1983

Session Law 83-086

Florida Senate & House of Representatives

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Documentation List
*Laws of Florida, 1983*
Chapter 83-86
“An Act Relating to the Practice of Physical Therapy”

01. *Laws of Florida,* 1957, Chapter 57-67, in Vol. I, Part 1, pp. 106-114. *(Note: This was the first enactment of legislation regulating physical therapists. The 1983 legislation substantially reworded this original enactment).*

02. Joint Legislative Management Committee. Division of Legislative Information. *History of Legislation,* 1983 Regular Session, SB 1049 (p. 329) and HB 879 (p. 277).

03. Senate Bill (SB) 1049 (1983).


05. Committee Substitute for Senate Bill (CS/SB) 1049 (1983).

06. Senate. Committee on Governmental Operations. Staff Analysis of CS/SB 1049, 5/18/83. (FSA, Series 18, Box 1335).


09. House Bill (HB) 879 (1983) [Similar Bill].


### LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

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- Subcommittee hearing: 4/24/83
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### Senate/House Journals

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NOTES
GENERAL
ACTS AND RESOLUTIONS
ADOPTED BY THE
LEGISLATURE OF FLORIDA
At its Thirty-sixth Regular Session
April 2nd to June 8, 1957
UNDER THE CONSTITUTION OF A. D. 1885

Published by Authority of Law
Volume I, Part One
1957
CHAPTER 57-67

LAWS OF FLORIDA

an application to destroy public records. Upon the request of a state librarian, any public records the destruction of which has been approved by the public records screening board shall be delivered into the custody of the state librarian and shall not be destroyed except in his discretion. Photographs made pursuant to this law shall have the same force and effect as the originals they would have. Section 92.35, Florida Statutes, relating to admissibility in evidence, is applicable to public records photographed pursuant to this law. This law is supplemental in nature and provides an alternative procedure to other provisions of law authorizing the photographing of public records.

Approved by the Governor May 8, 1957.

Filed in Office Secretary of State May 8, 1957.

CHAPTER 57-67

SENATE BILL NO. 118

AN ACT providing for the practice of physical therapy; defining, regulating the practice thereof; prescribing the duties of the State Board of Medical Examiners under this Act; prescribing penalties for violation of this Act; and repealing Chapter 57-67, Florida Statutes, 1951, and all acts amendatory thereto, and all laws in conflict therewith.

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

Section 1. This chapter may be cited as the "Physical Therapy Practice Act".

Section 2. In this chapter, unless the context otherwise requires

(1) "Physical Therapy" means the treatment of any disability, injury, disease, or other condition of health or human beings, the prevention of such disability, injury, disease or other condition of health and rehabilitation as related thereto by the use of physical, chemical and other properties of air, cold, heat, electricity, exercise, massage, radiant energy, including ultraviolet, infrared, ultrasonic and radium, apparatus and equipment used in the application of the foregoing or related thereto. The use of rayons and radium for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including sterilization, are not authorized under the term "physical therapy" as used in this set.

(2) "Physical therapist" means a person who applies physical therapy as defined in this act upon the prescription, and under the direction and supervision of a person licensed and registered in this state to practice medicine and surgery, and whose license is in good standing.

(3) "Board" means the state board of medical examiners.

(4) Words importing the masculine gender may be applied to females.

Section 3. To be eligible for registration by the board as a physical therapist an applicant must:

(1) Be at least twenty-one years old and a citizen of the United States of America, and

(2) Be of good moral character, and

(3) Have been graduated by a high school, and

(4) (a) Have been graduated from a school giving a course in physical therapy, which course, as given by such school has been approved for training physical therapists by the appropriate subsidiary of the American Medical Association, if any, at the time of his graduation; or if graduated prior to 1936, the course was approved by the American Physical Therapy Association at the time of his graduation and pass to the satisfaction of the board, and examination conducted by it to determine his fitness for practice as a physical therapist as hereinafter provided; or

(b) Be entitled to registration without examination as provided in section 7 or section 8 of this chapter.

Section 4. A person who desires to be registered as a physical
thirty dollars, no part of which shall be returned.

Section 5.

(1) The board shall hold examinations for applicants for regis-
tration as physical therapists at least once a year, and more often
at the discretion of the board, at a time and place to be determined
by the board. Examination of applicants for registration as physi-
cal therapists shall be made by the state board of medical examiners
according to the methods deemed by it to be most practical and
expedient to test the applicant's qualifications, including oral and
written tests and practical demonstrations. In the written tests
each applicant shall be designated by a number instead of by name
so that his identity shall not be disclosed to the members of the
board until after the examination papers are graded. Examinations
shall be given in the following subjects: The applied sciences of
neuroanatomy, kinesiology, psychology, physics, physical therapy
as defined in this chapter, applied to medicine, neurology, orthope-
dics, pediatrics, psychiatry, surgery, medical ethics, and the techni-
cal procedures in the practice of physical therapy as defined in this
chapter.

(2) The board shall employ three registered physical therapists
for a term of three years each to aid in such examination, and the
board shall fix their compensation and pay their expenses, provid-
ed, however, that the registered physical therapists presently so
employed shall serve until the expiration of their respective terms
of employment or until their successors shall be employed. At any
time there is a vacancy to be filled by the employment of a regist-
ered physical therapist, the Florida chapter of the American Physi-
cal Therapy Association shall recommend to the board in a number
of not less than twice the vacancies to be filled, and the board may
appoint from submitted list, in its discretion, any of those so re-
commended; provided however, that all monies paid out under this
chapter shall be paid solely from the revenue received pursuant to
the terms of the law. An annual registration fee of five dollars
shall be required of all registered physical therapists to provide
these funds. Time and place of payment to be determined by the
board.

Section 6. The board shall register as a physical therapist any
person who holds a certificate of registration pursuant to this
section may use the words "Physical Therapist", "Physiotherapist",
"Physical Therapy Technician", or "Registered Physical Therapist"
and may use the letters "P.T.", "Ph.T.", "P.T.T.", or "R.P.T.", in connection with his name or place of business to denote his reg-
istration hereunder.

Section 7. (1) The board shall register as a physical therapist
and shall furnish a certificate of registration without examination
to any person who applies for such registration on or before Octo-
ber 1, 1957, and who:

(a) as of July 1, 1957 meets the qualifications for a physi-
cal therapist, as set forth by (1) the American Physical Therapy
Association, or (2) the American Registry of Physical Therapists,
or

(b) as of July 1, 1957 has practiced physical therapy in the
state of Florida for six (6) years or more, and has, in the opinion
of the board, sufficient training and experience in physical therapy
as to be entitled to registration without examination.

(2) Any person who holds a certificate of registration pursuant
to subsections (1) or (2) of this section may represent himself as
a"Physical Therapist", "Physiotherapist", "Physical Therapy Tech-
nician", or "Registered Physical Therapist", and he may use the
letters "P.T.", "Ph.T.", "P.T.T.", or "R.P.T.", in connection with his name or place of business to denote his registration hereunder. At
the time of making application for registration pursuant to the
terms of this section each applicant shall pay to the board a fee
of twenty-five dollars, no part of which shall be returned.

Section 8. The board may register as a physical therapist and
furnish a certificate of registration without examination to any applicant who presents evidence, satisfactory to the board, of having passed the examination in physical therapy of the American Registry of Physical Therapists, or an examination before a similar lawfully authorized examining board in physical therapy of another state, District of Columbia, territory or foreign country, if the standards for registration in physical therapy in such other state, district, territory or foreign country are determined by the board to be as high as those of this state. Any person who holds a certificate of registration pursuant to this section may use the words "Physical Therapist", "Physiotherapist", "Physical Therapy Technician", or "Registered Physical Therapist", and he may use the letters "P.T.", "Ph.T.", "P.T.T.", or "R.P.T.", in connection with his name or place of business to denote his registration hereunder. If the board determines that the applicant has not passed such examination as to entitle him to a certificate of registration without examination the board may, if it determines the applicant possesses sufficient other qualifications for the practice of physical therapy, issue the applicant a permit allowing him to practice physical therapy, pursuant to the terms of this chapter, until the holding of the next examination provided for by this chapter, but not for a longer period of time. At the time of making application for registration without examination, pursuant to the terms of this section the applicant shall pay to the board a fee of twenty-five dollars, no part of which shall be returned.

Section 9. The board, after registered notice in writing to the party in interest, shall hold a hearing within thirty days after the mailing of said notice, may refuse to register any applicant and may suspend or revoke the registration of any registered person:

(1) Who is addicted to the habitual use of intoxicating liquors, narcotics, or stimulants to such an extent as to incapacitate him for the performance of his professional duties; or

(2) Who is guilty of fraud in the practice of physical therapy or deceit in obtaining his registration as a physical therapist; or

(3) Who has been convicted in a court of competent jurisdiction of a felony. The conviction of a felony shall be the conviction of any offense which, if committed in the state, would constitute a felony under the laws of this state; or

(4) who is guilty of treating or undertaking to treat ailments of human beings otherwise than by physical therapy, as authorized by this chapter; or

(5) who has undertaken to practice physical therapy independently of the prescription, direction, and supervision of a person licensed by the state to practice medicine; or

(6) who has been found by a court of competent jurisdiction to be a mentally ill person and has not thereafter been restored to legal capacity; or

(7) who is guilty of conduct unbecoming a person registered as a physical therapist or detrimental to the best interest of the public.

Section 10. It shall be unlawful for any person who is registered under this chapter as a physical therapist or who registration has been suspended or revoked, to use in connection with his name or place of business the words or letters "Physical Therapist", "Physiotherapist", "Physical Therapy Technician", "Registered Physical Therapist", or the letters "P.T.", "Ph.T.", "P.T.T.", or "R.P.T.", or any other words, letters, abbreviations, insignia indicating or implying that he is a physical therapist or in any other way, orally, in writing, in print or by sign, directly or by implication represents himself as a physical therapist.

Section 11. It shall be unlawful for any person registered under this chapter as a physical therapist to treat human ailments by physical therapy except under the prescription, direction, and supervision of a person licensed by the state to practice medicine.

Section 12. The state board of medical examiners may administer oaths, summon witnesses, and take testimony in all matters relating to its duties under this chapter. The board is authorized to adopt only those rules and regulations needed to carry out the mechanics and procedures to effectuate this chapter and may amend and revoke such rules at its discretion. If the board determines...
applicant for registration is qualified to practice physical therapy, the board may issue the applicant a permit allowing him to practice physical therapy pursuant to the terms of this chapter until the holding of the next examination provided for by this chapter, but not for a longer period of time. The board shall have power to pass upon the good standing and reputability of any school or college offering courses in physical therapy, and whether the courses of such school or college in physical therapy meet the standards fixed by the board. In determining the standing and reputability of any such school and whether the courses can be approved by the board, the board may investigate and make personal inspection of the same. The powers and duties of the board, as set out in this chapter, shall in no way limit or interfere with its powers and duties as set forth in chapter 458. All powers and duties of the board, as set forth in this chapter, shall be supplemental and additional powers and duties to those conferred upon the board by chapter 458.

Section 13. Any person who holds a certificate of registration under this chapter shall not be required, in order to practice physical therapy, to register or obtain a certificate, license, or other evidence of authority from any other state board, provided, however, every registered physical therapist shall, on or before January 1, of each year, apply to the secretary of the state board of health for a certificate of registration, and at such time pay a fee of one dollar. A physical therapist in making his first registration under this law shall write or cause to be written upon the application blank so furnished by the secretary of the state board of health his full name, post office, and residence address, the date and number of his certificate of registration, and shall duly execute and verify the same before an officer authorized to take acknowledgements, and shall file the same with the said board. Registration subsequent to the first registration need not be upon sworn application. The secretary of the state board of health, on or before October 1, of each year or after the first registration, shall mail or cause to be mailed to each registered physical therapist, a blank form of application addressed to the last known post office address of such physical therapist. The form of such application shall be such as to contain space for the insertion by the applicant of the information required by the provisions of this section. The secretary of the state board of health shall issue to any duly registered physical therapist in this state, upon his application therefor, a certificate of registration under the seal of the state for the year ensuing and ending December 31, and provided further, that nothing in this section shall prohibit the collection of any state, county or city occupational license tax.

Section 14. It shall be unlawful for any person to obtain or attempt to obtain registration as a physical therapist under this chapter by any willful misrepresentation or any fraudulent representation.

Section 15. Any person who violates any of the provisions of this chapter shall upon conviction be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars or be imprisoned in the county jail for a period not exceeding six months, or both, in the discretion of the court.

Section 16. No provision of this chapter shall be construed to prohibit the following persons from using physical therapy as a part of or incidental to their profession, when they practice their profession under the statutes applicable to their profession: Chiropractors, Chiropodists, Doctors of Medicine, Masseurs, Nurses, Osteopathic Physicians and Surgeons, and Naturopaths.

Section 17. Any person holding a certificate of registration to practice physical therapy issued by the board which is valid when this act takes effect shall be deemed to be licensed as a registered physical therapist under the provisions of this chapter.

Section 18. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section 19. All laws or parts of laws in conflict herewith are hereby repealed and the following laws and parts of laws and acts amendatory thereto are hereby specifically repealed: Chapter 486, Florida Statutes, 1951.
CHAPTER 57-68

LAWS OF FLORIDA

Section 20. This act shall take effect immediately upon its passage and approval by the governor, or upon its becoming a law without such approval.

Approved by the Governor May 8, 1957.

Filed in Office Secretary of State May 8, 1957.

CHAPTER 57-68

HOUSE BILL NO. 1228

AN ACT to appropriate any unused funds as provided for in chapter 31498, Senate Bill 38XX, 1956 special session, for the purpose of financing the investigation of impeachment proceedings before the House and Senate through special committees of either House or Senate; providing effective date.

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

Section 1. Any unused portion of the appropriation made pursuant to chapter 31498, 1956 special session, shall be used and expended under the direction of the special committee investigating impeachment proceedings of the house or senate. Should such impeachment investigations be incomplete by July 1, and extended by authority of the house or senate, any unexpended funds appropriated under chapter 31498 shall not revert on July 1 but may be used to finance the activities of such investigation.

Section 2. This act shall take effect immediately and shall be retroactive to April 1, 1957.

Approved by the Governor May 8, 1957.

Filed in Office Secretary of State May 8, 1957.
Florida Legislature

History of Legislation
1983 Regular Session
1983 Special Sessions A, B, C
1982 Special Session H

prepared by:
Joint Legislative Management Committee
Legislative Information Division
Capitol Building, Room 826—488-4371
A bill to be entitled
An act relating to the practice of physical
therapy; creating s. 486.015, Florida Statutes;
providing legislative intent; amending s.
486.021, Florida Statutes; providing
definitions; renumbering and amending s.
486.121, Florida Statutes; providing powers and
duties of the Board of Medical Examiners with
respect to regulating the practice of physical
therapy; providing powers, duties, and
membership of the Physical Therapy Council;enumbering and amending s. 486.071, Florida
Statutes; requiring licensure of physical
therapists; amending s. 486.031, Florida
Statutes; specifying requirements for
licensure; amending s. 486.041, Florida
Statutes; providing licensure procedures and
fees; providing for temporary permits; amending
s. 486.051, Florida Statutes; directing the
Department of Professional Regulation to
provide for licensure examinations; amending
ss. 486.061 and 486.081, Florida Statutes;
providing for the issuance of licenses and for
licensure without examination; requiring
certification by the council; renumbering and
amending s. 486.052, Florida Statutes;
providing for biennial renewal fees and
delinquency fees; providing conditions for
reinstatement of a license; amending s.
486.102, Florida Statutes; providing licensure
requirements for physical therapist assistants;
amending s. 486.103, Florida Statutes;

providing licensure procedures and fees;

providing for temporary permits; amending s. 486.104, Florida Statutes; directing the department to provide for licensure examinations; amending ss. 486.106 and 486.107, Florida Statutes; providing for issuance of licenses and for licensure without examination;

requiring certification by the council;

renumbering and amending s. 486.105, Florida Statutes; providing for biennial renewal fees and delinquency fees; providing conditions for reinstatement of license; renumbering and amending s. 486.072, Florida Statutes; providing for the disposition of fees; renumbering and amending s. 486.091, Florida Statutes; providing grounds for the refusal, revocation, or suspension of licenses;

authorizing the department to compel a physical therapist or physical therapist assistant to submit to certain examinations; renumbering and amending s. 486.101, Florida Statutes;

prohibiting false representation and prohibiting misrepresentation in obtaining a license; amending s. 486.151, Florida Statutes;

providing penalties for violations; providing for injunctive relief; amending s. 486.101, Florida Statutes; providing exemptions; amending s. 486.171, Florida Statutes; providing that current licenses are valid under certain circumstances; repealing s. 486.141.
Florida Statutes, which prohibits fraudulent representation to obtain registration; providing for review and repeal; providing an effective date.

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

Section 1. Section 486.015, Florida Statutes, is created to read:

486.015 Legislative intent.--The Legislature finds that the practice of physical therapy by unskilled and incompetent practitioners presents a danger to the public health and safety. The Legislature finds further that it is difficult for the public to make an informed choice about physical therapists and that the consequences of a wrong choice could seriously endanger their health and safety. The sole legislative purpose in enacting this chapter is to ensure that every physical therapist practicing in this state meets minimum requirements for safe practice. It is the legislative intent that physical therapists who fall below minimum competency or who otherwise present a danger to the public shall be prohibited from practicing in this state.

Section 2. Section 486.021, Florida Statutes, is amended to read:

486.021 Definitions.--In this chapter, unless the context otherwise requires:

(1) "Board" means the Board of Medical Examiners.

(2) "Department" means the Department of Professional Regulation.
(3) "License" means the document of authorization granted by the board and issued by the department for a person to engage in the practice of physical therapy.

(4) "The practice of physical therapy" means, upon the prescription of a physician licensed by this state pursuant to chapters 458, 459, 461, or 466, the examination or evaluation of human beings utilizing physical therapy procedures such as the determination of joint range of motion, motor power, postural attitudes, biomechanical function, local motion, functional abilities, or psychosocial consequences of disability to detect, assess, prevent, correct, alleviate, or limit physical disability, bodily malfunction, or pain from injury, disease, or any other bodily or mental condition, and includes the administration, interpretation, or evaluation of physical therapy tests in the aid of treatment; the planning, administration, evaluation, or modification of treatment or instruments, including the use of physical measures, activities, or devices for preventative or therapeutic purposes including such exemplars as the following modalities: physical, chemical, and other properties of air, cold, heat, electricity, exercise, massage, acupuncture only upon compliance with the criteria set forth by the Board of Medical Examiners, when no penetration of the skin occurs, radiant energy, including ultraviolet, visible, and infrared rays, ultrasound, water, and apparatus and equipment used in the application of the foregoing or related thereto, or the performance of tests of neuromuscular functions as an aid to the diagnosis or treatment of any human condition or electromyography as an aid to the diagnosis of any human condition only upon compliance with the criteria set forth by the Board of Medical Examiners; and the provision of...
consultive, educational, or other advisory services for the
purpose of reducing the incidence or severity of physical
disability, bodily malfunction, or pain.
(5) "Physical therapist" means a person who is
licensed and who practices physical therapy in accordance with
the provisions of this chapter.
(6) "Physical therapist assistant" means a person who
is licensed in accordance with the provisions of this chapter
to perform patient-related activities, including the use of
physical agents, and whose activities are performed under the
direction of a physical therapist as set forth in rules
adopted pursuant to this chapter.
(7) "Physical therapy" or "physiotherapy," which terms
are deemed identical and interchangeable, means a health care
profession.
Section 3. Section 486.121, Florida Statutes, is
renumbered as section 486.025 and amended to read:
486.025 486-025 Powers and duties of the board of
Medical Examiners—
The board of Medical Examiners may administer
oaths, summon witnesses, and take testimony in all matters
relating to its duties under this chapter. The board, with
the assistance of the Physical Therapy Council, is authorized
to establish minimum standards of practice and adopt only
those rules necessary and requisite needed to administer
carry out the mechanics and procedures to effectuate this
chapter, and it may amend or revise revoke such standards and
rules from time to time. If the board determines an applicant
for registration is qualified to practice physical therapy;
the board may issue the applicant a permit allowing him to
practice physical therapy pursuant to the terms of this
chapter until the holding of the next examination provided for
by this chapter; but not for a longer period of time. The
board shall have power to review and upon the good standing
and reputability of any school or college offering courses in
physical therapy and whether the courses of such school or
college in physical therapy meet the standards established
fixed by the appropriate accrediting agency referred to in s.
486.031(3)(a) board. In determining the standing and
reputability of any such school and whether the school and
courses meet such standards can be approved by the board, the
board, with the assistance of the Physical Therapy Council,
may investigate and make personal inspection of the same. The
powers and duties of the board, as set out in this chapter,
shall in no way limit or interfere with its powers and duties
as set forth in chapter 458. All powers and duties of the
board, as set forth in this chapter, shall be supplemental and
additional powers and duties to those conferred upon the board
by chapter 458.

(2) The board shall appoint three physical therapists
to serve on the Physical Therapy Council, each for a term of 4
years. The board may delegate to the council such powers and
duties as are proper to carry out the provisions of this
chapter. The board shall fix the council members’
compensation and pay their expenses. Any time there is a
vacancy on the council, the Florida Physical Therapy
Association shall recommend to the board a list of physical
therapists, containing the names of at least twice as many
physical therapists as there are vacancies to be filled, which
list the board may use in filling any such vacancy.

Section 4. Section 486.071, Florida Statutes, is
renumbered as section 486.028 and amended to read:

CODING: Words in italics through type are deletions from existing law; words underlined are additions.
486.028 486-974. License Registration required.--No person shall practice, nor hold himself out as being able to practice, physical therapy in this state unless he is licensed in accordance with the provisions of this chapter; provided, however, that nothing in this chapter shall prohibit any person licensed in this state under any other law from engaging in the practice for which he is licensed.

Section 5. Section 486.031, Florida Statutes, is amended to read:

486.031 Physical Therapist Licensing Requirements.--To be eligible for licensing by the board as a physical therapist an applicant must:

1. Be at least 18 years old;
2. Be of good moral character;
3. (a) Have been graduated from a school of physical therapy which has been approved by the appropriate accrediting agency recognized by the Council on Postsecondary Accreditation (formerly the National Commission on Accrediting and the Federation of Regional Accrediting Commissions of Higher Education) or the United States Commissioner of Education at the time of his graduation and have passed to the satisfaction of the board an examination administered by the department to determine his fitness for practice as a physical therapist as hereinafter provided; or
4. (b) Have received a diploma from a program in physical therapy in a foreign country and have educational credentials deemed equivalent to those required for the educational preparation of physical therapists in this country, as recognized by the appropriate agency as identified by the board.

CODING: Words in italics are definitions from existing law; words underlined are additions.
Physical Therapy Council, which program has been approved by the appropriate agency as identified by the Division of
Physical Therapy; Board of Medical Examiners; and have passed
to the satisfaction of the board an examination administered
conducted by the department as to determine his fitness for
practice as a physical therapist as hereinafter provided; or

(c) Be entitled to licensure registration without
examination as provided in s. 486.081.

Section 6. Section 486.041, Florida Statutes, is
amended to read:

486.041 Physical therapists; application for
licensing.--

(1) A person who desires to be licensed as a physical
therapist shall apply to the board in writing, on a form blank
furnished by the department based. He shall embody in that
application evidence under oath, satisfactory to the board, of
his possessing the qualifications preliminary to examination
required by s. 486.031. He shall pay to the department based
at the time of filing his application, a fee not to exceed
$125 $55 as fixed annually by the board, no part of which
shall be returned.

(2) If a person desires to practice physical therapy
prior to becoming licensed through examination or endorsement,
he shall apply to the board for a temporary permit in
accordance with rules adopted pursuant to this chapter.

Section 7. Section 486.051, Florida Statutes, is
amended to read:

486.051 Physical therapists; examination of
applicants.--The department shall provide for examination of
Section 10. Section 486.052, Florida Statutes, is renumbered as section 486.085 and amended to read:

486.085 (1) A biennial renewal an annual registration fee not to exceed $75 per year or $9 shall be required of each all licensed physical therapist to renew his license to practice, the time and place of payment to be determined by the department.

(2) If the renewal fee for any physical therapists license is not paid by the end of any biennial period December 31 of any year, the holder of the license thereof may be reinstated as a licensed physical therapist only upon payment of a delinquency fee not to exceed $25 per year or $5, as fixed annually by the board, and all lapsed fees, and upon submitting proof, satisfactory to the board, of compliance with this section and all other provisions of this chapter.

(3) If any license certificate is not reinstated as provided in subsection (2) and remains delinquent for a period exceeding 8 years, the license certificate shall be automatically canceled and the board shall notify the physical therapist of the same. The license certificate may not be reinstated or renewed until the physical therapist:

(a) Provides evidence satisfactory to the board that he has actively engaged in the practice of physical therapy in good standing in another state for the 4 years immediately preceding the filing of an application for reinstatement; or

(b) Makes application for, and passes, the examination as provided by s. 486.051 and pays the fee therefor as provided in s. 486.041. Prior to issuance of a license reinstated pursuant to this subsection, the licensee shall be required to remit all fees provided for in subsection (2).
Section 11. Section 486.102, Florida Statutes, is amended to read:

486.102 Physical therapist assistant licensing requirements.—To be eligible for licensing by the board as a physical therapist assistant an applicant must:

1. Be at least 18 years old.
2. Be of good moral character.
3. Have been graduated from a school giving a course of not less than 2 years for physical therapist assistants, which course as given by such schools has been approved for the educational preparation of physical therapist assistants by the appropriate accrediting agency recognized by the Council on Postsecondary Accreditation (formerly the National Commission on Accrediting and the Federation of Regional Accrediting Commissions of Higher Education) or the United States Commissioner of Education at the time of his graduation and have passed a physical therapist assistant examination administered by the department to determine his fitness for practice as a physical therapist assistant as hereinafter provided;

4. Have been graduated from a school giving a course for physical therapist assistants in a foreign country and have educational credentials deemed equivalent to those required for the educational preparation of physical therapist assistants in this country, as recognized by the appropriate agency as identified by the Physical Therapy Council, and have passed, to the satisfaction of the board, an examination conducted by the department to determine his fitness for
practice as a physical therapist assistant as hereinafter provided, or

(c) Be entitled to licensure without examination as provided in s. 486.107.

Section 12. Section 486.103, Florida Statutes, is amended to read:

486.103 Physical therapist assistant, application for licensing.--

(1) A person who desires to be licensed as a physical therapist assistant shall apply to the board in writing on a form blank furnished by the department. He shall embody in that application evidence under oath, satisfactory to the board, of his possessing the qualifications preliminary to examination required by s. 486.104. He shall pay to the department at the time of filing his application a fee not to exceed $125 as fixed annually by the board, no part of which shall be returned.

(2) If a person desires to work as a physical therapist assistant prior to being licensed through examination or endorsement, he shall apply for a temporary permit in accordance with rules adopted pursuant to this chapter.

Section 13. Section 486.104, Florida Statutes, is amended to read:

486.104 Physical therapist assistant, examination of applicants.--The department shall provide for examination of applicants for licensing as physical therapist assistants at least once a year, and more often at the discretion of the board, at a time and place to be determined by the department. Examination of applicants for licensing as physical therapist assistants...
shall be provided made by the department in accordance with
rules adopted by the board to test the applicant's
qualifications, including the taking of a written test. Board
of Medical Examiners according to the methods deemed by it to
be most practical and expedient to test the applicants'
qualifications, including oral and written tests and practical
demonstrations. Examinations shall be given in the following
subjects: Human anatomy and physiology; chemistry and physics;
electrotherapy and hydrotherapy; therapeutic exercises;
rehabilitation; ethics; and clinical procedures. In the
written tests, each applicant shall be designated by a number
instead of by name.

Section 14. Section 486.106, Florida Statutes, is
amended to read:

486.106 Physical therapist assistants; issuance of
licenses certificates.--The board, upon certification by the
Physical Therapy Council, shall issue licenses as a physical
therapist assistant and shall furnish a license certificate of
registration to each applicant who successfully establishes
his eligibility under the terms of this chapter of, and any
person who holds a license certificate of registration
pursuant to this section may use the words "physical therapist
assistant," "Licensed physical therapist assistant," "Registered
physical therapist assistant," or "Physical therapy technician," and he may use the letters "P.T.A."

Section 15. Section 486.107, Florida Statutes, is
amended to read:

486.107 Physical therapist assistants; issuance of
licenses certificates to persons passing examination of
certain other examining boards; permit. The board, upon
certification by the Physical Therapy Council, may cause,
through the department, the issuance of license as physical
therapist assistant and furnish a license certificate of
registration without examination to any applicant who presents
evidence to the board, under oath, of having passed the examination for physical therapist assistants
before a similar lawfully authorized examining board of
another state, the District of Columbia, or a territory, if
the standards for registering or licensing, as the case may
be, as a physical therapist assistant assistants in such
other state are determined by the board to be as high as those
of this state, as established by rules adopted pursuant to
this chapter. Any person who holds a license certificate of
registration pursuant to this section may use the words
"physical therapist assistant," or "registered physical
therapist assistant," or "licensed physical therapist assistant," or "physical therapist technician," and may use the letters
with his name to denote his licensure hereunder.

if the board determines that the applicant has not passed such
examination as to entitle him to a license without
examination, the board may, if it determines the applicant
possesses sufficient other qualifications for the practice as
a licensed physical therapist assistant; issue the applicant a
permit allowing him to practice as a licensed physical
therapist assistant pursuant to the terms of this chapter
until the holding of the next examination provided for by this
chapter. The permit shall be valid until notification of the
results of the examination; but not for a longer period of
time. At the time of making application for licensing
registration without examination, pursuant to the terms of
this section, the applicant shall pay to the department a fee not to exceed $125 as fixed annually by the board,
one part of which shall be returned.

Section 16. Section 486.105, Florida Statutes, is
renumbered as section 486.108 and amended to read:

486.108 486.105 Physical therapist assistant; fees
annual registration fee—

(1) A biennial renewal. An annual registration fee not
to exceed $50 per annum as fixed annually by the board of
$50 shall be required of all licensed physical therapist
assistants, the time and place of payment to be determined by
the department.

(2) If the renewal fee for any physical therapist
assistant's certificate is not paid by the end of any biennial
period December 31 of any year, the holder of the license
therewith may be reinstated as a licensed physical therapist
assistant only upon payment of a delinquency fee not to exceed
$25 per year $5, as fixed annually by the board, and all
lapsed fees, and upon submitting proof satisfactory to the
board of compliance with this section and all other provisions
of this chapter.

(3) If any license certificate is not reinstated as
provided in subsection (2) and remains delinquent for a period
exceeding 2 years, the license certificate shall be
automatically canceled and the board shall notify the physical
therapist assistant of the same. The license certificate may
not be reinstated or renewed until the physical therapist
assistant:

[a] Provides evidence satisfactory to the board that
he has actively engaged in the practice of physical therapy in

CODING: Words in same type or deletion from existing law, words underlined for additions.
good standing in another state for the 4 years immediately
preceding the filing of an application for reinstatement; or

(2) Makes application for, and passes, the examination
as provided by s. 486.104 and pays the fee therefor as
provided in s. 486.103. Prior to issuance of a license
reinstated pursuant to this subsection, the licensee shall be
required to remit all fees provided for in subsection (1).

Section 17. Section 486.072, Florida Statutes, is
renumbered as section 486.115 and amended to read:

486.115 Disposition of fees.--All moneys
collected reserved by the department under this chapter
shall be deposited and expended pursuant to the provisions of
s. 215.37. All such expenditures shall be paid upon
presentation of vouchers approved by the president and
secretary-treasurer of said board.

Section 18. Section 486.091, Florida Statutes, is
renumbered as section 486.125 and amended to read:

486.125 Refusal, revocation, or suspension
of registration.--The board may refuse to license register any
applicant and may, after notice and a hearing as required by
law, suspend or revoke the license registration of any
physical therapist or physical therapist assistant registered
person:

(1) Who is unable to practice physical therapy 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 subsection, the department shall
have, upon probable cause, authority to compel a physical
therapist or physical therapist assistant to submit to a
mental or physical examination by physicians designated by the
Failure of a physical therapist or physical therapist assistant to submit to such examination when so directed shall constitute an admission of the allegations against him, consequent upon which a default and final order may be entered without taking of testimony or presentation of evidence unless the failure was due to circumstances beyond his control. A physical therapist or physical therapist assistant whose license is suspended or revoked pursuant to this subsection shall at reasonable intervals be given the opportunity to demonstrate that he can resume the competent practice of physical therapy with reasonable skill and safety to patients. Neither the record of proceedings nor the orders entered by the board in any proceedings under this subsection shall be used against a physical therapist or physical therapist assistant in any other proceeding. Who is addicted to the habitual use of intoxicating liquors; narcotics; or stimulants to such an extent as to incapacitate him for the performance of his professional duties.

(2) Who is guilty of fraud in the practice of physical therapy or guilty of deceit in obtaining his license as a physical therapist or registration as a physical therapist assistant.

(3) Who has pleaded guilty or nolo contendere to, or has been found guilty of, a felony, committed in a court of competent jurisdiction of a felony. The conviction of a felony shall be the conviction of any offense which, if committed in the state, would constitute a felony under the laws of this state.

(4) Who has treated human ailments without having a written prescription of a physician licensed by the state pursuant to chapters 458, 459, 461, or 466.
Who has treated or undertaken to treat human ailments by means other than by physical therapy, as defined in this chapter.

Who who fails to maintain acceptable standards of physical therapy practice as set forth by the board and Physical Therapy Council in rules adopted pursuant to this chapter independently of the prescription of a person licensed by the state to practice medicine, surgery or dentistry.

Who engages, directly or indirectly, in the division, transferring, assigning, relating, or refunding of fees received for professional services, or who profits by means of a credit or other valuable consideration, such as an unearned commission, discount, or gratuity with any person referring a patient or with any relative or business associate of the referring person. Nothing in this chapter shall be construed to prohibit the members of any regularly and properly organized business entity which is comprised of physical therapists and which is recognized under the laws of this state from making any division of their total fees among themselves as they determine necessary, to equity of conduct, or to the best interest of the public.

Who has had his license revoked or suspended, has had other disciplinary action taken against him, or has had his application for a license refused, revoked, or suspended.
Section 19. Section 486.101, Florida Statutes, is renumbered as section 486.135 and amended to read:

486.135 False representation of registration prohibited.--

(a) It shall be unlawful for any person who is not licensed under this chapter as a physical therapist or whose license has been suspended or revoked, to use in connection with his name or place of business the words or letters "physical therapist," "physiotherapist," "physical therapy," "physiotherapy," "registered physical therapist," "licensed physical therapist," or the letters "P.T.," "Ph.T.," or "R.P.T.," or "L.P.T.,” or any other words, letters, abbreviations, or insignia indicating or implying that he is a physical therapist, or to represent himself as a physical therapist who in any other way, orally, in writing, in print, or by sign, directly or by implication, unless physical therapy services are provided or supplied by a physical therapist licensed in accordance with this chapter represents himself as a physical therapist.

(b) It is unlawful for any person who is not licensed under this chapter as a physical therapist assistant, or whose license has been suspended or revoked, to use in connection with his name the words "physical therapist assistant," "licensed physical therapist assistant," "registered physical therapist assistant," or "physical therapy technician," or the letters "P.T.A.," "L.P.T.A.," "R.P.T.A.," or "P.T.T.," or any other words, letters, abbreviations, or insignia indicating or implying that he is a physical therapist assistant or to
Section 20. Section 486.151, Florida Statutes, is amended to read:

486.151 Penalties and remedies for violations.--

(1) Any person who violates any of the provisions of this chapter is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) The department or any other person may, in the name of the state, apply for injunctive relief in any court of competent jurisdiction to enjoin any person from committing any act in violation of this chapter. Such proceedings shall be in addition to, and not in lieu of, any other penalty or remedy under this chapter.

Section 21. Section 486.161, Florida Statues, is amended to read:

486.161 Exemptions.--

(2) No provision of this chapter shall be construed to prohibit the following persons licensed in this state from using physical agents as a part of or incidental to the lawful practice of their profession, when they possess their profession under the statutes applicable to their profession: chiropractors, podiatrists, doctors of medicine, masseurs, nurses, osteopathic physicians and surgeons, and naturopaths.

(2) No provision of this chapter shall be construed to prohibit students who are enrolled in schools or courses of
physical therapy approved by the board from performing such
acts of physical therapy as are incidental to their respective
courses of study, or to prohibit any physical therapist from
another state from performing physical therapy incidental to a
course of study when taking or giving a postgraduate course of
other course of study in this state, provided such physical
therapist is licensed in another jurisdiction or holds an
appointment on the faculty of a school approved for training
physical therapists or physical therapist assistants.

Section 22. Section 486.171, Florida Statutes, is amended to read:
486.171 Current valid licenses effective.—
(1) Any person holding a license for practice physical therapy issued by the board
or department which license is valid when this act takes
effect shall be deemed to be licensed as a registered physical
therapist under the provisions of this chapter.
(2) Any person employed by or assisting the physical
therapist as an aide shall be considered eligible to continue
to perform his duties, provided he was so employed prior to
the 1973 amendments to this chapter see. He shall not be
eligible for licensure as a physical therapist assistant or to
call himself an assistant until he meets the requirements of
this chapter.

Section 23. Section 486.141, Florida Statutes, is hereby repealed.

Section 24. Chapter 486, Florida Statutes, as amended
by this act, is repealed on October 1, 1986, and shall be
reviewed by the Legislature pursuant to s. 11.61, Florida

CODING: Words in struck type are deletions from existing law; words underlined are additions.
Section 25. This act shall take effect July 1, 1983.

***************

HOUSE SUMMARY

With respect to physical therapists and physical therapist assistants:
1. Provides requirements for licensure and procedures therefor. Provides for temporary permits.
2. Provides for licensure examinations to be administered by the Department of Professional Regulation and for the board, upon the council's certification, to cause the issuance of licenses through the department.
3. Provides licensure fees, biennial renewal fees, and delinquency fees. Provides conditions for reinstatement of a license.

CODING: Words in struck through type are deletions from existing law; words underlined are additions.
**BILL ACTION REPORT**

**COMMITTEE ON GOVERNMENTAL OPERATIONS**

**DATE REPORTED:** May 20, 1983

**DATE:** May 18, 1983

**TIME:** 9:00 a.m. - 12:00 noon

**PLACE:** Room H, Senate Office Bldg.

**THE VOTE WAS:**

**BILL NO.** 1049

**FINAL ACTION:** Favorably with amendments

**OTHER:** Temporarily Passed

**FINALLY:** Favorably with Committee Substitute

**FIRST COMMITTEE REFERENCES:**

**SECOND COMMITTEE REFERENCES:**

**THIRD COMMITTEE REFERENCES:**

**APPROVED:**

**OTHER COMMITTEE REFERENCES:**

**THE VOTE WAS:**

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**TOTAL:**

**Number of Senators Present:** 8

(Attach additional page if necessary)

Please Complete:

The key sponsor appeared (X)
A Senator appeared ( )
Sponsor's aide appeared ( )
Other appearance ( )
COMMITTEE APPEARANCE RECORD
(Submit to Committee Chairman or Secretary)

Name: Benny Lee
Address: 1500 N. Crestview Ave
Representing: Florida Physical Therapy Assoc

Lobbyist (Registered with Senate) Yes No
Speaking: For Against Information
Subject: adding Occupational Therapy to Exemptions
If state employee-- Time: from _____ m. to _____ m.

(State employees are required to file the first copy of this form with Committee Chairman unless appearance is requested by chairman as a witness or for informational purposes.)
A bill to be entitled
An act relating to the practice of physical
therapy; creating s. 486.015, Florida Statutes;
providing legislative intent; amending s.
486.021, Florida Statutes; providing
definitions; renumbering and amending s.
486.121, Florida Statutes; providing powers and
duties of the Board of Medical Examiners with
respect to regulating the practice of physical
therapy; providing powers, duties, and
memberships of the Physical Therapy Council;
renumbering and amending s. 486.071, Florida
Statutes; requiring licensure of physical
therapists; amending s. 486.031, Florida
Statutes; specifying requirements for
licensure; amending s. 486.041, Florida
Statutes; providing licensure procedures and
fees; providing for temporary permits; amending
s. 486.051, Florida Statutes; directing the
Department of Professional Regulation to
provide for licensure examinations; amending
ss. 486.061 and 486.081, Florida Statutes;
providing for the issuance of licenses and for
licensure without examination; requiring
certification by the council; renumbering and
amending s. 486.052, Florida Statutes;
providing for biennial renewal fees and
delinquency fees; providing conditions for
reinstatement of a license; amending s.
486.102, Florida Statutes; providing licensure
requirements for physical therapist assistants;
...
amending s. 486.103, Florida Statutes; 
providing licensure procedures and fees; 
providing for temporary permits; amending s. 
486.104, Florida Statutes; directing the 
department to provide for licensure 
examinations; amending ss. 486.106 and 486.107, 
Florida Statutes; providing for issuance of 
licenses and for licensure without examination; 
requiring certification by the council; 
renumbering and amending s. 486.105, Florida 
Statutes; providing for biennial renewal fees 
and delinquency fees; providing conditions for 
reinstatement of license; renumbering and 
amending s. 486.072, Florida Statutes; 
providing for the disposition of fees; 
renumbering and amending s. 486.091, Florida 
Statutes; providing grounds for the refusal, 
revocation, or suspension of licenses; 
authorizing the department to compel a physical 
therapist or physical therapist assistant to 
submit to certain examinations; renumbering and 
amending s. 486.101, Florida Statutes; 
prohibiting false representation and 
prohibiting misrepresentation in obtaining a 
license; amending s. 486.151, Florida Statutes; 
providing penalties for violations; providing 
for injunctive relief; amending s. 486.161, 
Florida Statutes; providing exemptions; 
amending s. 486.171, Florida Statutes; 
providing that current licenses are valid under 
certain circumstances; repealing s. 486.141.
Be it enacted by the Legislature of the State of Florida:

Section 1. Section 486.015, Florida Statutes, is created to read:

486.015 Legislative intent.—The Legislature finds that the practice of physical therapy by unskilled and incompetent practitioners presents a danger to the public health and safety. The Legislature finds further that it is difficult for the public to make an informed choice about physical therapists and that the consequences of a wrong choice could seriously endanger their health and safety. The sole legislative purpose in enacting this chapter is to ensure that every physical therapist practicing in this state meets minimum requirements for safe practice. It is the legislative intent that physical therapists who fall below minimum competency or who otherwise present a danger to the public shall be prohibited from practicing in this state.

Section 2. Section 486.021, Florida Statutes, is amended to read:

486.021 Definitions.—In this chapter, unless the context otherwise requires:

(1) "Board" means the Board of Medical Examiners.
(2) "Department" means the Department of Professional Regulation.
(3) "License" means the document of authorization granted by the board and issued by the department for a person to engage in the practice of physical therapy.

(4) "The practice of physical therapy" means, upon the prescription of a physician licensed by this state pursuant to chapters 458, 459, or 466, or upon the oral or written instructional directive of a person licensed pursuant to chapters 460 or 461, the treatment of any disability, injury, disease, or other condition of health of human beings, or the prevention of such disability, injury, disease or other condition of health and rehabilitation as related thereto by the use of the physical, chemical and other properties of air, cold, heat, electricity, exercise, massage, acupuncture only upon compliance with the criteria set forth by the Board of Medical Examiners, when no penetration of the skin occurs, radiant energy, including ultraviolet, visible and infrared rays, ultrasound, water and apparatus and equipment used in the application of the foregoing or related thereto, or the performance of tests of neuromuscular functions as an aid to the diagnosis or treatment of any human condition. The physical therapist may perform electromyography as an aid to the diagnosis of any human condition only upon compliance with the criteria set forth by the Board of Medical Examiners. The use of roentgen rays and radium for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used in this chapter.

(5) "Physical therapist" means a person who is licensed and who practices physical therapy in accordance with the provisions of this chapter, upon the oral or written prescription of a person licensed and registered in this state...
to practice medicine, surgery, or dentistry and whose license is in good standing. Nothing in this chapter shall authorize a person licensed pursuant to this chapter to practice chiropractic as defined in chapter 460.

(6) "Physical therapist assistant" means a person who is licensed in accordance with the provisions of this chapter to perform patient-related activities, including the use of physical agents, and whose activities are performed under the direction of a physical therapist as set forth in rules adopted pursuant to this chapter.

(7) "Physical therapy" or "physiotherapy," which terms are deemed identical and interchangeable, means a health care profession.

Section 3. Section 486.121, Florida Statutes, is renumbered as section 486.025 and amended to read:

486.025 Powers and duties of the board of Medical Examiners.--

(1) The board of Medical Examiners may administer oaths, summon witnesses, and take testimony in all matters relating to its duties under this chapter. The board, with the assistance of the Physical Therapy Council, is authorized to establish minimum standards of practice and adopt such rules necessary and regulations needed to administer and carry out the mechanics and procedures to effectuate this chapter, and it may amend or revise such standards and rules from time to time. If the board determines an applicant for registration is qualified to practice physical therapy, the board may issue the applicant a permit allowing him to practice physical therapy pursuant to the terms of this chapter until the hearing of the next examination provided for by this chapter; but not for a longer period of time. The
board shall have power to review the good standing and reputability of any school or college offering courses in physical therapy and whether the courses of such school or college in physical therapy meet the standards established by the appropriate accrediting agency referred to in s. 486.031(3)(a) board. In determining the standing and reputability of any such school and whether the school and courses meet such standards can be approved by the board, the board, with the assistance of the Physical Therapy Council, may investigate and make personal inspection of the same. The powers and duties of the board, as set out in this chapter, shall in no way limit or interfere with its powers and duties as set forth in chapter 458. All powers and duties of the board, as set forth in this chapter, shall be supplemental and additional powers and duties to those conferred upon the board by chapter 458.

(2) The board shall appoint three physical therapists to serve on the Physical Therapy Council, each for a term of 4 years. The board may delegate to the council such powers and duties as are proper to carry out the provisions of this chapter. The board shall fix the council members' compensation and pay their expenses. Any time there is a vacancy on the council, the Florida Physical Therapy Association shall recommend to the board a list of physical therapists, containing the names of at least twice as many physical therapists as there are vacancies to be filled, which list the board may use in filling any such vacancy.

Section 4. Section 486.071, Florida Statutes, is renumbered as section 486.028 and amended to read:

486.028 License Registration required.--No person shall practice, nor hold himself out as being able to
practice, physical therapy in this state unless he is licensed in accordance with the provisions of this chapter of
provided, however, that nothing in this chapter of shall prohibit any person licensed in this state under any other law from engaging in the practice for which he is licensed.

Section 5. Section 486.031, Florida Statutes, is amended to read:

486.031 Physical therapist licensing requirements.—To be eligible for licensing registration by the board as a physical therapist an applicant must:

1. Be at least 18 years old;
2. Be of good moral character; and
3. (a) Have been graduated from a school of physical therapy, which school, as given by such school, has been approved for the educational preparation of physical therapists by the appropriate accrediting agency recognized by the Council on Postsecondary Accreditation (formerly the National Commission on Accrediting and the Federation of Regional Accrediting Commissions of Higher Education) or the United States Department of Education at the time of his graduation and have passed to the satisfaction of the board an examination administered by the department to determine his fitness for practice as a physical therapist as hereinafter provided; or
(b) Have received a diploma from a program in physical therapy in a foreign country and have educational credentials deemed equivalent to those required for the educational preparation of physical therapists in this country, as recognized by the appropriate agency as identified by the Physical Therapy Council, which program has been approved by the appropriate agency as identified by the Division of...
Physical Therapist; Board of Medical Examiners, and have passed to the satisfaction of the board an examination administered by the department to determine his fitness for practice as a physical therapist as hereinafter provided; or

(c) Be entitled to licensure without examination as provided in s. 486.081.

Section 6. Section 486.041, Florida Statutes, is amended to read:

486.041 Physical therapist, application for licensing.--

(1) A person who desires to be licensed as a physical therapist shall apply to the board in writing, on a form of the department furnished by the department board. He shall embody in that application evidence under oath, satisfactory to the board, of his possessing the qualifications preliminary to examination required by s. 486.031. He shall pay to the department board at the time of filing his application a fee not to exceed $125 as fixed annually by the board, no part of which shall be returned.

(2) If a person desires to practice physical therapy prior to becoming licensed through examination or endorsement, he shall apply to the board for a temporary permit in accordance with rules adopted pursuant to this chapter.

Section 7. Section 486.051, Florida Statutes, is amended to read:

486.051 Physical therapist; examination of applicants.—The department shall provide for examination of applicants for licensing as physical therapists at least once a year, and more often at the discretion of the board, at a
time and place to be determined by the department.

Examinations of applicants for licensing as physical therapists shall be administered by the department in accordance with rules adopted by the board to test the applicant’s qualifications, including the taking of a written test.

Section 8. Section 486.061, Florida Statutes, is amended to read:

486.061 Physical therapist; issuance of licenses to applicants passing examinations.--The board, upon certification by the Physical Therapy Council, shall cause, through the department, the issuance of a license to each applicant who successfully establishes his eligibility under the terms of this chapter law, and any person who holds a license shall engage in the practice of physical therapy and use the words “physical therapist” or “physiotherapist” or “physiotherapist," or “registered physical therapist,” and he may use the letters “P.T.” or “P.T.-F. or “P.T.-F. in connection with his name or place of business to denote his licensure hereunder.

Section 9. Section 486.081, Florida Statutes, is amended to read:

486.081 Physical therapist; issuance of licenses to persons passing examination of certain other examining boards; permits.--The board, upon certification by the Physical Therapy Council, may cause, through the department, the issuance of a license to a physical therapist and furnish a certificate of registration without examination to any

CODING: Words in square brackets are deletions from existing law; words underlined are additions.
applicant who presents evidence, satisfactory to the board, of
having passed an examination before a similar lawfully
authorized examining board in physical therapy of another
state, the District of Columbia, a territory, or a foreign
country, if the standards for licensure registration in
physical therapy in such other state, district, territory, or
foreign country are determined by the board to be as high as
those of this state, as established by rules adopted pursuant
to this chapter. Any person who holds a certificate of
registration and a license pursuant to this section may use
the words "physical therapist" or "physiotherapist," or
registered physical therapist" and he may use the letters
"P.T.," "R-P.T.," or "P.T." in connection with his
name or place of business to denote his licensure registration
hereunder. If the board determines that the applicant has not
passed such examination as to entitle him to a license and a
certificate of registration without examination; the board
may, if it determines the applicant possesses sufficient other
qualifications for the practice of physical therapy, issue the
applicant a permit allowing him to practice physical therapy
pursuant to the terms of this chapter until the holding of the
next examination provided for by this chapter. The permit
shall be void until notification of the results of
examination; but not for a longer period of time. At the time
of making application for licensure without examination,
pursuant to the terms of this section, the applicant shall pay
to the department a fee not to exceed $125 as fixed
annually by the board, no part of which shall be returned.

Section 10. Section 486.052, Florida Statutes, is
renumbered as section 486.085 and amended to read:

CODING: Words in angle type are deletions from existing law; words underlined are additions.
Physical therapists; annual fees.--

(1) A biennial renewal registration fee not to exceed $75 per year shall be required of each licensed physical therapist to renew his license, the time and place of payment to be determined by the department board.

(2) If the renewal fee for any physical therapist's certificate is not paid by the end of any biennial period December 31 of any year, the holder of the license thereof may be reinstated as a licensed physical therapist only upon payment of a delinquency fee not to exceed $75 per year, as fixed annually by the board, and all lapsed fees, and upon submitting proof, satisfactory to the board, of compliance with this section and all other provisions of this chapter.

(3) If any license certificate is not reinstated as provided in subsection (2) and remains delinquent for a period exceeding 6 years, the license certificate shall be automatically canceled and the board shall notify the physical therapist of the same. The license certificate may not be reinstated or renewed until the physical therapist:

(a) Provides evidence satisfactory to the board that he has actively engaged in the practice of physical therapy in good standing in another state for the 4 years immediately preceding the filing of an application for reinstatement; or

(b) Makes application for, and passes, the examination as provided by s. 486.041 and pays the fee therefor as provided in s. 486.041. Prior to issuance of a license reinstated pursuant to this subsection, the licensee shall be required to remit all fees provided for in subsection (2).

Section 11. Section 486.102, Florida Statutes, is amended to read:
486.102 Physical therapist assistant licensing

requirements.--To be eligible for licensing by the board as a physical therapist assistant an applicant must:

(1) Be at least 18 years old.

(2) Be of good moral character.

(3) Have been graduated from a school giving a course of not less than 2 years for physical therapist assistants, which course as given by such school has been approved for the educational preparation of physical therapist assistants by the appropriate accrediting agency recognized by the Council on Postsecondary Accreditation (formerly the National Commission on Accrediting and the Federation of Regional Accrediting Commissions of Higher Education) or the United States Department of Education at the time of his graduation and have passed physical therapists employed by the board pursuant to ss. 486.084(2);

(4) Pass, to the satisfaction of the board, an examination administered conducted by the department to determine his fitness for practice as a physical therapist assistant as hereinafter provided;

(b) Have been graduated from a school giving a course for physical therapist assistants in a foreign country and have educational credentials deemed equivalent to those required for the educational preparation of physical therapist assistants in this country, as recognized by the appropriate agency as identified by the Physical Therapy Council, and have passed, to the satisfaction of the board, an examination conducted by the department to determine his fitness for practice as a physical therapist assistant as hereinafter provided, or
Section 12. Section 486.103, Florida Statutes, is amended to read:

486.103 Physical therapist assistant: application for licensing.--

(1) A person who desires to be licensed as a physical therapist assistant shall apply to the board in writing on a form blank furnished by the department. He shall embody in that application evidence under oath, satisfactory to the board, of his possessing the qualifications preliminary to examination required by s. 486.104. He shall pay to the department at the time of filing his application a fee not to exceed $50.00 as fixed annually by the board, no part of which shall be returned.

(2) If a person desires to work as a physical therapist assistant prior to being licensed through examination or endorsement, he shall apply for a temporary permit in accordance with rules adopted pursuant to this chapter.

Section 13. Section 486.104, Florida Statutes, is amended to read:

486.104 Physical therapist assistant: examination of applicants.--The department shall provide for examination of applicants for licensing as physical therapist assistants at least once a year, and more often at the discretion of the board, at a time and place to be determined by the department. Examination of applicants for licensing as physical therapist assistants shall be provided for by the department in accordance with rules adopted by the board to test the applicant's...
Qualifications, including the taking of a written test.

Section 14. Section 486.106, Florida Statutes, is amended to read:

486.106 Physical therapist assistants; issuance of licenses.--The board, upon certification by the Physical Therapy Council, shall issue licenses to each applicant who successfully establishes his eligibility under the terms of this chapter and any person who holds a license to practice physical therapist assistant may use the words "physical therapist assistant" or "physical therapy assistant" in connection with his name to denote his licensure hereunder.

Section 15. Section 486.107, Florida Statutes, is amended to read:

486.107 Physical therapist assistants; issuance of licenses to persons passing examination of certain other examining boards.--The board, upon certification by the Physical Therapy Council, may cause, in lieu of the examination prescribed by the board, the following examinations to be given to the applicant:

1. A written examination consisting of a series of questions in physical therapy and written tests and practical demonstration in physical therapy and psychology.

2. A written examination consisting of a series of questions in physical therapy and written tests and practical demonstration in physical therapy and psychology.

3. A written examination consisting of a series of questions in physical therapy and written tests and practical demonstration in physical therapy and psychology.

4. A written examination consisting of a series of questions in physical therapy and written tests and practical demonstration in physical therapy and psychology.

5. A written examination consisting of a series of questions in physical therapy and written tests and practical demonstration in physical therapy and psychology.

6. A written examination consisting of a series of questions in physical therapy and written tests and practical demonstration in physical therapy and psychology.

7. A written examination consisting of a series of questions in physical therapy and written tests and practical demonstration in physical therapy and psychology.

8. A written examination consisting of a series of questions in physical therapy and written tests and practical demonstration in physical therapy and psychology.
Amend chapter 46.68 to read:

*through the department, the issuance of license as physical therapist assistant and furnish a license certificate of registration without examination to any applicant who presents evidence to the board, under oath, of having passed the examination for physical therapist assistants before a similar lawfully authorized examining board of another state, the District of Columbia, or a territory, if the standards for registering or licensing, as the case may be, as a fee physical therapist assistant, assistants in such other state are determined by the board to be as high as those of this state, as established by rules adopted pursuant to this chapter. Any person who holds a license certificate of registration pursuant to this section may use the words "physical therapist assistant," or "registered physical therapist assistant," or "licensed physical therapist assistant," or "licensed physical therapist technician," and he may use the letters "P.T.A.," "P.T.B.A.," "L.P.T.B.A.," or "P.T.T.," in connection with his name to denote his license registration hereunder.

If the board determines that the applicant has not passed such examination as to entitle him to a license without examination; the board may, if it determines the applicant possesses sufficient other qualifications for the practice as a licensed physical therapist assistant, issue the applicant a permit allowing him to practice as a licensed physical therapist assistant pursuant to the terms of this chapter until the holding of the next examination provided for by this chapter. The permit shall be valid until notification of the results of the examination, but not for a longer period of time. At the time of making application for the registration without examination, pursuant to the terms of this section, the applicant shall pay to the department board...*

**COOKING**: Words in italics through type are deletions from existing law; words underlined are additions.
Section 16. Section 486.105, Florida Statutes, is
renumbered as section 486.108 and amended to read:

486.108 Physical therapist assistant; fees
annual registration fee.

(1) A biennial renewal. An annual registration fee not
to exceed $125 per annum as fixed annually by the board, $5
shall be required of all licensed physical therapist
assistants, the time and place of payment to be determined by
the department.

(2) If the renewal fee for any physical therapist
assistant's certificate is not paid by the end of any biennial
period December 31 of any year, the holder of the license
may be reinstated as a licensed physical therapist
assistant only upon payment of a delinquency fee not to exceed
$25 per year $5, as fixed annually by the board, and all
lapsed fees, and upon submitting proof satisfactory to the
board of compliance with this section and all other provisions
of this chapter.

(3) If any license certificate is not reinstated as
provided in subsection (2) and remains delinquent for a period
exceeding 90 years, the license certificate shall be
automatically canceled and the board shall notify the physical
therapist assistant of the same. The license certificate may
not be reinstated or renewed until the physical therapist
assistant

(a) Provides evidence satisfactory to the board that
he has actively engaged in the practice of physical therapy in
good standing in another state for the 9 years immediately
preceding the filing of an application for reinstatement, or
(b) Makes application for, and passes, the examination as provided by s. 486.104 and pays the fee therefor as provided in s. 486.103. Prior to issuance of a license reinstated pursuant to this subsection, the licensee shall be required to remit all fees provided for in subsection (2).

Section 17. Section 486.072, Florida Statutes, is renumbered as section 486.115 and amended to read: 486.115 Disposition of fees.--All moneys collected received by the department under this chapter shall be deposited and expended pursuant to the provisions of ss. 215.37. All such expenditures shall be paid upon presentation of vouchers approved by the president and secretary-treasurer of said board.

Section 18. Section 486.091, Florida Statutes, is renumbered as section 486.125 and amended to read: 486.125 Refusal, revocation, or suspension of registration.--The board may refuse to license register any physical therapist or physical therapist assistant licensed registered person.

(1) Who is unable to practice physical therapy with reasonable skill and safety to patients by reason of illness or any other type of material or as a result of any mental or physical condition. In enforcing this subsection, the department shall have, upon probable cause, authority to compel a physical therapist or physical therapist assistant to submit to a mental or physical examination by physicians designated by the department. Failure of a physical therapist or physical therapist assistant to submit to such examination when so

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directed shall constitute an admission of the allegations
against him, consequent upon which a default and final order
may be entered without taking of testimony or presentation of
evidence unless the failure was due to circumstances beyond
his control. A physical therapist or physical therapist
assistant whose license is suspended or revoked pursuant to
this subsection shall at reasonable intervals be given the
opportunity to demonstrate that he can resume the competent
practice of physical therapy with reasonable skill and safety
to patients. Neither the record of proceedings nor the orders
entered by the board in any proceedings under this subsection
shall be used against a physical therapist or physical
therapist assistant in any other proceeding. He is added to the habitual use of intoxicating liquors; narcotics; or
stimulants to such an extent as to incapacitate him for the
performance of his professional duties.

(2) Who is guilty of fraud in the practice of physical
therapy or guilty of deceit in obtaining his license as a
physical therapist or registratam as a physical therapist
assistant.

(3) Who has pleaded guilty or nolo contendere to, or
has been found guilty of, a felony, convicted in a court of
competent jurisdiction of a felony. The conviction of a
felony shall be the conviction of any offense which, if
committed in the state, would constitute a felony under the
law of this state.

(4) Who has treated human ailments without having a
written prescription of a physician licensed by the state
pursuant to chapters 458, 459, or 466, or upon the
instructional directive of a person licensed to practice
chiropractic or podiatry.
Who has treated or undertaken to treat human ailments by means other than by physical therapy, as defined in this chapter.

Who fails to maintain acceptable standards of physical therapy practice as set forth by the board and Physical Therapy Council in rules adopted pursuant to this chapter, independently of the prescription of a person licensed by the state to practice medicine, surgery or dentistry.

Who has been found by a court of competent jurisdiction to be a mentally ill person and has not thereafter been restored to legal capacity.

Who engages, directly or indirectly, in the division, transferring, assigning, rebating, or refunding of fees received for professional services, or who profits by means of a credit or other valuable consideration, such as an unearned commission, discount, or gratuity with any person referring a patient or with any relative or business associate of the referring person. Nothing in this chapter shall be construed to prohibit the members of any regularly and properly organized business entity which is comprised of physical therapists and which is recognized under the laws of this state from making any division of their total fees among themselves as they determine necessary as a part of conduct unbecoming a person registered as a physical therapist or detrimental to the best interest of the public.

Who has had his license revoked or suspended, has had other disciplinary action taken against him, or has had his application for a license refused, revoked, or suspended.
Section 19. Section 486.101, Florida Statutes, is renumbered as section 486.135 and amended to read:

486.135 False representation of registration prohibited. --

It is unlawful for any person who is not licensed under this chapter as a physical therapist or whose license has been suspended or revoked, to use in connection with his name or place of business the words "physical therapist," "physiotherapist," "physical therapy," "physiotherapy," "registered physical therapist," "licensed physical therapist," or the letters "P.T.,” "Ph.T.,” "R.P.T.,” or "L.P.T.,” or any other words, letters, abbreviations, or insignia indicating or implying that he is a physical therapist, or to represent himself as a physical therapist who in any other way, orally, in writing, in print, or by sign, directly or by implication, unless physical therapy services are provided or supplied by a physical therapist licensed in accordance with this chapter represents himself as a physical therapist.

(b) It is unlawful for any person who is not licensed under this chapter as a physical therapist assistant, or whose license has been suspended or revoked, to use in connection with his name the words "physical therapist assistant," "licensed physical therapist assistant," "registered physical therapist assistant," or "physical therapy technician," or the letters "P.T.A.,” "L.P.T.A.,” "R.P.T.A.,” or "P.T.T.,” or any other words, letters, abbreviations, or insignia indicating or implying that he is a physical therapist assistant or to
represent himself as a physical therapist assistant in any other way, orally, in writing, in print, or by sign, directly or by implication.

(2) It is unlawful for any person to obtain or attempt to obtain a license under this chapter by any willful misrepresentation or any fraudulent representation.

Section 20. Section 486.151, Florida Statutes, is amended to read:

486.151 Penalties and remedies for violations.--

(1) Any person who violates any of the provisions of this chapter is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) The department or any other person may, in the name of the state, apply for injunctive relief in any court of competent jurisdiction to enjoin any person from committing any act in violation of this chapter. Such proceedings shall be in addition to, and not in lieu of, any other penalty or remedy under this chapter.

Section 21. Section 486.161, Florida Statutes, is amended to read:

486.161 Exemptions.--

(1) No provision of this chapter shall be construed to prohibit the following persons licensed in this state from using physical agents as a part of or incidental to the lawful practice of their profession, when they practice their profession under the statutes applicable to their profession: chiropractors, podiatrists, doctors of medicine, masseurs, nurses, osteopathic physicians and surgeons, and naturopaths.

(2) No provision of this chapter shall be construed to prohibit students who are enrolled in schools or courses of
physical therapy approved by the board free from performing such
acts of physical therapy as are incidental to their respective
courses of study, or to prohibit any physical therapist from
another state from performing physical therapy incidental to a
course of study when taking or giving a postgraduate course or
other course of study in this state, provided such physical
therapist is licensed in another jurisdiction or holds an
appointment on the faculty of a school approved for training
physical therapists or physical therapist assistants.

Section 22. Section 486.171, Florida Statutes, is
amended to read:

486.171 Current valid licenses effective.--
(1) Any person holding a license certificate of
registrations to practice physical therapy issued by the board
or department which license is valid when this act now takes
effect shall be deemed to be licensed as a registered physical
therapist under the provisions of this chapter.

(2) Any person employed by or assisting the physical
therapist as an aide shall be considered eligible to continue
to perform his duties, provided he was so employed prior to
the 1973 amendments to this chapter set. He shall not be
eligible for licensure as a physical therapist assistant or to
call himself an assistant until he meets the requirements of
this chapter.

Section 23. Section 486.141, Florida Statutes, is
hereby repealed.

Section 24. Chapter 486, Florida Statutes, as amended
by this act, is repealed on October 1, 1986, and shall be
reviewed by the Legislature pursuant to s. 11.11, Florida

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302-1703-83 CS for SB 1049

Section 22. This act shall take effect July 1, 1983.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR SENATE BILL 1049

The current definition of physical therapy is retained with an amendment to provide that treatment be upon the prescription of a physician, osteopath, or dentist or upon the oral or written instructional directive of a chiropractor or podiatrist.

The current definition of physical therapist is retained.

Physical therapists are not authorized to practice chiropractic.

Grounds for license refusal, revocation, or suspension include the provision of treatment without the instructional directive of a chiropractor or podiatrist.
A. Present Situation:

Chapter 486, F.S., provides for the regulation of the practice of physical therapy. The act provides definitions, establishes registration requirements, provides for examinations and licensure by endorsement, establishes grounds for refusal, revocation, and suspension of registration, sets fees, prescribes the powers and duties of the Board of Medical Examiners, and provides second degree misdemeanor penalties.

B. Effect of Proposed Changes:

The definition of physical therapy would be amended to provide that treatment be upon the prescription of a person licensed pursuant to chs. 458, 459, or 466, F.S. (Medical Practice, Osteopathy, and Dentistry) or upon the oral or written instructional directive of a chiropractor or podiatrist. The definition of physical therapist would be amended to provide that a physical therapist would not be authorized to practice chiropractic.

Physical therapists would be licensed rather than registered and would have to have graduated from an approved school of physical therapy rather than from a school giving an approved course in physical therapy. A foreign physical therapy program, he would need educational credentials deemed equivalent to those required in the United States.

The physical therapist assistant licensure requirements would be changed to provide for graduation from a physical therapy course of not less than 2 years duration which was approved by an appropriate accrediting agency rather than by board-employed physical therapists. Graduates of foreign schools giving physical therapy assistant courses deemed equivalent to those required in the United States would be eligible to take the licensure examination.

The board could not issue permits authorizing practice until the next examination when it determines that an applicant, who has not passed an examination in another jurisdiction which would entitle him to licensure without examination, does possess sufficient other qualifications.

The requirements that applicants take an oral test and give a practical demonstration would be removed. The act would no longer specify examination subjects or require that written tests be designated by number to conceal the identity of the applicant during grading.
The grounds for refusal, revocation, or suspension of a license would be amended to allow such action for:

- inability to practice with reasonable skill and safety by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of a mental or physical condition, rather than for the habitual use of intoxicating liquors, narcotics, or stimulants to an incapacitating extent.
- pleading guilty or nolo contendere to a felony or being found guilty of a felony, rather than for conviction of a felony.
- providing treatment without a written prescription issued by a person licensed pursuant to chs. 458, 459, or 466, F.S., or the instructional directive of a chiropractor or podiatrist.
- failure to maintain acceptable standards of practice.
- dividing, transferring, assigning, rebating, or refunding fees, rather than for conduct unbecoming a physical therapist or for conduct detrimental to the best interest of the public.
- having had similar action taken by another licensing authority.

Fees would be increased.

The Board of Medical Examiners would appoint three physical therapists to a Physical Therapy Council and would be authorized to delegate to it such powers and duties as are proper to carry out the provisions of ch. 486, F.S., rather than employ three physical therapists for that purpose. The board would fix their compensation and pay their expenses. Members would be appointed for 4-year terms with no limitation on the number of terms which a council member could serve. The Florida Physical Therapy Association would recommend physical therapists to fill vacancies.

The board would be required to obtain the council's assistance in establishing standards of practice, adopting rules, and determining the standing and reputability of schools. The council would identify the agency to recognize foreign physical therapy programs and foreign schools giving physical therapy courses. The board would require council certification for licensure.

Any person violating any provision of ch. 486, F.S., would be guilty of a first degree misdemeanor.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The following maximum fees would be imposed: $125, rather than $75, for application; $75 annually for biennial renewal of a physical therapist license, rather than the current $10 annually; $50 annually for biennial renewal of a physical therapist assistant license, rather than the current $7.50 for an annual license; and a delinquency fee of $75 annually, rather than $7.50, for physical therapists; a delinquency fee of $50 annually for physical therapist assistants, rather than the current $5.

B. Government:

Fees collected pursuant to ch. 486, F.S., would be deposited in the Professional Regulation Trust Fund. According to the
Department of Professional Regulation, there are 2,738 registered physical therapists and physical therapists assistants.

III. COMMENTS:

The Physical Therapy Council would have a significant impact on the regulation of physical therapists. The council would have no lay members.

Chapter 486, F.S., would be repealed October 1, 1986 pursuant to the Sunset Act and the Physical Therapy Council would be subject to Sundown review at that time.

IV. AMENDMENTS:

None
The current definition of physical therapy is retained with an amendment to provide that treatment be upon the prescription of a physician, osteopath, or dentist or upon the oral or written instructional directive of a chiropractor or podiatrist.

The current definition of physical therapist is retained.

Physical therapists are not authorized to practice chiropractic.

Grounds for license refusal, revocation, or suspension include the provision of treatment without the instructional directive of a chiropractor or podiatrist.
Journal
of the
SENATE
State of Florida

FIFTEENTH REGULAR SESSION
UNDER THE CONSTITUTION AS REVISED IN 1968
APRIL 5 THROUGH JUNE 13, 1983
ing; establishing license and permit fees; requiring the disclosure of receipts from boxing contests; establishing a percent gross receipts tax; providing procedures for contract renewals; providing procedures for the contracts and tickets of admission relating to boxing matches; requiring certain persons to post bond or other security prior to licensing; authorizing the commission to hold hearings, to issue subpoenas, to suspend or revoke licenses, and to impose fines; providing criminal penalties prohibiting certain conflicts of interest; repealing ss. 548.01-548.04, Florida Statutes, relating to legislative exhibitions; providing for future repeal and review; providing an effective date.

— was read the second time by title. On motion by Senator Gersten, by two-thirds vote CS for SB 1099 and SB 369 was read the third time by title, passed and certified to the House. The vote on passage was:

Year—35

Baron
Jennings

Cascieri
Kirkpatrick

Castor
Langley

Children, D.
Malchon

Children, W. D.
Mangola

Crawford
Henderson

Dunn
McPherson

Fox
Myers

Frank
Weinstein

Nays—None

On motion by Senator Henderson, the rules were waived and by two-thirds vote HB 1039 was withdrawn from the Committee on Appropriations.

On motion by Senator Henderson—

HB 1039—A bill to be entitled An act relating to contractual services; amending s. 287.012(3) and (5), Florida Statutes, 1982 Supplement, and adding subsections (7) and (8) thereto, redefining the term "contractual services," defining the terms "physically or mentally disabled person," "extension" and "renewal," amending s. 287.042(4)(b), Florida Statutes, 1982 Supplement, providing notice of invitation to bids to be mailed at least 30 days prior to the date of bid submittals; amending s. 287.057(12), (3), (9), (11), (12), (15), and (17), Florida Statutes, 1982 Supplement, and adding new subsections (13) and (17) to said section, providing criteria for bids for contractual services; providing procedures for contract renewal; deleting an internal cross reference; requiring agency certification of emergency situations that justify exceptions to bidding requirements; allowing dollar increases with respect to contract extensions; providing renewal procedures; deleting a prohibition against agency fiscal employees serving on a contract selection committee; providing for a review and approval process for certain contractual service contracts; amending s. 287.058, Florida Statutes, 1982 Supplement, providing additional provisions to be included in contract documents; providing for signature of written agreements by agency heads; providing an effective date.

— a companion measure, was substituted for SB 690 and read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 1039 was read the third time by title, passed and certified to the House. The vote on passage was:

Year—35

Beard
Johnston

Cascieri
Laylay

Castor
Malchon

Children, D.
Mangola

Children, W. D.
Henderson

Crawford
Hill

Fox
McPherson

Frank
Weinstein

Nays—None

Vote after roll call:

Yea—Jennings

SB 690 was laid on the table.
GENERAL ACTS
RESOLUTIONS AND MEMORIALS
ADOPTED BY THE
EIGHTH LEGISLATURE OF FLORIDA
UNDER THE CONSTITUTION
AS REVISED IN 1968
During the First Regular Session
April 5, 1983 through June 13, 1983
and the Special Sessions
March 1, 1983 through March 3, 1983
June 15, 1983 through June 24, 1983
July 12, 1983 through July 13, 1983

Volume I, Part One
Published by Authority of Law
Under Direction of the
JOINT LEGISLATIVE MANAGEMENT
COMMITTEE
TALLAHASSEE
1983
CHAPTER 83-85 LAWS OF FLORIDA CHAPTER 83-85

Section 31. Section 446.031, Florida Statutes, is repealed.

Note.--The cited section, which relates to the State Apprenticeship Council, was expressly repealed by s. 4, ch. 78-323. Law of Florida, effective October 1, 1981. Because this section has been amended subsequently to the enactment of ch. 78-323, the section (as it now exists) must be expressly repealed by the Legislature in order for it to be omitted from publication in the Florida Statutes. (See specifically amendment by s. 2, ch. 79-397, Law of Florida, and s. 41, ch. 79-397, which provides legislative intent with respect to that amendment.)

Section 32. Sections 450.50 and 450.51, Florida Statutes, are repealed.

Note.--The cited sections, formerly ss. 13.998 and 13.9981, which sections provide the short title and definitions for the State Employment and Training Act, were expressly repealed by s. 4, ch. 78-323, Law of Florida, effective October 1, 1981. Because these sections have been amended subsequently to the enactment of ch. 78-323, these sections (as they now exist) must be expressly repealed by the Legislature in order for them to be omitted from publication in the Florida Statutes. (See specifically amendments by s. 1, ch. 79-261, Law of Florida, and s. 8, ch. 79-261, which provides legislative intent with respect to those amendments, see also amendment to s. 450.51 by s. 37, ch. 79-198, Law of Florida.)

Section 33. Section 550.025, Florida Statutes, is repealed.

Note.--The cited section, which relates to the advisory committee on thoroughbred racing, was expressly repealed by s. 4, ch. 78-323, Law of Florida, effective October 1, 1981. Because this section was not repealed by a "current session" of the Legislature, it may not be omitted from publication in Florida Statutes 1983 unless its repeal is confirmed by reviser's bill duly enacted by the Legislature. (See s. 11.242(5)(b), (i).)

Section 34. Sections 553.87 and 553.89, Florida Statutes, are repealed.

Note.--The cited sections, which respectively relate to water heating plumbing requirements and the Florida Lighting Efficiency Code, were expressly repealed by s. 5, ch. 81-226, Law of Florida, effective December 31, 1981. Because these sections were not repealed by a "current session" of the Legislature, they may not be omitted from publication in Florida Statutes 1983 unless their repeal is confirmed by reviser's bill duly enacted by the Legislature. (See s. 11.242(5)(b), (i).)

Section 35. Subsection (2) of section 719.501, Florida Statutes, is repealed.

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Note.--The cited subsection, which relates to the advisory board with respect to cooperative apartments of the Division of Florida Land Sales and Condominiums, was expressly repealed by s. 4, ch. 78-323, Law of Florida, effective October 1, 1981. Because this subsection was not repealed by a "current session" of the Legislature, it may not be omitted from publication in Florida Statutes 1983 unless its repeal is confirmed by reviser's bill duly enacted by the Legislature. (See s. 11.242(5)(b), (i).)

Section 36. Sections 943.38, 943.39, and 943.40, Florida Statutes, are repealed.

Note.--The cited sections, which relate to the Crime Laboratory Council, were expressly repealed by s. 4, ch. 78-323, Law of Florida, effective October 1, 1981. Because these sections were not repealed by a "current session" of the Legislature, they may not be omitted from publication in Florida Statutes 1983 unless their repeal is confirmed by reviser's bill duly enacted by the Legislature. (See s. 11.242(5)(b), (i).)

Section 37. Section 945.065, Florida Statutes, is repealed.

Note.--The cited section, which relates to the Prison Industry Commission, was expressly repealed by s. 4, ch. 78-323, Law of Florida, effective October 1, 1981. Because this section was not repealed by a "current session" of the Legislature, it may not be omitted from publication in Florida Statutes 1983 unless its repeal is confirmed by reviser's bill duly enacted by the Legislature. (See s. 11.242(5)(b), (i).)

Approved by the Governor June 8, 1983.

Filed in Office Secretary of State June 9, 1983.
CHAPTER 83-86  LAWS OF FLORIDA  CHAPTER 83-86

Statutes; providing for the issuance of licenses and for licensure without examination; requiring certification by the council; amending and renumbering s. 486.052, Florida Statutes; providing for biennial renewal fees and delinquency fees; providing for reinstatement of a license; amending s. 486.102, Florida Statutes; providing licensure requirements for physical therapist assistants; amending s. 486.105, Florida Statutes; directing the department to provide for licensure examinations; amending ss. 486.106 and 486.107, Florida Statutes; providing for issuance of licenses and for licensure without examination; requiring certification by the council; amending and renumbering s. 486.109, Florida Statutes; providing for biennial renewal fees and delinquency fees; providing for reinstatement of license; amending and amending s. 486.072, Florida Statutes; providing for the disposition of fees; requiring certification by the council; amending s. 486.075, Florida Statutes; providing for the suspension of licenses; authorizing the department to compel physical therapist or physical therapist assistant to submit to certain examinations; amending and amending s. 486.101, Florida Statutes; prohibiting false representation and prohibiting misrepresentation in obtaining a license; amending s. 486.101, Florida Statutes; providing penalties for violations; providing for injunctive relief; amending s. 486.101, Florida Statutes; providing exemptions; amending s. 486.171, Florida Statutes; providing that current licenses are valid under certain circumstances; repealing s. 486.141, Florida Statutes; which prohibits fraudulent representation to obtain registration; providing for review and repeal; providing an effective date.

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

Section 1. Section 486.015, Florida Statutes, is created to read:

486.015 Legislative intent.--The Legislature finds that the practice of physical therapy by unskilled and incompetent practitioners presents a danger to the public health and safety. The Legislature finds further that it is difficult for the public to make an informed choice about physical therapists and that the consequences of a wrong choice could seriously endanger their health and safety. The sole legislative purpose in enacting this chapter is to ensure that every physical therapist practicing in this state meets minimum requirements for safe practice. It is the legislative intent that physical therapists who fall below minimum competency or who otherwise present a danger to the public shall be prohibited from practicing in this state.

Section 2. Section 486.021, Florida Statutes, is amended to read:

486.021 Definitions.--In this chapter, unless the context otherwise requires:

(1) "Board" means the Board of Medical Examiners.

(2) "Department" means the Department of Professional Regulation.

(3) "License" means the document of authorization granted by the board and issued by the department for a person to engage in the practice of physical therapy.

(4) "The practice of physical therapy" means, upon the prescription of a physician licensed by this state pursuant to chapters 458, 459, or 466, or upon the oral or written instructions of a licensed physician pursuant to chapters 480 or 481, the treatment of any disability, injury, disease, or other condition of health of human beings, or the prevention of such disability, injury, disease or other condition of health and rehabilitation related thereto by the use of the physical, chemical and other properties of air, cold, heat, electricity, exercise, massage, manipulation only upon compliance with the criteria set forth by the Board of Medical Examiners, when no penetration of the skin occurs, including ultraviolet, visible and infrared rays, ultrasound, water, apparatus and equipment used in the application of the foregoing or related thereto, or the performance of tests of neuromusculature as an aid to the diagnosis or treatment of any human condition.

(5) "Physical therapist" means a person who is licensed and who practices physical therapy in accordance with the provisions of this chapter.

(6) "Physical therapist assistant" means a person who is licensed in accordance with the provisions of this chapter to perform patient-related activities, including the use of physical agents, and whose practice is set forth in rules adopted pursuant to this chapter.

(7) "Physical therapy" or "physiotherapy," which terms are deemed identical and interchangeable, means a health care profession.

Section 3. Section 486.121, Florida Statutes, is renumbered as section 486.025 and amended to read:

486.025 Powers and duties of the board of medical examiners.--

(1) The board of Medical Examiners may administer oaths, summon witnesses, and take testimony in all matters relating to its duties under this chapter. The board, with the assistance of the Florida Physical Therapy Council, is authorized to establish minimum standards of practice and adopt any rules necessary or appropriate to administer the laws and procedures to effectuate this chapter, and it may amend or revise such standards and rules.
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rules from time to time. If the board determines an applicant is qualified to practice physical therapy, the board may issue the applicant a permit allowing him to practice physical therapy pursuant to the terms of this chapter until the holding of the next examination provided for in this chapter; but not for a longer period of time. The board shall have power to employ pass upon the good standing and reputation of any school or college offering courses in physical therapy and whether the courses of such school or college in physical therapy meet the standards established fixed by the appropriate accrediting agency referred to in s. 486.031(3)(a) board, in determining the standing and reputation of any such school, and whether the school and courses meet such standards can be approved by the board, the board, with the assistance of the Physical Therapy Council, may investigate and make personal inspection of the same the power of duties of the board, as set out in this chapter, shall in no way limit or interfere with its powers and duties as set forth in chapter 458. All powers and duties of the board, as set forth in this chapter, shall be supplemental and additional powers and duties to those conferred upon the board by chapter 458.

(2) The board shall appoint three physical therapists to serve on the Physical Therapy Council, each for a term of 4 years. The board may designate to the council such powers and duties as it deems proper to carry out the provisions of this chapter. The board shall fix the number, manner of compensation and pay, their expenses which may bear in any capacity on the council, the Florida Physical Therapy Association, shall recommend to the board a list of physical therapists retaining the names of at least twice as many physical therapists as there shall be members of the board, which list the board may select from, approving any nomination to fill any vacancy on the board.

Section 4. Section 486.071, Florida Statutes, is amended as section 486.028 and amended to read:

486.028 486-071 License Registrations required.--No person shall practice, hold himself or herself out as being able to practice, physical therapy in this state unless he is licensed in accordance with the provisions of this chapter. No person, provided, however, that nothing in this chapter shall prohibit any person licensed in this state under any other law from engaging in the practice for which he is licensed.

Section 5. Section 486.031, Florida Statutes, is amended to read:

486.031 Physical therapist licensing Registrations requirements.--To be eligible for initial registration by the board as a physical therapist an applicant must:

(1) Be at least 18 years old;

(2) Be of good moral character;

(3) Have been graduated from a school of a course in physical therapy which course is approved by each school has been approved by the Florida Board of Physical Therapy, and who has received the appropriate accreditation recognized by the Council on Postsecondary Accreditation (formerly the National Commission on Regional Accrediting) or the United States Department Commissioner of Education, at the time of his graduation, and have passed the

satisfaction of the board an examination administered by the department to determine his fitness for practice as a physical therapist as hereinafter provided;

(b) Have received a diploma from a program in physical therapy in a foreign country and have educational credentials deemed equivalent to these required for the educational preparation of physical therapists as hereinafter provided.

Section 6. Section 486.041, Florida Statutes, as amended to read:

486.041 Physical therapists; application for licensing.--

(1) A person who desires to be licensed as a physical therapist shall apply to the board in writing, on a form blanks furnished by the department, and shall embody in that application evidence under oath, that he possesses the qualifications preliminary to examination required by s. 486.031. He shall pay to the department at the time of filing his application a fee not to exceed $25 per annum by the board, no part of which shall be retained.

(2) If a person desires to practice physical therapy prior to becoming licensed through examination or endorsement, he shall apply to the board for a temporary permit in accordance with rules adopted pursuant to this chapter.

Section 7. Section 486.051, Florida Statutes, is amended to read:

486.051 Physical therapists; examination of applicants.--The department shall provide for examination of applicants for licensing as physical therapists at least once a year, and more often at the discretion of the board, at a time and place to be determined by the department. Examinations of applicants for licensing as physical therapists shall be administered by the department in accordance with rules adopted by the board to test the applicant's qualifications, including the taking of a written test.

Section 8. Section 486.061, Florida Statutes, is amended to read:

486.061 Physical therapist; issuance of license certificates to applicants passing examinations.--The department, certification by the Physical Therapy Council, shall issue through the department, the issuance of a license as a physical therapist, and shall furnish a certificate of registration to each applicant who successfully establishes his eligibility under the terms of this chapter and to any person who holds a license certificate of physical therapist pursuant to this section may engage in the practice of physical therapy and use the words physical therapist or physical therapist.
Section 9. Section 486.081, Florida Statutes, is amended to read:

486.081 Physical therapist; issuance of licenses to persons passing examination of certain other examining boards; permits.—The board, upon certification by the Physical Therapy Council, may issue, through the department, the issuance of a license as a physical therapist and furnish a certificate of registration without examination to any applicant who presents evidence, satisfactory to the board, of having passed an examination before a similar lawfully authorized examining board in physical therapy of another state, the District of Columbia, a territory, or a foreign country, if the standards for licensure of physical therapists, in such other state, territory, or foreign country are determined by the board to be as high as those of this state, as established by rules adopted pursuant to this chapter. Any person who holds a certificate of registration and a license pursuant to this section may use the words "physical therapist" or "physiotherapist," licensed physical therapist, "physical therapist assistant," or "registered physical therapist," and he may use the letters "P.T.," "R.P.T.," or "R.P.T.A.," in connection with his name or place of business to denote his licensure and registration hereunder. If the board determines that the applicant has not passed such examination as to satisfy him to a license and a certificate of registration without examination, the board may, if it determines the applicant possesses sufficient other qualifications for the practice of physical therapy, issue the applicant a permit allowing him to practice physical therapy pursuant to the terms of this chapter until the holding of the next examination provided for by this chapter. The permit shall be valid until notification of the results of examination, but not for a longer period of time. At the time of making application for licensure without examination, pursuant to the terms of this section, the applicant shall pay to the department a fee not to exceed $75 per year, as fixed annually by the board, no part of which shall be refunded.

Section 10. Section 486.052, Florida Statutes, is amended to read:

486.052 Physical therapist; annual fees.—

(1) A biennial renewal application for renewal shall be required of each licensed physical therapist to renew his license, the time and place of payment to be determined by the department.

(2) If the renewal fee for any physical therapist is not paid by the end of any biennial period, the board may, if it determines that the holder of the license thereby may be reinstated as a licensed physical therapist, require the payment of a delinquency fee not to exceed $75 per year, as fixed annually by the board, and all lapsed fees in connection with his name or place of business to denote his licensure registration hereunder.

(3) If any license certificate is not reinstated as provided in subsection (2) and remains delinquent for a period exceeding 3 years, the license certificate shall be automatically canceled and the physical therapist of the same. The license certificate may not be reinstated or renewed until the physical therapist:

[a] Provides evidence satisfactory to the board that he has actively engaged in the practice of physical therapy in good standing in another state for the 4 years immediately preceding the filing of an application for reinstatement;

[b] Makes application for, and passes, the examination as provided by s. 486.081 and pays the fee therefor as provided in s. 486.081. Prior to issuance of a license reinstated pursuant to this subsection, the license holder is required to restitute fees provided for in subsection (2).

Section 11. Section 486.102, Florida Statutes, is amended to read:

486.102 Physical therapist assistant licensing requirements.—To be eligible for licensing by the board as a physical therapist assistant an applicant must:

(a) Be at least 18 years old.

(b) Be of good moral character.

(c) Have been graduated from a school giving a course of not less than 2 years for physical therapist assistants, which course, as given by such school, has been approved by the educational agencies of this state and has been accepted by the proper educational or other state, territory, or foreign country determined by the board to be as high as those of this state, as established by rules adopted pursuant to this chapter.

(d) Be entitled to licensure without examination as provided in s. 486.051 and pays the fee therefor as provided in s. 486.051.

Section 12. Section 486.103, Florida Statutes, is amended to read:

486.103 Physical therapist assistant application for licensing.—
(1) A person who desires to be licensed as a physical therapist assistant shall apply to the board in writing on a form blank furnished by the department board. He shall embody in that application evidence of having completed satisfactorily the board, of his possessing the qualifications preliminary to examination required by s. 486.104. He shall pay to the department board at the time of filing his application a fee not to exceed $25 $5 as fixed annually by the board, no part of which shall be returned.

(2) If a person desires to work as a physical therapist assistant prior to being licensed through examination or endorsement, he shall apply for a temporary permit in accordance with rules adopted pursuant to this chapter.

Section 13. Section 486.104, Florida Statutes, is amended to read:

486.104 Physical therapist assistant.—Examination of applicants.—The department board shall conduct standardized examination of applicants for licensure as physical therapist assistants. Examination of applicants shall be organized, administered, and conducted at a time and place to be determined by the department board. Examination of applicants for licensing as physical therapist assistants shall be conducted and scheduled by the department in accordance with rules adopted by the board. To be considered qualified, an applicant must demonstrate knowledge and proficiency in the following areas: human anatomy and physiology, chemistry and physics, electrotherapy and physical therapy, therapeutic exercises, rehabilitation, ethics, and clinical procedure. In the written test, each applicant shall be designated by a number instead of by name.

Section 14. Section 486.106, Florida Statutes, is amended to read:

486.106 Physical therapist assistants; issuance of licenses certificates.—The board, upon certification by the Physical Therapy Council, shall issue license to a physical therapist assistant and shall forward a license certificate of registration to each applicant who successfully establishes his eligibility under the terms of this chapter and who has paid the license certificate of registration fee. The license certificate of registration shall be evidence that the holder is a 'licensed physical therapist assistant,' 'licensed physical therapist assistant.' 2

Section 15. Section 486.107, Florida Statutes, is amended to read:

486.107 Physical therapist assistants; issuance of licenses certificates, reinstatement of licenses and certificates, and suspension of licenses and certificates.—The board, upon certification by the Physical Therapy Council, shall issue license to a physical therapist assistant and shall forward a license certificate of registration to each applicant who presents evidence to the board, under oath, of
(b) Makes application for, and passes, the examination as provided in s. 486.104 and pays the fee therefor as provided in s. 486.103. Prior to issuance of a license reinstated pursuant to this subsection, the licensee shall be required to submit 601 fees provided for in subsection (2).

Section 17. Section 486.072, Florida Statutes, is renumbered as section 486.115 and amended to read:

486.115 486.072 Disposition of fees.--All moneys collected by the department board under this chapter shall be deposited and expended pursuant to the provisions of s. 215.37. All such expenditures shall be paid upon presentation of vouchers approved by the president and secretary-treasurer of said board.

Section 18. Section 486.091, Florida Statutes, is renumbered as section 486.125 and amended to read:

486.125 486.091 Refusal, revocation, or suspension of registration.--The board may refuse to license, register any applicant and may, after notice and a hearing as required by law, suspend or revoke the license or registration of any physical therapist or physical therapist assistant registered person.

Who is unable to practice physical therapy with reasonable skill and safety to patients by reason of illness or incapacity. In enforcing this subsection, the department may, upon good cause shown, suspend or revoke the license or registration of any physical therapist or physical therapist assistant registered person.

(1) Who is unable to practice physical therapy with reasonable skill and safety to patients by reason of illness or incapacity. In enforcing this subsection, the department may, upon good cause shown, suspend or revoke the license or registration of any physical therapist or physical therapist assistant registered person.

(2) Who is guilty of fraud in the practice of physical therapy or physical therapist assistant. To subject to a record of physical therapy or physical therapist assistant to a record of physical therapy or physical therapist assistant to suspend or revoke the license or registration of any physical therapist or physical therapist assistant without having a written representation of registration prohibited.

(3) Who has pleaded guilty or no contest to, or has been found guilty of, a felony. The conviction of a felony shall be the basis for the suspension of any license or registration in the state, would constitute a felony under the laws of this state.

(4) Who has treated human ailments without having a written prescription of a physician licensed by the state pursuant to
"physical therapist assistant," "licensed physical therapist assistant," "registered physical therapist assistant," or "physical therapist assistant," or any word, letter, abbreviation, or insignia indicating or implying that he is a physical therapist assistant or to represent himself as a physical therapist assistant in any other way, in writing, in print, or by sign, directly or by implication.

(2) It is unlawful for any person to obtain or attempt to obtain a license under this chapter by any willful misrepresentation or any fraudulent representation.

Section 20. Section 486.151, Florida Statutes, is amended to read:

486.151 Penalties and remedies for violations.--

(1) Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) The department or any other person may, in the name of the state, apply for injunctive relief in any court of competent jurisdiction to enjoin any person from committing any act in violation of this chapter. Such proceedings shall be in addition to and not in lieu of, any other penalty or remedy under this chapter.

Section 21. Section 486.161, Florida Statutes, is amended to read:

486.161 Exemptions.--

(1) No provision of this chapter shall be construed to prohibit students who are enrolled in schools or courses of physical therapy issued by the board or department which license is valid when this act takes effect shall be deemed to be
A bill to be entitled
An act relating to the practice of physical therapy; creating s. 486.015, Florida Statutes; providing legislative intent; amending s. 486.021, Florida Statutes; providing definitions; renumbering and amending s. 486.11, Florida Statutes; providing powers and duties of the Board of Medical Examiners with respect to regulating the practice of physical therapy; providing powers, duties, and membership of the Physical Therapy Council; renumbering and amending s. 486.071, Florida Statutes; requiring licensure of physical therapists; amending s. 486.031, Florida Statutes; specifying requirements for licensure; amending s. 486.041, Florida Statutes; providing licensure procedures and fees; providing for temporary permits; amending s. 486.051, Florida Statutes; directing the Department of Professional Regulation to provide for licensure examinations; amending ss. 486.061 and 486.081, Florida Statutes; providing for the issuance of licenses and for licensure without examination; requiring certification by the council; renumbering and amending s. 486.052, Florida Statutes; providing for biennial renewal fees and delinquency fees; providing conditions for reinstatement of a license; amending s. 486.10, Florida Statutes; providing licensure requirements for physical therapist assistants;
amending s. 486.103, Florida Statutes;
providing licensure procedures and fees;
providing for temporary permits; amending s.
486.104, Florida Statutes; directing the
department to provide for licensure
examinations; amending ss. 486.106 and 486.107,
Florida Statutes; providing for issuance of
licenses and for licensure without examination;
requiring certification by the council;
renumbering and amending s. 486.105, Florida
Statutes; providing for biennial renewal fees
and delinquency fees; providing conditions for
reinstatement of license; renumbering and
amending s. 486.072, Florida Statutes;
providing for the disposition of fees;
renumbering and amending s. 486.091, Florida
Statutes; providing grounds for the refusal,
revocation, or suspension of licenses;
authorizing the department to compel a physical
therapist or physical therapist assistant to
submit to certain examinations; renumbering and
amending s. 486.101, Florida Statutes;
prohibiting false representation and
prohibiting misrepresentation in obtaining a
license; amending s. 486.151, Florida Statutes;
providing penalties for violations; providing
for injunctive relief; amending s. 486.161,
Florida Statutes; providing exceptions;
amending s. 486.171, Florida Statutes;
providing that current licenses are valid under
certain circumstances; repealing s. 486.141.
Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 486.015, Florida Statutes, is amended to read:

486.015 Legislative intent.--The Legislature finds that the practice of physical therapy by unskilled and incompetent practitioners presents a danger to the public health and safety. The Legislature finds further that it is difficult for the public to make an informed choice about physical therapists and that the consequences of a wrong choice could seriously endanger their health and safety. The sole legislative purpose in enacting this chapter is to ensure that every physical therapist practicing in this state meets minimum requirements for safe practice. It is the legislative intent that physical therapists who fall below minimum competency or who otherwise present a danger to the public shall be prohibited from practicing in this state.

Section 2. Section 486.021, Florida Statutes, is amended to read:

486.021 Definitions.--In this chapter, unless the context otherwise requires:

(1) "Board" means the Board of Medical Examiners.
(2) "Department" means the Department of Professional Regulation.
(3) "License" means the document of authorization granted by the board and issued by the department for a person to engage in the practice of physical therapy.

(4) "The practice of physical therapy" means, upon the prescription of a physician licensed by this state pursuant to chapters 458, 459, 461, or 466, the examination or evaluation of human beings utilizing physical therapy procedures such as the determination of joint range of motion, motor power, postural attitudes, biomechanical function, local motion, functional abilities, or psychosocial consequences of disability to detect, assess, prevent, correct, alleviate, or limit physical disability, bodily malfunction, or pain from injury, disease, or any other bodily or mental condition, and includes the administration, interpretation, or evaluation of physical therapy tests in the aid of treatment; the planning, administration, evaluation, or modification of treatment or instruments, including the use of physical measures, activities, or devices for preventative or therapeutic purposes including such exemplars as the following modalities: physical, chemical, and other properties of air, cold, heat, electricity, exercise, massage, acupuncture only upon compliance with the criteria set forth by the Board of Medical Examiners, when no penetration of the skin occurs, radiant energy, including ultraviolet, visible, and infrared rays, ultrasound, water, and apparatus and equipment used in the application of the foregoing or related thereto, or the performance of tests of neuromuscular functions as an aid to the diagnosis or treatment of any human condition or electromyography as an aid to the diagnosis of any human condition only upon compliance with the criteria set forth by the Board of Medical Examiners; and the provision of
consultive, educational, or other advisory services for the purpose of reducing the incidence or severity of physical disability, bodily malfunction, or pain.

(5) "Physical therapist" means a person who is licensed and who practices physical therapy in accordance with the provisions of this chapter.

(6) "Physical therapist assistant" means a person who is licensed in accordance with the provisions of this chapter to perform patient-related activities, including the use of physical agents, and whose activities are performed under the direction of a physical therapist as set forth in rules adopted pursuant to this chapter.

(7) "Physical therapy" or "physiotherapy," which terms are deemed identical and interchangeable, means a health care profession.

Section 3. Section 486.121, Florida Statutes, is renumbered as section 486.025 and amended to read:

486.025 Powers and duties of the board --

The board may administer oaths, summon witnesses, and take testimony in all matters relating to its duties under this chapter. The board, with the assistance of the Physical Therapy Council, is authorized to establish minimum standards of practice and adopt such rules necessary and regulations needed to administer chapter, and it may amend or revise such standards and rules from time to time, if the board determines an applicant for registration is qualified to practice physical therapy.

The board may issue the applicant a permit allowing him to practice physical therapy pursuant to the terms of this
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The board shall have power to review and determine the good standing and reputation of any school or college offering courses in physical therapy and whether the courses of such school or college in physical therapy meet the standards established by the appropriate accrediting agency referred to in s. 486.031(3)(a). In determining the standing and reputation of any such school and whether the school and courses meet such standards as approved by the board, the board, with the assistance of the Physical Therapy Council, may investigate and make personal inspection of the same. The powers and duties of the board, as set out in this chapter, shall in no way limit or interfere with its powers and duties as set forth in chapter 458. All powers and duties of the board, as set forth in this chapter, shall be supplemental and additional powers and duties to those conferred upon the board by chapter 458.

(2) The board shall appoint three physical therapists to serve on the Physical Therapy Council, each for a term of 4 years. The board may delegate to the council such powers and duties as are proper to carry out the provisions of this chapter. The board shall fix the council members' compensation and pay their expenses. Any time there is a vacancy on the council, the Florida Physical Therapy Association shall recommend to the board a list of physical therapists, containing the names of at least twice as many physical therapists as there are vacancies to be filled, which list the board may use in filling any such vacancy.

Section 4. Section 486.071, Florida Statutes, is renumbered as section 486.028 and amended to read:

CODING: Words in struck through type are deletions from existing law; words underlined are additions.
person shall practice, nor hold himself out as being able to
practice, physical therapy in this state unless he is licensed
in accordance with the provisions of this chapter; provided,
however, that nothing in this chapter shall prohibit any person licensed in this state under any other law
from engaging in the practice for which he is licensed.

Section 5. Section 486.031, Florida Statutes, is
amended to read:

486.031 Physical therapist licensing registration

requirements.--To be eligible for licensing registration an applicant must:

(1) Be at least 18 years old;

(2) Be of good moral character;

(3) (a) Have been graduated from a school of giving-a

course-in physical therapy, which course-as-given-by-such

school has been approved for the educational preparation of

physical therapists by the appropriate accrediting agency

recognized by the Council on Postsecondary Accreditation

(formerly the National Commission on Accrediting and the

Federation of Regional Accreditating Commissions of Higher

Education) or and the United States Commissioner of Education

at the time of his graduation and have passed to the

satisfaction of the board an examination administered

carried out by the department & to determine his fitness for

practice as a physical therapist as hereinafter provided; or

(b) Have received a diploma from a program in physical

therapy in a foreign country and have educational credentials
deeded equivalent to those required for the educational

preparation of physical therapists in this country as

recognized by the appropriate agency as identified by the
Physical Therapy Council, which program has been approved by the appropriate agency as identified by the Division of Physical-Therapy-Board-of-Medical-Examiners, and have passed an examination administered by the department to determine his fitness for practice as a physical therapist as hereinafter provided; or

(c) Be entitled to licensure registration without examination as provided in s. 486.081.

Section 6. Section 486.041, Florida Statutes, is amended to read:

486.041 Physical therapists; application for licensing.--

1. A person who desires to be licensed as a physical therapist shall apply to the board in writing, on a form blank furnished by the department. He shall embody in that application evidence under oath, satisfactory to the board, of his possessing the qualifications preliminary to examination required by s. 486.031. He shall pay to the department at the time of filing his application a fee not to exceed $125 as fixed annually by the board, no part of which shall be returned.

2. If a person desires to practice physical therapy prior to becoming licensed through examination or endorsement, he shall apply to the board for a temporary permit in accordance with rules adopted pursuant to this chapter.

Section 7. Section 486.051, Florida Statutes, is amended to read:

486.051 Physical therapists; examination of applicants.--The department shall provide for examination of applicants.
applicants for licensing as physical therapists at least once a year, and more often at the discretion of the board, at a time and place to be determined by the department. Examinations of applicants for licensing as physical therapists shall be administered by the department in accordance with rules adopted by the board to test the applicant's qualifications, including the taking of a written test.

Section 8. Section 486.061, Florida Statutes, is amended to read:

486.061 Physical therapist; issuance of licenses to applicants passing examinations.—The board, upon certification by the Physical Therapy Council, shall cause, through the department, the issuance of a license register to each applicant who successfully establishes his eligibility under the terms of this chapter law, and any person who holds a license certificate of registration pursuant to this section may engage in the practice of physical therapy and use the words "physical therapist" or "physiotherapist," or registered physical therapist, and he may use the letters "p.t." or "p.t.r." in connection with his name or place of business to denote his licensure registration hereunder.

Section 9. Section 486.081, Florida Statutes, is amended to read:

486.081 Physical therapists, issuance of licenses to persons passing examination of certain other examining boards—The board, upon certification by the Physical Therapy Council, may cause, through the department, the
issuance of a license as a physical therapist and furnish a certificate of registration without examination to any applicant who presents evidence, satisfactory to the board, of having passed an examination before a similar lawfully authorized examining board in physical therapy of another state, the District of Columbia, a territory, or a foreign country, if the standards for licensure registration in physical therapy in such other state, district, territory, or foreign country are determined by the board to be as high as those of this state, as established by rules adopted pursuant to this chapter. Any person who holds a certificate of registration and a license pursuant to this section may use the words "physical therapist" or "physiotherapist," or "registered physical therapist," and he may use the letters "P.T." in connection with his name or place of business to denote his licensure registration hereunder. If the board determines that the applicant has not passed such examination as to entitle him to a license and a certificate of registration without examination the board may, if it determines the applicant possesses sufficient other qualifications for the practice of physical therapy, issue the applicant a permit allowing him to practice physical therapy pursuant to the terms of this chapter until the holding of the next examination provided for by this chapter. The permit shall be valid until notification of the results of examination, but not for a longer period of time. At the time of making application for licensure without examination, pursuant to the terms of this section, the applicant shall pay to the department a fee not to exceed $125 as fixed annually by the board, no part of which shall be returned.
Section 10. Section 486.052, Florida Statutes, is renumbered as section 486.085 and amended to read:

486.085 Physical therapist; annual fees. --

(1) A biennial renewal registration fee not to exceed $75 per year shall be required of each licensed physical therapist to renew his license, the time and place of payment to be determined by the department board.

(2) If the renewal fee is not paid by the end of any biennial period December 31 of any year, the holder of the license may be reinstated as a licensed physical therapist only upon payment of a delinquency fee not to exceed $75 per year, as fixed annually by the board, and all delinquent fees, and upon submitting proof, satisfactory to the board, of compliance with this section and all other provisions of this chapter.

If any license certificate is not reinstated as provided in subsection (2) and remains delinquent for a period exceeding 3 years, the license certificate shall be automatically canceled and the board shall notify the physical therapist of the same. The license certificate may not be reinstated or renewed until the physical therapist:

(a) Provides evidence satisfactory to the board that he has actively engaged in the practice of physical therapy in good standing in another state for the 4 years immediately preceding the filing of an application for reinstatement; or

(b) Makes application for, and passes, the examination as provided by s. 486.051 and pays the fee therefor as provided in s. 486.041. Prior to issuance of a license reinstated pursuant to this subsection, the licensee shall be required to remit all fees provided for in subsection (2).
Section 11. Section 486.102, Florida Statutes, is amended to read:

486.102 Physical therapist assistant licensing requirements.—To be eligible for licensing by the board as a physical therapist assistant an applicant must:

(1) Be at least 18 years old.
(2) Be of good moral character.
(3)(a) Have been graduated from a school giving a course of not less than 2 years for physical therapist assistants, which course, as given by such school, has been approved for the educational preparation of training physical therapist assistants by the appropriate accrediting agency recognized by the Council on Postsecondary Accreditation (formerly the National Commission on Accrediting and the Federation of Regional Accrediting Commissions of Higher Education) or the United States Commission on Education at the time of his graduation and have passed physical therapist assistants, employed by the board pursuant to s. 486.061(2),
(4) Be passed, to the satisfaction of the board, an examination administered by the department to determine his fitness for practice as a physical therapist assistant as hereinafter provided;
(b) Have been graduated from a school giving a course for physical therapist assistants in a foreign country and have educational credentials deemed equivalent to those required for the educational preparation of physical therapist assistants in this country, as recognized by the appropriate agency as identified by the Physical Therapy Council, and have passed, to the satisfaction of the board, an examination conducted by the department to determine his fitness for
practice as a physical therapist assistant as hereinafter provided; or

(c) Be entitled to licensure without examination as provided in s. 486.107.

Section 12. Section 486.103, Florida Statutes, is amended to read:

486.103 Physical therapist assistant application for licensing.--

A person who desires to be licensed as a physical therapist assistant shall apply to the board in writing on a form furnished by the department beboard. He shall embody in that application evidence under oath, satisfactory to the board, of his possessing the qualifications preliminary to examination required by s. 486.104. He shall pay to the department at the time of filing his application a fee not to exceed $125 as fixed annually by the board, no part of which shall be returned.

If a person desires to work as a physical therapist assistant prior to being licensed through examination or endorsement, he shall apply for a temporary permit in accordance with rules adopted pursuant to this chapter.

Section 13. Section 486.104, Florida Statutes, is amended to read:

486.104 Physical therapist assistant examination of applicants.--The department board shall provide for examination of applicants for licensing as physical therapist assistants at least once a year, and more often at the discretion of the board, at a time and place to be determined by the department board. Examination of applicants for licensing as physical therapist assistants...
shall be provided made by the department in accordance with
rules adopted by the board to test the applicant's
qualifications, including the taking of a written test, Board
of Education according to the methods deemed by it to
be most practical and expedient to test the applicants'
qualifications, including oral and written tests and practical
demonstrations. Examinations shall be given in the following
subjects: Human anatomy and physiology, chemistry and physics,
electrotherapy and hydrotherapy, therapeutic exercises,
rehabilitation, ethics, and clinical procedure. In the
written tests, each applicant shall be designated by a number
instead-of-by-name.

Section 14. Section 486.106, Florida Statutes, is
amended to read:

486.106 Physical therapist assistants; issuance of
licenses certificates.—The board, upon certification by the
Physical Therapy Council, shall issue license as a physical
therapist assistant and shall furnish a license certificate of
registration to each applicant who successfully establishes
his eligibility under the terms of this chapter and any
person who holds a license certificate of registration
pursuant to this section may use the words "physical therapist
assistant," "registered physical therapist assistant," or "physical
therapist technician," and he may use the letters "P.T.A."
in connection with his name to denote his licensure registration hereunder.

Section 15. Section 486.107, Florida Statutes, is
amended to read:

486.107 Physical therapist assistants; issuance of
licenses certificates to persons passing examination of

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The board, upon certification by the Physical Therapy Council, may cause, through the department, the issuance of license to any applicant who presents evidence to the board, under oath, of having passed the examination for physical therapist assistant before a similar lawfully authorized examining board of another state, the District of Columbia, or a territory, if the standards for registering or licensing, as the case may be, as for physical therapist assistants in such other state are determined by the board to be as high as those of this state, as established by rules adopted pursuant to this chapter. Any person who holds a license to practice as a physical therapist assistant pursuant to this section may use the words "physical therapist assistant," or "registered physical therapist assistant," and he may use the letters "P.T.A." in connection with his name to denote his licensure hereunder. If the board determines that the applicant has not passed such examination as to entitle him to a license without examination, the board may, if it determines the applicant possesses sufficient other qualifications for the practice as a licensed physical therapist assistant, issue the applicant a permit allowing him to practice as a licensed physical therapist assistant pursuant to the terms of this chapter until the holding of the next examination provided for by this chapter. The permit shall be valid until notification of the results of the examination, but not for a longer period of time. At the time of making application for licensing:  

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registration without examination, pursuant to the terms of
this section, the applicant shall pay to the Department Board a fee not to exceed $125 as fixed annually by the board, no part of which shall be returned.

Section 16. Section 486.105, Florida Statutes, is renumbered as section 486.108 and amended to read:

486.108 Physical therapist assistant; fees annual restitution fee.

(1) A biennial renewal annual registration fee not to exceed $50 per annum as fixed annually by the board shall be required of all licensed physical therapist assistants, the time and place of payment to be determined by the Department Board.

(2) If the renewal fee for any physical therapist assistant's certificate is not paid by the end of any biennial period December 31 of any year, the holder of the license thereof may be reinstated as a licensed physical therapist assistant only upon payment of a delinquency fee not to exceed $25 per year $5, as fixed annually by the board, and all lapse fees, and upon submitting proof satisfactory to the board of compliance with this section and all other provisions of this chapter.

(3) If any license certificate is not reinstated as provided in subsection (2) and remains delinquent for a period exceeding 3 years, the license certificate shall be automatically canceled and the board shall notify the physical therapist assistant of the same. The license certificate may not be reinstated or renewed until the physical therapist assistant:

[a] Provides evidence satisfactory to the board that he has actively engaged in the practice of physical therapy in
good standing in another state for the 4 years immediately
preceding the filing of an application for reinstatement; or

(b) Makes application for, and passes, the examination
as provided by s. 486.104 and pays the fee therefor as
provided in s. 486.103. Prior to issuance of a license
reinstated pursuant to this subsection, the licensee shall be
required to remit all fees provided for in subsection (2).

Section 17. Section 486.072, Florida Statutes, is
renumbered as section 486.115 and amended to read:

486.115  Disposition of fees.--All moneys
collected by the department under this chapter
shall be deposited and expended pursuant to the provisions of
s. 215.37. All such expenditures shall be paid upon
presentation of vouchers approved by the president and
secretary-treasurer of said board:

Section 18. Section 486.091, Florida Statutes, is
renumbered as section 486.125 and amended to read:

486.125  Refusal, revocation, or suspension
of registration.--The board may refuse to issue, suspend,
revocation, or suspension of any
physical therapist or physical therapist assistant
registrations:

(1) Who is unable to practice physical therapy 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 subsection, the department shall
have, upon probable cause, authority to compel a physical
therapist or physical therapist assistant to submit to a
mental or physical examination by physicians designated by the

COVING: Words in small type are deletions from existing law; words underlined are additions.
Failure of a physical therapist or physical therapist assistant to submit to such examination when so directed shall constitute an admission of the allegations against him, consequent upon which a default and final order may be entered without taking of testimony or presentation of evidence unless the failure was due to circumstances beyond his control. A physical therapist or physical therapist assistant whose license is suspended or revoked pursuant to this subsection shall at reasonable intervals be given the opportunity to demonstrate that he can resume the competent practice of physical therapy with reasonable skill and safety to patients. Neither the record of proceedings nor the orders entered by the board in any proceedings under this subsection shall be used against a physical therapist or physical therapist assistant in any other proceeding. 

Who is guilty of fraud in the practice of physical therapy or guilty of deceit in obtaining his license as a physical therapist or registration as a physical therapist assistant.

Who has pleaded guilty or no contest to, or has been found guilty of, a felony, convicted in a court of competent jurisdiction of a felony, The conviction of a felony shall constitute a felony under the laws of this state.

Who has treated human ailments without having a written prescription of a physician licensed by the state pursuant to chapters 458, 459, 461, or 466.
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by the licensing authority of another state, territory, or
country.

Section 19. Section 486.101, Florida Statutes, is
renumbered as section 486.135 and amended to read:

486.135 False representation of registration
prohibited.--

(a) It is unlawful for any person who is
not licensed under this chapter as a physical
therapist or whose license has been suspended or
revoked, to use in connection with his name or place of
business the words or letters "physical therapist,"
"physiotherapist," "physical therapy," "physiotherapy,"
"registered physical therapist," "licensed physical
therapist," or the letters "P.T.," "Ph.T.," or "R.P.T.," or
"L.P.T.," or any other words, letters, abbreviations, or
insignia indicating or implying that he is a physical
therapist, or to represent himself as a physical therapist
who
in any other way, orally, in writing, in print, or by sign,
directly or by implication, unless physical therapy services
are provided or supplied by a physical therapist licensed in
accordance with this chapter represents himself as a physical
therapist.

(b) It is unlawful for any person who is not licensed
under this chapter as a physical therapist assistant, or whose
license has been suspended or revoked, to use in connection
with his name the words "physical therapist assistant,"
"licensed physical therapist assistant," "registered physical
therapist assistant," or "physical therapy technician," or the
other words, letters, abbreviations, or insignia indicating or
implying that he is a physical therapist assistant or to
represent himself as a physical therapist assistant in any
other way, orally, in writing, in print, or by sign, directly
or by implication.

(2) It is unlawful for any person to obtain or attempt
to obtain a license under this chapter by any willful
misrepresentation or any fraudulent representation.

Section 20. Section 486.151, Florida Statutes, is
amended to read:

486.151 Penalties and remedies for violations.--
(1) Any person who violates any of the provisions of
this chapter is guilty of a misdemeanor of the first
degree, punishable as provided in s. 775.082 or s.
775.083.

(2) The department or any other person may, in the
name of the state, apply for injunctive relief in any court of
competent jurisdiction to enjoin any person from committing
any act in violation of this chapter. Such proceedings shall
be in addition to, and not in lieu of, any other penalty or
remedy under this chapter.

Section 21. Section 486.161, Florida Statutes, is
amended to read:

486.161 Exemptions.--
(1) No provision of this chapter shall be construed to
prohibit the following persons licensed in this state from
using physical agents as a part of or incidental to the lawful
practice of their profession, when they practice their
profession under the statutes applicable to their profession:
chiropractors, podiatrists, doctors of medicine, masseurs,
nurses, osteopathic physicians and surgeons, and naturopaths.

(2) No provision of this chapter shall be construed to
prohibit students who are enrolled in schools or courses of

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physical therapy approved by the board from performing such acts of physical therapy as are incidental to their respective courses of study, or to prohibit any physical therapist from another state from performing physical therapy incidental to a course of study when taking or giving a postgraduate course or other course of study in this state, provided such physical therapist is licensed in another jurisdiction or holds an appointment on the faculty of a school approved for training physical therapists or physical therapist assistants.

Section 22. Section 486.171, Florida Statutes, is amended to read:

486.171 Current valid licenses effective.--

1. Any person holding a license to practice physical therapy issued by the board or department which license is valid when this act takes effect shall be deemed to be licensed as a registered physical therapist under the provisions of this chapter.

2. Any person employed by or assisting the physical therapist as an aide shall be considered eligible to continue to perform his duties, provided he was so employed prior to the 1973 amendments to this chapter. He shall not be eligible for licensure as a physical therapist assistant or to call himself an assistant until he meets the requirements of this chapter.

Section 23. Section 486.141, Florida Statutes, is hereby repealed.

Section 24. Chapter 486, Florida Statutes, as amended by this act, is repealed on October 1, 1986, and shall be reviewed by the Legislature pursuant to s. 11.11, Florida

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Statutes, and the Physical Therapy Council shall be reviewed
by the Legislature pursuant to s. 11.611, Florida Statutes.

Section 25. This act shall take effect July 1, 1983.

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HOUSE SUMMARY

Revises chapter 486, F.S., relating to the regulation of
the practice of physical therapy. Provides legislative
intent. Revises definitions. Provides duties of the
Board of Medical Examiners and provides for a Physical
Therapy Council. Provides grounds for refusal,
revocation, or suspension of licenses. Prohibits false
representation and prohibits misrepresentation in
obtaining a license. Revises penalties and provides for
injunction. Provides exceptions for certain students and
teachers.

With respect to physical therapists and physical
therapist assistants:
1. Provides requirements for licensure and procedures
therefor. Provides for temporary permits.
2. Provides for licensure examinations to be
administered by the Department of Professional Regulation
and for the board, upon the council's certification, to
cause the issuance of licenses through the department.
3. Provides licensure fees, biennial renewal fees, and
delinquency fees. Provides conditions for reinstatement of
a license.
Bill Summary
Committee on Regulatory Reform

House Bill 879 by Representative R.M. Johnson

relating to Physical Therapy

Other Committees of Reference:

Subcommittee: __________
Committee: __________

I. SUMMARY AND PURPOSE

The purpose of HB 879 is to revise Chapter 486, F.S., relating to the practice of physical therapy. Specifically, HB 879 provides for the licensure of persons as physical therapists and assistant physical therapists, including the requirements for licensure and the procedures by which one becomes licensed. In addition, HB 879 provides for the creation of a Physical Therapy Council and revises and clarifies the duties of the Board of Medical Examiners.

II. CURRENT LAW AND EFFECT OF CHANGES

A. Current Law

Presently Chapter 486, F.S., requires persons seeking to offer services as a physical therapist or a physical therapist assistant to be registered as such with the Board of Medical Examiners. The board authorized to give examinations for registration as a physical therapist or a physical therapist assistant and to receive annual registration fees from all registered persons. Chapter 486, F.S., allows for registration without taking the examination under certain circumstances and authorizes the board to
refuse to register or to suspend or revoke the registration of any registered person and provides the grounds upon which such action may be taken. In addition, Chapter 486, F.S., contains penalties for violations, exemptions for certain persons and a prohibition against fraudulent representation.

B. Effect of Proposed Changes

The effect of the changes proposed by HB 879 are discussed and analyzed on a section by section basis:

Section 1. - This section creates a new section and contains a statement of legislative intent and identifies the purpose for enacting HB 879.

Section 2. This section contains definitions of the key terms and phrases used throughout this act.

Section 3. This section is a revised and renumbered version of what is now s. 486.121, F.S. Specifically, this section identifies the powers and duties of the Board of Medical Examiners under this act. In addition, this section provides for the creation of Physical Therapy Council which will be comprised of three physical therapists. The function of the Council is to primarily assist the board and the department in carrying out the provisions of this act.

Section 4. This section is a revised and renumbered version of s. 486.071, and requires that a person holding himself out as a physical therapist must be licensed pursuant to the terms of this act.

Section 5. This section identifies the minimum requirements a person must meet to be eligible for licensure as a physical therapist.

Section 6. This section contains the procedure one must follow in order to apply for licensure. In addition, a new subsection is added which allows a person who seeks to practice physical therapy prior to being licensed to apply to the department for a temporary permit.

Section 7. This section requires the department to hold a licensing examination at least once a year. The board is authorized to prescribe additional examinations, at a time and place to be determined by the department.
Section 8. This section authorizes the board, through the department, upon certification by the Physical Therapy Council to issue licenses to persons who successfully establish his or her eligibility.

Section 9. This section authorizes the board, through the department, upon certification by the Council, to issue a license to persons without examination. To be eligible, a person must present satisfactory evidence of having passed a physical therapy examination in another jurisdiction of the United States. The standards in the other jurisdiction must be as high as those established by the board.

Section 10. This section provides for the biennial license renewal and identifies the requirements the licensee must meet in order to be eligible for license renewal.

Section 11. This section establishes the minimum requirements which must be met by persons in order to be eligible for licensure by the board as a physical therapist assistant. Among the requirements are a specific level of educational achievement and satisfactory completion of an examination administered by the department.

Section 12. Requires that persons seeking licensure as a physical therapist assistant apply to the department in writing on the prescribed form. In addition, a provision is provided to allow for certain applicants to receive a temporary permit.

Section 13. This section requires the board to hold at least one licensing examination per year (more at the discretion of the board) at a time and place to be determined by the department. The board is required to adopt rules relating to the examination, including requiring a written examination.

Section 14. This section authorizes the board, after certification by the Physical Therapy Council, to issue a license to applicants who successfully establish their eligibility under this act.

Section 15. Authorizes the issuance of a license without examination to persons who can demonstrate licensure in another state, territory, or the District of Columbia, if the standards for registering or licensing are as high as those required by the state.
Section 16. Authorizes biennial renewal of the license as a physical therapist assistant and establishes fees for such renewal. In addition, a procedure is established for the reinstatement of licenses which are not renewed within the prescribed timeframe.

Section 17. This section provides that all monies collected by the department pursuant to this act shall be deposited and expended in accordance with s. 215.37.

Section 18. Authorizes the board to refuse to license or to revoke or suspend the license of any licensee and specifies the grounds upon which such actions may be taken.

Section 19. This section contains a prohibition against false representation and prohibits the use of certain words or letters unless one is licensed as a physical therapist or a physical therapist assistant.

Section 20. This section provides penalties for violations of this act and also provides remedies, including injunctive relief.

Section 21. Authorizes certain exemptions from the provisions of this act including students enrolled in schools or courses of physical therapy approved by the board.

Section 22. This section authorizes persons currently holding a license to continue to hold such license notwithstanding this act. Also allows a person currently working as an aide to a physical therapist to continue in that role but prohibits him from being licensed as a physical therapist assistant unless he meets the requirements of this act.

Section 23. Repeals s. 486.141, F.S., relating to fraudulent representation to obtain registration unlawful.

Section 24. This section repeals Chapter 486, F.S., on October 1, 1986 and subject to sunset review by the Legislature.
III. FISCAL DATA

It is anticipated that the changes imposed by HB 879 will increase the cost of regulation. This bill establishes fee maximums to be assessed for certain services which will allow the board to set fees to insure that those regulated pay the costs of regulation.

IV. COMMENTS

The department reports that there are currently 2,738 active registered physical therapist and physical therapist assistants. In addition, the department indicates that approximately 500 new physical therapist or physical therapist assistants are registered by the State.

Staff would also like to point out the apparent confusion contained in Chapter 486, F.S. In some instances, reference is made to "registration" and in others reference is made to "licensure." This inconsistency should be addressed. Finally staff must point out that HB 879 as currently drafted contains similar types of inconsistencies which should be addressed.

V. AMENDMENTS

The Human Services Subcommittee adopted several amendments designed to clarify HB 879. The amendments are as follows:

Amendment 1: This amendment clarifies from whom the physical therapist may receive written referrals and adds persons licensed under Chapter 460, Chiropractic, to this list of persons who may make referrals.

Amendment 2: This amendment deletes "or mental" from the range of conditions which physical therapist deal with.

Amendment 3: Clarifies that certain procedures are not to be included in the term "physical therapy" as used in Chapter 486, F.S.

Amendment 4: Clarifies that Chapter 486, F.S., does not authorize persons licensed under Chapter 486, F.S., to practice as a chiropractic physician.
Amendment 5: This amendment is the same as No. 2 and clarifies that persons licensed under Chapter 460, F.S., may make written referrals.

In addition, staff has determined that in order to provide conformity in HB 879, the following amendment should be adopted:

Amendment 6: This amendment clarifies that with respect to physical therapist assistants, the board shall cause through the department the issuance of a license.

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

CH/kc
Representative [Name] of the Committee on [Committee Name] offered the following amendment:

On page __, line __, strike
"prescription of a physician licensed by this state pursuant to chapters 458, 459, 461, or 466"

and insert:
"written instructional referral of a physician licensed by this state pursuant to chapters 458, 459, 460, 461, or 466"

Mr. _______ moved the adoption of the amendment, which was [adopted] [referred] which failed of adoption.
AMENDMENT -- FOR DRAFT'S ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative /The Committee on______

offered the following amendment:

On page ___, line ___, strike 

"or rental"

and insert:

Mr. ___________________ moved the adoption of the amendment,

which was adopted. which failed of adoption.

Form H-62
AMENDMENT -- FOR DRAFT'S ONLY
(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative / The Committee on ____________

offered the following amendment:

On page 5_, line 2, strike

and insert:

The use of roentgen rays and radium for diagnostic and therapeutic
purposes, and the use of electricity for surgical purposes, including
cauterization are not authorized under the term "physical therapy" as used in
this chapter.

Mr. ________________ moved the adoption of the amendment,
which was not adopted. which failed of adoption.
Representative of the Committee on REDDICK offered the following amendment:

On page 5, line 6, after the period "HB 879 SB _______

Nothing in this chapter shall authorize a person licensed pursuant to this chapter to practice chiropractic as defined in chapter 460.

Mr. moved the adoption of the amendment, which failed of adoption.
AMENDMENT -- FOR DRAFT 'S' ONLY
(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative of the Committee on

offered the following amendment:

On page __ line 30 & 31, strike all of said lines

and insert:

written instructional referral of a physician licensed by the state
pursuant to chapters 458, 459, 460, 461, or 466

Mr. ______________ moved the adoption of the amendment, which failed of adoption.
AMENDMENT -- FOR DRAFTING ONLY
(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative /]
The Committee on

TITLE
offered the following amendment:

On page ______, line ______, strike ________

and insert: ANY APPROPRIATE TITLE AMENDMENTS AS NEEDED

adopted failed of adoption

H-42(1980)
Bill Summary

Committee on Regulatory Reform

House Bill 879 by Representative R.M. Johnson

relating to Physical Therapy

Other Committees of Reference:

Subcommittee: __________

Committee: __________

I. SUMMARY AND PURPOSE

The purpose of HB 879 is to revise Chapter 486, F.S., relating to the practice of physical therapy. Specifically, HB 879 provides for the licensure of persons as physical therapists and assistant physical therapists, including the requirements for licensure and the procedures by which one becomes licensed. In addition, HB 879 provides for the creation of a Physical Therapy Council and revises and clarifies the duties of the Board of Medical Examiners.

II. CURRENT LAW AND EFFECT OF CHANGES

A. Current Law

Presently Chapter 486, F.S., requires persons seeking to offer services as a physical therapist or a physical therapist assistant to be registered as such with the Board of Medical Examiners. The board authorized to give examinations for registration as a physical therapist or a physical therapist assistant and to receive annual registration fees from all registered persons. Chapter 486, F.S., allows for registration without taking the examination under certain circumstances and authorizes the board to
refuse to register or to suspend or revoke the registration of any registered person and provides the grounds upon which such action may be leased. In addition, Chapter 486, F.S., contains penalties for violations, exemptions for certain persons and a prohibition against fraudulent representation.

B. Effect of Proposed Changes

The effect of the changes proposed by HB 879 are discussed and analyzed on a section by section basis:

Section 1. - This section creates a new section and contains a statement of legislative intent and identifies the purpose for enacting HB 879.

Section 2. This section contains definitions of the key terms and phrases used throughout this act.

Section 3. This section is a revised and renumbered version of what is now s. 486.121, F.S. Specifically, this section identifies the powers and duties of the Board of Medical Examiners under this act. In addition, this section provides for the creation of Physical Therapy Council which will be comprised of three physical therapists. The function of the Council is to primarily assist the board and the department in carrying out the provisions of this act.

Section 4. This section is a revised and renumbered version of s. 486.071, and requires that a person holding himself out as a physical therapist must be licensed pursuant to the terms of this act.

Section 5. This section identifies the minimum requirements a person must meet to be eligible for licensure as a physical therapist.

Section 6. This section contains the procedure one must follow in order to apply for licensure. In addition, a new subsection is added which allows a person who seeks to practice physical therapy prior to being licensed to apply to the department for a temporary permit.

Section 7. This section requires the department to hold a licensing examination at least once a year. The board is authorized to prescribe additional examinations, at a time and place to be determined by the department.
Section 8. This section authorizes the board, through the department, upon certification by the Physical Therapy Council to issue licenses to persons who successfully establish his or her eligibility.

Section 9. This section authorizes the board, through the department, upon certification by the Council, to issue a license to persons without examination. To be eligible, a person must present satisfactory evidence of having passed a physical therapy examination in another jurisdiction of the United States. The standards in the other jurisdiction must be as high as those established by the board.

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Section 19. This section contains a prohibition against false representation and prohibits the use of certain words or letters unless one is licensed as a physical therapist or a physical therapist assistant.

Section 20. This section provides penalties for violations of this act and also provides remedies, including injunctive relief.

Section 21. Authorizes certain exemptions from the provisions of this act including students enrolled in schools or courses of physical therapy approved by the board.

Section 22. This section authorizes persons currently holding a license to continue to hold such license notwithstanding this act. Also allows a person currently working as an aide to a physical therapist to continue in that role but prohibits him from being licensed as a physical therapist assistant unless he meets the requirements of this act.

Section 23. Repeals s. 486.141, F.S., relating to fraudulent representation to obtain registration unlawful.

Section 24. This section repeals Chapter 486, F.S., on October 1, 1986 and subject to sunset review by the Legislature.
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It is anticipated that the changes imposed by HB 879 will increase the cost of regulation. This bill establishes fee maximums to be assessed for certain services which will allow the board to set fees to insure that those regulated pay the costs of regulation.

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The department reports that there are currently 2,738 active registered physical therapist and physical therapist assistants. In addition, the department indicates that approximately 500 new physical therapist or physical therapist assistants are registered by the State.

Staff would also like to point out the apparent confusion contained in Chapter 486, F.S. In some instances, reference is made to "registration" and in others reference is made to "licensure." This inconsistency should be addressed.

V. AMENDMENTS

The Regulatory Reform Committee adopted the following amendments designed to clarify HB 879:

Amendment 1: This amendment clarifies from whom the physical therapists may receive oral or written referrals and adds persons licensed under Chapter 460, Chiropractic, to the list of persons who may make referrals.

Amendment 2: This amendment deletes "or mental" from the range of conditions with which physical therapists deals.

Amendment 3: Clarifies that certain procedures are not to be included in the term "physical therapy" as used in Chapter 486, F.S.

Amendment 4: Clarifies that Chapter 486, F.S., does not authorize persons licensed thereunder to practice as a chiropractic physician.

Amendment 5: This amendment is the same as No. 1 and clarifies that oral or written referrals may be made by persons licensed under Chapter 460, F.S.
Amendment 6: Clarifies that DPR will administer the examination rather than just provide it.

Amendment 7: This amendment is necessary to conform the issuance of license process for physical therapist assistants with the rest of the Act.

Amendment 8: Title amendment.

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

CH/kc