32, 33, 34, 35 |

Nays—46

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Nays—49

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Amendment 35—On page 40, line 10, strike "an" and insert: an

Rep Easley moved the adoption of the amendment, which was adopted without objection.

Representative Luppman offered the following title amendment

Amendment 26—On pages 1-8 and page 9, lines 1 and 2, strike all of said lines and insert: An act relating to professional regulation, amending s 20 30 (2) (a), (3), and (4) (x), Florida Statutes, 1982 Supplement, renaming a division and board within the Department of Professional Regulation, adding a paragraph to s 11 4 04 (1), Florida Statutes, providing an additional circumstance in which a vacancy in office on a board or commission shall occur, amending s 120 71, Florida Statutes, changing procedures for the disqualification of agency personnel in administrative proceedings, providing for rules, amending ss 310 011 and 310 021 (1) and adding a new subsection (1) to s 310 151, Florida Statutes, restricting the members of the Board of Pilot Commissioners who may vote on rate matters, amending s 310 131, Florida Statutes, authorizing procedures for the verification of amounts of pilotage at each port, amending s 455 203, Florida Statutes, requiring the publishing of the names of unlicensed professionals and authorizing peer review of certain health care providers, amending s 455 207, Florida Statutes, providing that telephone conference calls shall not be included in the definition of "other business of the board", amending s 455 213 (2), Florida Statutes, providing for initial license fees for professional licenses, amending s 455 217 (1), Florida Statutes, 1982 Supplement, amending the limited release of certain examination information, creating s 455 220, Florida Statutes, establishing peer review of treatment by chiropractic physicians, amending s 455 225, Florida Statutes, changing complaint procedures involving persons regulated by the department, exempting probable cause panel proceedings from certain notice requirements, amending s 455 227 (1) (d) and (e), Florida Statutes, and adding a paragraph thereto, providing an additional ground for discipline by regulatory boards within the Department of Professional Regulation, amending s 455 241 (2), Florida Statutes, 1982 Supplement, authorizing the department to obtain certain patient records of naturopathic physicians, amending s 455 311 (4), Florida Statutes, providing for board waiver of certain educational requirements for licensure of physicians; amending s 458 331 (1) requiring graduation from an allopathic medical school or college, amending s 458 311 (4), Florida Statutes, providing for board waiver of certain educational requirements for licensure of physicians; amending s 458 331 (1) (f) and (2) (d), Florida Statutes, 1982 Supplement, providing an exception to violation reporting requirements; increasing the administrative fine which may be imposed by the Board of Medical Examiners; creating s 458 331, Florida Statutes, creating the Impaired Professionals Advisory Committee, providing its duties, providing for consultants and for the confidentiality of certain information; providing for reports of impairment, amending s 458 337 (1) (b), Florida Statutes, requiring notification to the department of disciplinary action by ambulatory surgical centers or nursing homes against physicians; creating s 459 0076, Florida Statutes, authorizing osteopathic faculty certificates; amending s 459 015 (1) (e), Florida Statutes, providing for certain mental and physical examinations of osteopathic physicians and restricting the use of related information; amending s 459 017, Florida Statutes, expanding provisions relating to the release of certain medical reports during an investigation, amending s 460 406 (2), Florida Statutes, extending the time for waiver of accreditation and approval requirements for chiropractic colleges, providing additional provisions for waiver, deleting requirement for department to make available certain courses, amending s 460 413 (1) (in), Florida Statutes, expanding the types of chiropractic records which must be kept, creating s 461 0095, Florida Statutes, requiring licensed optometrists to disclose whether they accept Medicare assignment requirements, amending s 462 14, Florida Statutes, by adding the grounds for and types of disciplinary action against osteopathic physicians, amending s 463 014 (2), Florida Statutes, changing the types of corporations or organizations which may employ optometrists to provide optometric services to employees, amending s 464 011 (2) and (3), Florida Statutes, providing for mental or physical examinations of nurses and restricting the use of related information, providing an exception to violation reporting requirements, creating s 464 0185, Florida Statutes, providing for the use of the Impaired Professionals Advisory Committee consultants with respect to impaired nurses, amending s 465 003 (3), Florida Statutes, 1982 Supplement, adding new types of pharmacies, amending s 465 007, Florida Statutes, adding requirements for licensure as a pharmacist, amending subsection to s 465 008, Florida Statutes, providing for consultant pharmacist licenses; amending s 465 016 (1) (e), Florida Statutes, providing for the discipline of pharmacists violating specified federal law, creating s 465 0195 and 465 0196, Florida Statutes, providing procedures and conditions for the issuance of permits for pharmacies and pharmacies, amending s 465 023 (1), Florida Statutes, authorizing alternative disciplinary actions against pharmacy permittees, amending s 466 006 providing alternative methods for graduates of foreign schools to qualify for the dental exam and providing for an additional exam related to diagnostic skills, amending s 466 028 (1) (t), Florida Statutes, and adding a paragraph, providing for certain mental or physical examinations of dentists and restricting the use of related information, adding a ground for disciplinary action against dentists, amending s 468 1705 (2), Florida Statutes, 1982 Supplement, changing provisions relating to licensure of nursing home administrators by endorsement, creating s 468 1756, Florida Statutes, providing a statute of limitations for certain violations for nursing home administrators, amending s 471 003 (1), Florida Statutes, 1982 Supplement, and s 471 031 (1) (b), Florida Statutes, prohibiting unregistered engineers from holding themselves out as being registered, amending s 471 003 (2) (i), Florida Statutes, 1982 Supplement, changing the types of construction projects upon which certain electrical, plumbing, air-conditioning, or mechanical contractors may work without being registered engineers, amending s 472 005 (1), Florida Statutes, and s 472 007 (1), Florida Statutes, 1982 Supplement, renaming the Board of Land Surveyors, amending s 472 013 (2), Florida Statutes, changing examination prerequisites for applicants for land surveyor licenses, amending s 472 013 (3), Florida Statutes, providing for disciplinary action against land surveyors, amending s 473 303 (1), Florida Statutes, expanding the membership of the Board of Accountancy, amending s 473 313, Florida Statutes, revising provisions relating to inactive status of accountants' licenses, providing a restriction upon the duration of inactive status, providing exceptions, amending s 474 203 (4), Florida Statutes, restricting the exemption from licensure as a veterinarian for certain vaccination of animals, adding a subsection to s 474 207, Florida Statutes, authorizing certain practice by unlicensed veterinarians awaiting examination results, repealing s 474 209, Florida Statutes, relating to temporary permits to practice veterinary medicine, amending s 475 125, Florida Statutes, 1982 Supplement, providing for the re-fund of application and license fees for real estate brokers and salesmen, amending s 475 17 (1) and (2), Florida Statutes, 1982 Supplement, prohibiting the licensure of certain persons, changing education requirements, amending s 475 175, Florida Statutes, 1982 Supplement, requiring educational institutions and real estate schools to notify the Real Estate Commission of persons satisfactorily completing certain education requirements; amending s 475 181 (2), Florida Statutes, 1982 Supplement, and adding a subsection, providing for the expiration of licensure applications and certifications, amending s 475 23, Florida Statutes, 1982 Supplement, clarifying provisions relating to the expiration of real estate school certificates, amending s 476 24, Florida Statutes, 1982 Supplement, providing for on-site management of branch offices; amending s 476 25 (1), Florida Statutes, 1982 Supplement, expanding the
application of provisions relating to real estate related disciplinary actions and changing certain grounds therefor, amending ss 475 451 (2), (6), and (8), Florida Statutes, 1982 Supplement, changing licensure requirements for real estate school operators, administrators and instructors to meet certain licensure requirements, amending ss 475 483 (1)(b), Florida Statutes, 1982 Supplement, providing an exception to notice requirements for claims against the Real Estate Recovery Fund, amending ss 475 484 (1), (3), and (4), Florida Statutes, increasing amount limits for authorized payments from the Real Estate Recovery Fund, amending ss 476 154 (1), Florida Statutes, deleting provisions relating to restoration of licenses of retired barbers, creating ss 476 158, Florida Statutes, providing for the licensure of barbering instructors, amending ss 476 164 (4), Florida Statutes, restricting the practice of barbers' assistants, adding a subsection to ss 476 184, Florida Statutes, amending ss 476 186, Florida Statutes, requiring display of barber shop registrations and barbers' licenses, creating ss 476 210, Florida Statutes, requiring barber services to be performed in registered barbershops, providing exceptions, creating ss 477 0135, Florida Statutes, exempting certain persons from licensure as cosmetologists, amending ss 477 019 (1)(b), Florida Statutes, changing a limitation with respect to standards established by the Board of Massage for applicants training pursuant to questions for licensure, creating ss 477 0211, Florida Statutes, authorizing continuing education requirements for cosmetologists; amending ss 477 022 (1) and (3), Florida Statutes, 1982 Supplement, changing cosmetology examination requirements; creating ss 477 0265, Florida Statutes, prohibiting certain acts and providing penalties; amending ss 477 029 (1), Florida Statutes, authorizing disciplinary actions against continuing education providers, amending ss 477 029, Florida Statutes, prohibiting violations of provisions relating to cosmetology and increasing the types of disciplinary actions, creating ss 477 030, Florida Statutes, requiring cosmetology services to be performed in licensed salons, providing exceptions, amending ss 480 033 (3), Florida Statutes, expanding the definition of "massaging"; amending ss 480 041 (4), Florida Statutes, 1982 Supplement, clarifying license renewal requirements for massage therapists, amending ss 480 043 (5), Florida Statutes, deleting authority of the Board of Massage for regulation of financial responsibility and insurance coverage for massage establishments, amending ss 480 046 (1), Florida Statutes, relating to disciplinary action by the Board of Massage; amending ss 481 207 and 481 307, Florida Statutes, increasing certain fees for architects and landscape architects; adding a subsection to ss 481 309, Florida Statutes, providing examination requirements for landscape architecture licenses; amending s 484 007 (1)(e), Florida Statutes, changing qualifications for licensure of opticians, repealing ss 484 002 (6), Florida Statutes, removing the definition of "licensed physician" in provisions relating to opticians, amending ss 486 091, Florida Statutes, providing alternative disciplinary actions against physical therapists, amending ss 489 115 (1), Florida Statutes, restricting the effect of certification of construction contractors, amending ss 489 119 (5), Florida Statutes, 1982 Supplement, requiring the use of the registration or certification number of contractors in all advertising and requiring local verification of state license of construction contractors, amending ss 489 129 (1), Florida Statutes, relating to disciplinary action against such contractors, amending ss 489 505, Florida Statutes, making a technical change, amending ss 489 509, Florida Statutes, increasing fees for electrical contractors; adding a paragraph to ss 489 533 (1), Florida Statutes, adding a ground for disciplinary action against electrical contractors, amending ss 490 005 (1)(b) and (2), Florida Statutes, changing qualifications for licensure of psychologists by examination, changing qualifications for clinical social workers, marriage and family therapists, mental health counselors, and school psychologists, amending ss 490 014 (2) (c), Florida Statutes, 1982 Supplement, changing the exemption from licensure as psychologists for certain employees of educational institutions, requiring the Department of Professional Regulation to make certain studies and to report to the Legislature, adding subsection (3) to ss 501 122, Florida Statutes, providing a restriction upon the use of laser devices, providing for future review and repeal, providing an effective date

Rep Lippman moved the adoption of the amendment, which was adopted without objection

On motion by Rep Lippman, the rules were waived and HB 1311, as amended, was read the third time by title. On passage, the vote was:

Yeas—103

The Chair
Abrams
Allen
Armstrong
Arnold
Bailey
Bankhead
Bass
Bell
Brantley
Bronson
Brown, C.
Brown, T C
Burke
Burnsed
Burrall
Carlton
Carpenter
Cass
Clark
Clements
Cortina
Cosgrove
Cready
Crotty
Dantzler

Davis
Deratany
Deutsch
Dfrage
Dudley
Easley
Evans-Jones
Figs
Friedman
Gallagher
Gardner
Grant
Grindle
Gustafson
Hansen
Hargrett
Harris
Hawkins, L. R
Hawkins, M E
Haouzi
Healey
Hill
Hodges
Johnson, B L
Johnson, R C
Johnson, R M

Jones, C F
Jones, D. L
Kelly
Kutun
Lawson
Lehtinen
Lippman
Locker
Logan
MacKenzie
Martin
Martinez
McElwan
Mersesmith
Mills
Mitchell
Morgan
Murphy
Nergard
Ogden
Payne
Patchett
Peeples
Press
Ready
Reaves

Reddick
Reynolds
Richmond
Robinson
Ros
Sample
Sanderson
Selph
Simon
Smith
Spaet
Stewart
Thomas
Thompson
Titone
Toib
Wallace
Ward
Watt
Webster
Weinstock
Wetherell
Young

Nays—12

Combee
Danson
Dunbar

Hollingsworth
Lewis
Meffert

Shackelford
Shelley
Simone

Upchurch
Williams
Woodruff

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

Motions Relating to Committee References

On point of order by Rep Kutun, Chairman, that they do not affect taxation, SB's 92 and 96 were withdrawn from the Committee on Finance & Taxation and remain referred to the Committee on Appropriations.

On point of order by Rep Morgan, Chairman, that they do not affect appropriations, the following bills were withdrawn from the Committee on Appropriations and placed on the Calendar HB's 879, 452, 499, 684, 1273, CS/HB 788, CS/HB 1020, SB's 126, 92, 96, 379, CS/SB 310

Statement of Intent on HB 1325 (SB 1140)

On motion by Rep Martinez, the rules were waived and the following statement of intent on HB 1325, which passed the House on May 26, was spread upon the Journal:

This bill provides that there will be no parole for a person who commits a felony after October 1, 1983. This is intended to include all felons committed after that date, whether sentenced by the guidelines or pursuant to a minimum mandatory as the 25 year minimum mandatory in capital cases. Thus the decision whether to release that person after the 25 years will be made by the Governor and Cabinet, not the Parole Commission. The bill also lets persons who commit felonies, other than life or capital felonies prior to October 1, 1983, but who are sentenced after that date, to opt into the sentencing guidelines. If they do, they will not be eligible for parole either.
MEMORANDUM

TO: Howard Walton

FROM: Skip Burnside

DATE: June 1, 1983

SUBJECT: HB 1311 by the House Regulatory Reform Committee

HB 1311 is not a bill resulting from a staff review pursuant to the Regulatory Sunset Act (s. 11.61, F.S.). HB 1311 is the Department of Professional Regulation legislative package with numerous provisions amended onto it which were desired by the various professional boards and associations. HB 1311 is currently in messages. CS/SB 688 by the ECCA Committee and Senator Gersten is the companion bill to HB 1311. CS/SB 688 is currently referred to the Senate Executive Business and Appropriations Committees.

SB/kd
Section 120.71, F.S., is amended as follows:

120.71 Disqualification of agency personnel.--

(1) Notwithstanding the provisions of s 112.3143, any individual serving alone or with others as an agency head shall may be disqualified from serving in any agency proceeding for bias, prejudice, or interest, or other causes for which a judge may be recused, when any party to the agency proceeding shows just cause by a suggestion filed within a reasonable period of time prior to the agency proceeding. If the disqualified individual holds his position by appointment, the appointing power may appoint a substitute to serve in the matter from which the individual is disqualified. If the individual is an elected official, the Governor may appoint a substitute to serve in the matter from which the individual is disqualified. However, if a quorum remains after the individual is disqualified, it shall not be necessary to appoint a substitute to serve in the matter from which the individual is disqualified.

(2) Any agency action taken by a duly appointed substitute for a disqualified individual shall be as conclusive and effective as if agency action had been taken by the agency as it was constituted prior to any substitution.

(3) The Administration Commission shall adopt rules of procedure to implement this section.
A bill to be entitled
An act relating to professional regulation;
amending s 20.30(2)(a), (3), and (4)(x),
Florida Statutes, 1982 Supplement, renaming a
division and board within the Department of
Professional Regulation, adding a paragraph to
s 114.04(1), Florida Statutes, providing an
additional circumstance in which a vacancy in
office on a board or commission shall occur;
amending s. 120.71, Florida Statutes, changing
procedures for the disqualification of agency
personnel in administrative proceedings;
providing for rules; amending ss 310.011 and
310.021(1) and adding a new subsection (1) to
s. 310.151, Florida Statutes, restricting the
members of the Board of Pilot Commissioners who
may vote on rate matters; amending s. 310.131,
Florida Statutes, authorizing procedures for
the verification of amounts of pilotage at each
port; amending s. 455.213(2), Florida Statutes,
providing for initial license fees for
professional licenses, amending s. 455.217(1),
Florida Statutes, 1982 Supplement, authorizing
the limited release of certain examination
information, amending s. 455.225, Florida
Statutes, changing complaint procedures
involving persons regulated by the department;
exempting probable cause panel proceedings from
certain notice requirements, amending s.
455.241(2), Florida Statutes, 1982 Supplement,
authorizing the department to obtain certain

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or commission or 50 percent of such meetings during a 12-month period, whichever is less, without good cause.

Section 3. Section 120.71, Florida Statutes, is amended to read:

120.71 Disqualification of agency personnel.—

(1) Notwithstanding the provisions of s. 112.3143, any individual serving alone or with others as an agency head may be disqualified from serving in an agency proceeding for bias, prejudice, or interest when any party to the agency proceeding shows just cause by a suggestion filed within a reasonable period of time prior to the agency proceeding, or other causes for which a judge may be recused. If the disqualified individual holds his position by appointment, the appointing power may appoint a substitute to serve in the matter from which the individual is disqualified. If the individual is an elected official, the Governor may appoint a substitute to serve in the matter from which the individual is disqualified. However, if a quorum remains after the individual is disqualified, it shall not be necessary to appoint a substitute to serve in the matter from which the individual is disqualified.

(2) Any agency action taken by a duly appointed substitute for a disqualified individual shall be as conclusive and effective as if agency action had been taken by the agency as it was constituted prior to any substitution.

(3) The Administration Commission shall adopt rules of procedure to implement this section.

Section 4. Section 310.011, Florida Statutes, is amended to read:

310.011 Board of Pilot Commissioners; qualifications.--A board is established within the Division of
A bill to be entitled An act relating to professional regulation; amending s. 20.30(2)(a), (3), and (4)(x), Florida Statutes, 1982 Supplement, and adding a paragraph thereto, renaming a division and board within the Department of Professional Regulation, and adding the Board of Acupuncture; amending s. 120.71, Florida Statutes, changing procedures for the disqualification of agency personnel in administrative proceedings; providing for rules; amending ss 310.011 and 310.021(1) and adding a new subsection (1) to s. 310.151, Florida Statutes, restricting the members of the Board of Pilot Commissioners who may vote on rate matters; amending s. 310.131, Florida Statutes, authorizing procedures for the verification of amounts of pilotage at each port, adding a subsection to s. 455.203, Florida Statutes, authorizing peer review of certain health care providers; amending s. 455.207(3) and (4), Florida Statutes, providing basis upon which a vacancy can occur on a board and providing that telephone conference calls shall not be included in the definition of "other business of the board", amending s. 455.213(2), Florida Statutes, providing for initial license fees for professional licenses; amending s. 455.217(1), Florida Statutes, 1982 Supplement, authorizing the limited release of certain examination information, creating s.
(a) Division of Examination and Licensure

(3) There shall be a director of the Division of Examination and Licensure Administrative Services, a director of the Division of Professions, a director of the Division of Regulation, and a director of the Division of Real Estate.

Each division director shall directly administer his division and shall be responsible to the secretary of the department.

(4) The following boards are established within the Department of Professional Regulation, Division of Professions:

(x) Board of Professional Land Surveyors, created under chapter 472.

(y) Board of Acupuncture, created under part VI of chapter 468.

Section 2. Section 120.71, Florida Statutes, is amended to read:

120.71 Disqualification of agency personnel.--

(1) Notwithstanding the provisions of s 112.3143, any individual serving alone or with others as an agency head may be disqualified from serving in an agency proceeding for bias, prejudice, or interest when any party to the agency proceeding shows just cause by a suggestion filed within a reasonable period of time prior to the agency proceeding or other causes for which a judge may be recused. If the disqualified individual holds his position by appointment, the appointing power may appoint a substitute to serve in the matter from which the individual is disqualified. If the individual is an elected official, the Governor may appoint a substitute to serve in the matter from which the individual is disqualified. However, if a quorum remains after the

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individual is disqualified, it shall not be necessary to appoint a substitute to serve in the matter from which the individual is disqualified.

(2) Any agency action taken by a duly appointed substitute for a disqualified individual shall be as conclusive and effective as if agency action had been taken by the agency as it was constituted prior to any substitution.

(3) The Administration Commission shall adopt rules of procedure to implement this section.

Section 3. Section 310.011, Florida Statutes, is amended to read:

310.011 Board of Pilot Commissioners, qualifications.--A board is established within the Division of Professions of the Department of Professional Regulation to be known as the Board of Pilot Commissioners. Except as provided in s. 310.151(1), the board shall be composed of 10 members, 5 of whom shall be licensed state pilots actively practicing their profession. The board shall perform such duties and possess and exercise such powers relative to the protection of the waters, harbors, and ports of this state as are prescribed and conferred on it in this chapter.

Section 4. Subsection (1) of section 310.021, Florida Statutes, is amended to read:

310.021 How board constituted.--

(1) The Governor shall appoint five active licensed state pilots who shall possess the qualifications specified in s. 310.011 and five citizens of the state who are not pilots, two of whom shall be actively involved in their professional or business capacity in maritime or marine shipping and three of whom shall not be involved or monetarily interested in the piloting profession or in the maritime industry or marine

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a broker having a principal office located elsewhere is 
displayed in such a manner as to reasonably lead the public to 
believe that such office is owned or operated by such broker.

Section 65. Subsection (1) of section 475.25, Florida 
Statutes, 1982 Supplement, is amended to read:

475.25 Discipline.--

(1) The commission may deny an application for 
licensure, registration, or permit, or renewal thereof, may 
suspend a license or permit for a period not exceeding 10 
years, may revoke a license or permit, may impose an 
administrative fine not to exceed $1,000 for each count or 
separate offense, and may issue a reprimand, or any or all 
of the above, if it finds that the licensee, permittee or 
applicant:

(a) Has violated any provision of s. 475.42 or of s. 
455.227(1);

(b) Has been guilty of fraud, misrepresentation, 
concealment, false promises, false pretenses, dishonest 
dealing by trick, scheme, or device, culpable negligence, or 
breach of trust in any business transaction in this state or 
in any other state, nation, or territory, has violated a duty 
imposed upon him by law or by the terms of a listing contract, 
written, oral, express, or implied, in a real estate 
transaction; has aided, assisted, or conspired with any other 
person engaged in any such misconduct and in furtherance 
thereof; or has formed an intent, design, or scheme to engage 
in any such misconduct and committed an overt act in 
furtherance of such intent, design, or scheme. It is 
immortal to the guilt of the licensee that the victim or 
intended victim of the misconduct has sustained no damage or 
loss; that the damage or loss has been settled and paid after
3. By interpleader or otherwise, seek adjudication of the matter by a court.

If the licensee promptly employs one of the escape procedures contained herein, and if he abides by the order or judgment resulting therefrom, no administrative complaint may be filed against the licensee for failure to account for, deliver, or maintain the escrowed property;

(e) Has violated any of the provisions of this chapter or any lawful order or rule made or issued under the provisions of this chapter or chapter 455;

(f) Has been convicted or found guilty, regardless of whether adjudication was withheld, of a crime in any jurisdiction against the laws of this state or any other state or of the United States, which crime directly relates to the activities of a licensed broker or salesman or involves moral turpitude or fraudulent or dishonest dealing. Any plea of nolo contendere shall be considered a conviction for purposes of this paragraph. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the state shall be admissible as prima facie evidence of such guilt,

(g) Has had a broker's or salesman's license revoked, suspended, or otherwise acted against, or has had an application for such licensure denied, by the real estate licensing agency of another state, territory, or country;

(h) Has shared a commission with, or paid a fee or other compensation to, a person not properly licensed as a broker, broker-salesman, or salesman under the laws of this state, for the referral of real estate business, clients, prospects, or customers, or for any one or more of the
Generally relates to the regulation of professions with respect to the Department of Professional Regulation and specified professions:

1. DEPARTMENT OF PROFESSIONAL REGULATION—Renames the Division of Administrative Services as the Division of Examination and Licensure. Authorizes initial license fees of up to $200 for all professions. Changes complaint procedures by the department and probable cause panels. Exempts probable cause panel proceedings from certain notice requirements. Requires the department to conduct certain peer review of licensed chiropractors and provides procedures therefor. Provides for the creation of vacancies on professional boards. Authorizes the appropriate board to discipline licensees who fail to comply with certain rules of the Department of Health and Rehabilitative Services in the use of certain laser devices.

2. PILOTS—Restricts the members of the Board of Pilots who may make rate-making decisions. Authorizes a procedure for verifying the amount of pilotage at each port.

3. PHYSICIANS—Authorizes the Board of Medical Examiners, rather than the department, to waive certain educational requirements for licensure. Provides an exception to the requirement that physicians report other physicians in violation of regulatory laws or rules. Creates the Impaired Professionals Advisory Committee and specifies its duties. Provides for the use of consultants to review impaired professionals and provides for confidentiality of certain information. Provides for reports of impairment. Requires notification of the board when a physician is disciplined by an ambulatory surgical center or a nursing home or its medical staff. Increases the administrative fine which may be imposed by the Board of Medical Examiners.

4. OSTEOPATHIC PHYSICIANS—Authorizes the issuance of osteopathic faculty certificates. Authorizes the department to compel such physicians to submit to physical or mental examinations under certain circumstances and restricts the use of related information. Expands provisions requiring the release of certain medical reports during an investigation.

5. CHIROPRACTIC—Requires the keeping of x-rays as part of chiropractic records.

6. PODIATRY—Requires podiatrists to disclose to the department whether they accept Medicare assignment. Reimbursements and provides for publication of a listing of podiatrists who do.

7. NATUROPATHY—Substantially revises the grounds for disciplinary action against naturopathic physicians to conform to those for physicians. Authorizes the department to obtain patient records of naturopathic physicians under certain circumstances. Increases the license renewal fee.

8. OPTOMETRY—Requires corporations or organizations which employ optometrists to be licensed as optometric service plan corporations rather than as hospital and medical services plans.
9. NURSING--Authorizes the department to compel nurses to submit to mental or physical examinations under certain circumstances and restricts the use of related information. Provides an exception to the requirement that nurses report other nurses in violation of regulatory laws or rules. Provides for the use of the Impaired Professionals Advisory Committee consultants with respect to impaired nurses.

10. PHARMACY--Includes radiopharmacies and special pharmacies as types of pharmacies regulated by the state and provides for the issuance of permits to such pharmacies. Provides for the issuance of consultant pharmacist licenses. Provides for the discipline of pharmacists violating the Federal Drug Abuse Act. Provides additional disciplinary action which may be taken by the department or Board of Pharmacy against pharmacy permittees.

11. NURSING HOME ADMINISTRATION--Provides a 4-year statute of limitations upon certain grounds for disciplinary action against nursing home administrators. Limits to national examinations the presumption of sufficiency for purposes of licensure of administrators by endorsement. Reduces and changes the membership of the Board of Nursing Home Administrators.

12. ACUPUNCTURE--Redefines acupuncture. Creates a 5-member Board of Acupuncture and authorizes the board to adopt rules. Changes the qualifications for certification to practice acupuncture. Entitles certain persons trained in the Orient to certification without examination. Authorizes the board to prescribe continuing education requirements and removes the cap on certification fees. Authorizes certain persons to retake portions of the examination.

13. ENGINEERING--Prohibits persons not registered as engineers from holding themselves out to the public as being registered. Changes the types of projects on which certain contractors may work without being licensed as an engineer.

14. LAND SURVEYING--Renames the regulatory board for land surveying as the Board of Professional Land Surveyors. Changes examination prerequisites for applicants for licensure as land surveyors. Expands the grounds for disciplinary action.

15. ACCOUNTANCY--Increases the membership of the Board of Accountancy from 7 to 9. Revises provisions relating to inactive status of accountants' licenses and provides a 4-year limitation upon such status. Provides exceptions.

16. VETERINARY MEDICINE--Prohibits unlicensed persons from vaccinating animals for certain communicable diseases. Authorizes unlicensed veterinarians to practice under the supervision of a licensed veterinarian while awaiting licensure examination results. Repeals current provisions relating to temporary permits to practice veterinary medicine.

17. REAL ESTATE--Authorizes the Real Estate Commission to refund application and license fees under certain circumstances. Prohibits the licensure of persons who have unlawfully acted or attempted to act as real estate brokers or salesmen in the state within 1 year of applying for licensure. Requires educational institutions and real estate schools to notify the Real Estate Commission of persons satisfactorily completing certain educational requirements. Provides for the expiration of certain applications. Requires recertification of applicants who do not renew their licenses within 1 year of their expiration.
1. not request initial licensure. Requires branch offices to be managed by an on-site broker or broker-salesman. Expands the applicability of grounds for disciplinary action to permittees as well as licensees and changes certain grounds. Requires operators, chief administrators and instructors at real estate schools to meet real estate broker or salesman license requirements. Changes certain exemptions for such persons. Provides an exception to notice requirements of claims against the Real Estate Recovery Fund. Increases limits of amounts which may be paid from the Real Estate Recovery Fund for certain judgments and claims.

18. BARBERING—Requires the licensure of barbering instructors and provides qualifications therefor. Deletes provisions relating to the renewal of license of retired barbers. Restricts the practice of barber's assistants. Requires the display of barber shop registration certificates and barber's licenses. Requires barber services to be provided in registered barber shops and provides exceptions.

19. COSMETOLOGY—Exempts certain persons from provisions regulating cosmetology, including physicians, surgeons, podiatrists, nurses, barbers, and certain publicly employed cosmetologists. Authorizes the Board of Cosmetology to impose continuing education requirements upon cosmetologists. Authorizes a variety of licensure examinations. Prohibits unlicensed practice and certain other acts and provides a penalty. Provides for the discipline of continuing education providers. Prohibits violations of regulatory provisions. Provides additional disciplinary actions for violations. Requires cosmetology services to be provided in licensed salons and provides exceptions.

20. MASSAGE—Clarifies the definition of massage and clarifies license renewal requirements. Clarifies disciplinary action provisions. Deletes provisions for the regulation of financial responsibility and insurance coverage of massage establishments.

21. ARCHITECTURE—Increases licensure and examination fees.

22. LANDSCAPE ARCHITECTURE—Provides examination requirements for licensure. Increases initial licensure and examination fees.

23. OPTICIANS—Changes licensure requirements.

24. PHYSICAL THERAPY—Provides additional disciplinary action for certain violations by physical therapists.

25. CONSTRUCTION CONTRACTING—Restricts the effect of certification by the department. Requires cities and counties to require contractors seeking building permits to verify state licensure. Changes a ground for disciplinary action.

26. ELECTRICAL CONTRACTING—Increases licensure and examination fees. Adds a ground for disciplinary action.

27. PSYCHOLOGICAL SERVICES—Changes the qualifications for licensure as a psychologist. Changes licensure requirements for clinical social workers, marriage and family therapists, mental health counselors, and school psychologists. Changes the exemption from licensure as psychologists for certain employees of educational institutions.

28. INACTIVE STATUS OF LICENSES GENERALLY—With respect to regulation of medical practitioners, osteopathic...
physicians, chiropractic physicians, podiatrists, optometrists, dentists and dental hygienists, nursing home administrators, funeral directors and embalmers, engineers, land surveyors, veterinarians, real estate brokers and salesmen, barbers, cosmetologists and cosmetology instructors, masseurs, architects, landscape architects, opticians, and psychologists, clinical social workers, marriage and family therapists, mental health counselors, and school psychologists, modifies provisions relating to placement of a license in an inactive status in order to provide for relative uniformity throughout the aforementioned professions. Pursuant thereto, requires licensees to apply to the Department of Professional Regulation for inactive status and authorizes the department or other regulatory agency to prescribe a fee therefor and a fee for renewal of inactive status. Limits the period of inactive status to 4 years, and provides that, unless such status is renewed or the license is reactivated within said period, the license shall automatically expire. Modifies continuing education requirements. Grandfathers in all licensees whose licenses are inactive on the effective date of the act by providing that such licensees may retain such status for 4 years from said date (regardless of how long said licensees may have been inactive prior thereto), whereupon said licenses shall expire if no further action has been taken by the licensees to renew or reactivate.

In addition to such changes, the bill:

1. Requires the Department of Professional Regulation to study procedures used to qualify foreign-speaking Florida residents to practice professions and the need for the regulation of legal and court interpreters.

2. Provides that any person who uses certain laser devices or products without complying with certain rules of the Department of Health and Rehabilitative Services is guilty of a second degree misdemeanor.

3. Changes provisions in the Administrative Procedures Act relating to the disqualification of agency personnel in agency proceedings. Provides that a disqualified person need not be replaced if a quorum remains and requires the Administration Commission to adopt rules.

CODING: Words in struck through type are deletions from existing law, words underlined are additions.
A bill to be entitled
An act relating to physicians; amending s
458.331(1)(f), Florida Statutes, 1982
Supplement; providing an exemption from
disciplinary provisions; creating s. 458.3311,
Florida Statutes; providing for prevention and
treatment programs for impaired physicians;
providing for an advisory committee; providing
for consultants; providing for confidentiality;
providing an effective date.

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

Section 1. Paragraph (f) of subsection (1) of section
458.331, Florida Statutes, 1982 Supplement, is amended to
read:

458.331 Grounds for disciplinary action; action by the
board.--

(1) The following acts shall constitute grounds for
which the disciplinary actions specified in subsection (2) may
be taken:

(f) Failing to report to the department any person who
the licensee knows is in violation of this chapter or of the
rules of the department or the board; however, a licensee need
not report such a person if the person is actively
participating in a program approved by the board for the
treatment of a physical or mental condition which renders the
person unable to practice medicine with reasonable skill and
safety.

Section 2. Section 458.3311, Florida Statutes, is
created to read:

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458.3311 Treatment programs for impaired professionals, advisory committee; consultants.—

(1) There is hereby created the impaired professionals advisory committee, the composition of which shall be determined by rule of the board.

(2) The committee shall:

(a) Advise the board as to appropriate policies and guidelines to be utilized in approving providers and preventive and rehabilitative programs directed to impaired professionals;

(b) Act as liaison between approved providers and the board;

(c) Promote education programs on impairment for facility chiefs of staff, local medical societies, medical schools, post-graduate training programs, specialty societies, medical auxiliaries, and other professional groups to enhance understanding of addictive and mental disorders and the treatment options available through approved providers;

(d) Advise the board on the continuation and expansion of treatment programs for impaired professionals; and

(e) Disseminate information on the treatment programs.

(3) The department may retain one or more consultants as recommended by the committee and approved by the board. The consultant shall assist the board and the department in carrying out the responsibilities of this section.

(4) The board is authorized to adopt rules setting forth appropriate criteria for approval of providers to engage in preventive and rehabilitative programs involving impaired professionals.

(5) Information and knowledge of the consultant involving an impaired physician who may be in violation of

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this chapter or of the rules of the board or department, but who is actively participating in a board approved program shall not constitute a complaint as defined in s. 455.225. The approved program provider shall disclose to the consultant information in its possession regarding an impaired physician in treatment. All information obtained by the consultant pursuant to this section shall be exempt from disclosure under s. 119.07, and shall be held confidential subject to the provisions of subsection (6).

(6) If in the opinion of the consultant, after consultation with the provider, the impaired physician enrolled in an approved treatment program does not progress satisfactorily, then the consultant shall disclose to the department all information in his possession regarding such physician and such disclosure shall constitute a complaint pursuant to the general provisions of s. 455.225. A consultant who makes a disclosure to the department pursuant to this subsection shall not be subject to civil liability for such disclosure or its consequence.

Section 3. This act shall take effect October 1, 1983.

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SENATE SUMMARY
Provides for preventive and rehabilitative programs for medical doctors impaired by addictive or mental disorders.

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A bill to be entitled
An act relating to impaired physicians and
nurses; amending s. 458.331(1)(f), Florida
Statutes, 1982 Supplement; requiring reporting
of physicians in violation of law; creating s.
458.3311, Florida Statutes; establishing an
impaired professional advisory committee under
the board of medical examiners; providing for
approval of treatment programs and providers;
providing for the monitoring of physicians in
such programs; providing for confidentiality;
providing for responsibility of the Department
of Professional Regulation; amending s.
464.018(1)(i), Florida Statutes; requiring
reporting of nurses in violation of law;
creating s. 464.0185, Florida Statutes;
providing for nurse membership on the impaired
professionals advisory committee; providing for
retention and responsibilities of consultant;
providing for confidentiality; providing an
effective date.

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

Section 1 Paragraph (f) of subsection (1) of section
458.331, Florida Statutes, 1982 Supplement, is amended to
read:

458.331 Grounds for disciplinary action; action by the
board.--

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The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken.

(f) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department or the board; however, if the licensee verifies that the person is actively participating in a board approved program for the treatment of a physical or mental condition, then the licensee shall be required to report such person to an impaired professionals consultant only.

Section 2. Section 458.3311, Florida Statutes, is created to read:

458.3311 Treatment programs for impaired professionals, advisory committee, consultants.--

(1) There is hereby created the impaired professionals advisory committee, the composition of which shall be determined by rule of the board, and shall include the secretary of the department or his designee.

(2) The committee shall:

(a) Advise the board as to appropriate policies and guidelines to be utilized in approving providers and preventive and rehabilitative programs directed to impaired professionals,

(b) Act as liaison between approved providers and the board;

(c) Promote education programs on impairment for facility chiefs of staff, local medical societies, medical schools, post-graduate training programs, specialty societies, medical auxiliaries, and other professional groups to enhance understanding of addictive and mental disorders and the treatment options available through approved providers;

CODING: Words in struck through type are deletions from existing law, words underlined are additions.
(d) Advise the board on the continuation and expansion of treatment programs for impaired professionals; and
(e) Disseminate information on the treatment programs.
(3) The department may retain one or more impaired professionals consultants as recommended by the committee and approved by the board. A consultant shall be a recovered impaired physician, or a physician licensed under chapter 458 or chapter 459, or a psychiatrist as defined in s. 394.455(2)(b). The consultant shall assist the board and the department in carrying out the responsibilities of this section.
(4) The board is authorized to adopt rules setting forth appropriate criteria for approval of providers to engage in preventive and rehabilitative programs involving impaired professionals.
(5) Information and knowledge of the consultant involving an impaired physician who may be in violation of this chapter or of the rules of the board or department shall not constitute a complaint as defined in s. 455.225, so long as the licensee is progressing satisfactorily in a board approved program. The approved program provider shall upon request disclose to the consultant all information in its possession regarding an impaired physician in treatment. All information obtained by the consultant pursuant to this section shall be exempt from disclosure under s. 119 07, and shall be held confidential subject to the provisions of subsection (6).
(6) If in the opinion of the consultant, after consultation with the provider, the impaired physician enrolled in an approved treatment program does not progress satisfactorily, then the consultant shall disclose to the
department all information in his possession regarding such
physician and such disclosure shall constitute a complaint
pursuant to the general provisions of s. 455.225. Whenever
the consultant concludes that impairment affects a licensee's
practice constituting an immediate serious danger to the
public health, safety or welfare, such conclusion shall be
communicated to the secretary of the department. A consultant
licensee or approved program provider who makes a disclosure
to the department pursuant to this section or s. 458.331(1)(f)
shall not be subject to civil liability for such disclosure or
its consequence.

Section 3. Paragraph (1) of subsection (1) of section
464.018, Florida Statutes, is amended to read:

464.018 Disciplinary actions.--
(1) The following acts shall be grounds for
disciplinary action set forth in this section:
(1) Failing to report to the department any person who
the licensee knows is in violation of this chapter or of the
rules of the department or the board; however, if the licensee
verifies that the person is actively participating in a board
approved program for the treatment of a physical or mental
condition, then the licensee shall be required to report such
person to an impaired professionals consultant only.

Section 4 Section 464.0185, Florida Statutes, is
created to read:

464.0185 Treatment programs for impaired
professionals; advisory committee; consultants --
(1) The board shall appoint a licensee who shall serve
on the impaired professionals advisory committee established
by s. 458 3311

CODING. Words in struck through type are deletions from existing law, words underlined are additions.
(2) The department may retain one or more impaired professionals consultants as recommended and approved by the board. The consultant shall act as a liaison between the board and treatment programs approved pursuant to chapter 458 which provide services to nursing licensees.

(3) Information and knowledge of the consultant involving an impaired nurse who may be in violation of this chapter or of the rules of the board or department, shall not constitute a complaint as described in s. 455.225, so long as the licensee is progressing satisfactorily in an approved program. The approved program provider shall upon request disclose to the consultant all information in its possession regarding an impaired nurse in treatment. All information obtained by the consultant pursuant to this section shall be exempt from disclosure under s. 119.07, and shall be held confidential subject to the provisions of subsection (4).

(4) If in the opinion of the consultant, after consultation with the provider, the impaired nurse enrolled in an approved treatment program does not progress satisfactorily, then the consultant shall disclose to the department all information in his possession regarding such nurse and such disclosure shall constitute a complaint, pursuant to the general provisions of s. 455.225. Whenever the consultant concludes that impairment affects a licensee's practice, constituting an immediate serious danger to the public health, safety or welfare, such conclusion shall be communicated to the secretary of the department. A consultant, licensee or approved program provider who makes a disclosure pursuant to this section or s. 464.018(1)(1) shall not be subject to civil liability for such disclosure or its consequences.
Section 5. This act shall take effect October 1, 1983.
I. SUMMARY:

A. Present Situation:

Section 458.331, Florida Statutes, provides that disciplinary action may be taken against physicians licensed pursuant to chapter 458, for certain acts by such physicians, including among other things, failing to report to the Department of Professional Regulation (DPR) any person whom the physician knows is in violation of the chapter or rules of the department or the Board of Medical Examiners.

Chapter 458, Florida Statutes, makes no provision for treatment of impaired physicians, though DPR operates an impaired physician treatment program pursuant to rules of the department.

B. Effect of Proposed Changes:

This bill provides that a physician need not report to the department any person violating chapter 458 or department or board rules if such person is actively participating in a program approved by the board for the treatment of a physical or mental condition which renders the person unable to practice medicine with reasonable skill and safety.

This bill creates section 458.3311, Florida Statutes, which provides for treatment programs for impaired professionals, as well as an advisory committee and consultants for such programs.

The bill provides that the advisory committee will be composed of persons determined by rule by the Board of Medical Examiners, and such committee shall advise the board on policies and guidelines as well as continuation and expansion of the program. The committee shall act as a liaison between persons providing treatment to impaired professionals and the board, and shall disseminate information and promote education programs on impairment.

The bill provides that the department may retain consultants recommended by the committee and approved by the board, to assist the board and the department in implementing the impairment treatment programs. The board is authorized to adopt rules for such programs.

This bill provides that information of the consultant involving an impaired physician who may be violating this chapter or applicable rules shall not constitute a complaint against such physician as defined in section 455.225, so long as such physician is actively participating in a board approved program.
program. All such information is confidential and exempt from disclosure under section 119.07.

However, if the consultant, in consultation with the person providing treatment to the impaired physician, determines that the impaired physician is not making satisfactory progress, then such information shall constitute a complaint pursuant to section 455.225. A consultant who discloses such information to the department is exempt from civil liability for such disclosure.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

The Department of Professional Regulation currently is funded for the impaired physician treatment program it operates by rule. DPR reports that such funding is $150,000 for FY 82-83, consisting entirely of trust funds generated from licensure fees. According to DPR, there is no general revenue used to fund this program. DPR has requested $140,950 to fund this program in FY 83-84.

III. COMMENTS:

None.

IV. AMENDMENTS:
SUMMARY:

Present Situation:
Section 458.331, Florida Statutes, provides that disciplinary action may be taken against physicians licensed pursuant to chapter 458, for certain acts by such physicians, including among other things, failing to report to the Department of Professional Regulation (DPR) any person whom the physician knows is in violation of the chapter or rules of the department or the Board of Medical Examiners. Section 464.018, Florida Statutes, provides for similar discipline for nurses.

Neither chapter 458 nor 459, Florida Statutes, makes provision for treatment of impaired physicians, though DPR operates an impaired physician treatment program pursuant to rules of the department.

Effect of Proposed Changes:

This bill requires a physician to report to the department any person violating chapter 458 or department or board rules, and a nurse to so report any person violating chapter 464 or applicable rules, but if the physician or nurse verifies that such person is actively participating in a program approved by the board for the treatment of a physical or mental condition, then the physician or nurse shall report such person to an impaired professionals consultant only.

This bill creates sections 458.3311 and 464.0185, Florida Statutes, which provide for treatment programs for impaired professionals, as well as an advisory committee and consultants for such programs.

The bill provides that the advisory committee will be composed of persons determined by rule by the Board of Medical Examiners, including the Secretary of DPR or his designee and a nurse, and such committee shall advise the board on policies and guidelines as well as continuation and expansion of the program. The committee shall act as a liaison between persons providing treatment to impaired professionals and the board, and shall disseminate information and promote education programs on impairment.

The bill provides that the department may retain consultants recommended by the committee and approved by the board, to assist the board and the department in implementing the impairment treatment programs. Requires that such consultant for physicians shall be a recovered impaired physician, or a psychiatrist, or a physician licensed under chapter 458 or 459. The board is authorized to adopt rules for such programs.
This bill provides that information of the consultant involving an impaired physician or nurse who may be violating chapters 458 or 464, or applicable rules, shall not constitute a complaint against such physician or nurse as defined in section 455.225, so long as such physician or nurse is actively participating in a board-approved program. All such information is confidential and exempt from disclosure under section 119.07.

However, if the consultant, in consultation with the person providing treatment to the impaired physician or nurse, determines that the impaired physician or nurse is not making satisfactory progress, then such information shall constitute a complaint pursuant to section 455.225. A consultant, licensee or approved program provider who discloses information to the department pursuant to this bill is exempt from civil liability for such disclosure.

Requires consultant to report to DPR any physician or nurse under treatment whose impairment constitutes an immediate, serious danger to the public.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

The Department of Professional Regulation currently is funded for the impaired physician treatment program it operates by rule. DPR reports that such funding is $150,000 for FY 82-83, consisting entirely of trust funds generated from licensure fees. According to DPR, there is no general revenue used to fund this program. DPR has requested $140,950 to fund this program in FY 83-84.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.
STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR SENATE BILL 0738

1. Requires licensed doctors and nurses to report any person violating chapters 458 and 464, respectively, to the Department of Professional Regulation (DPR), but requires that such person be reported only to an impaired professionals consultant if such person is actively participating in a impaired professionals treatment program approved by the Board of Medical Examiners.

2. Provides that the impaired professionals advisory committee shall include the Secretary of DPR or his designee.

3. Requires that an impaired professionals consultant for physicians shall be a psychiatrist, or recovered impaired physician, or a physician licensed under chapter 458 or 459.

4. Provides protection from civil liability for disclosures required by this bill, to licensee and approved program providers, as well as to consultants.

5. Provides for a nurse to be a member of the impaired professionals advisory committee.

6. Extends treatment program for impaired professionals to nurses.

7. Requires impaired professionals consultants to report to DPR any licensee under treatment whose impairment constitutes an immediate serious danger to the public.
A bill to be entitled
An act relating to professional regulation,
amending s. 20 30(2)(a), (3), and (4)(x),
Florida Statutes, 1982 Supplement, and adding a
paragraph thereto, renaming a division and
board within the Department of Professional
Regulation, and adding the Board of
Acupuncture, amending s. 120.71, Florida
Statutes, changing procedures for the
disqualification of agency personnel in
administrative proceedings; providing for
rules, amending ss. 310 011 and 310 021(1) and
adding a new subsection (1) to s. 310 151,
Florida Statutes, restricting the members of
the Board of Pilot Commissioners who may vote
on rate matters, amending s. 310 131, Florida
Statutes, authorizing procedures for the
verification of amounts of pilotage at each
port, adding a subsection to s. 455 203,
Florida Statutes, authorizing peer review of
certain health care providers; amending s
455.207(3) and (4), Florida Statutes, providing
basis upon which a vacancy can occur on a board
and providing that telephone conference calls
shall not be included in the definition of
"other business of the board"; amending s.
455 213(2), Florida Statutes, providing for
initial license fees for professional licenses;
amending s. 455 217(1), Florida Statutes, 1982
Supplement, authorizing the limited release of
certain examination information, creating s.