

CHAPTER 83-329

House Bill No. 18-B

An act relating to professional regulation; amending s. 20.30(2)(a), (3), and (4)(x), Florida Statutes, 1982 Supplement, and adding a paragraph thereto, renaming a division and board within the Department of Professional Regulation, and adding the Board of Acupuncture; amending s. 120.71, Florida Statutes, changing procedures for the disqualification of agency personnel in administrative proceedings; providing for rules; amending ss. 310.011 and 310.021(1) and adding a new subsection (1) to s. 310.151, Florida Statutes, restricting the members of the Board of Pilot Commissioners who may vote on rate matters; amending s. 310.131, Florida Statutes, authorizing procedures for the verification of amounts of pilotage at each port; adding a subsection to s. 455.203, Florida Statutes, authorizing peer review of certain health care providers; amending s. 455.207(3) and (4), Florida Statutes, providing basis upon which a vacancy can occur on a board and providing that telephone conference calls shall not be included in the definition of "other business of the board"; amending s. 455.213(2), Florida Statutes, providing for initial license fees for professional licenses; amending s. 455.217(1), Florida Statutes, 1982 Supplement, authorizing the limited release of certain examination information; creating s. 455.220, Florida Statutes, establishing peer review of treatment by chiropractic physicians; amending s. 455.225(3), Florida Statutes, changing complaint procedures involving persons regulated by the department; exempting probable cause panel proceedings from certain notice requirements; amending s. 455.227(1), Florida Statutes, providing an additional ground for discipline by regulatory boards within the Department of Professional Regulation; amending s. 455.241(2), Florida Statutes, 1982 Supplement, authorizing the department to obtain certain patient records of naturopathic physicians; amending s. 458.331(1)(f), Florida Statutes, 1982 Supplement, providing an exception to violation reporting requirements; creating s. 458.3311, Florida Statutes, creating the impaired professionals advisory committee; providing its duties; providing for consultants and for the confidentiality of certain information; providing for reports of impairment; amending s. 458.337(1)(b) Florida Statutes, requiring notification to the department of disciplinary action by ambulatory surgical centers or nursing homes against physicians; creating s. 459.0076, Florida Statutes, authorizing osteopathic faculty certificates; amending s. 459.015(1)(s), Florida Statutes, providing for certain mental and physical examinations of osteopathic physicians and restricting the use of related information; amending s. 459.017, Florida Statutes, expanding provisions relating to the release of certain medical reports during an investigation; amending s. 460.406(2), Florida Statutes; extending the date for waiver of accreditation

and approval requirements for chiropractic colleges; providing additional provisions for waiver; deleting requirement for department to make available certain courses; amending s. 460.413(1)(n), Florida Statutes, expanding the types of chiropractic records which must be kept; creating s. 461.0095, Florida Statutes, requiring licensed podiatrists to disclose whether they accept Medicare assignment reimbursements; amending s. 462.08(4), Florida Statutes, increasing the naturopathy license renewal fee; amending s. 462.14, Florida Statutes, changing the grounds for and types of disciplinary action against naturopathic physicians; amending s. 463.014(2), Florida Statutes, changing the types of corporations or organizations which may employ optometrists to provide optometric services to employees; amending s. 464.018(1)(h) and (i), Florida Statutes, providing for certain mental or physical examinations of nurses and restricting the use of related information; providing an exception to violation reporting requirements; creating s. 464.0185, Florida Statutes, providing for use of the impaired professionals advisory committee consultants with respect to impaired nurses; amending s. 465.003(3), Florida Statutes, 1982 Supplement, adding new types of pharmacies; amending s. 465.007(1)(b), Florida Statutes, adding requirements for licensure as a pharmacist; adding a subsection to s. 465.008, Florida Statutes, providing for consultant pharmacist licenses; amending s. 465.016(1)(e), Florida Statutes, providing for the discipline of pharmacists violating specified federal law; creating ss. 465.0195 and 465.0196, Florida Statutes, providing procedures and conditions for the issuance of permits for radiopharmacies and special pharmacies; amending s. 465.023(1), Florida Statutes, authorizing alternative disciplinary actions against pharmacy permittees; amending s. 468.1665(1) and (2), Florida Statutes, decreasing and changing the membership of the Board of Nursing Home Administrators; amending s. 468.1705(2), Florida Statutes, 1982 Supplement, changing provisions relating to licensure of nursing home administrators by endorsement; amending s. 468.322(1), Florida Statutes, and adding a subsection; redefining "acupuncture"; providing a definition; creating s. 468.3225, Florida Statutes; providing a board; providing duties and membership, appointment, and terms; creating s. 468.3226, Florida Statutes; authorizing board rules; amending s. 468.323, Florida Statutes, 1982 Supplement; establishing an additional certification requirement, deleting a requirement, and removing the cap on certification and reexamination fees and authorizing application and examination fees; providing that certain Oriental nomenclature be used in the examination upon request; providing that certain persons be qualified without examination; providing that certain persons be qualified to take the examination; amending s. 468.324, Florida Statutes; removing the cap on renewal fees and penalties and providing for establishment by the board; providing for continuing education requirements; amending s. 468.325(2) and (3), Florida Statutes; establishing the board's authority over disciplinary actions; providing that certain persons may retake certain

portions of the examination a limited number of times; repealing s. 468.327, Florida Statutes, 1982 Supplement, relating to department rulemaking authority; repealing s. 468.3245, Florida Statutes, 1982 Supplement, relating to apprenticeship programs; amending s. 471.003(1) and (2)(i), Florida Statutes, 1982 Supplement, and s. 471.031(1)(b), Florida Statutes; prohibiting unregistered engineers from holding themselves out as being registered; changing the types of construction projects upon which certain electrical, plumbing, air-conditioning, or mechanical contractors may work without being registered engineers; amending s. 472.005(1), Florida Statutes, and s. 472.007(1), Florida Statutes, 1982 Supplement, renaming the Board of Land Surveyors; amending s. 472.013(2) and (4), Florida Statutes, changing examination prerequisites for applicants for land surveyor licenses; amending s. 472.033(1)(h), Florida Statutes, expanding certain grounds for disciplinary action against land surveyors; amending s. 473.303(1), Florida Statutes, expanding the membership of the Board of Accountancy; amending s. 473.313, Florida Statutes, revising provisions relating to inactive status of accountants' licenses; providing a restriction upon the duration of inactive status; providing exceptions; adding a subsection to s. 474.207, Florida Statutes, authorizing certain practice by unlicensed veterinarians awaiting examination results; repealing s. 474.209, Florida Statutes, relating to temporary permits to practice veterinary medicine; amending s. 475.125, Florida Statutes, 1982 Supplement, providing for the refund of application and license fees for real estate brokers and salesmen; amending s. 475.17(1) and (2), Florida Statutes, 1982 Supplement, prohibiting the licensure of certain persons; changing education requirements; amending s. 475.175, Florida Statutes, 1982 Supplement, requiring educational institutions and real estate schools to notify the Real Estate Commission of persons satisfactorily completing certain education requirements; amending s. 475.181(2), Florida Statutes, 1982 Supplement, and adding a subsection, providing for the expiration of licensure applications and certifications; amending s. 475.23, Florida Statutes, 1982 Supplement, clarifying provisions relating to the expiration of real estate salesmen licenses; amending s. 475.25(1), Florida Statutes, 1982 Supplement, expanding the application of provisions relating to real estate related disciplinary action and changing certain grounds therefor; amending s. 475.451(2), (6), and (8), Florida Statutes, 1982 Supplement, changing licensure requirements for real estate school operators, administrators and instructors; amending s. 475.483(1)(b), Florida Statutes, 1982 Supplement, providing an exception to notice requirements for claims against the Real Estate Recovery Fund; amending s. 475.484(1), (3), and (4), Florida Statutes, 1982 Supplement, increasing amount limits for authorized payments from the Real Estate Receiving Fund; amending s. 476.154(1), Florida Statutes, deleting provisions relating to restoration of licenses of retired barbers; adding a subsection to s. 476.184, Florida Statutes, requiring display of barber shop registrations and barbers' licenses;

creating s. 476.210, Florida Statutes, requiring barber services to be performed in registered barbershops; providing exceptions; creating s. 477.0135, Florida Statutes, exempting certain persons from licensure as cosmetologists; amending s. 477.019(1)(b), Florida Statutes, changing a limitation with respect to standards established by the Board of Cosmetology pursuant to training required to qualify for licensure; creating s. 477.0211, Florida Statutes, authorizing continuing education requirements for cosmetologists; amending s. 477.022 (1) and (3), Florida Statutes, 1982 Supplement, changing cosmetology examination requirements; creating s. 477.0265, Florida Statutes, prohibiting certain acts and providing penalties; amending s. 477.028(1), Florida Statutes, authorizing disciplinary actions against continuing education providers; amending s. 477.029, Florida Statutes, prohibiting violations of provisions relating to cosmetology and increasing the types of disciplinary actions; creating s. 477.030, Florida Statutes, requiring cosmetology services to be performed in licensed salons; providing exceptions; amending s. 480.033(3), Florida Statutes, expanding the definition of "massage"; amending s. 480.041(4), Florida Statutes, 1982 Supplement, clarifying license renewal requirements for masseurs; amending s. 480.046(1), Florida Statutes, relating to disciplinary action by the Board of Massage; amending ss. 481.207 and 481.307, Florida Statutes, increasing certain fees for architects and landscape architects; adding a subsection to s. 481.309, Florida Statutes, providing examination requirements for landscape architecture licenses; amending s. 484.007(1)(e), Florida Statutes, changing qualifications for licensure of opticians; repealing s. 484.002(6), Florida Statutes, removing the definition of "licensed physician" in provisions relating to opticians; amending s. 486.091, Florida Statutes, providing alternative disciplinary actions against physical therapists; amending s. 489.115(1), Florida Statutes, restricting the effect of certification of construction contractors; amending s. 489.119(5), Florida Statutes, 1982 Supplement, requiring the use of the registration or certification number of contractors in all advertising and requiring local verification of state licensure of construction contractors; amending s. 489.129(1), Florida Statutes, relating to disciplinary action against such contractors; amending s. 489.505(1), Florida Statutes, making a technical change; amending s. 489.509, Florida Statutes, increasing fees for electrical contractors; adding a paragraph to s. 489.533(1), Florida Statutes, adding a ground for disciplinary action against electrical contractors; amending s. 490.005(1)(b) and (2), Florida Statutes, changing qualifications for licensure of psychologists by examination; changing qualifications for clinical social workers, marriage and family therapists, mental health counselors, and school psychologists; amending s. 490.014(2)(c), Florida Statutes, 1982 Supplement, changing the exemption from licensure as psychologists for certain employees of educational institutions; requiring the Department of Professional Regulation to make certain studies and to report to the Legislature; adding subsection (3) to s.

501.122, Florida Statutes, providing a restriction upon the use of laser devices; providing a penalty; amending ss. 458.321, 459.009, 460.409, 461.008, 463.008, 466.015, 468.1725, 470.016, 471.019, 472.019, 474.212, 475.1825(1), 481.217, 481.315, 484.009, and 490.008, Florida Statutes, amending s. 475.183, Florida Statutes, 1982 Supplement, and creating ss. 476.155, 477.0212, and 480.0415, Florida Statutes, relating to regulation of medical practitioners, osteopathic physicians, chiropractic physicians, podiatrists, optometrists, dentists and dental hygienists, nursing home administrators, funeral directors and embalmers, engineers, land surveyors, veterinarians, real estate brokers and salesmen, architects, landscape architects, opticians, psychologists, barbers, cosmetologists and cosmetology instructors, and masseurs, to modify regulatory provisions enabling said professionals to place their licenses in an inactive status; correcting a cross reference; providing for relative uniformity; providing for application and fees; limiting inactive status to 4 years, unless renewed; providing for automatic expiration of license upon failure to renew or reactivate; modifying continuing education requirements; grandfathering in current licensees whose licenses have been placed in inactive status; repealing s. 476.154(3)(c), (d), (e), (f), and (g), relating to placement of barbers' licenses in an inactive status, s. 477.019(5), Florida Statutes, relating to placement of cosmetologists' licenses in an inactive status, s. 477.021(7), Florida Statutes, relating to placement of cosmetology instructors' licenses in an inactive status, and s. 490.007(4), Florida Statutes, relating to placement of licenses of psychologists, clinical social workers, marriage and family therapists, mental health counselors, and school psychologists in an inactive status; amending s. 455.02, Florida Statutes, relating to renewal of licenses for members of the United States Armed Forces; providing for future review and repeal; providing effective dates.

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

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

120.71 Disqualification of agency personnel.—

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

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

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

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