

Committee Substitute for Senate Bill No. 1754

An act relating to the Department of Business and Professional Regulation; amending s. 455.217, F.S.; exempting certified public accountants from passage of an examination pertaining to state laws and rules applicable to the practice of the profession; amending ss. 473.305, 473.311, and 473.313, F.S.; removing provisions authorizing a late filing fee for the laws and rules examination, provisions requiring passage of the examination for license renewal, and provisions requiring passage of the examination for reactivation of an inactive license to conform to the exemption provided by the act; amending s. 550.2415, F.S.; deleting provisions for certain moneys to be used for research relating to the medication of racing animals; deleting provisions relating to the Pharmacokinetic and Clearance Study Agreement by and between the Department of Business and Professional Regulation Division of Pari-mutuel Wagering and the University of Florida College of Veterinary Medicine; revising provisions for implementation by the division of medication levels; providing an effective date.

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

Section 1. Subsection (7) of section 455.217, Florida Statutes, is amended to read:

455.217 Examinations.—This section shall be read in conjunction with the appropriate practice act associated with each regulated profession under this chapter.

(7) In addition to meeting ~~any~~ other requirements for licensure by examination or by endorsement, an applicant may be required by a board, or by the department, if there is no board, to pass an examination pertaining to state laws and rules applicable to the practice of the profession regulated by that board or by the department. This subsection does not apply to persons regulated under chapter 473.

Section 2. Section 473.305, Florida Statutes, is amended to read:

473.305 Fees.—The board, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, reinstatement, and recordmaking and recordkeeping. The fee for the examination shall be established at an amount that covers the costs for the procurement or development, administration, grading, and review of the examination. The fee for the examination is refundable if the applicant is found to be ineligible to sit for the examination. The fee for initial application is nonrefundable, and the combined fees for application and examination may not exceed \$250 plus the actual per applicant cost to the department for purchase of the examination from the American Institute of Certified Public Accountants or a similar national organization. The biennial renewal fee may not exceed \$250. The board may also establish, by rule, a reactivation

fee, a late filing fee for the law and rules examination, and a delinquency fee not to exceed \$50 for continuing professional education reporting forms. The board shall establish fees which are adequate to ensure the continued operation of the board and to fund the proportionate expenses incurred by the department which are allocated to the regulation of public accountants. Fees shall be based on department estimates of the revenue required to implement this chapter and the provisions of law with respect to the regulation of certified public accountants.

Section 3. Subsection (1) of section 473.311, Florida Statutes, is amended to read:

473.311 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and fee and upon certification by the board that the licensee has satisfactorily completed the continuing education requirements of s. 473.312 and ~~has passed an examination approved by the board on chapter 455 and this chapter and the related administrative rules. However, each licensee must complete the requirements of s. 473.312(1)(c) prior to taking the examination.~~

Section 4. Subsection (3) of section 473.313, Florida Statutes, is amended to read:

473.313 Inactive status.—

(3) Any licensee holding an inactive license may be permitted to reactivate such license in a conditional manner. The conditions of reactivation shall require, ~~in addition to the payment of fees, the passing of the examination approved by the board concerning chapter 455 and this chapter, and the related administrative rules,~~ and the completion of required continuing education.

Section 5. Subsections (7) through (17) of section 550.2415, Florida Statutes, are amended to read:

550.2415 Racing of animals under certain conditions prohibited; penalties; exceptions.—

~~(7) All moneys recovered for violations of this section shall be kept in a separate fund to be deposited into the Pari-mutuel Wagering Trust Fund and shall be used for research relating to the medication of racing animals. Such recovered moneys shall be supervised and used by the division to contract with a reputable college or school of veterinary medicine or its designee in accordance with this subsection.~~

~~(7)(8)~~ Under no circumstances may any medication be administered closer than 24 hours prior to the officially scheduled post time of a race except as provided for in this section.

(a) The division shall adopt rules setting conditions for the use of furose-mide to treat exercise-induced pulmonary hemorrhage.

(b) The division shall adopt rules setting conditions for the use of prednisolone sodium succinate, but under no circumstances may furosemide or prednisolone sodium succinate be administered closer than 4 hours prior to the officially scheduled post time for the race.

(c) The division shall adopt rules setting conditions for the use of phenylbutazone and synthetic corticosteroids; in no case, except as provided in paragraph (b), shall these substances be given closer than 24 hours prior to the officially scheduled post time of a race. Oral corticosteroids are prohibited except when prescribed by a licensed veterinarian and reported to the division on forms prescribed by the division.

(d) Nothing in this section shall be interpreted to prohibit the use of vitamins, minerals, or naturally occurring substances so long as none exceeds the normal physiological concentration in a race-day ~~race-day~~ specimen.

(e) The division may, by rule, establish acceptable levels of permitted medications and shall select the appropriate biological specimens by which the administration of permitted medication is monitored.

~~(8)~~(9)(a) Under no circumstances may any medication be administered within 24 hours before the officially scheduled post time of the race except as provided in this section.

(b) As an exception to this section, if the division first determines that the use of furosemide, phenylbutazone, or prednisolone sodium succinate in horses is in the best interest of racing, the division may adopt rules allowing such use. Any rules allowing the use of furosemide, phenylbutazone, or prednisolone sodium succinate in racing must set the conditions for such use. Under no circumstances may a rule be adopted which allows the administration of furosemide or prednisolone sodium succinate within 4 hours before the officially scheduled post time for the race. Under no circumstances may a rule be adopted which allows the administration of phenylbutazone or any other synthetic corticosteroid within 24 hours before the officially scheduled post time for the race. Any administration of synthetic corticosteroids is limited to parenteral routes. Oral administration of synthetic corticosteroids is expressly prohibited. If this paragraph is unconstitutional, it is severable from the remainder of this section.

(c) The division shall, by rule, establish acceptable levels of permitted medications and shall select the appropriate biological specimen by which the administration of permitted medications is monitored.

~~(9)~~(10)(a) The division may conduct a postmortem examination of any animal that is injured at a permitted racetrack while in training or in competition and that subsequently expires or is destroyed. The division may conduct a postmortem examination of any animal that expires while housed at a permitted racetrack, association compound, or licensed kennel or farm. Trainers and owners shall be requested to comply with this paragraph as a condition of licensure.

(b) The division may take possession of the animal upon death for post-mortem examination. The division may submit blood, urine, other bodily fluid specimens, or other tissue specimens collected during a postmortem examination for testing by the division laboratory or its designee. Upon completion of the postmortem examination, the carcass must be returned to the owner or disposed of at the owner's option.

~~(10)~~~~(11)~~ The presence of a prohibited substance in an animal, found by the division laboratory in a bodily fluid specimen collected during the post-mortem examination of the animal, which breaks down during a race constitutes a violation of this section.

~~(11)~~~~(12)~~ The cost of postmortem examinations, testing, and disposal must be borne by the division.

~~(12)~~~~(13)~~ The division shall adopt rules to implement this section. The rules may include a classification system for prohibited substances and a corresponding penalty schedule for violations.

~~(13)~~~~(14)~~ Except as specifically modified by statute or by rules of the division, the Uniform Classification Guidelines for Foreign Substances, revised February 14, 1995, as promulgated by the Association of Racing Commissioners International, Inc., is hereby adopted by reference as the uniform classification system for class IV and V medications.

~~(14)~~~~(15)~~ The division shall utilize only the thin layer chromatography (TLC) screening process to test for the presence of class IV and V medications in samples taken from racehorses except when thresholds of a class IV or class V medication have been established and are enforced by rule. Once a sample has been identified as suspicious for a class IV or class V medication by the TLC screening process, the sample will be sent for confirmation by and through additional testing methods. All other medications not classified by rule as a class IV or class V agent shall be subject to all forms of testing available to the division.

~~(15)~~~~(16)~~ The division may ~~shall~~ implement by rule medication levels recommended finalized by the University of Florida College of Veterinary Medicine developed pursuant to an agreement between the Division of Pari-mutuel Wagering and the University of Florida College of Veterinary Medicine. ~~the Pharmacokinetic and Clearance Study Agreement by and between the Florida Department of Business and Professional Regulation Division of Pari-mutuel Wagering and the University of Florida College of Veterinary Medicine. Research on a drug level is finalized when The University of Florida College of Veterinary Medicine~~ may provide ~~provides~~ written notification to the division that it has completed its research or review on a particular drug pursuant to the agreement and when the College of Veterinary Medicine ~~has completed~~ provides a final report of its findings, conclusions, and recommendations to the division.

~~(16)~~~~(17)~~ The testing medium for phenylbutazone in horses shall be serum, and the division may collect up to six full 15-milliliter blood tubes for each horse being sampled.

Section 6. This act shall take effect July 1, 2009.

Approved by the Governor May 27, 2009.

Filed in Office Secretary of State May 27, 2009.