

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

REGULATED INDUSTRIES
Senator Jones, Chair
Senator Sachs, Vice Chair

MEETING DATE: Tuesday, April 5, 2011
TIME: 10:15 a.m.—12:15 p.m.
PLACE: *Toni Jennings Committee Room, 110 Senate Office Building*

MEMBERS: Senator Jones, Chair; Senator Sachs, Vice Chair; Senators Altman, Braynon, Dean, Diaz de la Portilla, Hill, Norman, Rich, Siplin, Thrasher, and Wise

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 838 Wise (Identical H 607)	Electrical Contracting; Revises authority of municipalities and counties to require that certain electrical journeyman be present on certain industrial or commercial construction sites. RI 04/05/2011 CA BC	
2	CS/SB 328 Judiciary / Margolis (Compare H 59)	Service of Process; Authorizes a sheriff to charge a fee for processing a writ of execution. Grants authorized process servers unannounced access to specified residential areas where a defendant or witness resides or is known to be. Authorizes a person attempting to serve process on the registered agent of a corporation to serve the process, in specified circumstances, on any employee of the registered agent during the first attempt at service even if the registered agent is temporarily absent from his or her office, etc. JU 03/22/2011 Fav/CS RI 04/05/2011 CJ BC	
3	SB 1586 Hays (Similar H 1437, Compare CS/S 1428)	Authority/Certain Professionals/Practice in State; Deletes provisions that limit the practice privileges of out-of-state or foreign health professionals or veterinarians who are in this state for a specific sporting event. HR 03/22/2011 Favorable RI 04/05/2011 BC	

Presentation by the Florida Council on Compulsive Gambling regarding Compulsive Gambling in Florida

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Regulated Industries Committee

BILL: SB 838

INTRODUCER: Senator Wise

SUBJECT: Electrical Contracting

DATE: March 22, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Young	Imhof	RI	Pre-meeting
2.	_____	_____	CA	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill amends the requirements for when a municipality or county may require an electrical journeyman to be present on a job site. The bill amends the requirements for an electrical journeyman, and provides that the journeyman must possess a certificate of competency instead of being a graduate of the Institute of Applied Technology in Construction Excellence or licensed pursuant to s. 489.533, F.S. The bill also changes the square footage and voltage specifications that require such a person to be present on the site.

This bill substantially amends the following section of the Florida Statutes: 489.537.

II. Present Situation:

Section 489.537, F.S., provides that a municipality or county may utilize their power to place certain restrictions on electrical contracting. Currently, s. 489.537(3)(f), F.S., provides that a municipality or county has the power to require that an electrical journeyman, who is a graduate of the Institute of Applied Technology in Construction Excellence or licensed pursuant to s. 489.5335, F.S., be present on an industrial or commercial new construction site with a facility of 50,000 gross square feet or more when electrical work in excess of 77 volts is being performed in order to supervise or perform such work, except as provided in s. 489.503, F.S.

Under s. 489.5335, F.S., any journeyman who is licensed in any county or municipality in this state, may work as a journeyman in any other county or municipality in the state if:

- They scored at least a 70 percent, or after October 1, 1997, a 75 percent on a proctored journeyman Block and Associates examination or other proctored examination approved by the board for the electrical trade;
- Has completed an apprenticeship program registered with the Department of Labor and Employment Security¹ and demonstrates 4 years' verifiable practical experience in the electrical trade, or demonstrates 6 years' verifiable practical experience in the electrical trade;
- Has satisfactorily completed specialized and advanced module coursework approved by the Florida Building Commission, as part of the building code training program established in s. 553.841, F.S., specific to the discipline, or, pursuant to authorization by the certifying authority, provides proof of completion of such curriculum or coursework within 6 months after such certification; and
- Has not had a license suspended or revoked within the last 5 years.

Section 489.537(3)(f), F.S., does not apply to the exemptions found in s. 489.503, F.S. There are several contracting and practice exemptions in this section including persons authorized to engage in contracting, engineering, while acting under their own license, state and federal government employees, owners of their own properties, persons working on emergency systems and alarm systems, and persons installing communications systems

III. Effect of Proposed Changes:

This bill changes some of the requirements for when a municipality or county may require an electrical journeyman to be present on a work site.

This bill amends the requirements for an electrical journeyman by providing that an electrical journeyman must possess a certificate of competency issued by the municipality or county conditioned upon the journeyman's passage of a competency examination, rather than the current requirement that the journeymen have graduated from the Institute of Applied Technology in Construction Excellence or be licensed pursuant to s. 489.5335, F.S.

It further amends s. 489.537(f), F.S., by changing the site requirements necessary for a journeyman to be required to be present on the site for supervision or performance of such work. The bill reduces the gross square feet of electrical work from 50,000 to 5,000. The bill also changes the voltage requirements from 77 volts to 98 volts.

According to the representative of the Journeymen, the changes in the educational requirements put them more in line with the national requirements.

This bill provides an effective date of July 1, 2011.

¹ Chapter 2002-194, L.O.F., repealed s. 20.171, which created the Department of Labor and Employment Security.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill reduces the gross square feet of electrical work from 50,000 square feet to 5,000 square feet; this reduction may permit municipalities and counties to require electrical journeyman be present on more construction sites.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Regulated Industries Committee

BILL: CS/SB 328

INTRODUCER: Judiciary Committee and Senator Margolis

SUBJECT: Service of Process

DATE: March 31, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Munroe	Maclure	JU	Fav/CS
2.	Harrington	Imhof	RI	Pre-meeting
3.	_____	_____	CJ	_____
4.	_____	_____	BC	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:	
A. COMMITTEE SUBSTITUTE.....	<input checked="" type="checkbox"/> Statement of Substantial Changes
B. AMENDMENTS.....	<input type="checkbox"/> Technical amendments were recommended
	<input type="checkbox"/> Amendments were recommended
	<input type="checkbox"/> Significant amendments were recommended

I. Summary:

The Committee Substitute (CS) authorizes sheriffs to charge a \$40 fee for processing a writ of execution (current law authorizes sheriffs to charge a \$40 fee for docketing and indexing a writ of execution) to reflect the modernization of the current practice for processing of the writs of execution. The CS allows the party requesting service to furnish the sheriff with an electronic copy of process, which must be signed and certified by the clerk of court.

Currently, each process server must document on the copy served the date and time of service and the process server's identification number and initials. The CS specifies that the process server must place this information *on the front page* of the copy served. In addition, the person serving process must list on the return-of-service form all initial pleadings delivered and served along with the process. The return-of-service form must be filed with the court.

The CS provides that a gated residential community, including a condominium association or a cooperative, must grant unannounced entry into the community, including its common areas and common elements, to a person who is attempting to serve process on a defendant or witness who resides within or is known to be within the community.

The CS revises procedures for serving a corporation's registered agent under the alternative method in s. 48.081(3)(a), F.S. In addition, the CS imposes additional requirements on the return of execution of process to include a server's signature on the return.

This CS substantially amends the following sections of the Florida Statutes: 30.231, 48.031, 48.081, 48.21, and 48.29.

II. Present Situation:

Service of Process

Under Florida Rule of Civil Procedure 1.070(b), any person who is authorized by law to complete service of process may do so in accordance with applicable Florida law for the execution of legal process. Chapter 48, F.S., identifies three classes that may serve process in civil cases. Process may be served by the sheriff in the county where the defendant is located.¹ The sheriff may appoint special process servers who meet specified statutory minimum requirements.² The chief judge of the circuit court may establish an approved list of certified process servers.³ Additionally, each trial judge has the authority to appoint a special process server in any particular case.

Authorized process servers serve the complaint or petition to defendants in a civil case so that the court may acquire personal jurisdiction over the person who receives service. Strict compliance with the statutory provisions of service of process is required in order for the court to obtain jurisdiction over a party and to assure that a defendant receives notice of the proceedings filed.⁴ Each process server must document the service of process by placing the date and time of service and the process server's identification number and initials on the copy served.⁵ Because strict compliance with all of the statutory requirements for service is required, the failure to comply with the statutory terms renders that service defective, resulting in a failure to acquire jurisdiction over the defendant.⁶

The law specifies the manner and methods that service of process must be executed by process servers. Service of original process is made by delivering a copy of it to the person to be served with a copy of the complaint, petition, or other initial pleading or paper or by leaving the copies at his or her usual place of abode with any person residing therein who is 15 years of age or older and informing the person of their contents.⁷ The usual place of abode refers to the place where the defending party is actually living at the time of service. Substitute service may be made on an individual doing business as a sole proprietorship at his or her place of business, during regular business hours, by serving the person in charge of the business at the time of service if two or

¹ Section 48.021, F.S.

² *Id.*

³ Section 48.27, F.S.

⁴ *Vidal v. SunTrust Bank*, 41 So. 3d 401, 402-03 (Fla. 4th DCA 2010).

⁵ Sections 48.29 and 48.031(5), F.S.

⁶ Section 48.031, F.S.; *Vidal*, 41 So. 3d at 402-04 (holding as a case of first impression that the process server's failure to note the time of service of the bank's complaint on the copy of the complaint that was served on the debtor rendered the service of the complaint defective).

⁷ Section 48.031, F.S.

more attempts to serve the owner have been made at the place of business.⁸ The requirements for service of process of witness subpoenas for both criminal and civil actions mirror those of the parties to the litigation.⁹ Each person who effects service of process must note on a return-of-service form attached, the date and time when it comes to hand, the date and time when it is served, the manner of service, the name of the person on whom it was served, and, if served on a representative, the position occupied by the person.¹⁰ A failure to state the foregoing facts invalidates the service, but the return is amendable to state the truth at any time on application to the court from which the process was issued.¹¹ On amendment, service is as effective as if the return had originally stated the omitted facts.¹² A failure to state all the facts in the return shall subject the person effecting service to a fine no greater than \$10, in the court's discretion.¹³

The law specifies the manner and method of process on private corporations.¹⁴ As an alternative to the method and manner of process outlined in s. 48.081, F.S., process may be served on the agent designated by the corporation to receive process under s. 48.091, F.S. If service cannot be made on the registered agent because of failure to comply with s. 48.091, F.S., service of process must be permitted on any employee at the corporation's principal place of business or on any employee of the registered agent.¹⁵

Under specified circumstances, substitute service may be made. Substitute service may be made on the spouse of the person to be served at any place in the county if the spouse requests the service, the spouses are living together, and the proceeding is not an adversary proceeding between the spouse and person to be served.¹⁶ A person within a court's jurisdiction may not avoid service and has an obligation to accept service of process when reasonable attempts are made to serve that person.¹⁷ The sheriff's or process server's reasonable attempt to personally serve a person at his or her home may not be frustrated by that person's willful refusal to accept the service of process.¹⁸ Whoever resists, obstructs, or opposes any officer or any other person authorized to execute process in the execution of legal process or in the lawful execution of legal process or in the lawful execution of any legal duty, without offering or doing violence to the person of the officer, may be liable for violation of a first-degree misdemeanor, which is punishable by jail time up to one year and the imposition of a fine up to \$1,000.¹⁹

The sheriffs of all counties of the state in civil cases must charge fixed, nonrefundable fees for docketing and service of process.²⁰ The sheriffs must charge \$40 for docketing and indexing

⁸ *Id.*

⁹ *Id.*

¹⁰ Section 48.21, F.S.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ Section 48.081, F.S.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Haney v. Olin Corp.*, 245 So. 2d 671 (Fla. 4th DCA 1971) (holding that there need not be communication between the process server and party to be served and that leaving suit papers on a doorstep can become effective delivery when the party to be served avoids service by closing the door in the process servers face).

¹⁸ *Id.*

¹⁹ Section 843.02, F.S.

²⁰ Section 30.231, F.S.

each writ of execution, regardless of the number of persons involved.²¹ It is the responsibility of the party requesting service of process to furnish to the sheriff the original or a certified copy of process and sufficient copies to be served on the parties receiving the service of process.²²

Service of process is required, and when a plaintiff in a civil action has not properly served a defendant within 120 days after filing the initial pleading, the action may be dismissed without prejudice.²³ In lieu of the dismissal of the action, if the plaintiff shows good cause or excusable neglect for the failure, the court may extend the time for service for an appropriate period.²⁴ The trial court has great discretion to extend the time even when good cause has not been shown for failure to serve the defendant within the required period.²⁵

Service of Process in Gated Residential Communities

The growth in the number of gated residential communities (communities composed of multifamily residences and single-family residences that have entrances locked or otherwise restrict physical access to their dwellings) have presented a challenge to litigants' efforts to provide service of process to party defendants living in these residences.²⁶ In *Luckey v. Thompson*, the plaintiff sought to vacate a default judgment entered against him in a prior case because the trial court found that he had concealed himself to avoid service.²⁷ The appellate court refused to vacate the judgment and upheld the trial judge findings supported by evidence that showed that genuine attempts by various methods were made to effect service on the plaintiff who had "secreted himself from the world and lived in isolation in a high security apartment refusing to answer the telephone or even to open the mail."²⁸ In *Boatfloat*, the court noted the challenge of successfully serving a limited liability company when the company's registered agents only address is a gated residential community and the company does not have regular business hours open to the public.²⁹

The Third District Court of Appeal recently held that the plaintiff had demonstrated due diligence to personally serve the party defendant, and, based upon the record, it upheld the plaintiff's substitute service of the party defendant.³⁰ The court found that the plaintiff attempted to serve the party defendant "twenty-two times over a three-month period at his admittedly correct Florida address" but due to the fact that the defendant's residence is gated, the process server was barred from access to the front door.³¹ The court held that "'litigants have the right to choose their abodes; they do not have the right to control who may sue or serve them by denying them physical access.'"³²

²¹ Section 30.231(1)(d)1., F.S.

²² Section 30.231(3), F.S.

²³ Fla. R. Civ. P. 1.070.

²⁴ *Id.*

²⁵ *Chaffin v. Jacobson*, 793 So. 2d 102 (Fla. 2d DCA 2001).

²⁶ *See, Luckey v. Thompson*, 343 So. 2d 53 (Fla. 3d DCA 1977), and *Boatfloat LLC v. Golia*, 915 So. 2d 288 (Fla. 4th DCA 2005).

²⁷ *Luckey*, 343 So. 2d at 54.

²⁸ *Id.*

²⁹ *Boatfloat*, 915 So. 2d at 289-90.

³⁰ *Delancy v. Tobias*, 26 So. 3d 77, 79-80 (Fla. 3d DCA 2010).

³¹ *Id.*

³² *Id.* at 80 (quoting *Bein v. Brechtel-Jochim Group, Inc.*, 6 Cal.App.4th 1387, 1393, 8 Cal.Rptr.2d 351 (1992)).

California law specifically addresses service of process in gated communities and grants a registered process server or a representative of a county sheriff's or marshal's office access into a gated community in order to make service of process.³³ The law provides that any person shall be granted access to a gated community for a reasonable period of time for the purpose of performing lawful service of process or service of a subpoena, upon identifying to the guard the person or persons to be served, and upon displaying proper identification, including a driver's license and sheriff's or marshal's identification, or evidence of current registration as a process server.³⁴ The law applies only to a gated community that is staffed by a guard or other security personnel assigned to control access to the community at the time service is attempted.³⁵ In enacting the law granting process servers access to gated communities, the California Legislature expressed intent to not abrogate or modify the holding in *Bein v. Brechtel-Jochim Group, Inc.*³⁶ The court in *Bein* held that substitute service on the guard of a gated community is adequate, if the guard refuses to admit the process server.³⁷

Condominiums

Condominiums are regulated under ch. 718, F.S. Condominium property that is not located within the boundaries of individual condominium units and is jointly owned by all condominium unit owners in a condominium is defined as common elements.³⁸ "Limited common elements" in a condominium are those common elements that are reserved for the use of a certain unit or units to the exclusion of all other units, as specified in the declaration of condominium (an instrument by which the condominium is created).³⁹ Limited common elements are often appurtenant to a condominium unit owner's unit. Examples of limited common elements include assigned parking spaces, patios, balconies, stairways, and storage lockers.

III. Effect of Proposed Changes:

The CS authorizes sheriffs to charge a \$40 dollar fee for *processing* a writ of execution, rather than for *docketing and indexing* a writ of execution, and reflects the modernization of the current practice for processing of the writs of execution. The CS allows the party requesting service to furnish the sheriff with an electronic copy of process, which must have been signed and certified by the clerk of court.

The CS provides that a process server must document, on the *front page* of at least one of the copies served, the date and time of service and the process server's identification number and initials. The person serving process must list on the return-of-service form all initial pleadings delivered and served along with the process. The person issuing the process must file the return-of-service form with the court.

³³ CAL. CIV. PROC. CODE s. 415.21.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.* (in historical and statutory notes to the section; see Section 2 of Stats.1994, c. 691 (A.B. 3307)).

³⁷ *Bein*, 6 Cal.App.4th at 1392-93.

³⁸ Section 718.103(8), F.S.

³⁹ Sections 718.103(15) and (19), F.S.

The CS provides that a gated residential community, including a condominium association or a cooperative, must grant unannounced entry into the community, including its common areas and common elements, to a person who is attempting to serve process on a defendant or witness who resides within or is known to be within the community.

The CS amends the requirements for service of process on a corporation. The CS provides that a person attempting to serve process on the registered agent of a corporation under the alternative method in s. 48.081(3)(a), F.S., may serve the process on any employee of the registered agent during the first attempt at service even if the registered agent is temporarily absent from his or her office.

The CS imposes additional requirements on the return of execution of process to address, in part, *Vidal v. SunTrust Bank*.⁴⁰ Under the CS, the return-of-service form must be signed by the person who effects the service of process. However, a person employed by a sheriff who effects the service of process may sign the return-of-service form using an electronic signature certified by the sheriff. On amendment of the return-of-service form, service is as effective as if the return had originally stated the omitted facts or *included the signature*. A failure to include the *signature on the return* shall subject the person effecting service to a fine not exceeding \$10, in the court's discretion.

The bill provides an effective date of July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill authorizes sheriffs to charge a \$40 dollar fee for *processing* a writ of execution (current law authorizes sheriffs to charge a \$40 fee for *docketing and indexing* a writ of execution) and reflects the modernization of the current practice for processing of the writs of execution.

⁴⁰ See *Vidal, supra* notes 4 and 6. In the case, the Fourth District Court of Appeal reiterated the importance of strict compliance with the statutory provisions governing service of process in order to avoid defective service process.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill requires gated residential property owners to allow a process server into their community without any requirement for identification or knowledge of the legitimacy of the person who alleges that he or she is a process server. Community associations of gated residential communities where physical access to the community is controlled may be faced with additional liability for handling service of process issues for its residents.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Judiciary on March 22, 2011:

The committee substitute revises the procedures for service of process to:

- Authorize sheriffs to charge a \$40 fee for processing a writ of execution (current law authorizes a \$40 fee for docketing and indexing a writ of execution);
- Accommodate electronic copies of process;
- Clarify the manner and place that residents of gated residential communities must grant process servers unannounced entry into their community;
- Allow the process server to serve the process on any employee of the registered agent of a corporation during the first attempt at service even if the registered agent is temporarily absent from his or her office; and
- Impose additional requirements on the return of execution of process to include a server's signature on the return.

B. Amendments:

None.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Regulated Industries Committee

BILL: SB 1586

INTRODUCER: Senator Hays

SUBJECT: Authority of Certain Professionals to Practice in this State

DATE: March 30, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	O'Callaghan	Stovall	HR	Favorable
2.	Oxamendi	Imhof	RI	Pre-meeting
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill removes the authority for professionals and health care professionals (veterinarians), who are licensed in another state or in a foreign jurisdiction, are in Florida for a specific sporting event, and are employed or designated by the sport's team, to practice on animals used in the sport.

This bill substantially amends sections 455.2185 and 456.023, Florida Statutes.

II. Present Situation:

Veterinary Medical Practice

The Board of Veterinary Medicine (board) within the Department of Business and Professional Regulation (department) is the agency charged with the regulation of the practice of veterinary medicine under ch. 474, F.S., the Veterinary Medical Practice Act (act). The legislative purpose for the act is to ensure that every veterinarian practicing in Florida meets minimum requirements for safe practice and veterinarians who are not normally competent or who otherwise present a danger to the public are disciplined or prohibited from practicing in Florida.¹

¹ Section 474.201, F.S.

The department is the state agency responsible for the licensing of veterinarians, while the board² within the department is responsible for adopting rules to establish fees and implement the provisions of ch. 474, F.S.

For a person to be licensed as a veterinarian he or she must apply to the department to take a licensure examination. The department must license each applicant who the board certifies has:

- Completed the application form and remitted an examination fee set by the board.³
- Graduated from a college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education or graduated from a college of veterinary medicine listed in the American Veterinary Medical Association Roster of Veterinary Colleges of the World and obtained a certificate from the Education Commission for Foreign Veterinary Graduates.
- Successfully completed the examination provided by the department for this purpose, or an examination determined by the board to be equivalent.
- Demonstrated knowledge of the laws and rules governing the practice of veterinary medicine in Florida in a manner designated by rules of the board.⁴

The department is prohibited from issuing a license to any applicant who is under investigation in any state or territory of the United States or in the District of Columbia for an act which would constitute a violation of ch. 474, F.S., until the investigation is complete and disciplinary proceedings have been terminated.⁵

An unlicensed doctor of veterinary medicine who has graduated from an approved college or school of veterinary medicine and has completed all parts of the examination for licensure is permitted, while awaiting the results of the examination for licensure or while awaiting issuance of the license, to practice under the immediate supervision of a licensed veterinarian. A person who fails any part of the examination may not continue to practice, except in the same capacity as other nonlicensed veterinary employees, until the person passes the examination and is eligible for licensure.⁶

An applicant may be eligible for temporary licensure if certain requirements are met. In order for the board to certify an applicant to the department for issuance of a temporary license to practice veterinary medicine, an applicant must demonstrate to the board that the applicant:

² The board consists of seven members, who are appointed by the Governor, and are subject to confirmation by the Senate. Five members of the board must be licensed veterinarians and two members of the board must be laypersons who are not and have never been veterinarians or members of any closely related profession or occupation. *See* s. 474.204, F.S.

³ For applicants taking the Laws and Rules examination that is not conducted by a professional testing service, the examination fee is \$165.00, payable to the DBPR. For applicants taking the Laws and Rules examination that is conducted by a professional testing service, the examination fee is \$151.50 payable to the department plus \$13.50 payable to the testing service. Rule 61G18-12.002, F.A.C. The applicant for licensure must also pay an initial licensure fee of \$200, if the person is licensed in the first 12 months of the biennium, or \$100, if the person is licensed in the second 12 months of the biennium. Rule 61G18-12.007, F.A.C.

⁴ Section 474.207, F.S.

⁵ *Id.*

⁶ *Id.*

- Has filed an application for temporary licensure identifying the name and address of the owner of the animals to be treated, the type of animals to be treated and their injury or disease, the location the treatment is to be performed, and the names, addresses, and titles of all persons entering the state with the applicant to perform the treatment; or
- Has filed an application and is responding to an emergency for the treatment of animals of multiple owners.
- Has paid the temporary licensure fee.
- Holds an active license to practice veterinary medicine in another state of the United States and that any license to practice veterinary medicine that the person has ever held has never been revoked, suspended or otherwise acted against by the licensing authority.
- Is neither the subject of any pending prosecution nor has ever been convicted of any offense which is related to the practice of veterinary medicine; and
- Satisfies the qualifications for licensure by endorsement.⁷

A temporary license is valid for a period of 30 days from its issuance. A temporary license does not cover more than the treatment of the animals of the owner identified in the application. Upon expiration of the license, a new license is required.⁸

An applicant may also be eligible for licensure by endorsement if specific requirements are met. The department must issue a license by endorsement to any applicant who, upon applying to the department and remitting the requisite fee,⁹ demonstrates to the board that she or he:

- Has demonstrated, in a manner designated by rule of the board, knowledge of the laws and rules governing the practice of veterinary medicine in Florida; and
- Either holds, and has held for the 3 years immediately preceding the application for licensure, a valid, active license to practice veterinary medicine in another state of the United States, the District of Columbia, or a territory of the United States, provided that the requirements for licensure in the issuing state, district, or territory are equivalent to or more stringent than the requirements of ch. 474, F.S.; or meets the application and examination requirements under Florida law and has successfully completed a state, regional, national, or other examination which is equivalent to or more stringent than the examination given by the department.¹⁰

The department is prohibited from issuing a license by endorsement to any applicant who is under investigation in any state, territory, or the District of Columbia for an act which would constitute a violation of ch. 474, F.S., until the investigation is complete and disciplinary proceedings have been terminated.

Under s. 474.213, F.S., a person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S. (maximum imprisonment of 5 years, maximum fine of \$5,000, or penalties applicable for a habitual offender) if the person:

⁷ Rule 61G18-25.001, F.A.C.

⁸ *Id.*

⁹ The fee for licensure by endorsement is \$500. Rule 61G18-12.011, F.A.C.

¹⁰ Section 474.217, F.S.

- Leads the public to believe that such person is licensed as a veterinarian, or is engaged in the licensed practice of veterinary medicine, without such person holding a valid, active license pursuant to ch. 474, F.S.;
- Uses the name or title “veterinarian” when the person has not been licensed pursuant to ch. 474, F.S.;
- Presents as her or his own the license of another;
- Gives false or forged evidence to the board or a member thereof for the purpose of obtaining a license;
- Uses or attempts to use a veterinarian’s license which has been suspended or revoked;
- Knowingly employs unlicensed persons in the practice of veterinary medicine;
- Knowingly concealing information relative to violations of ch. 474, F.S.;
- Obtains or attempts to obtain a license to practice veterinary medicine by fraudulent representation;
- Practices veterinary medicine in Florida, unless the person holds a valid, active license to practice veterinary medicine pursuant to ch. 474, F.S.;
- Sells or offers to sell a diploma conferring a degree from a veterinary school or college, or a license issued pursuant to ch. 474, F.S., or procures such diploma or license with the intent that it shall be used as evidence of that which the document stands for by a person other than the one upon whom it was conferred or to whom it was granted; or
- Knowingly operates a veterinary establishment or premises without having a premise permit issued under s. 474.215, F.S.

General Provisions for Business and Health Professionals

Chapter 455, F.S., provides the general powers of the department and sets forth the procedural and administrative frame-work for all of the professional boards housed under the department. The general provisions for licensure, certification, education, examination, and penalties for the following medical professionals are provided under ch. 456, F.S. In addition, ch. 456, F.S., provides the authority of the following boards to regulate their respective professions.

Exemption for Out-of-state or Foreign Professionals

Sections 455.2185(1) and 456.023(1), F.S., permit professionals from another state, nation, or foreign jurisdiction who are licenses under chs. 455 and 456, F.S., respectively, to practice in Florida under limited circumstances. Such professional are exempt from the license requirements under chs. 455 and 456, F.S., and the applicable professional practice act if that person:

- Holds, if so required in the jurisdiction in which that person practices, an active license to practice that profession.
- Engages in the active practice of that profession outside the state.
- Is employed or designated in that professional capacity by a sports entity visiting the state for a specific sporting event.

Sections 455.2185(2) and 456.023(2), F.S., limited the practice of the professional to the members, coaches, and staff of the team for which that professional is employed or designated and to any animals used if the sporting event for which that professional is employed or

designated involves animals. Both sections also provide that these professionals do not have practice privileges in any licensed veterinary facility without the approval of that facility.

III. Effect of Proposed Changes:

The bill amends s. 455.2185, F.S., to delete the authority of a professional, who is licensed in another state or foreign jurisdiction, is in Florida for a specific sporting event, and is employed or designated by the sport's team, to practice on animals used in the sport.

The bill also amends s. 456.023, F.S., to delete the authority of a health care professional, who is licensed in another state or foreign jurisdiction, is in Florida for a specific sporting event, and is employed or designated by the sport's team, to practice on animals used in the sport.

The bill deletes the provisions in ss. 455.2185 and 456.023, F.S. that prohibit these professionals from practicing in veterinary facilities without the approval of the facility, which is consistent with the above changes that prohibit the professionals from practicing on animals used by the sporting teams while in Florida.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Sports teams from out-of-state or from foreign jurisdictions that participate in sporting events involving animals in Florida may incur additional costs associated with hiring a Florida-licensed veterinarian for veterinary services.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



Florida Council on
Compulsive Gambling, Inc.

FLORIDA COUNCIL ON COMPULSIVE GAMBLING, INC.

www.gamblinghelp.org

1-888-ADMIT-IT (236-4848)



- ❑ Established in 1988
- ❑ Florida's Official Problem Gambling Prevention Program
- ❑ 24/7 Multilingual Toll-Free Helpline
- ❑ Education and advocacy
- ❑ Provides assistance to problem gamblers
- ❑ Programs and support services



Programs and Services

- We receive over 16,000 contacts per year.
- Of which 5,000 contacts lead to help and assistance.
- Eight full-time staff.
- Provides administrative services as well as being trained helpline operators.
- Approximately 92% of funding goes to programs and other support services.



Funding Sources

- Program funding
 - ▣ Florida Lottery
 - ▣ Department of Business and Professional Regulation (DBPR)

- Treatment Funding
 - ▣ Seminole Tribal Gaming Compact with State of Florida



Lottery Contract

Provides for Statewide development and implementation of Prevention, Education, and Outreach and advertising/marketing of programs and resources

2010/2011 Budget: \$1,119,000

Administrative Costs – 8.9%



Programs and Services



•**Senior Kit** - *Playing it Safe* is an educational and instructional toolkit that enables senior service providers to present the topic of gambling among older adults effectively and creatively.

•**Caregiver Program** - provides basic information regarding seniors who gamble, why they may gamble, and impacts when gambling is a problem. It also provides important "Do's and Don'ts" for the individual caretaker or caretaker organization. This program contains important information for anyone working or acting in the capacity of caretaking.





Programs and Services

- Youth Program- includes an introductory video about youth gambling and explains how the different program materials are intended to be used.
- “When Gambling Takes Control of the Game”
 - ✧ Developed in partnership with the NCAA and the National Federation of State High School Associations (NFHS)
 - ✧ Lesson Plans covering NCAA Rules for student Athletes, risks of individuals trying to make money on the game (even at the high school level), and risks of developing gambling programs.



Programs and Services

- College Programs
- Workplace Programs
- Legal Programs
- Military Programs
- Medical Programs
- Treatment Provider Programs
- Gaming Industry Programs
- Interactive CD's, video docudramas, literature, research, promotional items, population specific materials (Hispanic, African American, Asian)
- FOCUS and Senior FOCUS newsletters
- Recovery Workbook Series



DBPR Contract

Responsible Gaming and Player Protection Program.

Includes:

- ❑ Annual training of thousands of gaming industry employees
- ❑ In-house responsible gaming program development
- ❑ Implementation, evaluation and reporting to DBPR
- ❑ Advertising/marketing of programs and resources

2010/2011 Budget: \$690,000

Administrative Costs – 8.4%



DBPR Programs

- Responsible Gaming and Player Protection Program
- Gaming Industry Personnel Training Program
- Slot Gaming Facility Collateral Items
- Advertise and Promote Helpline
- All required by Section 551.118, Florida Statute



HelpLine Promotion

- The FCCG promotes the HelpLine in and around gaming facilities.

- Billboards

- Taxi Cabs

- Buses

- Non-traditional (gas station toppers, sidewalk ads, caution floor signs, etc.)





Seminole Tribe Compact

Compulsive gambling treatment and related programs. Includes:

- ❑ Development and implementation of clinical treatment services
- ❑ Professional training
- ❑ Research
- ❑ Program review and evaluation
- ❑ Promotion of services

2010/2011 Budget: \$1,750,000

Administrative Costs – 5.6%



Florida Council on
Compulsive Gambling, Inc.

Recovery Path Treatment Program



Florida Council on Compulsive Gambling, Inc.

Recovery Path

Treatment Program for Problem Gamblers

The funding for treatment comes as a result of the gaming compact between the State of Florida and the Seminole Tribe.

This is the first time in the history of the FCCG that monies have been made available to provide treatment for those in need with no ability to pay. This funding will expand access to treatment for problem gamblers and their family members who call the FCCG HelpLine .



Professional Treatment

- Pathological/compulsive gambling is identified by the APA as an impulse control disorder with specific diagnostic criteria.
- Guidance and support can be particularly helpful when provided by a trained therapist or counselor certified in gambling addiction.
- Clinical treatment can help problem gamblers and families sort out options and strategies when trying to cope with situations or difficulties that arise from a gambling addiction.
 - Allows problem gamblers to examine issues at the core and can offer comprehensive assistance for varying difficulties, as well as specialized support groups based upon individual strategies.
 - Can help gamblers and their families to develop skills and coping mechanisms
 - Differs from self-help in that it allows the gambler the opportunity to share very personal information in a one-on-one dialogue with a trained specialist.
 - A combination of self-help and professional treatment has proven most effective in treating the disorder.

WHEN GAMBLING BECOMES A PROBLEM

888-ADMIT-IT



Florida Council on Compulsive Gambling

www.gamblinghelp.org