



Health Quality Subcommittee

Action Packet

Tuesday, March 12, 2013

9:00 AM - 11:00 AM

306 HOB

Will Weatherford
Speaker

Kenneth L. "Ken" Roberson
Chair

COMMITTEE MEETING REPORT

Health Quality Subcommittee

3/12/2013 9:00:00AM

Location: 306 HOB

Summary:

Health Quality Subcommittee

Tuesday March 12, 2013 09:00 am

HB 241	Favorable	Yeas: 12	Nays: 0
HB 349	Favorable With Committee Substitute Amendment 481379	Yeas: 13	Nays: 0
CS/HB 375	Favorable With Committee Substitute Amendment 304843	Yeas: 13	Nays: 0
HB 625	Favorable With Committee Substitute Amendment 287439	Yeas: 13	Nays: 0
HB 671	Favorable	Yeas: 13	Nays: 0
HB 7005	Favorable With Committee Substitute Amendment 677447	Yeas: 13	Nays: 0

Committee meeting was reported out: Tuesday, March 12, 2013 1:02:05PM

COMMITTEE MEETING REPORT

Health Quality Subcommittee

3/12/2013 9:00:00AM

Location: 306 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Kenneth Roberson (Chair)	X		
Daphne Campbell	X		
Manny Diaz, Jr.	X		
Eduardo Gonzalez	X		
Bryan Nelson	X		
Jose Oliva	X		
Kevin Rader	X		
Daniel Raulerson	X		
José Rodríguez	X		
Patrick Rooney, Jr.	X		
Joe Saunders	X		
Ross Spano	X		
Clovis Watson, Jr.	X		
Totals:	13	0	0

Committee meeting was reported out: Tuesday, March 12, 2013 1:02:05PM

COMMITTEE MEETING REPORT

Health Quality Subcommittee

3/12/2013 9:00:00AM

Location: 306 HOB

HB 241 : Community Health Workers

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Daphne Campbell				X	
Manny Diaz, Jr.	X				
Eduardo Gonzalez	X				
Bryan Nelson	X				
Jose Oliva	X				
Kevin Rader	X				
Daniel Raulerson	X				
José Rodríguez	X				
Patrick Rooney, Jr.	X				
Joe Saunders	X				
Ross Spano	X				
Clovis Watson, Jr.	X				
Kenneth Roberson (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Appearances:

HB 241

Pitts, Brian - Waive In Support

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: (727) 897-9291

Committee meeting was reported out: Tuesday, March 12, 2013 1:02:05PM

COMMITTEE MEETING REPORT

Health Quality Subcommittee

3/12/2013 9:00:00AM

Location: 306 HOB

HB 349 : Treatment Programs for Impaired Professionals

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Manny Diaz, Jr.	X				
Eduardo Gonzalez	X				
Bryan Nelson	X				
Jose Oliva	X				
Kevin Rader	X				
Daniel Raulerson	X				
José Rodríguez	X				
Patrick Rooney, Jr.	X				
Joe Saunders	X				
Ross Spano	X				
Clovis Watson, Jr.	X				
Kenneth Roberson (Chair)	X				
Total Yeas: 13		Total Nays: 0			

HB 349 Amendments

Amendment 481379

Adopted Without Objection

Appearances:

Impaired Professionals

Winn, Stephen (Lobbyist) - Waive In Support
Florida Osteopathic Medical Association
2007 Apalachee Pky.
Tallahassee FL 32301
Phone: (850) 878-7364

Impaired Professionals

Rivenbark, M.D., Judy (General Public) - Waive In Support
PRN of FL
P.O. Box 1020
Fernandina Beach FL 32035
Phone: 800-888-8776

HB 349

Pitts, Brian (General Public) - Waive In Support
Justice-2-Jesus
1119 Newton Ave. S.
St. Petersburg FL 33705
Phone: (727) 897-9291

Committee meeting was reported out: Tuesday, March 12, 2013 1:02:05PM

COMMITTEE MEETING REPORT

Health Quality Subcommittee

3/12/2013 9:00:00AM

Location: 306 HOB

HB 349 : Treatment Programs for Impaired Professionals (continued)

Appearances: (continued)

Impaired Professionals

Farrar, Matthew (Lobbyist) - Waive In Support

Intervention Project for Nurses
2910 Kerry Forest Pkwy D4-368

Tallahassee FL 32309

Phone: (850) 832-1763

Impaired Professionals

Miller, Holly (Lobbyist) - Waive In Support

Florida Medical Association
PO Box 10269

Tallahassee FL 32302

Phone: (850) 224-6496

Committee meeting was reported out: Tuesday, March 12, 2013 1:02:05PM



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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Health Quality
 2 Subcommittee

3 Representative Renuart offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 456.076, Florida Statutes, is amended to
 8 read:

9 456.076 Treatment programs for impaired ~~practitioners~~
 10 health professionals and students.—

11 (1) For professions that do not have impaired practitioner
 12 programs provided for in their practice acts, the department
 13 shall, by rule, designate approved impaired practitioner
 14 programs under this section. The department may adopt rules
 15 setting forth appropriate criteria for approval of treatment
 16 providers. The rules may specify the manner in which the
 17 consultant, retained as set forth in subsection (2), works with
 18 the department in intervention, requirements for evaluating and
 19 treating a professional, requirements for continued care of
 20 impaired professionals by approved treatment providers,



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21 continued monitoring by the consultant of the care provided by
22 approved treatment providers regarding the professionals under
23 their care, and requirements related to the consultant's
24 expulsion of professionals from the program.

25 (2) (a) The department shall retain one or more impaired
26 practitioner consultants who are each licensees. ~~The consultant~~
27 ~~shall be a licensee~~ under the jurisdiction of the Division of
28 Medical Quality Assurance within the department and who must be:

29 1. A practitioner or recovered practitioner licensed under
30 chapter 458, chapter 459, or part I of chapter 464; ~~or~~

31 2. An entity that employs: ~~employing~~

32 a. A medical director who must be a practitioner or
33 recovered practitioner licensed under chapter 458 or ~~or~~ chapter
34 459; ~~or~~

35 b. An executive director who must be a registered nurse or
36 a recovered registered nurse licensed under part I of chapter
37 464.

38 (b) An entity retained as an impaired practitioner
39 consultant under this section which employs a medical director
40 or an executive director is not required to be licensed as a
41 substance abuse provider or mental health treatment provider
42 under chapter 394, chapter 395, or chapter 397.

43 (c)1. The consultant shall assist the probable cause panel
44 and the department in carrying out the responsibilities of this
45 section. This includes ~~shall include~~ working with department
46 investigators to determine whether a practitioner is, in fact,
47 impaired.

48 2. The consultant may contract with a school or program to
49 provide for services to a student ~~be provided, for appropriate~~
50 ~~compensation, if requested by the school, for students enrolled~~



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51 for the purpose of preparing in schools for licensure as a
52 health care practitioner under this chapter or as a veterinarian
53 under chapter 474 if the student is allegedly allopathic
54 physicians or physician assistants under chapter 458,
55 osteopathic physicians or physician assistants under chapter
56 459, nurses under chapter 464, or pharmacists under chapter 465
57 who are alleged to be impaired as a result of the misuse or
58 abuse of alcohol or drugs, or both, or due to a mental or
59 physical condition. The department is not responsible under any
60 circumstances for paying for the costs of care provided by
61 approved treatment providers or a consultant, and the department
62 is not responsible for paying the costs of consultants' services
63 provided for students.

64 (d) A medical school accredited by the Liaison Committee on
65 Medical Education or of the Commission on Osteopathic College
66 Accreditation, or another ~~other~~ school providing for the
67 education of students enrolled in preparation for licensure as a
68 health care practitioner under this chapter or a veterinarian
69 under chapter 474 allopathic physicians under chapter 458 or
70 osteopathic physicians under chapter 459, which is governed by
71 accreditation standards requiring notice and the provision of
72 due process procedures to students, is not liable in any civil
73 action for referring a student to the consultant retained by the
74 department or for disciplinary actions that adversely affect the
75 status of a student when the disciplinary actions are instituted
76 in reasonable reliance on the recommendations, reports, or
77 conclusions provided by such consultant, if the school, in
78 referring the student or taking disciplinary action, adheres to
79 the due process procedures adopted by the applicable
80 accreditation entities and if the school committed no



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81 intentional fraud in carrying out the provisions of this
82 section.

83 (3)(a) Whenever the department receives a written or oral
84 legally sufficient complaint alleging that a licensee under the
85 jurisdiction of the Division of Medical Quality Assurance within
86 the department is impaired as a result of the misuse or abuse of
87 alcohol or drugs, or both, or due to a mental or physical
88 condition which could affect the licensee's ability to practice
89 with skill and safety, and no complaint against the licensee
90 other than impairment exists, the reporting of such information
91 shall not constitute grounds for discipline pursuant to s.
92 456.072 or the corresponding grounds for discipline within the
93 applicable practice act if the probable cause panel of the
94 appropriate board, or the department when there is no board,
95 finds:

96 1. The licensee has acknowledged the impairment problem.

97 2. The licensee has voluntarily enrolled in an appropriate,
98 approved treatment program.

99 3. The licensee has voluntarily withdrawn from practice or
100 limited the scope of practice as required by the consultant, in
101 each case, until such time as the panel, or the department when
102 there is no board, is satisfied the licensee has successfully
103 completed an approved treatment program.

104 4. The licensee has executed releases for medical records,
105 authorizing the release of all records of evaluations,
106 diagnoses, and treatment of the licensee, including records of
107 treatment for emotional or mental conditions, to the consultant.
108 The consultant shall make no copies or reports of records that
109 do not regard the issue of the licensee's impairment and his or
110 her participation in a treatment program.



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111 (b) If, however, the department has not received a legally
112 sufficient complaint and the licensee agrees to withdraw from
113 practice until such time as the consultant determines the
114 licensee has satisfactorily completed an approved treatment
115 program or evaluation, the probable cause panel, or the
116 department when there is no board, shall not become involved in
117 the licensee's case.

118 (c) Inquiries related to impairment treatment programs
119 designed to provide information to the licensee and others and
120 which do not indicate that the licensee presents a danger to the
121 public shall not constitute a complaint within the meaning of s.
122 456.073 and shall be exempt from the provisions of this
123 subsection.

124 (d) Whenever the department receives a legally sufficient
125 complaint alleging that a licensee is impaired as described in
126 paragraph (a) and no complaint against the licensee other than
127 impairment exists, the department shall forward all information
128 in its possession regarding the impaired licensee to the
129 consultant. For the purposes of this section, a suspension from
130 hospital staff privileges due to the impairment does not
131 constitute a complaint.

132 (e) The probable cause panel, or the department when there
133 is no board, shall work directly with the consultant, and all
134 information concerning a practitioner obtained from the
135 consultant by the panel, or the department when there is no
136 board, shall remain confidential and exempt from the provisions
137 of s. 119.07(1), subject to the provisions of subsections ~~(5)~~
138 ~~and~~ (6) and (7).

139 (f) A finding of probable cause shall not be made as long
140 as the panel, or the department when there is no board, is



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141 satisfied, based upon information it receives from the
142 consultant and the department, that the licensee is progressing
143 satisfactorily in an approved impaired practitioner program and
144 no other complaint against the licensee exists.

145 (4) In any disciplinary action for a violation other than
146 impairment in which a licensee establishes the violation for
147 which the licensee is being prosecuted was due to or connected
148 with impairment and further establishes the licensee is
149 satisfactorily progressing through or has successfully completed
150 an approved treatment program pursuant to this section, such
151 information may be considered by the board, or the department
152 when there is no board, as a mitigating factor in determining
153 the appropriate penalty. This subsection does not limit
154 mitigating factors the board may consider.

155 (5) (a) An approved treatment provider shall, upon request,
156 disclose to the consultant all information in its possession
157 regarding the issue of a licensee's impairment and participation
158 in the treatment program. All information obtained by the
159 consultant and department pursuant to this section is
160 confidential and exempt from the provisions of s. 119.07(1),
161 subject to the provisions of this subsection and subsection (6).
162 Failure to provide such information to the consultant is grounds
163 for withdrawal of approval of such program or provider.

164 (b) If in the opinion of the consultant, after consultation
165 with the treatment provider, an impaired licensee has not
166 progressed satisfactorily in a treatment program, all
167 information regarding the issue of a licensee's impairment and
168 participation in a treatment program in the consultant's
169 possession shall be disclosed to the department. Such disclosure
170 shall constitute a complaint pursuant to the general provisions



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171 of s. 456.073. Whenever the consultant concludes that impairment
172 affects a licensee's practice and constitutes an immediate,
173 serious danger to the public health, safety, or welfare, that
174 conclusion shall be communicated to the State Surgeon General.

175 (6) A consultant, licensee, or approved treatment provider
176 who makes a disclosure pursuant to this section is not subject
177 to civil liability for such disclosure or its consequences. The
178 provisions of s. 766.101 apply to any officer, employee, or
179 agent of the department or the board and to any officer,
180 employee, or agent of any entity with which the department has
181 contracted pursuant to this section.

182 (7) (a) A consultant retained pursuant to subsection (2), a
183 consultant's officers and employees, and those acting at the
184 direction of the consultant for the limited purpose of an
185 emergency intervention on behalf of a licensee or student as
86 described in subsection (2) when the consultant is unable to
187 perform such intervention shall be considered agents of the
188 department for purposes of s. 768.28 while acting within the
189 scope of the consultant's duties under the contract with the
190 department if the contract complies with the requirements of
191 this section. The contract must require that:

192 1. The consultant indemnify the state for any liabilities
193 incurred up to the limits set out in chapter 768.

194 2. The consultant establish a quality assurance program to
195 monitor services delivered under the contract.

196 3. The consultant's quality assurance program, treatment,
197 and monitoring records be evaluated quarterly.

198 4. The consultant's quality assurance program be subject to
199 review and approval by the department.

200 5. The consultant operate under policies and procedures



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201 approved by the department.

202 6. The consultant provide to the department for approval a
203 policy and procedure manual that comports with all statutes,
204 rules, and contract provisions approved by the department.

205 7. The department be entitled to review the records
206 relating to the consultant's performance under the contract for
207 the purpose of management audits, financial audits, or program
208 evaluation.

209 8. All performance measures and standards be subject to
210 verification and approval by the department.

211 9. The department be entitled to terminate the contract
212 with the consultant for noncompliance with the contract.

213 (b) In accordance with s. 284.385, the Department of
214 Financial Services shall defend any claim, suit, action, or
215 proceeding against the consultant, the consultant's officers or
216 employees, or those acting at the direction of the consultant
217 for the limited purpose of an emergency intervention on behalf
218 of a licensee or student as described in subsection (2) when the
219 consultant is unable to perform such intervention which is
220 brought as a result of any act or omission by any of the
221 consultant's officers and employees and those acting under the
222 direction of the consultant for the limited purpose of an
223 emergency intervention on behalf of a licensee or student as
224 described in subsection (2) when the consultant is unable to
225 perform such intervention when such act or omission arises out
226 of and in the scope of the consultant's duties under its
227 contract with the department.

228 (c) If the consultant retained pursuant to subsection (2)
229 is retained by any other state agency, and if the contract
230 between such state agency and the consultant complies with the



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231 requirements of this section, the consultant, the consultant's
232 officers and employees, and those acting under the direction of
233 the consultant for the limited purpose of an emergency
234 intervention on behalf of a licensee or student as described in
235 subsection (2) when the consultant is unable to perform such
236 intervention shall be considered agents of the state for the
237 purposes of this section while acting within the scope of and
238 pursuant to guidelines established in the contract between such
239 state agency and the consultant.

240 (8) An impaired practitioner consultant is the official
241 custodian of records relating to the referral of an impaired
242 licensee or applicant to that consultant and any other
243 interaction between the licensee or applicant and the
244 consultant. The consultant may disclose to the impaired licensee
245 or applicant or his or her designee any information that is
46 disclosed to or obtained by the consultant or that is
247 confidential under paragraph (6) (a), but only to the extent that
248 it is necessary to do so to carry out the consultant's duties
249 under this section. The department, and any other entity that
250 enters into a contract with the consultant to receive the
251 services of the consultant, has direct administrative control
252 over the consultant to the extent necessary to receive
253 disclosures from the consultant as allowed by federal law. If a
254 disciplinary proceeding is pending, an impaired licensee may
255 obtain such information from the department under s. 456.073.

256 Section 2. Paragraph (e) of subsection (1) of section
257 458.331, Florida Statutes, is amended to read:

258 458.331 Grounds for disciplinary action; action by the
259 board and department.-

260 (1) The following acts constitute grounds for denial of a



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261 license or disciplinary action, as specified in s. 456.072(2):

262 (e) Failing to report to the department any person who the
263 licensee knows is in violation of this chapter or of the rules
264 of the department or the board. A treatment provider approved
265 pursuant to s. 456.076 shall provide the department or
266 consultant with information in accordance with the requirements
267 of s. 456.076(3), (4), (5), ~~and~~ (6), and (8).

268 Section 3. Paragraph (e) of subsection (1) of section
269 459.015, Florida Statutes, is amended to read:

270 459.015 Grounds for disciplinary action; action by the
271 board and department.—

272 (1) The following acts constitute grounds for denial of a
273 license or disciplinary action, as specified in s. 456.072(2):

274 (e) Failing to report to the department or the department's
275 impaired professional consultant any person who the licensee or
276 certificateholder knows is in violation of this chapter or of
277 the rules of the department or the board. A treatment provider,
278 approved pursuant to s. 456.076, shall provide the department or
279 consultant with information in accordance with the requirements
280 of s. 456.076(3), (4), (5), ~~and~~ (6), and (8).

281 Section 4. Section 468.315, Florida Statutes, is created to
282 read:

283 468.315 Treatment program for impaired radiological
284 personnel.—Radiological personnel who are subject to
285 certification under this part are governed by s. 456.076 as if
286 they were under the jurisdiction of the Division of Medical
287 Quality Assurance.

288 Section 5. This act shall take effect July 1, 2013.

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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled
An act relating to treatment programs for impaired licensees and applicants; amending s. 456.076, F.S.; exempting an entity retained by the Department of Health as an impaired practitioner consultant from certain licensure requirements; authorizing impaired practitioner consultants to contract with schools or programs to provide services to impaired students who are enrolled for the purpose of preparing for licensure as a specified health care practitioner or as a veterinarian; limiting the liability of those schools or programs when they refer a student to an impaired practitioner consultant; providing that the impaired practitioner consultant is the official custodian of records relating to the referral of the licensee or applicant to the consultant and any other interaction between them; clarifying the circumstances under which an impaired practitioner consultant may disclose certain information concerning an impaired licensee or applicant; authorizing the Department of Health and others that contract with an impaired practitioner consultant to have administrative control over the consultant to the extent necessary to receive disclosures allowed under federal law; authorizing an impaired licensee to obtain confidential information from the department regarding a pending disciplinary proceeding; amending ss. 458.331 and 459.015, F.S.; conforming cross-references; creating s. 468.315, F.S.; providing that radiological personnel are



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319 | subject to a treatment program for impaired licensees; providing
320 | an effective date.

COMMITTEE MEETING REPORT

Health Quality Subcommittee

3/12/2013 9:00:00AM

Location: 306 HOB

CS/HB 375 : Onsite Sewage Treatment and Disposal Systems

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Manny Diaz, Jr.	X				
Eduardo Gonzalez	X				
Bryan Nelson	X				
Jose Oliva	X				
Kevin Rader	X				
Daniel Raulerson	X				
José Rodríguez	X				
Patrick Rooney, Jr.	X				
Joe Saunders	X				
Ross Spano	X				
Clovis Watson, Jr.	X				
Kenneth Roberson (Chair)	X				
Total Yeas: 13		Total Nays: 0			

CS/HB 375 Amendments

Amendment 304843

Adopted Without Objection

Appearances:

Onsite Sewage

Briggs, Gerald (State Employee) - Information Only

Florida Department of Health

4052 Bald Cypress Way Bin A08

Tallahassee FL 32399

Phone: (850) 245-4075

HB 375

Groover, Roxanne (General Public) - Proponent

FOWA

5115 SR 557

Lake Alfred FL 33850

Phone: (863) 956-5540

HB 375

Reyes, Robert (Lobbyist) - Proponent

Monroe County

108 S Monroe St

Tallahassee FL 32301

Phone: (850) 681-0024

Committee meeting was reported out: Tuesday, March 12, 2013 1:02:05PM



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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Health Quality
 2 Subcommittee

3 Representative Roberson, K. offered the following:

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 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:
 7 Section 1. Paragraphs (l) and (u) of subsection (4) of
 8 section 381.0065, Florida Statutes, are amended to read:

9 381.0065 Onsite sewage treatment and disposal systems;
 10 regulation.—

11 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
 12 not construct, repair, modify, abandon, or operate an onsite
 13 sewage treatment and disposal system without first obtaining a
 14 permit approved by the department. The department may issue
 15 permits to carry out this section, but shall not make the
 16 issuance of such permits contingent upon prior approval by the
 17 Department of Environmental Protection, except that the issuance
 18 of a permit for work seaward of the coastal construction control
 19 line established under s. 161.053 shall be contingent upon
 20 receipt of any required coastal construction control line permit



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21 from the Department of Environmental Protection. A construction
22 permit is valid for 18 months from the issuance date and may be
23 extended by the department for one 90-day period under rules
24 adopted by the department. A repair permit is valid for 90 days
25 from the date of issuance. An operating permit must be obtained
26 prior to the use of any aerobic treatment unit or if the
27 establishment generates commercial waste. Buildings or
28 establishments that use an aerobic treatment unit or generate
29 commercial waste shall be inspected by the department at least
30 annually to assure compliance with the terms of the operating
31 permit. The operating permit for a commercial wastewater system
32 is valid for 1 year from the date of issuance and must be
33 renewed annually. The operating permit for an aerobic treatment
34 unit is valid for 2 years from the date of issuance and must be
35 renewed every 2 years. If all information pertaining to the
36 siting, location, and installation conditions or repair of an
37 onsite sewage treatment and disposal system remains the same, a
38 construction or repair permit for the onsite sewage treatment
39 and disposal system may be transferred to another person, if the
40 transferee files, within 60 days after the transfer of
41 ownership, an amended application providing all corrected
42 information and proof of ownership of the property. There is no
43 fee associated with the processing of this supplemental
44 information. A person may not contract to construct, modify,
45 alter, repair, service, abandon, or maintain any portion of an
46 onsite sewage treatment and disposal system without being
47 registered under part III of chapter 489. A property owner who
48 personally performs construction, maintenance, or repairs to a



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49 system serving his or her own owner-occupied single-family
50 residence is exempt from registration requirements for
51 performing such construction, maintenance, or repairs on that
52 residence, but is subject to all permitting requirements. A
53 municipality or political subdivision of the state may not issue
54 a building or plumbing permit for any building that requires the
55 use of an onsite sewage treatment and disposal system unless the
56 owner or builder has received a construction permit for such
57 system from the department. A building or structure may not be
58 occupied and a municipality, political subdivision, or any state
59 or federal agency may not authorize occupancy until the
60 department approves the final installation of the onsite sewage
61 treatment and disposal system. A municipality or political
62 subdivision of the state may not approve any change in occupancy
63 or tenancy of a building that uses an onsite sewage treatment
64 and disposal system until the department has reviewed the use of
65 the system with the proposed change, approved the change, and
66 amended the operating permit.

67 (1) 1. Within the Florida Keys area of critical state
68 concern, any building permit and any permit issued by the
69 Department of Environmental Protection or by a water management
70 district pursuant to part IV of chapter 373, Florida Statutes,
71 which has an expiration date of January 1, 2012, through January
72 1, 2016, is extended and renewed for a period of 3 years after
73 its previously scheduled expiration date. This extension
74 includes any local government-issued development order or
75 building permit, including certificates of levels of service.
76 This section does not prohibit conversion from the construction



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77 phase to the operation phase upon completion of construction and
78 is in addition to any permit extension. Extensions granted under
79 this section; section 14 of chapter 2009-96, Laws of Florida, as
80 reauthorized by section 47 of chapter 2010-147, Laws of Florida;
81 section 46 of chapter 2010-147, Laws of Florida; section 74 of
82 chapter 2011-139, Laws of Florida; or section 79 of chapter
83 2011-139, Laws of Florida, may not exceed 7 years in total.
84 Specific development order extensions granted pursuant to s.
85 380.06(19)(c) 2., Florida Statutes, may not be further extended
86 by this section.

87 2. For the Florida Keys, the department shall adopt a
88 special rule for the construction, installation, modification,
89 operation, repair, maintenance, and performance of onsite sewage
90 treatment and disposal systems which considers the unique soil
91 conditions and water table elevations, densities, and setback
92 requirements. On lots where a setback distance of 75 feet from
93 surface waters, saltmarsh, and buttonwood association habitat
94 areas cannot be met, an injection well, approved and permitted
95 by the department, may be used for disposal of effluent from
96 onsite sewage treatment and disposal systems. The following
97 additional requirements apply to onsite sewage treatment and
98 disposal systems in Monroe County:

99 ~~a.1.~~ The county, each municipality, and those special
100 districts established for the purpose of the collection,
101 transmission, treatment, or disposal of sewage shall ensure, in
102 accordance with the specific schedules adopted by the
103 Administration Commission under s. 380.0552, the completion of



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104 onsite sewage treatment and disposal system upgrades to meet the
105 requirements of this paragraph.

106 ~~b.2.~~ In areas not scheduled to be centrally sewerred,
107 onsite ~~Onsite~~ sewage treatment and disposal systems must ~~eease~~
108 ~~discharge~~ by December 31, 2015, ~~or must~~ comply with department
109 rules and provide the level of treatment which, on a permitted
110 annual average basis, produces an effluent that contains no more
111 than the following concentrations:

112 (I)a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.

113 (II)b. Suspended Solids of 10 mg/l.

114 (III)c. Total Nitrogen, expressed as N, of 10 mg/l.

115 (A) A system tested and certified to provide at least a 70
116 percent reduction in N shall be deemed to be in compliance with
117 this standard.

118 (IV)d. Total Phosphorus, expressed as P, of 1 mg/l.

119

120 In addition, onsite sewage treatment and disposal systems
121 discharging to an injection well must provide basic disinfection
122 as defined by department rule.

123 ~~c.3.~~ ~~On or after July 1, 2010, all new, modified, and~~
124 ~~repaired onsite sewage treatment and disposal systems must~~
125 ~~provide the level of treatment described in subparagraph 2.~~

126 ~~However, in~~ In areas scheduled to be served by central sewer by
127 December 31, 2015, if the property owner has paid a connection
128 fee or assessment for connection to the central sewer system, an
129 onsite sewage treatment and disposal system may be repaired to
130 the following minimum standards:



Amendment No.

131 (I) ~~a.~~ The existing tanks must be pumped and inspected and
132 certified as being watertight and free of defects in accordance
133 with department rule; and

134 (II) ~~b.~~ A sand-lined drainfield or injection well in
135 accordance with department rule must be installed.

136 ~~d.4.~~ Onsite sewage treatment and disposal systems must be
137 monitored for total nitrogen and total phosphorus concentrations
138 as required by department rule.

139 ~~e.5.~~ The department shall enforce proper installation,
140 operation, and maintenance of onsite sewage treatment and
141 disposal systems pursuant to this chapter, including ensuring
142 that the appropriate level of treatment described in
143 subparagraph 2. is met.

144 ~~f.6.~~ The authority of a local government, including a
145 special district, to mandate connection of an onsite sewage
146 treatment and disposal system is governed by s. 4, chapter 99-
147 395, Laws of Florida. Notwithstanding any other provision of
148 law, an onsite sewage treatment and disposal system meeting the
149 standards in subparagraph 4, installed after July 1, 2010, is
150 not required to connect to sewer until December 31, 2020.

151 (u) 1. The owner of an aerobic treatment unit system shall
152 maintain a current maintenance service agreement with an aerobic
153 treatment unit maintenance entity permitted by the department.
154 The maintenance entity shall obtain a system operating permit
155 from the department for each aerobic treatment unit under
156 service contract. The maintenance entity shall inspect each
157 aerobic treatment unit system at least twice each year and shall
158 report quarterly to the department on the number of aerobic



Amendment No.

159 treatment unit systems inspected and serviced. The reports may
160 be submitted electronically.

161 2. The property owner of an owner-occupied, single-family
162 residence may be approved and permitted by the department as a
163 maintenance entity for his or her own aerobic treatment unit
164 system upon written certification from the system manufacturer's
165 approved representative that the property owner has received
166 training on the proper installation and service of the system.
167 The maintenance entity service agreement must conspicuously
168 disclose that the property owner has the right to maintain his
169 or her own system and is exempt from contractor registration
170 requirements for performing construction, maintenance, or
171 repairs on the system but is subject to all permitting
172 requirements.

173 3. A septic tank contractor licensed under part III of
174 chapter 489 may not be denied access by the manufacturer to
175 aerobic treatment unit system training or spare parts for
176 maintenance entities. After the original warranty period,
177 component parts for an aerobic treatment unit system may be
178 replaced with parts that meet manufacturer's specifications but
179 are manufactured by others. The maintenance entity shall
180 maintain documentation for a period of two years of the
181 substitute part's equivalency and shall provide such
182 documentation to the department upon request.

183 4. The owner of an aerobic treatment unit system shall
184 allow the department to inspect during reasonable hours each
185 aerobic treatment unit system at least annually, and such
186 inspection may include collection and analysis of system-



Amendment No.

187 effluent samples for performance criteria established by rule of
188 the department.

189 Section 2. This act shall take effect July 1, 2013.

190

191

192

T I T L E A M E N D M E N T

194 Remove everything before the enacting clause and
195 insert:

196 An act relating to onsite sewage treatment and disposal systems;
197 amending s. 381.0065, F.S.; providing an extension of building
198 permits for property owners in an area scheduled to be served by
199 a central sewage system; clarifying that certain onsite sewage
200 treatment and disposal system requirements in Monroe County
201 apply to areas not scheduled to be sewerred; requiring onsite
202 sewage treatment and disposal systems in Monroe County to be
203 tested and certified to provide at least a 70 percent reduction
204 in nitrogen; providing a date for compliance with the onsite
205 sewage treatment and disposal system requirements; authorizing
206 electronic submission of certain reports; authorizing certain
207 property owners to be approved and permitted as maintenance
208 entities for aerobic treatment unit systems under certain
209 conditions; providing requirements for such maintenance entity
210 service agreements; prohibiting manufacturers from denying
211 certain septic tank contractors access to aerobic treatment unit
212 system training and spare parts; authorizing certain replacement
213 parts for aerobic treatment unit systems; requiring maintenance
214 entities to maintain documentation of the substitute part's



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 375 (2013)

Amendment No.

215 | equivalency for a specified period of time and provide such
216 | documentation to the department upon request; providing an
217 | effective date.

COMMITTEE MEETING REPORT

Health Quality Subcommittee

3/12/2013 9:00:00AM

Location: 306 HOB

HB 625 : Physician Assistants

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Manny Diaz, Jr.	X				
Eduardo Gonzalez	X				
Bryan Nelson	X				
Jose Oliva	X				
Kevin Rader	X				
Daniel Raulerson	X				
José Rodríguez	X				
Patrick Rooney, Jr.	X				
Joe Saunders	X				
Ross Spano	X				
Clovis Watson, Jr.	X				
Kenneth Roberson (Chair)	X				
Total Yeas: 13		Total Nays: 0			

HB 625 Amendments

Amendment 287439

Adopted Without Objection

Appearances:

HB 625

Pitts, Brian (General Public) - Opponent
Justice-2-Jesus
1119 Newton Ave. S.
St. Petersburg FL 33705
Phone: (727) 897-9291

Physician Assistants

Winn, Stephen (Lobbyist) - Waive In Support
Florida Osteopathic Medical Association
2007 Apalachee Pky
Tallahassee FL 32301
Phone: (850) 878-7463

HB 625

Nuland, Christopher (Lobbyist) - Waive In Support
Florida Chapter American College of Physicians
1000 Riverside Ave #115
Jacksonville FL 32204
Phone: (904) 355-1555

Committee meeting was reported out: Tuesday, March 12, 2013 1:02:05PM

COMMITTEE MEETING REPORT

Health Quality Subcommittee

3/12/2013 9:00:00AM

Location: 306 HOB

HB 625 : Physician Assistants (continued)

Appearances: (continued)

Physician Assistants

Mixon, Corinne (Lobbyist) - Waive In Support

FI Academy of Physician Assistants

119 E Park Ave

Tallahassee FL 32301

Phone: (850) 222-2591

Physician Assistants

Miller, Holly (Lobbyist) - Waive In Support

Florida Medical Association

PO Box 10269

Tallahassee FL 32302

Phone: (850) 224-6496

Committee meeting was reported out: Tuesday, March 12, 2013 1:02:05PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	<u> ✓ </u>	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Health Quality
 2 Subcommittee

3 Representative Renuart offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (e) of subsection (4) of section
 8 458.347, Florida Statutes, is amended, and paragraph (g) is
 9 added to that subsection, to read:

10 458.347 Physician assistants.—

11 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

12 (e) A supervisory physician may delegate to a fully
 13 licensed physician assistant the authority to prescribe or
 14 dispense any medication used in the supervisory physician's
 15 practice unless such medication is listed on the formulary
 16 created pursuant to paragraph (f). A fully licensed physician
 17 assistant may only prescribe or dispense such medication under
 18 the following circumstances:



Amendment No. 1

19 1. A physician assistant must clearly identify to the
20 patient that he or she is a physician assistant. Furthermore,
21 the physician assistant must inform the patient that the patient
22 has the right to see the physician prior to any prescription
23 being prescribed or dispensed by the physician assistant.

24 2. The supervisory physician must notify the department of
25 his or her intent to delegate, on a department-approved form,
26 before delegating such authority and notify the department of
27 any change in prescriptive privileges of the physician
28 assistant. Authority to dispense may be delegated only by a
29 supervising physician who is registered as a dispensing
30 practitioner in compliance with s. 465.0276.

31 3. The physician assistant must file with the department a
32 signed affidavit that he or she has completed a minimum of 10
33 continuing medical education hours in the specialty practice in
34 which the physician assistant has prescriptive privileges with
35 each licensure renewal application.

36 4. The department may issue a prescriber number to the
37 physician assistant granting authority for the prescribing of
38 medicinal drugs authorized within this paragraph upon completion
39 of the foregoing requirements. The physician assistant shall not
40 be required to independently register pursuant to s. 465.0276.

41 5. The prescription must be written in a form that
42 complies with chapter 499 and must contain, in addition to the
43 supervisory physician's name, address, and telephone number, the
44 physician assistant's prescriber number. Unless it is a drug or
45 drug sample dispensed by the physician assistant, the
46 prescription must be filled in a pharmacy permitted under



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47 chapter 465 and must be dispensed in that pharmacy by a
48 pharmacist licensed under chapter 465. The appearance of the
49 prescriber number creates a presumption that the physician
50 assistant is authorized to prescribe the medicinal drug and the
51 prescription is valid.

52 6. The physician assistant must note the prescription or
53 dispensing of medication in the appropriate medical record.

54 ~~7. This paragraph does not prohibit a supervisory~~
55 ~~physician from delegating to a physician assistant the authority~~
56 ~~to order medication for a hospitalized patient of the~~
57 ~~supervisory physician.~~

58
59 ~~This paragraph does not apply to facilities licensed pursuant to~~
60 ~~chapter 395.~~

61 (g) A supervisory physician may delegate to a licensed
62 physician assistant the authority to order medications for the
63 supervisory physician's patient during his or her care in a
64 facility licensed under chapter 395, notwithstanding any
65 provisions in chapter 465 or chapter 893 which may prohibit this
66 delegation. For the purpose of this paragraph, an order is not
67 considered a prescription. A licensed physician assistant
68 working in a facility that is licensed under chapter 395 may
69 order any medication under the direction of the supervisory
70 physician.

71 Section 2. Paragraph (e) of subsection (4) of section
72 459.022, Florida Statutes, is amended, and paragraph (f) is
73 added to that subsection, to read:

74 459.022 Physician assistants.—



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(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

(e) A supervisory physician may delegate to a fully licensed physician assistant the authority to prescribe or dispense any medication used in the supervisory physician's practice unless such medication is listed on the formulary created pursuant to s. 458.347. A fully licensed physician assistant may only prescribe or dispense such medication under the following circumstances:

1. A physician assistant must clearly identify to the patient that she or he is a physician assistant. Furthermore, the physician assistant must inform the patient that the patient has the right to see the physician prior to any prescription being prescribed or dispensed by the physician assistant.

2. The supervisory physician must notify the department of her or his intent to delegate, on a department-approved form, before delegating such authority and notify the department of any change in prescriptive privileges of the physician assistant. Authority to dispense may be delegated only by a supervisory physician who is registered as a dispensing practitioner in compliance with s. 465.0276.

3. The physician assistant must file with the department a signed affidavit that she or he has completed a minimum of 10 continuing medical education hours in the specialty practice in which the physician assistant has prescriptive privileges with each licensure renewal application.

4. The department may issue a prescriber number to the physician assistant granting authority for the prescribing of medicinal drugs authorized within this paragraph upon completion



Amendment No. 1

103 of the foregoing requirements. The physician assistant shall not
104 be required to independently register pursuant to s. 465.0276.

105 5. The prescription must be written in a form that
106 complies with chapter 499 and must contain, in addition to the
107 supervisory physician's name, address, and telephone number, the
108 physician assistant's prescriber number. Unless it is a drug or
109 drug sample dispensed by the physician assistant, the
110 prescription must be filled in a pharmacy permitted under
111 chapter 465, and must be dispensed in that pharmacy by a
112 pharmacist licensed under chapter 465. The appearance of the
113 prescriber number creates a presumption that the physician
114 assistant is authorized to prescribe the medicinal drug and the
115 prescription is valid.

116 6. The physician assistant must note the prescription or
117 dispensing of medication in the appropriate medical record.

118 ~~7. This paragraph does not prohibit a supervisory~~
119 ~~physician from delegating to a physician assistant the authority~~
120 ~~to order medication for a hospitalized patient of the~~
121 ~~supervisory physician.~~

122
123 ~~This paragraph does not apply to facilities licensed pursuant to~~
124 ~~chapter 395.~~

125 (f) A supervisory physician may delegate to a licensed
126 physician assistant the authority to order medications for the
127 supervisory physician's patient during his or her care in a
128 facility licensed under chapter 395, notwithstanding any
129 provisions in chapter 465 or chapter 893 which may prohibit this
130 delegation. For the purpose of this paragraph, an order is not



Amendment No. 1

131 considered a prescription. A licensed physician assistant
132 working in a facility that is licensed under chapter 395 may
133 order any medication under the direction of the supervisory
134 physician.

135 Section 3. This act shall take effect July 1, 2013.

136

137 -----

138 **T I T L E A M E N D M E N T**

139 Remove everything before the enacting clause and insert:

140 A bill to be entitled

141 An act relating to physician assistants; amending ss.
142 458.347 and 459.022, F.S.; authorizing a supervisory
143 physician to delegate to a licensed physician
144 assistant the authority to order medications for the
145 supervisory physician's patient during his or her care
146 in a facility licensed under ch. 395, F.S.; deleting
147 provisions to conform to changes made by the act;
148 providing that an order is not a prescription;
149 authorizing a licensed physician assistant to order
150 medication under the direction of the supervisory
151 physician; providing an effective date.

COMMITTEE MEETING REPORT

Health Quality Subcommittee

3/12/2013 9:00:00AM

Location: 306 HOB

HB 671 : Pharmacy Technicians

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Manny Diaz, Jr.	X				
Eduardo Gonzalez	X				
Bryan Nelson	X				
Jose Oliva	X				
Kevin Rader	X				
Daniel Raulerson	X				
José Rodríguez	X				
Patrick Rooney, Jr.	X				
Joe Saunders	X				
Ross Spano	X				
Clovis Watson, Jr.	X				
Kenneth Roberson (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

HB 671

Fuller, Heather - Information Only

Pharmacist, Myself

402 E Palmer Ave

Tallahassee FL 32308

Technician Supervision

Gonzalez, Larry (Lobbyist) - Proponent

Florida Society of Health System Pharmacists, Inc (FSHP)

223 S Gadsden St

Tallahassee FL 32309

Phone: (850) 222-0465

HB 671

McDonald, Preston - Opponent

FL Pharmacy Association

5740 Westmont Road

Milton FL 32583

Phone: (850) 982-9087

Oppose 6:1 ratio not safe for patients

Barnes, Patrick - Information Only

FSHP

11651 Lois Cross Ct

Jacksonville FL 32258

Phone: (904) 262-3928

Committee meeting was reported out: Tuesday, March 12, 2013 1:02:05PM

COMMITTEE MEETING REPORT

Health Quality Subcommittee

3/12/2013 9:00:00AM

Location: 306 HOB

HB 671 : Pharmacy Technicians (continued)

Appearances: (continued)

Pharmacy Tech ratio

Joiner, Melissa (Lobbyist) - Proponent

Florida Retail Federation

Tallahassee FL

Phone: (850) 570-0269

HB 671

Pitts, Brian - Proponent

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: (727) 897-9291

Pharmacy Technicians

Luce, Daniel - Proponent

Walgreens Company

104 Wilmot Road MS 1444

Deerfield IL 60015

Phone: (847) 316-4022

Pharmacy Technician Supervision

Hogrefe, Constance - Opponent

Pharmacists - FSHP

12580 Panasoffkee Dr

N. Ft. Myers FL 33903

Phone: (239) 995-6311

HB 671

Dalin, Gary - Opponent

FHSP

800 Meadows Rd

Boca raton FL 33486

Phone: (561) 955-7281

Committee meeting was reported out: Tuesday, March 12, 2013 1:02:05PM

COMMITTEE MEETING REPORT

Health Quality Subcommittee

3/12/2013 9:00:00AM

Location: 306 HOB

HB 7005 : Massage Establishments

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Manny Diaz, Jr.	X				
Eduardo Gonzalez	X				
Bryan Nelson	X				
Jose Oliva	X				
Kevin Rader	X				
Daniel Raulerson	X				
José Rodríguez	X				
Patrick Rooney, Jr.	X				
Joe Saunders	X				
Ross Spano	X				
Clovis Watson, Jr.	X				
Kenneth Roberson (Chair)	X				
Total Yeas: 13		Total Nays: 0			

HB 7005 Amendments

Amendment 677447

Adopted Without Objection

Appearances:

HB 7005

Mabry, Janet (Lobbyist) - Proponent
Florida State Massage Association
2866 Bay Heather Circle
Gulf Breeze FL 32563
Phone: (850) 501-2502

Massage Establishments

Hatch, Taylor (Lobbyist) - Waive In Support
Florida Sheriff's Association
3099 Dickinson Drive
Tallahassee FL 32311
Phone: (850) 294-0797

Massage

Miller, Holly (Lobbyist) - Waive In Support
Florida Medical Association
Tallahassee FL 32308

Committee meeting was reported out: Tuesday, March 12, 2013 1:02:05PM

COMMITTEE MEETING REPORT

Health Quality Subcommittee

3/12/2013 9:00:00AM

Location: 306 HOB

HB 7005 : Massage Establishments (continued)

Appearances: (continued)

HB 7005

Westfall, Eric (General Public) - Waive In Support

Lieutenant, Florida Sheriff's Office

123 W. Indiana Ave

Deland FL 32720

Committee meeting was reported out: Tuesday, March 12, 2013 1:02:05PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED		(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Health Quality
 2 Subcommittee
 3 Representative Kerner offered the following:

Amendment (with title amendment)

Remove lines 44-81 and insert:

Section 2. Subsection (2) of section 480.043, Florida Statutes, is amended to read:

480.043 Massage establishments; requisites; licensure; inspection.—

(2) The board shall adopt rules governing the operation of establishments and their facilities, personnel, safety and sanitary requirements, financial responsibility, insurance coverage, and the license application and granting process. An application shall be denied upon a finding that an applicant has been arrested for and is awaiting final disposition of, or has been convicted of, regardless of adjudication, any offense in s. 435.04(2) or a similar law of another jurisdiction.

Section 3. Paragraphs (e) through (o) of subsection (1) are relettered as paragraphs (f) through (p), respectively, and a new



Amendment No. 1

21 paragraph (e) of subsection (1) of section 480.046, Florida
22 Statutes, is added to read:

23 480.046 Grounds for disciplinary action by the board.-

24 (1) The following acts constitute grounds for denial of a
25 license or disciplinary action, as specified in s. 456.072(2):

26 (e) Advertising to induce or attempt to induce, or to
27 engage or attempt to engage, the client in sexual activity.

28 Section 4. Section 480.0475, Florida Statutes, is created
29 to read:

30 480.0475 Massage establishments; prohibited practices.-

31 (1) A person may not operate a massage establishment
32 between the hours of midnight and 5 a.m. This subsection does
33 not apply to a massage establishment:

34 (a) Located on the premises of a health care facility as
35 defined in s. 408.07; a health care clinic as defined in Part X
36 of chapter 400; a hotel, motel, or bed and breakfast inn, as
37 those terms are defined in s. 509.242; a public airport as
38 defined in s. 330.27; or a pari-mutuel facility as defined in s.
39 550.002; or

40 (b) In which every massage performed between the hours of
41 midnight and 5 a.m. is performed by a massage therapist acting
42 under the prescription of a physician or physician assistant
43 licensed under chapter 458, an osteopathic physician or
44 physician assistant licensed under chapter 459, a chiropractic
45 physician licensed under chapter 460, a podiatric physician
46 licensed under chapter 461, an advanced registered nurse
47 practitioner licensed under part I of chapter 464, or a dentist
48 licensed under chapter 466.



Amendment No. 1

49 (2) A person operating a massage establishment may not use
50 or permit the establishment to be used as a principal domicile
51 unless the establishment is zoned for residential use under a
52 local ordinance.

53 (3) Any person violating the provisions of this section
54 commits a misdemeanor of the first degree, punishable as
55 provided in s. 775.082 or s. 775.083. A second or subsequent
56 violation of this section is a felony of the third degree,
57 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

58 Section 5. Section 480.052, Florida Statutes, is amended
59 to read:

60 480.052 Power of county or municipality to regulate
61 massage.—

62 (1) A county or municipality, within its jurisdiction, may
63 regulate persons and establishments licensed under this chapter.
64 Such regulation shall not exceed the powers of the state under
65 this act or be inconsistent with this act. This section shall
66 not be construed to prohibit a county or municipality from
67 enacting any regulation of persons or establishments not
68 licensed pursuant to this act.

69 (2) A county or municipality may waive the massage
70 establishment hours of operation restrictions contained in s.
71 485.0475 during special events occurring within such county or
72 municipality's jurisdiction.

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Amendment No. 1

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T I T L E A M E N D M E N T

Remove lines 3-10 and insert:
480.047, F.S.; revising penalties; amends s. 480.043, F.S.;
requiring an application to be denied upon specified findings;
amending s. 480.046, F.S., adding additional grounds for denial
of a license; creating s. 480.0475, F.S.; prohibiting the
operation of a massage establishment during specified times;
providing exceptions; prohibiting the use of a massage
establishment as a principal domicile unless the establishment
is zoned for residential use under a local ordinance; providing
penalties; amending s. 480.052, F.S., authorizing a county or
municipality to waive massage establishment operating hours
restrictions in certain instances; amending s. 823.05, F.S.;
declaring that a