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1 A bill to be entitled
2 An act relating to regulated professions and
3 occupations; amending s. 322.142, F.S.; authorizing
4 the Department of Highway Safety and Motor Vehicles to
5 release certain digital images to the Department of
6 Business and Professional Regulation to identify
7 certain persons; amending s. 455.213, F.S.;
8 authorizing the Department of Business and
9 Professional Regulation to grant waivers of renewal
10 fees under certain circumstances; amending s. 455.271,
11 F.S.; revising continuing education requirements for
12 certain license reactivations; amending s. 475.42,
13 F.S.; revising violations and penalties for real
14 estate professionals; amending s. 477.0212, F.S.;
15 revising continuing education requirements for
16 cosmetology license reactivations; amending s.
17 477.0265, F.S.; revising prohibited acts for
18 cosmetologists; amending s. 481.217, F.S.; revising
19 continuing education requirements for license
20 reactivation of architect or interior design licenses;
21 amending s. 481.315, F.S.; revising continuing
22 education requirements for landscape architect license
23 reactivations; amending s. 489.116, F.S.; revising
24 continuing education requirements for contractor
25 license reactivations; amending s. 489.519, F.S.;
26 revising continuing education requirements for
27 electrical and alarm system contractor license
28 reactivations; repealing s. 475.611(1)(v), F.S.,
29 relating to Uniform Standards of Professional

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30 Appraisal Practice; repealing s. 475.626(1)(b) and
31 (c), F.S., relating to violations and penalties
32 against registered appraisers; amending s. 475.624,
33 F.S.; establishing professional standards for
34 appraisers by board rule; amending s. 475.628, F.S.;
35 authorizing the board to adopt rules establishing
36 standards of professional appraisal practice; amending
37 s. 509.032, F.S.; clarifying provisions relating to
38 the preemption to the state of the regulation of
39 public lodging and public food service establishments;
40 amending s. 509.261, F.S.; providing for remedial
41 training in response to certain violations by public
42 lodging and food service establishments; amending s.
43 10, chapter 2010-84, Laws of Florida; delaying the
44 effective date of provisions relating to the
45 discipline of appraisal management companies; creating
46 s. 473.3066, F.S.; authorizing the Board of
47 Accountancy to establish a peer review oversight
48 committee; providing for membership and duties of the
49 oversight committee; requiring the board to adopt
50 rules under certain circumstances; amending s.
51 473.311, F.S.; revising licensure renewal requirements
52 for firms engaged in certain aspects of the practice
53 of public accounting; requiring such firms to comply
54 with certain peer review requirements; providing an
55 exception; creating s. 473.3125, F.S.; defining terms
56 for purposes of peer review requirements; requiring
57 firms engaged in certain aspects of the practice of
58 public accounting to enroll in peer review programs

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59 and undergo peer reviews; providing for the frequency
60 of peer reviews; providing exceptions; requiring firms
61 that fail a specified number of peer reviews to submit
62 certain documentation to the board; requiring the
63 board to adopt rules establishing minimum standards
64 for peer review programs and requiring a peer review
65 administering organization to submit certain
66 information; providing for the approval of peer review
67 administering organizations; authorizing the board to
68 withdraw approval of peer review administering
69 organizations under certain circumstances; providing
70 that certain persons who perform specified
71 administrative services for a peer review
72 administering organization are immune from civil
73 liability; providing that the proceedings, records,
74 and workpapers of peer review administering
75 organizations are confidential and privileged;
76 providing exceptions; prohibiting persons involved in
77 peer reviews from testifying; amending s. 473.323,
78 F.S.; providing additional grounds for the discipline
79 of firms engaged in certain aspects of the practice of
80 public accounting, to which penalties apply;
81 authorizing disciplinary actions to be taken against
82 firms that fail to enroll in a peer review program, to
83 undergo a peer review, or to cooperate with a peer
84 review administering organization approved by the
85 board; revising requirements for reissuance of
86 licenses after compliance with disciplinary final
87 orders; conforming provisions; amending s. 481.205,

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88 F.S.; authorizing the Board of Architecture and
89 Interior Design to contract with certain private
90 entities for specific functions; repealing s. 686.201,
91 F.S., relating to sales representative contracts
92 involving commissions; amending s. 373.461, F.S.;
93 requiring certain appraisers to follow specific
94 standards of professional practice in appraisals
95 involving the restoration of the Lake Apopka Basin;
96 amending s. 475.25, F.S.; conforming and clarifying
97 certain real estate appraisal standards and practices;
98 amending s. 475.615, F.S.; conforming provisions
99 relating to standards of professional practice for
100 real estate appraisers; amending s. 475.617, F.S.;
101 conforming provisions relating to appraisal practice;
102 amending s. 475.6175, F.S.; conforming provisions
103 relating to appraisal practice; amending s. 475.6235,
104 F.S.; conforming provisions relating to appraisal
105 practice; amending s. 475.6245, F.S.; conforming
106 provisions relating to appraisal practice; amending s.
107 489.118, F.S.; extending the date within which certain
108 registered contractors may apply for certification;
109 amending s. 499.003, F.S.; redefining the term
110 "prescription drug" to exclude active pharmaceutical
111 ingredients; amending s. 499.01, F.S.; authorizing
112 certain business entities to pay for prescription
113 drugs obtained by practitioners licensed under ch.
114 466, F.S.; providing effective dates.

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

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Section 1. Subsection (4) of section 322.142, Florida Statutes, is amended to read:

322.142 Color photographic or digital imaged licenses.—

(4) The department may maintain a film negative or print file. The department shall maintain a record of the digital image and signature of the licensees, together with other data required by the department for identification and retrieval. Reproductions from the file or digital record are exempt from the provisions of s. 119.07(1) and shall be made and issued only for departmental administrative purposes; for the issuance of duplicate licenses; in response to law enforcement agency requests; to the Department of Business and Professional Regulation pursuant to an interagency agreement for the purpose of accessing digital images for reproduction of licenses issued by the Department of Business and Professional Regulation or for the purpose of identifying subjects who are under investigation for unlicensed activity pursuant to s. 455.228; to the Department of State pursuant to an interagency agreement to facilitate determinations of eligibility of voter registration applicants and registered voters in accordance with ss. 98.045 and 98.075; to the Department of Revenue pursuant to an interagency agreement for use in establishing paternity and establishing, modifying, or enforcing support obligations in Title IV-D cases; to the Department of Children and Family Services pursuant to an interagency agreement to conduct protective investigations under part III of chapter 39 and chapter 415; to the Department of Children and Family Services pursuant to an interagency agreement specifying the number of

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146 employees in each of that department's regions to be granted
147 access to the records for use as verification of identity to
148 expedite the determination of eligibility for public assistance
149 and for use in public assistance fraud investigations; or to the
150 Department of Financial Services pursuant to an interagency
151 agreement to facilitate the location of owners of unclaimed
152 property, the validation of unclaimed property claims, and the
153 identification of fraudulent or false claims.

154 Section 2. Subsection (12) is added to section 455.213,
155 Florida Statutes, to read:

156 455.213 General licensing provisions.—

157 (12) The department may grant a fee waiver for a license
158 renewal to a licensee on a case-by-case basis due to financial
159 hardship or an error caused by the department.

160 Section 3. Subsection (10) of section 455.271, Florida
161 Statutes, is amended to read:

162 455.271 Inactive and delinquent status.—

163 (10) The board, or the department if there is no board,
164 shall require ~~Before reactivation,~~ an inactive or delinquent
165 licensee, except a licensee under chapter 473 or chapter 475, to
166 complete one renewal cycle of ~~shall meet the same~~ continuing
167 education in order to reactivate a license requirements, if any,
168 ~~imposed on an active status licensee for all biennial licensure~~
169 ~~periods in which the licensee was inactive or delinquent. This~~
170 ~~subsection does not apply to persons regulated under chapter~~
171 ~~473.~~

172 Section 4. Subsection (1) of section 475.42, Florida
173 Statutes, is amended to read:

174 475.42 Violations and penalties.—

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175 (1) VIOLATIONS.—

176 (a) A person may not operate as a broker or sales associate
177 without being the holder of a valid and current active license
178 therefor. Any person who violates this paragraph commits a
179 felony of the third degree, punishable as provided in s. 775.082
180 or s. 775.083, or, if a corporation, as provided in s. 775.083.

181 (b) A person licensed as a sales associate may not operate
182 as a broker or operate as a sales associate for any person not
183 registered as her or his employer.

184 (c) A broker may not employ, or continue in employment, any
185 person as a sales associate who is not the holder of a valid and
186 current license as sales associate; but a license as sales
187 associate may be issued to a person licensed as an active
188 broker, upon request and surrender of the license as broker,
189 without a fee in addition to that paid for the issuance of the
190 broker's active license.

191 (d) A sales associate may not collect any money in
192 connection with any real estate brokerage transaction, whether
193 as a commission, deposit, payment, rental, or otherwise, except
194 in the name of the employer and with the express consent of the
195 employer; and no real estate sales associate, whether the holder
196 of a valid and current license or not, shall commence or
197 maintain any action for a commission or compensation in
198 connection with a real estate brokerage transaction against any
199 person except a person registered as her or his employer at the
200 time the sales associate performed the act or rendered the
201 service for which the commission or compensation is due.

202 ~~(e) A person may not violate any lawful order or rule of~~
203 ~~the commission which is binding upon her or him.~~

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204 (e)~~(f)~~ A person may not commit any conduct or practice set
205 forth in s. 475.25(1) (b), (c), (d), or (g) ~~(h)~~.

206 (f)~~(g)~~ A person may not make any false affidavit or
207 affirmation intended for use as evidence by or before the
208 commission or a member thereof, or by any of its authorized
209 representatives, nor may any person give false testimony under
210 oath or affirmation to or before the commission or any member
211 thereof in any proceeding authorized by this chapter.

212 (g)~~(h)~~ A person may not fail or refuse to appear at the
213 time and place designated in a subpoena issued with respect to a
214 violation of this chapter, unless because of facts that are
215 sufficient to excuse appearance in response to a subpoena from
216 the circuit court; nor may a person who is present before the
217 commission or a member thereof or one of its authorized
218 representatives acting under authority of this chapter refuse to
219 be sworn or to affirm or fail or refuse to answer fully any
220 question propounded by the commission, the member, or such
221 representative, or by any person by the authority of such
222 officer or appointee; nor may any person, so being present,
223 conduct herself or himself in a disorderly, disrespectful, or
224 contumacious manner.

225 (h)~~(i)~~ A person may not obstruct or hinder in any manner
226 the enforcement of this chapter or the performance of any lawful
227 duty by any person acting under the authority of this chapter or
228 interfere with, intimidate, or offer any bribe to any member of
229 the commission or any of its employees or any person who is, or
230 is expected to be, a witness in any investigation or proceeding
231 relating to a violation of this chapter.

232 (i)~~(j)~~ A broker or sales associate may not place, or cause

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233 to be placed, upon the public records of any county, any
234 contract, assignment, deed, will, mortgage, affidavit, or other
235 writing which purports to affect the title of, or encumber, any
236 real property if the same is known to her or him to be false,
237 void, or not authorized to be placed of record, or not executed
238 in the form entitling it to be recorded, or the execution or
239 recording whereof has not been authorized by the owner of the
240 property, maliciously or for the purpose of collecting a
241 commission, or to coerce the payment of money to the broker or
242 sales associate or other person, or for any unlawful purpose.
243 However, nothing in this paragraph shall be construed to
244 prohibit a broker or a sales associate from recording a judgment
245 rendered by a court of this state or to prohibit a broker from
246 placing a lien on a property where expressly permitted by
247 contractual agreement or otherwise allowed by law.

248 (j)~~(k)~~ A person may not operate as a broker under a trade
249 name without causing the trade name to be noted in the records
250 of the commission and placed on the person's license, or so
251 operate as a member of a partnership or as a corporation or as
252 an officer or manager thereof, unless such partnership or
253 corporation is the holder of a valid current registration.

254 (k)~~(l)~~ A person may not knowingly conceal any information
255 relating to violations of this chapter.

256 (l)~~(m)~~ A person may not undertake to list or sell one or
257 more timeshare periods per year in one or more timeshare plans
258 on behalf of any number of persons without first being the
259 holder of a valid and current license as a broker or sales
260 associate pursuant to this chapter, except as provided in s.
261 475.011 and chapter 721.

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262 (m)~~(n)~~ A broker or sales associate may not enter into any
263 listing or other agreement regarding her or his services in
264 connection with the resale of a timeshare period unless the
265 broker or sales associate fully and fairly discloses all
266 material aspects of the agreement to the owner of the timeshare
267 period. Further, a broker or sales associate may not use any
268 form of contract or purchase and sale agreement in connection
269 with the resale of a timeshare period unless the contract or
270 purchase and sale agreement fully and fairly discloses all
271 material aspects of the timeshare plan and the rights and
272 obligations of both buyer and seller. The commission is
273 authorized to adopt rules pursuant to chapter 120 as necessary
274 to implement, enforce, and interpret this paragraph.

275 (n)~~(o)~~ A person may not disseminate or cause to be
276 disseminated by any means any false or misleading information
277 for the purpose of offering for sale, or for the purpose of
278 causing or inducing any other person to purchase, lease, or
279 rent, real estate located in the state or for the purpose of
280 causing or inducing any other person to acquire an interest in
281 the title to real estate located in the state.

282 Section 5. Subsection (2) of section 477.0212, Florida
283 Statutes, is amended to read:

284 477.0212 Inactive status.—

285 (2) The board shall promulgate rules relating to licenses
286 which have become inactive and for the renewal of inactive
287 licenses. The board shall prescribe by rule a fee not to exceed
288 \$50 for the reactivation of an inactive license and a fee not to
289 exceed \$50 for the renewal of an inactive license. The board
290 shall also require a licensee to complete one renewal cycle of

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291 continuing education requirements.

292 Section 6. Subsection (1) of section 477.0265, Florida
293 Statutes, is amended to read:

294 477.0265 Prohibited acts.—

295 (1) It is unlawful for any person to:

296 (a) Engage in the practice of cosmetology or a specialty
297 without an active license as a cosmetologist or registration as
298 a specialist issued by the department pursuant to the provisions
299 of this chapter.

300 (b) Own, operate, maintain, open, establish, conduct, or
301 have charge of, either alone or with another person or persons,
302 a cosmetology salon or specialty salon:

303 1. Which is not licensed under the provisions of this
304 chapter; or

305 2. In which a person not licensed or registered as a
306 cosmetologist or a specialist is permitted to perform
307 cosmetology services or any specialty.

308 ~~(c) Engage in willful or repeated violations of this
309 chapter or of any rule adopted by the board.~~

310 (c)~~(d)~~ Permit an employed person to engage in the practice
311 of cosmetology or of a specialty unless such person holds a
312 valid, active license as a cosmetologist or registration as a
313 specialist.

314 (d)~~(e)~~ Obtain or attempt to obtain a license or
315 registration for money, other than the required fee, or any
316 other thing of value or by fraudulent misrepresentations.

317 (e)~~(f)~~ Use or attempt to use a license to practice
318 cosmetology or a registration to practice a specialty, which
319 license or registration is suspended or revoked.

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320 ~~(f)(g)~~ Advertise or imply that skin care services or body
321 wrapping, as performed under this chapter, have any relationship
322 to the practice of massage therapy as defined in s. 480.033(3),
323 except those practices or activities defined in s. 477.013.

324 ~~(g)(h)~~ In the practice of cosmetology, use or possess a
325 cosmetic product containing a liquid nail monomer containing any
326 trace of methyl methacrylate (MMA).

327 Section 7. Subsection (1) of section 481.217, Florida
328 Statutes, is amended to read:

329 481.217 Inactive status.—

330 (1) The board may prescribe by rule continuing education
331 requirements as a condition of reactivating a license. The rules
332 may not require more than one renewal cycle of continuing
333 education in order to reactive requirements for reactivating a
334 license for a registered architect or interior designer may not
335 exceed 12 contact hours for each year the license was inactive.
336 The minimum continuing education requirement for reactivating a
337 license for a registered interior designer shall be those of the
338 most recent biennium plus one-half of the requirements in s.
339 481.215 for each year or part thereof during which the license
340 was inactive. The board may ~~shall only~~ approve continuing
341 education for an interior designer which that builds only upon
342 the basic knowledge of interior design.

343 Section 8. Subsection (1) of section 481.315, Florida
344 Statutes, is amended to read:

345 481.315 Inactive status.—

346 (1) A license that has become inactive or delinquent may be
347 reactivated under this section upon application to the
348 department and payment of any applicable biennial renewal or

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349 delinquency fee, or both, and a reactivation fee. The board
350 shall also require a licensee to complete one renewal cycle of
351 continuing education requirements. ~~The board may prescribe by~~
352 ~~rule continuing education requirements as a condition of~~
353 ~~reactivating the license. The continuing education requirements~~
354 ~~for reactivating a license may not exceed 12 classroom hours for~~
355 ~~each year the license was inactive.~~

356 Section 9. Subsections (3) and (6) of section 489.116,
357 Florida Statutes, are amended to read:

358 489.116 Inactive and delinquent status; renewal and
359 cancellation notices.—

360 (3) An inactive status certificateholder or registrant may
361 change to active status at any time, provided the
362 certificateholder or registrant meets all requirements for
363 active status, pays any additional licensure fees necessary to
364 equal those imposed on an active status certificateholder or
365 registrant, ~~and~~ pays any applicable late fees, and completes one
366 renewal cycle of continuing education requirements.

367 (6) An inactive certificateholder or registrant shall
368 complete one renewal cycle of ~~comply with the same~~ continuing
369 education requirements in order to reactive his or her
370 certification or registration, ~~if any, that are imposed on an~~
371 ~~active status certificateholder or registrant.~~

372 Section 10. Subsection (1) of section 489.519, Florida
373 Statutes, is amended to read:

374 489.519 Inactive status.—

375 (1) A certificate or registration that has become inactive
376 may be reactivated under s. 489.517 upon application to the
377 department. The licensee must complete one renewal cycle of

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378 ~~continuing education requirements. The board may prescribe, by~~
379 ~~rule, continuing education requirements as a condition of~~
380 ~~reactivating a certificate or registration. The continuing~~
381 ~~education requirements for reactivating a certificate or~~
382 ~~registration may not exceed 12 classroom hours for each year the~~
383 ~~certificate or registration was inactive.~~

384 Section 11. Effective July 1, 2014, paragraph (v) of
385 subsection (1) of section 475.611, Florida Statutes, as amended
386 by chapter 2010-84, Laws of Florida, is repealed.

387 Section 12. Notwithstanding the amendment made by this act
388 to section 10 of chapter 2010-84, Laws of Florida, effective
389 upon this act becoming a law, paragraphs (b) and (c) of
390 subsection (1) of section 475.626, Florida Statutes, as amended
391 by chapter 2010-84, Laws of Florida, are repealed.

392 Section 13. Subsection (14) of section 475.624, Florida
393 Statutes, as amended by chapter 2010-84, Laws of Florida, is
394 amended to read:

395 475.624 Discipline of appraisers.—The board may deny an
396 application for registration or certification of an appraiser;
397 may investigate the actions of any appraiser registered,
398 licensed, or certified under this part; may reprimand or impose
399 an administrative fine not to exceed \$5,000 for each count or
400 separate offense against any such appraiser; and may revoke or
401 suspend, for a period not to exceed 10 years, the registration,
402 license, or certification of any such appraiser, or place any
403 such appraiser on probation, if the board finds that the
404 registered trainee, licensee, or certificateholder:

405 (14) Has violated any standard of professional practice
406 established by board rule, including standards for the

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407 development or communication of a real estate appraisal ~~or other~~
408 ~~provision of the Uniform Standards of Professional Appraisal~~
409 ~~Practice.~~

410 Section 14. Section 475.628, Florida Statutes, is amended
411 to read:

412 475.628 Professional standards for appraisers registered,
413 licensed, or certified under this part. The board shall adopt
414 rules establishing standards of professional practice that meet
415 or exceed nationally recognized standards of appraisal practice,
416 including standards adopted by the Appraiser Standards Board of
417 the Appraisal Foundation. Each appraiser registered, licensed,
418 or certified under this part must ~~shall~~ comply with the rules
419 ~~Uniform Standards of Professional Appraisal Practice.~~ Statements
420 on appraisal standards which may be issued for the purpose of
421 clarification, interpretation, explanation, or elaboration
422 through the Appraisal Foundation shall also be binding on any
423 appraiser registered, licensed, or certified under this part,
424 upon adoption by board rule.

425 Section 15. Subsection (7) of section 509.032, Florida
426 Statutes, is amended to read:

427 509.032 Duties.—

428 (7) PREEMPTION AUTHORITY.—The regulation of public lodging
429 establishments and public food service establishments,
430 including, but not limited to, ~~the inspection of public lodging~~
431 ~~establishments and public food service establishments for~~
432 ~~compliance with the sanitation standards, inspections, adopted~~
433 ~~under this section, and the regulation of food safety protection~~
434 ~~standards for required training and testing of food service~~
435 ~~establishment personnel,~~ and matters related to the nutritional

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436 content and marketing of foods offered in such establishments
437 are preempted to the state. This subsection does not preempt the
438 authority of a local government or local enforcement district to
439 conduct inspections of public lodging and public food service
440 establishments for compliance with the Florida Building Code and
441 the Florida Fire Prevention Code, pursuant to ss. 553.80 and
442 633.022.

443 Section 16. Subsection (1) of section 509.261, Florida
444 Statutes, is amended to read:

445 509.261 Revocation or suspension of licenses; fines;
446 procedure.—

447 (1) Any public lodging establishment or public food service
448 establishment that has operated or is operating in violation of
449 this chapter or the rules of the division, operating without a
450 license, or operating with a suspended or revoked license may be
451 subject by the division to:

452 (a) Fines not to exceed \$1,000 per offense;

453 (b) Mandatory completion attendance, at personal expense,
454 of a remedial at an educational program administered sponsored
455 by a food safety training program provider whose program been
456 approved by the division, as provided in s. 509.049 the
457 ~~Hospitality Education Program~~; and

458 (c) The suspension, revocation, or refusal of a license
459 issued pursuant to this chapter.

460 Section 17. Effective upon this act becoming a law, section
461 10 of chapter 2010-84, Laws of Florida, is amended to read:

462 Section 10. This act shall take effect July 1, 2014 ~~2011~~.

463 Section 18. Section 473.3066, Florida Statutes, is created
464 to read:

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465 473.3066 Peer review oversight committee.-

466 (1) The board may establish a peer review oversight
467 committee to oversee the peer review requirements of s.
468 473.3125.

469 (2) If the board establishes the peer review oversight
470 committee, the board shall adopt rules providing for the
471 qualifications, appointment, and terms of committee members as
472 follows:

473 (a) The peer review oversight committee shall be composed
474 of five or fewer members appointed by the board.

475 (b) Each committee member must hold a valid license as a
476 Florida certified public accountant.

477 (c) Each committee member or his or her firm must have
478 undergone a peer review and received a review rating of "pass"
479 on the most recent peer review.

480 (d) A committee member may not be a member of any state
481 accountancy board, be a member of another state accountancy
482 board committee, or perform any enforcement-related work for a
483 state accountancy board.

484 (e) Committee members shall serve for terms not to exceed 3
485 years, except that the board, to establish staggered terms, may
486 appoint members to initial terms that are shorter than the terms
487 adopted by rule. The board shall fill the vacancy of a committee
488 member for the unexpired portion of the member's term in the
489 same manner as the original appointment.

490 (f) Committee members shall serve without compensation and
491 are not entitled to reimbursement of per diem or travel
492 expenses.

493 (3) The rules, if adopted, shall also provide for the

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494 duties of the peer review oversight committee, which may
495 include, but need not be limited to:

496 (a) Providing oversight for peer review programs and peer
497 review administering organizations.

498 (b) Periodically reporting to the board on the
499 effectiveness of peer review programs and providing a list of
500 licensees that participate in the programs.

501 (c) Performing other duties relating to oversight of peer
502 review programs.

503 Section 19. Section 473.311, Florida Statutes, is amended
504 to read:

505 473.311 Renewal of license.—

506 (1) The department shall renew a license issued under s.
507 473.308 upon receipt of the renewal application and fee and upon
508 certification by the board that the Florida certified public
509 accountant has satisfactorily completed the continuing education
510 requirements of s. 473.312.

511 (2) Effective January 1, 2015, the department shall renew a
512 license issued under s. 473.3101 upon certification by the board
513 that the sole proprietor, partnership, corporation, limited
514 liability company, or other firm engaged in the practice of
515 public accounting as defined in s. 473.302 (8) (a) has
516 satisfactorily complied with the peer review requirements of s.
517 473.3125 or that the board has extended the time to comply with
518 the peer review requirements.

519 (3)~~(2)~~ The department shall adopt rules establishing a
520 procedure for the biennial renewal of licenses issued under ss.
521 473.308 and 473.3101.

522 Section 20. Section 473.3125, Florida Statutes, is created

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523 to read:

524 473.3125 Peer review.-

525 (1) As used in this section, the term:

526 (a) "Licensee" means a sole proprietor, partnership,
527 corporation, limited liability company, or any other firm
528 engaged in the practice of public accounting as defined in s.
529 473.302(8) (a) which is required to be licensed under s.
530 473.3101.

531 (b) "Peer review" means the study, appraisal, or review by
532 one or more independent certified public accountants of one or
533 more aspects of the professional work of a licensee.

534 (2) (a) Except as otherwise provided in paragraph (b) or
535 paragraph (c), a licensee must:

536 1. Enroll in the peer review program of a peer review
537 administering organization approved by the board; and

538 2. Undergo a complete peer review at least once every 3
539 years, which is performed in the manner prescribed by this
540 section and rules adopted by the board under this section and
541 for which a peer review report is submitted to and accepted by
542 the peer review administering organization.

543 (b) A licensee is not required to enroll in a peer review
544 program or undergo a peer review if the licensee does not engage
545 in the practice of public accounting as defined in s.
546 473.302(8) (a) .

547 (c) A licensee that is licensed for less than 18 months
548 must enroll in a peer review program but is not required to
549 undergo a peer review.

550 (d) A licensee that receives a review rating of "fail" on
551 two consecutive peer reviews must submit to the board any

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552 documentation requested by the board relating to the peer
553 reviews for which the licensee received a review rating of
554 "fail."

555 (3) (a) The board shall adopt rules establishing minimum
556 standards for peer review programs, including, but not limited
557 to, standards for administering, performing, and reporting peer
558 reviews. The board shall also adopt rules establishing minimum
559 criteria for the board's approval of one or more peer review
560 administering organizations to facilitate and administer peer
561 review programs.

562 (b) The rules shall require a peer review administering
563 organization to submit to the board a written summary of the
564 organization's peer review program, including a description of
565 its entire peer review process; the organization's standards for
566 administering, performing, and reporting peer reviews; oversight
567 procedures; training requirements; and support materials.

568 (c) The board may approve a peer review administering
569 organization if:

570 1. The organization meets or exceeds the board's minimum
571 criteria for the approval of peer review administering
572 organizations.

573 2. The organization's peer review program meets or exceeds
574 the board's minimum standards for peer review programs.

575 3. The organization demonstrates the ability to administer
576 its peer review program in the manner described in its written
577 summary and to comply with the board's minimum standards for
578 peer review programs.

579 (d) The board may withdraw its approval of a peer review
580 administering organization if the organization fails to comply

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581 with this section or rules adopted by the board under this
582 section.

583 (4) A certified public accountant or other person appointed
584 or authorized to perform administrative services for a peer
585 review administering organization is immune from civil liability
586 for furnishing information, data, reports, or records to the
587 peer review administering organization or for damages resulting
588 from any decision, opinion, action, or proceeding that is
589 rendered, entered, or acted upon by the peer review
590 administering organization and that is undertaken or performed
591 within the scope or function of the duties of the peer review
592 administering organization.

593 (5) The proceedings, records, and workpapers of a peer
594 review administering organization are privileged, confidential,
595 and not subject to discovery, subpoena, or other means of legal
596 process or to introduction into evidence in a civil action or
597 arbitration proceeding. A person who is involved in a peer
598 review may not testify in a civil action or arbitration
599 proceeding as to any matter produced, presented, disclosed, or
600 discussed during or in connection with the peer review or as to
601 any finding, recommendation, evaluation, opinion, or other
602 action of the peer review administering organization. Public
603 records and materials prepared for a particular engagement are
604 not privileged merely because they were presented or considered
605 as part of a peer review. This privilege does not apply to any
606 dispute between a peer review administering organization and the
607 licensee subject to a review arising from the performance of the
608 peer review.

609 Section 21. Section 473.323, Florida Statutes, is amended

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610 to read:

611 473.323 Disciplinary proceedings.—

612 (1) ~~The following acts constitute grounds for which~~ The
613 disciplinary actions in subsection (3) may be taken against any
614 certified public accountant or firm that:

615 (a) Violates ~~Violation of~~ any provision of s. 455.227(1) or
616 any other provision of this chapter.

617 (b) Attempts ~~Attempting~~ to procure a license to practice
618 public accounting by bribery or fraudulent misrepresentations.

619 (c) Has ~~Having~~ a license to practice public accounting
620 revoked, suspended, or otherwise acted against, including ~~the~~
621 denial of licensure, by the licensing authority of another
622 state, territory, or country.

623 (d) Is ~~Being~~ convicted or found guilty of, or enters
624 ~~entering~~ a plea of nolo contendere to, regardless of
625 adjudication, a crime in any jurisdiction which directly relates
626 to the practice of public accounting or the ability to practice
627 public accounting.

628 (e) Makes ~~Making~~ or files ~~filing~~ a report or record that
629 the certified public accountant or firm knows to be false,
630 willfully fails ~~failing~~ to file a report or record required by
631 state or federal law, willfully impedes ~~impeding~~ or obstructs
632 ~~obstructing~~ such filing, or induces ~~inducing~~ another person to
633 impede or obstruct such filing. Such reports or records include
634 only those that are signed in the capacity of a certified public
635 accountant.

636 (f) Advertises ~~Advertising~~ goods or services in a manner
637 that is fraudulent, false, deceptive, or misleading in form or
638 content.

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639 (g) Commits ~~Committing~~ an act of fraud or deceit, or of
640 negligence, incompetency, or misconduct, in the practice of
641 public accounting.

642 (h) Violates ~~Violation of~~ any rule adopted under ~~pursuant~~
643 ~~to~~ this chapter or chapter 455.

644 (i) Practices public accounting using ~~Practicing on~~ a
645 revoked, suspended, inactive, or delinquent license.

646 (j) Has ~~Suspension or revocation of~~ the right to practice
647 public accounting suspended or revoked by ~~before~~ any state or
648 federal agency.

649 (k) Performs ~~Performance of~~ any fraudulent act in any
650 jurisdiction while holding a license to practice public
651 accounting in this state or while using practice privileges in
652 this state.

653 (l) Fails ~~Failing~~ to maintain a good moral character as
654 provided in s. 473.308 while applying for licensure, ~~or~~ while
655 licensed in this state, or while using practice privileges under
656 ~~pursuant to~~ s. 473.3141.

657 (m) Fails ~~Failing~~ to provide any written disclosure to a
658 client or the public which is required by this chapter or rule
659 adopted by ~~of~~ the board.

660 (n) Has ~~Having~~ the same or equivalent practice privileges
661 of a Florida certified public accountant or firm revoked,
662 suspended, or otherwise acted against by the licensing authority
663 of another state, territory, or country as a result of activity
664 in that jurisdiction which would have subjected the Florida
665 certified public accountant or firm to discipline in this state.

666
667 ~~(2)~~ The board shall specify, by rule, what acts or omissions

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668 constitute a violation of this subsection ~~(1)~~.

669 (2) The disciplinary actions in subsection (3) may be taken
670 against any licensed audit firm or public accounting firm
671 licensed under s. 473.3101 engaged in the practice of public
672 accounting as defined in s. 473.302(8) (a) which:

673 (a) Fails to enroll in a peer review program or undergo a
674 peer review as required under s. 473.3125; or

675 (b) Engages in material noncooperation with a peer review
676 administering organization approved by the board under s.
677 473.3125.

678 (3) When the board finds any certified public accountant or
679 firm guilty of any of the grounds set forth in subsection (1),
680 or finds any licensed audit firm or public accounting firm
681 licensed under s. 473.3101 engaged in the practice of public
682 accounting as defined in s. 473.302(8) (a) guilty of any of the
683 grounds set forth in subsection (2), the board ~~it~~ may enter an
684 order imposing one or more of the following penalties:

685 (a) Denial of an application for licensure.

686 (b) Revocation or suspension of the certified public
687 accountant's ~~accountant~~ or licensed audit firm's or public
688 accounting firm's license or practice privileges in this state.

689 (c) Imposition of an administrative fine not to exceed
690 \$5,000 for each count or separate offense.

691 (d) Issuance of a reprimand.

692 (e) Placement of the certified public accountant on
693 probation for a period of time and subject to such conditions as
694 the board may specify, including requiring the certified public
695 accountant to attend continuing education courses or to work
696 under the supervision of another certified public accountant

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697 licensee.

698 (f) Restriction of the authorized scope of practice by the
699 certified public accountant.

700 (4) Upon ~~The department shall reissue the license of a~~
701 ~~disciplined licensee upon~~ certification by the board that a
702 certified public accountant, licensed audit firm, or public
703 accounting firm whose license was subject to discipline ~~the~~
704 ~~disciplined licensee~~ has complied with all ~~of~~ the terms and
705 conditions set forth in the final order, the department shall
706 reissue the license under s. 473.311.

707 Section 22. Present subsection (4) of section 481.205,
708 Florida Statutes, is renumbered as subsection (5), and a new
709 subsection (4) is added to that section, to read:

710 481.205 Board of Architecture and Interior Design.—

711 (4) In addition to the authority granted in subsection (3),
712 the board may contract for all other services pursuant to s.
713 455.32.

714 Section 23. Section 686.201, Florida Statutes, is repealed.

715 Section 24. Paragraph (c) of subsection (5) of section
716 373.461, Florida Statutes, is amended to read:

717 373.461 Lake Apopka improvement and management.—

718 (5) PURCHASE OF AGRICULTURAL LANDS.—

719 (c) The district shall explore the availability of funding
720 from all sources, including any federal, state, regional, and
721 local land acquisition funding programs, to purchase the
722 agricultural lands described in paragraph (a). It is the
723 Legislature's intent that, if such funding sources can be
724 identified, acquisition of the lands described in paragraph (a)
725 may be undertaken by the district to purchase these properties

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726 from willing sellers. However, the purchase price paid for
727 acquisition of such lands that were in active cultivation during
728 1996 shall not exceed the highest appraisal obtained by the
729 district for these lands from a state-certified general
730 appraiser following the standards of professional practice
731 established by rule of the Florida Real Estate Appraisal Board,
732 including standards for the development or communication of a
733 real estate appraisal ~~Uniform Standards of Professional~~
734 ~~Appraisal Practice~~. This maximum purchase price limitation shall
735 not include, nor be applicable to, that portion of the purchase
736 price attributable to consideration of income described in
737 paragraph (b), or that portion attributable to related
738 facilities, or closing costs.

739 Section 25. Paragraph (t) of subsection (1) of section
740 475.25, Florida Statutes, is amended to read:

741 475.25 Discipline.—

742 (1) The commission may deny an application for licensure,
743 registration, or permit, or renewal thereof; may place a
744 licensee, registrant, or permittee on probation; may suspend a
745 license, registration, or permit for a period not exceeding 10
746 years; may revoke a license, registration, or permit; may impose
747 an administrative fine not to exceed \$5,000 for each count or
748 separate offense; and may issue a reprimand, and any or all of
749 the foregoing, if it finds that the licensee, registrant,
750 permittee, or applicant:

751 (t) Has violated any standard of professional practice
752 established by rule of the Florida Real Estate Appraisal Board,
753 including standards for the development or communication of a
754 real estate appraisal ~~or other provision of the Uniform~~

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755 ~~Standards of Professional Appraisal Practice, as defined in s.~~
756 ~~475.611~~, as approved and adopted by the Appraisal Standards
757 Board of the Appraisal Foundation, as defined in s. 475.611.
758 This paragraph does not apply to a real estate broker or sales
759 associate who, in the ordinary course of business, performs a
760 comparative market analysis, gives a broker price opinion, or
761 gives an opinion of value of real estate. However, in no event
762 may this comparative market analysis, broker price opinion, or
763 opinion of value of real estate be referred to as an appraisal,
764 as defined in s. 475.611.

765 Section 26. Subsection (5) of section 475.615, Florida
766 Statutes, is amended to read:

767 475.615 Qualifications for registration or certification.—

768 (5) At the time of filing an application for registration
769 or certification, the applicant must sign a pledge indicating
770 that upon becoming registered or certified, he or she will
771 comply with the standards of professional practice established
772 by board rule, including standards for the development or
773 communication of a real estate appraisal, to comply with the
774 ~~Uniform Standards of Professional Appraisal Practice upon~~
775 ~~registration or certification~~ and must indicate in writing that
776 she or he understands the types of misconduct for which
777 disciplinary proceedings may be initiated. The application shall
778 expire 1 year after the date received by the department.

779 Section 27. Subsections (1), (2), and (3) of section
780 475.617, Florida Statutes, are amended to read:

781 475.617 Education and experience requirements.—

782 (1) To be registered as a trainee appraiser, an applicant
783 must present evidence satisfactory to the board that she or he

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784 has successfully completed at least 100 hours of approved
785 academic courses in subjects related to real estate appraisal,
786 which shall include coverage of the Uniform Standards of
787 Professional Appraisal Practice, or its equivalent, as
788 established by board rule, from a nationally recognized or
789 state-recognized appraisal organization, career center,
790 accredited community college, college, or university, state or
791 federal agency or commission, or proprietary real estate school
792 that holds a permit pursuant to s. 475.451. The board may
793 increase the required number of hours to not more than 125
794 hours. A classroom hour is defined as 50 minutes out of each 60-
795 minute segment. Past courses may be approved on an hour-for-hour
796 basis.

797 (2) To be certified as a residential appraiser, an
798 applicant must present satisfactory evidence to the board that
799 she or he has met the minimum education and experience
800 requirements prescribed by rule of the board. The board shall
801 prescribe by rule education and experience requirements that
802 meet or exceed the following real property appraiser
803 qualification criteria adopted on February 20, 2004, by the
804 Appraisal Qualifications Board of the Appraisal Foundation:

805 (a) Has at least 2,500 hours of experience obtained over a
806 24-month period in real property appraisal as defined by rule.

807 (b) Has successfully completed at least 200 classroom
808 hours, inclusive of examination, of approved academic courses in
809 subjects related to real estate appraisal, which shall include a
810 15-hour National Uniform Standards of Professional Appraisal
811 Practice course, or its equivalent, as established by board
812 rule, from a nationally recognized or state-recognized appraisal

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813 organization, career center, accredited community college,
814 college, or university, state or federal agency or commission,
815 or proprietary real estate school that holds a permit pursuant
816 to s. 475.451. A classroom hour is defined as 50 minutes out of
817 each 60-minute segment. Past courses may be approved by the
818 board and substituted on an hour-for-hour basis.

819 (3) To be certified as a general appraiser, an applicant
820 must present evidence satisfactory to the board that she or he
821 has met the minimum education and experience requirements
822 prescribed by rule of the board. The board shall prescribe
823 education and experience requirements that meet or exceed the
824 following real property appraiser qualification criteria adopted
825 on February 20, 2004, by the Appraisal Qualifications Board of
826 the Appraisal Foundation:

827 (a) Has at least 3,000 hours of experience obtained over a
828 30-month period in real property appraisal as defined by rule.

829 (b) Has successfully completed at least 300 classroom
830 hours, inclusive of examination, of approved academic courses in
831 subjects related to real estate appraisal, which shall include a
832 15-hour National Uniform Standards of Professional Appraisal
833 Practice course, or its equivalent, as established by board
834 rule, from a nationally recognized or state-recognized appraisal
835 organization, career center, accredited community college,
836 college, or university, state or federal agency or commission,
837 or proprietary real estate school that holds a permit pursuant
838 to s. 475.451. A classroom hour is defined as 50 minutes out of
839 each 60-minute segment. Past courses may be approved by the
840 board and substituted on an hour-for-hour basis.

841 Section 28. Subsection (1) of section 475.6175, Florida

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842 Statutes, is amended to read:

843 475.6175 Registered trainee appraiser; postlicensure
844 education required.—

845 (1) The board shall prescribe postlicensure educational
846 requirements in order for a person to maintain a valid
847 registration as a registered trainee appraiser. If prescribed,
848 the postlicensure educational requirements consist of one or
849 more courses which total no more than the total educational
850 hours required to qualify as a state certified residential
851 appraiser. Such courses must be in subjects related to real
852 estate appraisal and shall include coverage of the Uniform
853 Standards of Professional Appraisal Practice, or its equivalent,
854 as established by board rule. Such courses are provided by a
855 nationally or state-recognized appraisal organization, career
856 center, accredited community college, college, or university,
857 state or federal agency or commission, or proprietary real
858 estate school that holds a permit pursuant to s. 475.451.

859 Section 29. Subsection (4) of section 475.6235, Florida
860 Statutes, is amended to read:

861 475.6235 Registration of appraisal management companies
862 required.—

863 (4) At the time of filing an application for registration
864 of an appraisal management company, each person listed in
865 paragraph (2) (f) must sign a pledge to comply with the standards
866 of professional practice established by board rule, including
867 standards for the development or communication of a real estate
868 appraisal, ~~Uniform Standards of Professional Appraisal Practice~~
869 ~~upon registration~~ and must indicate in writing that she or he
870 understands the types of misconduct for which disciplinary

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871 proceedings may be initiated. The application shall expire 1
872 year after the date received by the department.

873 Section 30. Paragraph (n) of subsection (1) of section
874 475.6245, Florida Statutes, is amended to read:

875 475.6245 Discipline of appraisal management companies.—

876 (1) The board may deny an application for registration of
877 an appraisal management company; may investigate the actions of
878 any appraisal management company registered under this part; may
879 reprimand or impose an administrative fine not to exceed \$5,000
880 for each count or separate offense against any such appraisal
881 management company; and may revoke or suspend, for a period not
882 to exceed 10 years, the registration of any such appraisal
883 management company, or place any such appraisal management
884 company on probation, if the board finds that the appraisal
885 management company or any person listed in s. 475.6235(2)(f):

886 (n) Has instructed an appraiser to violate any standard of
887 professional practice established by board rule, including
888 standards for the development or communication of a real estate
889 appraisal or other provision of the Uniform Standards of
890 Professional Appraisal Practice.

891 Section 31. Section 489.118, Florida Statutes, is amended
892 to read:

893 489.118 Certification of registered contractors;
894 grandfathering provisions.—The board shall, upon receipt of a
895 completed application and appropriate fee, issue a certificate
896 in the appropriate category to any contractor registered under
897 this part who makes application to the board and can show that
898 he or she meets each of the following requirements:

899 (1) Currently holds a valid registered local license in one

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900 of the contractor categories defined in s. 489.105(3)(a)-(p).

901 (2) Has, for that category, passed a written examination
902 that the board finds to be substantially similar to the
903 examination required to be licensed as a certified contractor
904 under this part. For purposes of this subsection, a written,
905 proctored examination such as that produced by the National
906 Assessment Institute, Block and Associates, NAI/Block, Experior
907 Assessments, Professional Testing, Inc., or Assessment Systems,
908 Inc., shall be considered to be substantially similar to the
909 examination required to be licensed as a certified contractor.
910 The board may not impose or make any requirements regarding the
911 nature or content of these cited examinations.

912 (3) Has at least 5 years of experience as a contractor in
913 that contracting category, or as an inspector or building
914 administrator with oversight over that category, at the time of
915 application. For contractors, only time periods in which the
916 contractor license is active and the contractor is not on
917 probation shall count toward the 5 years required by this
918 subsection.

919 (4) Has not had his or her contractor's license revoked at
920 any time, had his or her contractor's license suspended within
921 the last 5 years, or been assessed a fine in excess of \$500
922 within the last 5 years.

923 (5) Is in compliance with the insurance and financial
924 responsibility requirements in s. 489.115(5).

925

926 Applicants wishing to obtain a certificate pursuant to this
927 section must make application by November 1, 2015 ~~2005~~.

928 Section 32. Subsection (43) of section 499.003, Florida

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929 Statutes, is amended to read:

930 499.003 Definitions of terms used in this part.—As used in
931 this part, the term:

932 (43) "Prescription drug" means a prescription, medicinal,
933 or legend drug, ~~including, but not limited to, finished dosage~~
934 ~~forms or active ingredients~~ subject to, defined by, or described
935 by s. 503(b) of the Federal Food, Drug, and Cosmetic Act or s.
936 465.003(8), s. 499.007(13), or subsection (11), subsection (46),
937 or subsection (53). The term does not mean an active
938 pharmaceutical ingredient.

939 Section 33. Paragraph (t) of subsection (2) of section
940 499.01, Florida Statutes, is amended to read:

941 499.01 Permits.—

942 (2) The following permits are established:

943 (t) *Health care clinic establishment permit.*—Effective
944 January 1, 2009, a health care clinic establishment permit is
945 required for the purchase of a prescription drug by a place of
946 business at one general physical location that provides health
947 care or veterinary services, which is owned and operated by a
948 business entity that has been issued a federal employer tax
949 identification number. For the purpose of this paragraph, the
950 term "qualifying practitioner" means a licensed health care
951 practitioner defined in s. 456.001, or a veterinarian licensed
952 under chapter 474, who is authorized under the appropriate
953 practice act to prescribe and administer a prescription drug.

954 1. An establishment must provide, as part of the
955 application required under s. 499.012, designation of a
956 qualifying practitioner who will be responsible for complying
957 with all legal and regulatory requirements related to the

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958 purchase, recordkeeping, storage, and handling of the
959 prescription drugs. In addition, the designated qualifying
960 practitioner shall be the practitioner whose name, establishment
961 address, and license number is used on all distribution
962 documents for prescription drugs purchased or returned by the
963 health care clinic establishment. Upon initial appointment of a
964 qualifying practitioner, the qualifying practitioner and the
965 health care clinic establishment shall notify the department on
966 a form furnished by the department within 10 days after such
967 employment. In addition, the qualifying practitioner and health
968 care clinic establishment shall notify the department within 10
969 days after any subsequent change.

970 2. The health care clinic establishment must employ a
971 qualifying practitioner at each establishment.

972 3. In addition to the remedies and penalties provided in
973 this part, a violation of this chapter by the health care clinic
974 establishment or qualifying practitioner constitutes grounds for
975 discipline of the qualifying practitioner by the appropriate
976 regulatory board.

977 4. The purchase of prescription drugs by the health care
978 clinic establishment is prohibited during any period of time
979 when the establishment does not comply with this paragraph.

980 5. A health care clinic establishment permit is not a
981 pharmacy permit or otherwise subject to chapter 465. A health
982 care clinic establishment that meets the criteria of a modified
983 Class II institutional pharmacy under s. 465.019 is not eligible
984 to be permitted under this paragraph.

985 6. This paragraph does not apply to the purchase of a
986 prescription drug by a licensed practitioner under his or her

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987 license. A professional corporation or limited liability company
988 composed of dentists and operating as authorized in s. 466.0285
989 may pay for prescription drugs obtained by a practitioner
990 licensed under chapter 466, and the licensed practitioner is
991 deemed the purchaser and owner of the prescription drugs.

992 Section 34. Except as otherwise expressly provided in this
993 act and except for this section, which shall take effect upon
994 this act becoming a law, this act shall take effect July 1,
995 2011.